

HOUSE COMMITTEE ON
LEGISLATIVE RULES

April 18, 1995 Hearing Room
4:00 PM Tapes 42 - 43

MEMBERS PRESENT:

Rep. Ray Baum, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Tony Corcoran
Rep. Peter Courtney
Rep. Lynn Lundquist
Rep. Bill Markham
Rep. Patti Milne
Rep. Lonnie Roberts

MEMBERS EXCUSED:

Rep. Roberts
Rep. Markham
Rep. John Watt

STAFF PRESENT:

Cathryn Epley, Committee Administrator
Sarah A. Myers, Committee Assistant

MEASURES HEARD:

HB 2152 - Public Hearing and Work Session
HJM10 - Public Hearing and Work Session
SJM5 - Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE A

CHAIR BAUM: Convenes the meeting at 4:10 PM.

OPENS PUBLIC HEARING ON SJM5

007 SENATOR MILLER, OREGON SENATE DISTRICT 13: Testifies in support of SJM 5. Explains the reason for Senate Joint Memorial on behalf of Peter Jacobsen in recognition of his PGA Tour victories.

036 CHAIR BAUM: What kind of appropriate ceremony do you have in mind?

CLOSES PUBLIC HEARING ON SJM5

OPENS PUBLIC HEARING ON HJM10

CLOSES PUBLIC HEARING ON HJM10

OPENS PUBLIC HEARING ON SJR12

Witnesses: Senator Miller, Oregon Senate District 13
Bill Perry, Oregon Farm Bureau
John Brenneman, Manufactured Housing Association

058 SEN. MILLER, OREGON SENATE DISTRICT 13: Testifies in support of SJR12.

Establishes a committee who would be in the position to receive information about how the rules which have been promulgated are working in actual fact, and if a complaint was brought up then it would go to an interim committee which would be asked to consider a hearing on the rule. Committee would have the ability, if the rule was found to not be beneficial, to suspend the operation of the rule. All rules promulgated during the interim would have to be permanently adopted by the subsequent legislature. Those which were not adopted, would terminate.

111 REP. CORCORAN: I understand some of the frustrations, but aren't we tinkering with the separation of powers? I'm not quite sure what the motivation is to insert a mechanism that would basically "muddy" the separation of powers.

121 SEN. MILLER: Responds regarding the constitutional amendment changes that can be made and the fact that we do have considerable authority to promulgate rules, should we deem it necessary. One of the changes which we made in the senate, was if any person brought a complaint then we would have to have a hearing but this is no longer the case with SJR12.

155 BILL PERRY, DIRECTOR, GOVERNMENTAL AFFAIRS, OREGON FARM BUREAU: Testifies in support of SJR12.

177 JOHN BRENNEMAN, MANUFACTURED HOUSING ASSOC.: Testifies in support of SJR12.

197 CHAIR BAUM: Explains that counsel will be available at the next scheduled meeting to answer any constitutional questions that the committee may have.

CLOSES PUBLIC HEARING ON SJR12

OPENS PUBLIC HEARING ON SJR4

Witnesses: Parker Johnstone, Deschutes Co. Farm Bureau
John Danielson, Oregon Education Association
Denise McPhail, Portland General Electric
Tom Gallagher
Phil Keisling, Oregon Secretary of State
David Buchanan, Oregon Common Cause
Bill Perry, Oregon Farm Bureau
Bob Cantine, Association of Oregon Counties

Frank Brawner, OBA
John Brenneman, Newmont Mining
Mark Nelson, Public Affairs Counsel

James L. Monroe, Linn Co. Farm Bureau
Mark Smith, For Senator Eugene Timms, District 30
Mari Ann Gest, OPEU

210 PARKER JOHNSTONE, DESCHUTES CO. FARM BUREAU: Testifies in support of SJR4. Prefers HJR 62 with amendments to correct the problems of the current initiative process.

272 JOHNSTONE: Continues testimony. Counties need to be made more of the initiative process; HJR 62 allows for a more representative approach to gathering signatures from every county rather from the congressional districts.

293 JOHN DANIELSON, OREGON EDUCATION ASSOC.: Testifies in support of the concepts of SJR4. The process is not a consistent as it could be. This is a great first step; additional points to consider to add to the bill.

348 CHAIR BAUM: Would your association be willing to support HJR 62 if its substance were inside this bill?

358 DANIELSON: I don't know how active we will campaign on this, but we will at least do an internal campaign with all of our members. We do believe that reform of the initiative process is important.

370 MARI ANN GEST, OPEU: Testifies in support of SJR4. Responds as to whether OPEU has a preference to HJR 62, or SJR4. OPEU does not have a preference at this time.

428 DENISE MCPHAIL, PGE: Testifies in support of SJR4 [EXHIBITS A & B]. Refers to EXHIBIT B, stating that the initiative process would be far more representative if signatures were gathered all across the state.

TAPE 43, SIDE A

021 TOM GALLAGHER, AMERICAN PLASTICS COUNCIL and other corporations: Testifies in support of SJR4.

053 DAVID BUCHANAN, OREGON COMMON CAUSE: Testifies in opposition to SJR4.

061 BUCHANAN: Continues testimony. Opposed to SJR4 because in creating geographical boundaries it would tend to exacerbate regional differences. Oregon is one state and we should be treated as one in the initiative process. HJR 62; if regional geographic boundaries, rather than using congressional districts have districts created for the initiative process.

HJR 62 is preferable to SJR4 in the view of OCC. Have a lower than maximum percentage for a district.

101 REP. CORCORAN: Rep. Lundquist, on the one person, one vote idea, has this idea been addressed in SJR4. What is it based on?

109 CHAIR BAUM: I don't think that it is a problem. I thought that it had been taken care of with the reduced percentages to fit the population of the district.

111 REP. BEYER: The vote still is a state wide vote.

112 BILL PERRY, OREGON FARM BUREAU: Testifies in support of SJR4.

119 ROBERT R. CANTINE, ASSOCIATION OF OREGON COUNTIES: Testifies in support of SJR4 [EXHIBIT C]. Signature gathering is important in that the signatures should be gathered from all over the state and not just in a few areas. Prefer HJR 62; the boundaries are simpler and some of the signatures have to be gathered from those residents on the other side of the Cascades.

155 FRANK BRAWNER, OREGON BANKERS ASSOC.: Testifies in support of SJR4. The initiative process can be improved. Improving on the Initiative process in the gathering of signatures from all over the state will bring Oregon together rather than separate it.

183 JOHN BRENNEMAN, NEWMONT MINING CO.: Testifies in support of SJR4. Based on the proportional amount of signatures along congressional lines is our Company's choice. Polling reveals an 80% approval for a change to this effect.

197 MARK NELSON, PUBLIC AFFAIRS COUNCIL: Testifies in support of SJR4. Provisions within SJR4 are provisions in which are in agreement that will bring Oregon together. The productivity of the process will be increased by what is embodied in SJR4.

263 JAMES MONROE, PRESIDENT, LINN CO. FARM BUREAU: Testifies in support of SJR4.

295 MARK SMITH for SENATOR EUGENE TIMMS, OREGON SENATE DISTRICT 30: Testifies in support of SJR4; Sen. Timms is one of the sponsors of SJR4.

Explains the intent of the resolution.

326 PHIL KEISLING, SECRETARY OF STATE: Testifies in opposition to SJR4. The singular failure is between not increasing the spread between statutory changes and constitutional amendments.

387 KEISLING: Continues testimony. We need to be aware of the results, when the spread is not increased. The trend is for distrust. -We don't need to be putting things in the constitution which don't belong in there.

427 REPRESENTATIVE LYNN LUNDQUIST, OREGON HOUSE DISTRICT 59: Testifies in support of SJR4 [EXHIBIT D]

TAPE 42, SIDE B

014 REP. LUNDQUIST: We all want to be a part of the process. The districts answer the question. Congressional districts plan vs. HJR 62; discusses the differences and why one is more probable than the other. SJR4 is an alternative to creating more fairness in the state of Oregon; equitable. Amendments to SJR4 (-3).

050 LUNDQUIST: Continues testimony. Refers to congressional districts map.

CLOSES PUBLIC HEARING ON SJR4

OPENS WORK SESSION ON SJM5

MOTION: REP. BEYER: Moves SJM5 to the House Floor with a DO PASS recommendation.

VOTE: 5-0 The MOTION PASSES

AYE: Representatives Corcoran, Lundquist, Milne, Beyer and Baum

EXCUSED: Representatives Courtney, Markham, Roberts, Watt.

095 CHAIR BAUM: REP. WATT will CARRY the bill to the Floor.

OPENS WORK SESSION ON HJM10

106 CHAIR BAUM: Dash 10 amendments; Page 1, line 20-21, insert "May 1".

MOTION: REP. BEYER: Moves to ADOPT the dash 10 amendments to HJM10

CHAIR BAUM: Hearing no objection the MOTION is ADOPTED. Representatives Courtney, Markham, Roberts and Watt are excused.

111 MOTION: REP. BEYER: Moves HJM10 AS AMENDED to the House Floor with a DO PASS recommendation.

VOTE: 5-0 The MOTION PASSES.

AYE: Representatives Corcoran, Lundquist, Milne, Beyer and Baum

EXCUSED: Representatives Courtney, Markham, Roberts and Watt

CLOSES WORK SESSION ON HJM10

OPENS PUBLIC HEARING ON HB 2152

Witnesses: Rick Hansen, State Elections Division
Ted Reutlinger, Legislative Counsel

128 RICK HANSEN, STATE ELECTIONS DIVISION: Testify in support of HB 2152 with the (-3) amendments. [EXHIBIT E]. Discusses the bill as amended. [EXHIBIT F]

199 TED REUTLINGER, LEGISLATIVE COUNSEL: Discusses the (-3) amendments; they do accomplish the goals which were set out to achieve.

CLOSES PUBLIC HEARING ON HB 2152

OPENS WORK SESSION ON HB 2152

221 MOTION: REP. BEYER: MOVES to ADOPT the dash 3 amendments to HB 2152.

CHAIR BAUM: Hearing no objection the MOTION is ADOPTED.

227 MOTION: REP. BEYER: Moves HB 2152 AS AMENDED to the House Floor with a DO PASS recommendation.

VOTE: 5-0 The MOTION PASSES.

AYE: Representatives Corcoran, Lundquist, Milne, Beyer, and Baum

EXCUSED: Representatives Courtney, Markham, Roberts and Watt.

244 CHAIR BAUM: REP. COURTNEY will CARRY the bill.

CLOSES WORK SESSION ON HB 2152

255 CHAIR BAUM: Adjourns the meeting at 5:26 PM.

Submitted by,

Reviewed by,

Sarah A. Myers,
Committee Assistant

Cathryn Epley,
Committee Administrator

EXHIBIT LOG

- A - Testimony on SJR4 - Denise McPhail - 1 page.
- B - Testimony on SJR4 - Denise McPhail - 14 pages.
- C - Testimony on SJR4 - Robert Cantine - 2 pages.
- D - Testimony submitted by Tim Raphael - OSPIRG - 1 page.
- E - Dash 3 amendments to HB 2152 - Staff - 11 pages.
- F - Testimony on HB 2152 - Elections Division - 5 pages.