

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 48

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Randy Miller, Vice-Chair
Sen. Ken Baker
Sen. Jeannette Hamby
Sen. Peter Sorenson
Sen. Dick Springer
Sen. Shirley Stull

STAFF PRESENT:

M. Max Williams II, Committee Counsel
Julie Clemente, Committee Assistant

MEASURES HEARD: Bill Introduction: LC 2816
LC 2868
LC 3567
LC 3644
LC 3675
Public Hearing SJR- 4
Work Session SB - 447

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 , SIDE A

03 CHAIR BRYANT: Calls committee to order.

MAX WILLIAMS: Bill introduction: LC 2816, LC 2868, LC 3567, LC 3644, and
LC 3675

MOTION: CHAIR BRYANT: Moves the committee introduce LC's 2816, 2868,
3567, 3644, and 3675.

VOTE: CHAIR BRYANT: Hearing no objection the motion CARRIES. All members
are present and vote AYE.

OPENS PUBLIC HEARING ON SB 447

Witnesses: Hardy Myers, Attorney, Stoel, Rives, Boley, Jones & Grey
John V. Acosta , Attorney, Stoel, Rives, Boley, Jones & Grey

38 CHAIR BRYANT: This is the first bill to come to full committee from the

sub committee on Civil Process. Hearing was held and testimony received
concerning a specific type of pickup manufactured by General Motors that
has side-saddle gas tanks. Recommendation from the sub committee was that
the bill should pass. Was passed unanimously by the House. Testimony at
the sub committee was strictly from those in favor, General Motors did not
appear.

72 Continues bill history.

101 Since that time have been contacted by Hardy Myers, whose law firm
represents General Motors. Chair will allow invited testimony on this
subject. His request will be that the full committee send the bill back to
the sub committee.

126 HARDY MYERS, Attorney with Stoel, Rives, Boley, Jones & Grey: Testifies
in opposition to SB 447.

132 JOHN C. ACOSTA, Attorney with Stoel, Rives, Boley, Jones & Grey:
Testifies in opposition to SB 447.

209 Expresses concern regarding criteria used to establish an exception like

this to the statue of ultimate repose.

271 CHAIR BRYANT: Referring to a settlement that was reached with General Motors and the Department of Transportation. Are you familiar with that settlement?

ACOSTA: Not familiar with details. I know of it.

CHAIR BRYANT: Curious as to how the \$51 million was going to be distributed and what it was for.

283 ACOSTA: Distribution of amounts go to various traffic safety, automobile safety items such as providing car seats to those who cannot afford them.

CHAIR BRYANT: Funds were not to go to compensate victims or to retro-fit the vehicle?

ACOSTA: I don't know that.

320 CHAIR BRYANT: It was in part based upon a report dated October 17, 1994 from the Department of Transportation.

367 CHAIR BRYANT: When the bill was drawn, it was drawn very narrowly.

387 SEN. HAMBY: Expresses her concerns. Feels that this is a real departure from the current exemptions. Mostly concerned that witnesses have not had the opportunity to testify. Feels it is very important for the bill to go back to the sub committee.

403 SEN. SORENSON: First bill from the sub committee. How do we evaluate bills that come from the sub committee? Feels the question about the participation of General Motors in the sub committee is a good one.

TAPE 47, SIDE A

CLOSES PUBLIC HEARING ON SB 477
OPENS WORK SESSION ON SB 447

29 MOTION: SEN. HAMBY: Moves that SB 447 be returned to sub committee.

35 SEN. SPRINGER: Notes potential conflict of interest. His law firm has case pending that is similar in nature.

VOTE: In a roll call vote, SENATORS HAMBY and MILLER vote AYE. SENATORS
BAKER, SORENSON, SPRINGER, STULL and CHAIR BRYANT vote NAY.

CHAIR BRYANT: The motion FAILS.

MOTION: SEN. BAKER: Moves SB 447 be sent to the Floor with a DO PASS recommendation.

SEN. SPRINGER: Notes potential conflict of interest. His law firm has case pending that is similar in nature.

VOTE: In a roll call vote, SENATORS BAKER, SORENSON, SPRINGER, SENATORS
CHAIR BRYANT vote AYE. SENATORS HAMBY and MILLER vote NAY.

STULL and

CHAIR BRYANT: The motion CARRIES.

CHAIR BRYANT will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 447

72 OPENS PUBLIC HEARING ON SJR4

Witnesses: Senator Cliff Trow, District #18
Ted Reutlinger, Legislative Counsel
Representative Lynn Lundquist, House District #59
John Brenneman, Legislative Affairs for Newmont Mining Company
Bill Perry, Director of Governmental Affairs, Oregon Farm Bureau
Parker Johnstone, Deschutes County Cattlemen
Irvin Fletcher, President, Oregon AFL-CIO
Lloyd K. Marbet, Don't Waste Oregon Caucus
Scott Tighe, Secretary of State's Office,
Rick Hanson, Administrative Specialist, Project Coordinator for the
Secretary of State's Office, Elections Division

81 SEN. CLIFF TROW, District #18: Presents testimony [EXHIBITS A & B].

124 TED REUTLINGER, Legislative Counsel: Explains LC 2100 [EXHIBIT B]. Gives the Attorney Generals' office 10 days to review the initiatives that pass.

150 CHAIR BRYANT: If this legislation were passed, and other legislation containing more specific terms were passed, what would happen then?

REUTLINGER: If another amendment to our constitution passed? Would probably want to resolve that before the later measure passed out of this body.

170 SEN. SORENSON: Does Oregon's constitution limit the jurisdiction of our courts to direct cases and controversies?

184 TROW: The tradition of the court is to wait for damages.

TROW: If you are interested in this concept, the bill now has a number - SJR27.

264 SEN. MILLER: Refers to comments heard as a student - the courts were political.

TROW: Politics in every part of government. Demands the professionalism of the Attorney General.

332 TROW/REUTLINGER: Continue answering Committee's questions.

408 REPRESENTATIVE LYNN LUNDQUIST, House District #59: Presents testimony on new 4-3 amendments sample maps showing five districts. [EXHIBIT C]

TAPE 46, SIDE B

47 Continues with visual aids. [EXHIBIT C].

69 Everyone likes this plan over the five congressional districts.

124 SEN. HAMBY: Comments regarding orange area, 41.65% and green ,11.51%. Might not there be a constitutional challenge on the one person, one vote.

LUNDQUIST: Do not have an answer.

151 SEN. SORENSON: Concerned whether your proposal applies to amendments to the constitution or amendments to Oregon statues or to both.

LUNDQUIST: It applies to both. Let's have all of Oregon a part of the process.

191 JOHN BRENNEMAN, Legislative Affairs for Newmont Mining Company: Presents written testimony in favor of SJR4 - 1. [EXHIBIT D] Also is speaking for Ray Wilkinson with OFIC who also support the -1 amendments. Could not attend today.

252 BILL PERRY, Director of Governmental Affairs, Oregon Farm Bureau: Refers to testimony from Linn County Farm Bureau's president, James L. Monroe [EXHIBIT E] in favor of SJR4 - 1 amendment.

SJR4 is a legislative priority for the Oregon Farm Bureau - supports -1 amendments.

300 PARKER JOHNSTONE, Vice President, Deschutes County Farm Bureau and Vice President, Deschutes County Cattlemen's Association: Presents testimony in favor Representative Lundquist's' SJR4 -3 amendments.

348 SEN. SORENSON: Address the issue of whether the plan for the geographic plan for signatures should apply to constitutional changes or to statutory changes.

PERRY: Would be easier to do a statutory from Portland. Being able to rebut in the beginning is important. Gives an opportunity to be notified of the issues.

380 SEN. SPRINGER: Do you think for purposes of consistency, we should apply these proportionality requirements to referral or recall of elected officials?

BRENNEMAN: Haven't prepared myself to deal with other issues.

399 SEN. SORENSON: Logistically how it would work if your organization wanted to put something on the ballot?

433 PERRY: A question the Secretary of State should answer.

TAPE 47, SIDE B

27 CHAIR BRYANT: We have a representative from the Secretary of State's office.

31 JOHNSTONE: County Farm Bureaus are counties. One of the reasons, Deschutes County Farm Bureau is in favor of Rep. Lundquist's amendment.

40 IRVIN FLETCHER, President, Oregon AFL-CIO: Presents written testimony in favor of SJR4 - 1 amendment. [EXHIBIT F]

53 LLOYD K. MARBET, Don't Waste Oregon Caucus: Presents written testimony in opposition to SJR4. [EXHIBIT G]

104 SEN. SORENSON: Asks if a modification of this idea would put a regional requirement on petitions or constitutional amendments and statutory amendments based on county boundaries. Same concerns about county boundaries as you do with congressional districts?

MARBET: Concerns apply equally to taking SJR4 and applying it to statutory amendments.

168 SEN. SORENSON: Wouldn't your group want to go for constitutional amendments with the SJR4-1 amendment rather than the original SJR4?

MARBET: Don't support either concept.

218 SCOTT TIGHE, Election's Manager, Secretary of State's Office: Testifies about the logistical aspects of applying the sampling formula to the proposed -1 and -2 amendments. Evaluated both versions of the amendments, for our purposes -1 poses a cleaner way for the Election's Division to apply the sampling formula. Explains.

268 SEN. BAKER: Did you say what the 4 counties were?

TIGHE: Multnomah, Clackamas, Benton & Josephine counties.

273 The SJR4-2 version is doable. Needs to check with statistician to make sure a sampling formula can be written to provide equal probability that everybody's signature would be drawn out.

296 SEN. SORENSON: Four regions, Rep. Lundquist said 5 regions.

TIGHE: Latest version I have is the SJR4 -2 dated February 23, 1995. Rep. Lundquist hands out the -3 charts. [EXHIBIT C]. Feels a formula could be written. Must consult statistician.

324 SEN. SORENSON: Has question about logistics.

TIGHE: SJR4-1 version will be more difficult for the circulators of signature sheets; must be more careful to explain to people about districts and counties. Maps may be required to assist those who want to sign the signature sheet.

362 CLOSES PUBLIC HEARING ON SJR4
OPENS WORK SESSION ON SJR4

CHAIR BRYANT: Two sets of amendments are before us; 4-1 and 4-2. Chair's preference -1 based on congressional districts. Feels -2 would be more confusing to the voter.

382 SEN. BAKER: Asks the difference between the -1 amendment and original bill.

CHAIR BRYANT: -1 Amendment adds the statutory.

Proposes the following changes on -1 Amendment:

On page 3, delete the sentence beginning on line 4 "the law shall specify signature verification procedures to be followed in counties that are located in more than one congressional district."

On page 4, line 15, after the word "on" insert "May 16, 1995" and delete the remainder of lines 15 through 16.

MOTION: CHAIR BRYANT: Moves to ADOPT the changes outlined above on the SJR4-1 amendment.

VOTE: Hearing no object the changes to the 4-1 amendment are ADOPTED. All members present vote AYE. SEN. MILLER is EXCUSED.

MOTION: CHAIR BRYANT: Moves To ADOPT SJR4-1, AS AMENDED.

434 SEN. SORENSON: Cannot support this amendment. There is a great concern in my area that there have been far too many things placed in Oregon's constitution. I do not want to make it more difficult for citizens to propose statutory changes. This will only discourage statutory

initiatives.

TAPE 48, SIDE A

VOTE: In a roll call vote, SENATORS BAKER, HAMBY, STULL and CHAIR BRYANT
vote AYE. SENATORS SORENSON and SPRINGER vote NAY.
SENATOR MILLER is EXCUSED.

CHAIR BRYANT: The motion CARRIES.

MOTION: CHAIR BRYANT: Moves that SJR 4-1, AS AMENDED, be sent to the
Floor with a DO PASS recommendation.

55 SEN. BAKER: Intends to vote aye to send to the floor for discussion, but
will reserve his vote there as is not convinced on this matter yet.

VOTE: In a roll call vote, SENATORS BAKER, HAMBY, STULL and CHAIR BRYANT
vote AYE. SENATORS SORENSON and SPRINGER vote NAY. SENATOR MILLER is
EXCUSED.

CHAIR BRYANT: The motion CARRIES.

CHAIR BRYANT will lead discussion on the Floor.

SENATORS SPRINGER AND SORENSON SERVICE NOTICE OF A POSSIBLE MINORITY
REPORT.

CLOSES WORK SESSION ON SJR4

CHAIR BRYANT: Adjourns at 5:05 p.m.

Submitted by:

Reviewed by:

Julie Clemente
Committee Assistant

M. Max Williams II
Committee Administrator/Counsel

EXHIBIT LOG:

A -- Testimony in support of SJR27 -- Cliff Trow -- 1 page
B -- LC 2100 -- Cliff Trow -- 5 pages
C -- Maps of Congressional Districts, Letter in Support of HJR 62 from
Larry Griffith -- Lynn Lundquist -- 4 pages
D -- Testimony SJR4-1 -- John Brenneman -- 1 page
E -- Testimony SJR4 of James L. Monroe -- Bill Perry -- 1 page
F -- Testimony SJR 4 - 1 amended -- Irvin H. Fletcher -- 1 page
G -- Testimony SJR4 -- Lloyd K. Marbet -- 2 pages