

SENATE COMMITTEE ON  
RULES AND ELECTIONS

April 4, 1995     Hearing Room C  
9:00 A.M.         Tapes 33 - 34

MEMBERS PRESENT:

Sen. Paul Phillips, Vice-Chair

Sen. Brady Adams

Sen. Dick Springer

MEMBERS EXCUSED:

Sen. Randy Miller, Chair

Sen. Shirley Gold

STAFF PRESENT:

Kristina McNitt, Committee Administrator

Gretchen Haber, Committee Assistant

MEASURES HEARD:

SB 518: Public Hearing SB 661: Public Hearing SB 287: Public Hearing SB

292: Public Hearing SB 820: Public Hearing SJR40: Public Hearing SJR39:

Public Hearing Introduction of Committee Bills

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 33, A

003         VICE CHAIR PHILLIPS called the meeting to order at 9:05 a.m. Reviews agenda.

012 Opens public hearing on SJR39

Witnesses: American Civil Liberties Union: David Fidanque, in favor.

Coalition for Initiative Rights: Gregory Kafoury, against. Lloyd Marbet,

against. Common Cause: Harry Demarest, in favor. Sen. Peter Sorenson, in

favor. David Schuman, in favor.

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021         SEN. PETER SORENSON, testifies in favor of SJR39. Explains impacts of the measure.

043         SEN. SORENSON: refers to Sect. 8, Article 1 and others in the Bill of Rights. Expresses importance of protecting these rights.

052         SEN. SORENSON: as the sponsor of the bill, indicates that citizens from many philosophical backgrounds support the measure.

077         SEN. ADAMS: asks who would have the authority to determine if rights were threatened, and secondly, who would have enforcement authority.

080         SEN. SORENSON: answers that those questions are not answered directly in the bill. In his opinion, the Secretary of State's office would provide oversight with assistance from the Dept. Of Justice.

104         SEN. SORENSON, continues, explaining that the courts would provide the final, apolitical determination.

124         SEN. SORENSON: refers to President Gordon Smith's article in a recent edition of the Business Journal with regards to bigotry.

138         SEN. PHILLIPS: asks if Sen. Sorenson can name an initiative that has violated the Bill of Rights.

143         SEN. SORENSON: answers that he is not aware of a specific initiative, but cites historical examples such as slavery and prohibition.

173         DAVID SCHUMAN, Professor, Constitutional Law, University of Oregon. Testifies in

220 favor of SJR39. Presents written testimony (EXHIBIT A).  
SCHUMAN: test)ifies on the trend towards change to the constitution.  
Discusses the initiative  
and referendum process with regard to amending the constitution.  
241 SCHUMAN: explains that often, the loss of individual autonomy is not  
considered in the  
creation of initiatives. Calls for initiatives to move first through the  
legislature for review, in  
order to assist in the protection of individual rights.  
273 DAVID FIDANQUE, Executive Director, American Civil Liberties Union.  
Test)ifies in  
favor of SJR39 as the requestor of the measure.  
288 FIDANQUE: test)ifies that most voters assume that initiatives have been  
through a legal  
review process before taking their place on the ballot. Explains that SJR  
39 would assist in the  
review process and would help protect individual rights.  
317 FIDANQUE: states that the post-election review process is not effective,  
and feels the review  
process should occur before the initiative is placed on the ballot.  
335 FIDANQUE: explains that the measure would apply to both statewide and  
local measures.

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380 FIDANQUE: test)ifies that the measure is a high priority for the ACLU  
this session. Requests that if SJR39 passes, that it be placed on the 1996  
ballot.

399 SEN. PHILLIPS: asks if the constitution has ever been amended by a  
ballot initiative.

400 FIDANQUE: answers that other than the death penalty and a number of  
proposals, that there have not been sign)ficant amendments made to the  
constitution by ballot initiatives.

Tape 34 Side A

005 Closes public hearing on SJR39.

006 Opens public hearing on SIR 40.

Witnesses: American Civil Liberties Union: David Fidanque, against. Oregon  
Peaceworks: Michael Carrigan, against. Sierra Club: Liz Frenkel, against.  
Sen. Bill Dwyer, in favor.

007 SEN. BILL DWYER test)ifies in favor of SJR40. Explains the measure.

050 SEN. PHILLIPS: invites Sen. Dwyer to complete his testimony on all the  
measures he intended to speak on today.

059 Closes public hearing on SJR40

060 Opens public hearing on SB 820

Witnesses: Senator Bill Dwyer, speaks in favor

063 SEN. DWYER test)ifies in favor of SB 820. Feels the measure will preempt  
many conflicts  
and provide citizens with more information on economic and environmental  
impacts.

089 SEN. PHILLIPS: states that he understands that there is already a fiscal

impact statement

prepared for the voter's pamphlet.

090 SEN. DWYER: responds that this is not true with regard to wildlife or resource issues.

106 Closes public hearing on SB 820.

109 Opens public hearing on SB 292.

Witnesses: Senator Bill Dwyer, speaks in favor

110 SEN. DWYER testifies in favor of SB 292. Explains the measure.

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125 SEN. PHILLIPS: asks about the right of citizens who are not registered voters to circulate recall petitions.

135 SEN. DWYER: feels the key criterion should be residency, rather than voter registration.

143 Closes public hearing on SB 292.

152 Opens public hearing on SB 287.

Witnesses: Senator Bill Dwyer, speaks in favor

154 SEN. DWYER testifies in favor of SB 287.

174 SEN. DWYER: explains that state dollars should not be used for disrespectful and virtually libel campaign materials.

193 SEN. PHILLIPS: asks if the measure bans any reference to the opponent in an election.

204 SEN. DWYER: answers that references to the opponent would be appropriate. Explains.

224 SEN. PHILLIPS: asks if there is a significant difference between naming the opponent and generally referring to "the opponent."

230 SEN. DWYER: answers that there is a difference. Continues testimony.

242 Closes public hearing on SB 287.

260 Opens public hearing on SJR39.

265 GREGORY KAFOURY, representing Coalition for Initiative Rights, testifies against SJR

39.

281 KAFOURY: refers to a high level of animosity generated by the initiative process in Oregon, and testifies that there are many who lose sight of the purpose behind the initiative process.

302 KAFOURY: testifies that the initiative process should not be limited in subject matter.

317 KAFOURY: notes there are unintended consequences in the bill. Explains.

337 KAFOURY: continues testimony, referring to various interpretations of the First Amendment.

366 KAFOURY: explains that there may be reasons on both sides of the political spectrum for amending the constitution.

375 HARRY DEMAREST, Chair, Common Cause, testifies in favor of SJR39.

Tape 33 Side B

022 DEMAREST: stresses the importance of providing complete information to voters.

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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.

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Introduction of Committee Bills

037 SEN. PHILLIPS: reviews requests for bill introduction (EXHIBIT C). Indicates that approval of requests does not indicate an opinion by the committee with regard to the subject matter.

038 SEN. PHILLIPS: hearing no objection, the requests are approved for bill introduction.

040 Opens public hearing on SIR 40.

045 DAVID FIDANQUE, PRESIDENT, ACLU, testifies against SJR40.

068 Closes public hearing on SJR40.

069 Opens public hearing on SB 518.

070 SEN. SPRINGER: explains that he has received information that would negate the reasons behind SB 518. He suggests SB 518 be added to a list of potential measures to table.

075 SEN. SPRINGER: notes that Tim Raphael of OSPIRG was prepared to testify on SB 518 and has submitted written testimony (EXHIBIT B) but that it would not be necessary.

080 Closes public hearing on SB 518.

082 Opens public hearing on SB 661.

Witnesses:

American Civil Liberties Union: David Fdanque, against.

Oregon Peaceworks: Michael Carrigan, in favor.

Oregon State Public Interest Research Group: Tim Raphael, in favor.

086 TIM RAPHAEL, PROGRAM DIRECTOR, OREGON STATE PUBLIC INTEREST

RESEARCH GROUP, testifies in favor of SB 661. Presents written testimony (EXHIBIT D).

093 RAPHAEL: testifies that SB 661 offers an alternative to initiative reform. States that voters want and have the right to information on contributions.

110 RAPHAEL: discusses names of political action committees. Explains that the name of the committee is all that is provided to the citizen, yet the name doesn't inform the public.

130 DAVID FIDANQUE, EXECUTIVE DIRECTOR OF THE ACLU, testifies against SB 661.

Notes that the ACLU is opposed to the measure in its current form due to practical difficulties. Explains.

160 FIDANQUE: explains that interested voters can obtain contribution and expenditure information, which is currently available at the Secretary of State's office.

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165 FIDANQUE: testifies that it may be appropriate to make that information available earlier in the election.

175 MICHAEL CARRIGAN, EXECUTIVE DIRECTOR, OREGON PEACEWORKS, testifies in favor of SB 661.

208 CARRIGAN: testifies that money should not be the determining factor in

the success of

initiative campaigns.

240 Closes public hearing on SB 661.

240 Opens public hearing on SJR39.

242 SEN. PHILLIPS: notes that Mr. Marbet and others may refer to SJR40 as well as SJR39 in

their testimony.

244 GREGORY KAFOURY, COALITION FOR INITIATIVE RIGHTS, testifies against SJR 39.

280 LLOYD MARBET, COALITION FOR INITIATIVE RIGHTS, testifies against SJR39. Presents written testimony (EXHIBIT E).

344 MARBET: testifies that the legislature should not have the right to review initiatives without that same power extended to the people through the initiative process.

Noted that at one time,

Oregon's Legislature was controlled by the Klu Klux Klan.

350 MARBET: presents written testimony on SJR40 (EXHIBIT F).

393 MICHAEL CARRIGAN, EXECUTIVE DIRECTOR, OREGON PEACEWORKS, testifies against SJR40.

Tape 34 Side B

005 CARRIGAN: discussed the right of citizens to vote on issues regarding urban and rural areas, regardless of where they may reside.

020 LIZ FRENKEL, SIERRA CLUB, testifies in opposition to SJR40.

030 Closes public hearing on SJR40.

033 SEN. PHILLIPS: notes for the record that written testimony is submitted with regard to SB

820 from Kingsley Click, Acting State Court Administrator, Judicial Department

(EXHIBIT G) and with regard to SB 518 from Christine Lewandowski (EXHIBIT H).

036 SEN. PHILLIPS: adjourns the meeting at 10:35 a.m.

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Submitted by, Reviewed by,  
Gretchen Haber Kristina McNitt  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on SJR39 - D. Schuman - 2 pages

B - Testimony on SB 518 - T. Raphael - 1 page

C - Requests for Bill Introductions - staff - 1 page L C draft

D - Testimony on SB 661- T. Raphael - 2 pages

E - Testimony on SJR39 - L. Marbet - 2 pages

F - Testimony on SJR40 - L. Marbet - 1 page

G - Testimony on SB 820 - K. Click - 3 pages

H - Testimony on SB 518 - C. Lewandowski - 2 pages

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