

SENATE COMMITTEE ON  
RULES AND ELECTIONS

Hearing Room  
Tapes - 51

MEMBERS PRESENT:

Sen. Paul Phillips, Vice-Chair  
Sen. Shirley Gold  
Sen. Dick Springer

MEMBER EXCUSED:

Sen. Randy Miller, Chair  
Sen. Brady Adams

STAFF PRESENT:

Kristina McNitt, Committee Administrator  
Gretchen Haber, Committee Assistant

MEASURES HEARD:

Introduction of Committee Bills  
SB 176: Work Session  
SJR35: Public Hearing  
SB 638: Public Hearing  
SB 639: Public Hearing  
SB 775: Public Hearing  
SB 776: Public Hearing  
SB 637: Public Hearing

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

003 VICE CHAIR PHILLIPS: calls the meeting to order at 9:25 a.m.

Work Session on SB 176.

015 KRISTINA MCNITT, COMMITTEE ADMINISTRATOR: Explains the SB 176-A4 amendments (EXH. A).

MOTION: SEN. PHILLIPS moves to adopt the SB 176-A4 amendments.

MOTION ADOPTED: There are no objections.

MOTION: SEN. PHILLIPS moves the bill as amended to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE.

Excused: SEN. ADAMS and SEN. MILLER.

Carrier: Sen. Miller

Public Hearing on SJR35.

Witnesses: Senator Randy Leonard  
D. Patrick Whitcomb

038 SEN. RANDY LEONARD: Testifies in favor of SJR35 concerning term limits.

--When appointed as a Senator during the interim, the first year is counted as a term, even though there may not be a legislative session during that year.

--Twelve-year time limits can lead to high turnover in leadership from a given region.

--Reviews what SJR35 -1 amendments would do (EXH. B).

093 D. PATRICK WITCOMB: Testifies in favor of SJR35.

--Suggests deleting word "lifetime".

Public Hearings on SJR35, SB 637, SB 638, SB 639, SB 775 and SB 776

102 SEN. PHILLIPS: Wants to improve clarity and disclosure procedures in the initiative process. Notes that 14 cases of fraud are under investigation by the Secretary of State's office from the last election.

--Feels there should be no limits on dollar amounts spent, as long as expenditures are reported.

Work Session on the introduction of committee bills

154 MOTION: SEN. PHILLIPS moves requests for introduction as committee bills (EXH. C).

MOTION ADOPTED: There are no objections.

Public Hearing on SB 637, SB 638, SB 639, SB 775, SB 776 and SJR35

Witnesses: American Civil Liberties Union: David Fidanque  
Association of County and Municipal Employees: Mary Bodkin  
Don't Waste Oregon: Colleen O'Neil  
Oregon AFL-CIO: Steve Lanning  
Oregon Public Employees Union: Mari Anne Gest  
Oregon Taxpayers United: Bill Sizemore  
Portland General Electric: Denise McPhail  
Secretary of State Phil Keisling

163 MARI ANNE GEST, OREGON PUBLIC EMPLOYEES UNION, SERVICE EMPLOYEES INTERNATIONAL UNION: Testifies in favor of SB 637, 638, 639 and 775. Presents written testimony (EXH. D).

SEN. PHILLIPS: Notes that additional amendments will be drafted.

202 STEVE LANNING, OREGON AFL-CIO: Testifies in favor of SB 637, 638, 639, 775, and 776. Presents written testimony (EXH. E).

220 DENISE MCPHAIL, PORTLAND GENERAL ELECTRIC: Testifies in favor of SB 638, 639 and 775.

--95% of Oregonians want more information to be disclosed by signature gatherers.

--62% of Oregonians would support a ban on compensation for signature gatherers.

--77% agree it is too easy for special interest groups to buy their way onto the ballot.

--78% support putting limits on the practice of paying signature gatherers.

--PGE believes SB 639 comes closest to doing that in a responsible way.

--86% would require an independent legal review of proposed initiatives to make sure they are technically correct.

--78% would require an Attorney General's opinion on each initiative's constitutionality.

248 COLLEEN O'NEIL, DON'T WASTE OREGON: Testifies against SB 637, 638, and 639. Presents written testimony (EXH. F).  
--Feels measures would deter citizen-based organizations from participating

in the process

--Money spent on signature gathering is minimal in comparison to media expenditures from large, private interests.

288 --Does not see correlation between paying signature gatherers and preventing fraud in the signature gathering process.

--Continues reviewing testimony concerning SB 638 and SB 639.

TAPE 51A

028 BILL SIZEMORE, OREGON TAXPAYER'S UNITED: Cannot endorse SJR35 as drafted. --Talks about the total number of years of service under term limits.

--Discusses possibility for amendments.

SEN. PHILLIPS: Discusses the potential impact on legislators that wish to return to the Legislature after a number of years outside the legislative process.

SIZEMORE: Doesn't have problem with someone starting over if they were out of office for four years but does have problem for someone who is only out for two years. Goal is for people to get back into the public sector.

SEN. PHILLIPS: Talks about the length of the break in service.

090 SIZEMORE: Testifies against SB 775 because the Attorney General's opinion could be used as a tool to determine constitutionality. Suggests the use of Legislative Counsel to review initiatives.

--Doesn't support SB 639 because a prohibition on the independent contractor status of paid petition gatherers would be unconstitutional.

--Testifies against SB 776 because it would create an administrative nightmare. Outlines potential problems with implementation.

138 SEN. PHILLIPS: Notes that political action committees are often created by well-recognized organizations, but labeled under obscure titles.

SIZEMORE: Discusses standards for the expenditure of money raised through contributions.

--Provisions in SB 637 are already covered because federal courts have already ruled petitioners can be paid.

175 MARY BODKIN, ASSOCIATION OF COUNTY AND MUNICIPAL EMPLOYEES: Testifies on multiple measures.

--Explains why term limits is a bad idea.

--Concerned about what is happening with initiative petitions. Agrees with Attorney General and Legislative Counsel review.

--Refers to what is happening with initiatives such as Ballot Measure 8 (1994 general election).

--Discusses need to make the initiative process more responsive to the needs of citizens across the state.

253 DAVID FIDANQUE, EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION:

--ACLU is opposed to limitations on paid petitioners. Believes SB 639 and SB 637 are unconstitutional.

--Regarding SB 638 and SB 776, ACLU supports the filing of contribution and

expenditure reports earlier than it occurs now but feels a monthly filing requirement is excessive.

--Explains problems in current statutes with the definition of political committee and the requirements for filing contribution and expenditure reports.

--Supports SB 775 which requires Attorney General advisory opinions. Would rather see the opinions at the time of filing.

TAPE 50B

032 LYNN ROSIK, ASSISTANT ATTORNEY GENERAL: Reviews written testimony supporting the concepts of SB 775 and expressing concerns about the fiscal and workload impacts of the bill (EXH. G).

--Notes that at least five of the sixteen initiatives in the 1994 election raised serious constitutional questions. Discusses the logistics of managing the potential workload in the Attorney General's office with current budget restraints.

--Not sure what amendments to propose to make the concept work.

079 PHIL KEISLING, SECRETARY OF STATE: Opposes discussed changes to the Oregon constitution.

--Discusses fraud in the initiative process.

--SB 639 is not going to eliminate fraud but it should be tried.

093 SEN. PHILLIPS: Adjourns the meeting at 10:30 a.m.

Reviewed and completed by,

Carolynn Gillson  
Committee Assistant

EXHIBIT SUMMARY:

A - Amendments to SB 176 - staff - 1 page

B - Amendments to SJR35 - Sen. Leonard - 2 pages

C - Requests for bill introduction - staff - 1 page

D - Testimony on SB 637, 638, 639 and 775 - M. Gest - 3 pages

E - Testimony on SB 637, 638, 639, 775 and 776 - S. Lanning - 2 pages

F - Testimony on SB 637, 638, and 639 - C. O'Neil - 3 pages

G - Testimony on SB 775 - L. Rosik - 2 pages

H - Testimony on multiple measures - T. Raphael - 1 page \*Submitted for record only; no public testimony given.