

House Committee on Rules and Reapportionment January 22, 1991 - Page

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

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HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

SUBCOMMITTEE ON REAPPORTIONMENT

January 22, 1991 Room 350 8:00 a.m. Tapes 1-2

MEMBERS PRESENT: Rep. Greg Walden, Chair Rep. Peter Courtney, Vice-Chair Rep. Ray Baum Rep. Margaret Carter Rep. Bill Markham Rep. Tom Mason Rep. Randy Miller

VISITING MEMBER: Rep. Ron Cease

STAFF PRESENT: Adrienne Sexton, Committee Administrator Carol Wilder, Committee Assistant

WITNESSES: Dale Claudel, OLIS Doug Smith, GIS John Sharrard, GIS

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TAPE 1, SIDE A

004 CHAIR WALDEN calls the meeting to order at 8:00 a.m.

- Attorney General's opinion has come back saying that we won't have to have an early adjournment if we're careful in how we legislate.

- There have been some meetings between the House and Senate leadership and there is still agreement to move redistricting and reapportionment

along as expeditiously as possible keeping within the same sort of time frame that had been set when that cloud was over us.

020DALE CLAUDEL, DIRECTOR OF INFORMATION SYSTEMS, OLIS

- OLIS was requested to modify the timelines for implementation of a GIS system to aid the Legislature in redistricting. The main goal was to have a system that would allow the Legislature to complete a plan by March 28. After consultation with the GIS Service Center, our revised timeline was developed which will have an operational system with verified data by March 11, an operational system without verified data by March 4 for you to start drawing plans and looking at the population deviation for those areas that you need to look at. We're rather uncomfortable with two assumptions that we made to enable this to happen. One was receiving the complete Phase 2 Tiger files from the U.S. Census Bureau. We were scheduled to receive those about a month ago and we received 25 counties. Due to a glitch in the Census Bureau system, we still haven't received the final 11 counties in useable format. Second assumption we're uncomfortable with is based on the Census Bureau's ability to deliver on schedule. Prior to this is receiving the PL94-171 data no later than February 14. Census Bureau assures us that they will try to meet the February 14 date. There's not much we can do without it. Work stations will be put in 347 complex starting Thursday morning. Training for committee staff for Senate and House committees would be completed about February 8. Training for technical operators will be completed by February 12. Will complete loading of count data on February 16 and then will verify that counts received agree with the Tiger file census geography. That should be completed by March 11.

070 SCOTT SMITH, DIRECTOR OF GEOGRAPHIC INFORMATION SYSTEMS: We have drastically altered workload within the Service Center to meet this deadline. We have no room for extra requests.

084 CHAIR WALDEN: Need to discuss guidelines for access to the technical support staff and equipment. Adrienne will discuss some of the options and requirements.

089 SEXTON: The basic suggestions for guidelines come out of the interim committee discussions in terms of process and access. The interim committee opted to let the Session committees deal with the questions and development of guidelines for the redistricting access. -Some of the general items for discussion are, "Who has the ability to seek the services of the four technicians who will be stationed at workstations located in 347 complex?" Assistance may be provided by either the four technicians or Redistricting Committee staff who will also be trained to be the technical assistants. Users are individuals, members, groups of individuals who may use the technical staff for developing the plans and ideas. Other states have developed guidelines for allowing third-party, outside interest plans to come to the Legislative Assembly or the Reapportionment Board or whatever structure they have in place. Have copies of guidelines from several states, including California's publication. - Draft guidelines were developed by reviewing questions considered by the Interim Committee. The Senate Committee has a copy of this for their information. It was suggested by Legislative Counsel during interim that any guidelines, policies, or procedures developed by one of the chambers be sufficiently similar to the other chamber so that there are no discrepancies found when moving a plan from chamber to chamber. We are staying in close communication with the counterpart in the Senate committee. -There are statutory and

constitutional requirements for redistricting activity in terms of time by which it is to be done, the number of Senators and Representatives, and how the appropriate population is determined for each Senate and House district. Essentially, it's the total population of the state divided by 30 for a Senate seat and by 60 for a House seat to get the population for a House or Senate district. -Federal law requires congressional districting in a reasonable time following the Census so there is no deadline for that in terms of fixed time. -There are statutory requirements that both legislative and congressional districts follow the requirements as nearly as practicable, be contiguous, of equal population, use existing geographical or political boundaries, not divide communities of common interests (which have not been defined in law), and be connected by transportation links.

169 SEXTON: In the case of using existing geographic boundaries, city boundaries in many cases could not be accommodated because the city populations exceed the statistical requirement. Wyoming is the only state that has gotten away with using county boundaries as a fixed permanent boundary for districting. The one-person, one-vote concept which came out of the U.S. Supreme Court has rendered moot some of the guidelines due to the extent that you can't use the city as a piece of geography solely for assigning a district to it if it does not meet the equal population requirement. -The census geography used this time is smaller than it was in 1981 in terms of population. A district boundary will have to follow contiguous pieces of census geography to reach a full district. The statute also requires that districts may not be created for the purpose of favoring any political party, incumbent, or other person. No district may be drawn which intends to dilute the voting strength of any language or ethnic minority group. It's no longer appropriate that a district would be drawn which intends to dilute voting strength if it has the effect whether there was intent or not. It could constitute a Voting Rights Act violation.

199 REP. COURTNEY: Are these a priority?

200 SEXTON: That is the order in which they appear in the statute.

204 REP. COURTNEY: So if you have a conflict, one doesn't necessarily take precedent over the other?

208 SEXTON: Says that is the case. The bigger picture requirement is that there be equal population. The federal law requires that. Contiguity would also be a major factor in determining whether the district challenged was appropriately drawn. - Court cases do clarify some of those standards of what makes equal population. It has not defined what common interest communities are and hasn't addressed the transportation link question for Oregon's purposes. - Further discusses how plans can be handled within the committee and role of technical and support staff.

247 REP. MASON: Do you mean members of the Legislature in general? What about committee members?

250 SEXTON: My cover memo does talk about priority for access and the four basic levels of priority which are: redistricting committee members (both chambers), their designees for committee purposes, and redistricting committee staff; caucus offices and their staff or member designees for caucus purposes; all other legislative members or their designees (staff or other individuals); and any member of the public.

266 CHAIR WALDEN: We will need to come to some sort of agreement conceptually on how we divide those hours so that there is adequate time

for committee staff and members to do their work and so caucus and public have access. What we adopt in finality must be the same as what the Senate comes up with.

270 REP. MASON: Do you mean the whole committee?

279 CHAIR WALDEN: The whole Rules Committee will be involved. There might be some prioritization with the Subcommittee having priority.

282 SEXTON: Continues discussion of use of committee facilities.

317 REP. COURTNEY: What if a member of the committee decided to pay out of pocket for a map, would this restriction still hold?

323 SEXTON: That particular item has not been discussed. I'm not sure if there would be any need to adjust the contract with regard to the committee.

327 SMITH: No constraints if you pay out of your pocket for duplicates or originals. However, the time for external requests like that will be very, very small.

347 REP. MASON: The way it reads now sounds like you only get one shot. How can you tell what is the final hearing or work session? It sounds like you wouldn't get to see a large-scale detail map until you get to the end. I'm a little uncomfortable with that.

364 :SMITH: We do have alternate ways of getting you fairly detailed information. There will be a device that can copy whatever's on the screen to an 8-1/2 x 11 for your working sheet. An individual plot is no problem. When you run into many requests, we run into some rather severe time constraints. So we would try to restrict that to what we would consider final drafts.

378 : REP. MASON: Where are you located?

379 SMITH: In the Department of Energy, but the redistricting system will be located in 347. The plotter will have to stay over at the Department of Energy. It needs air conditioning and humidity control.

386 CHAIR WALDEN: Perhaps you could take a moment to describe the plotter--what it looks like, how big it is.

388 SMITH: The electrostatic plotter is about 4-1/2 feet tall and 5 feet wide and 3-1/2 to 4 feet deep. I'm not sure how much it weighs but I know it takes two people just to roll it. It's a very large device and was very expensive; it made sense for the Service Center because we do provide plotting services to other agencies. It's a device that is almost out of the question for an individual group but used as a common resource under high volume it becomes very cost effective.

403 CHAIR WALDEN: Could you describe for us how long it would take to track the data and print one of those maps?

408 SMITH: We are in the process of defining what we would call default map setups so that once a plan is drafted we are hoping that we could have a one-day turnaround. Every morning we could come back with the results off the plotter.

414 CHAIR WALDEN: We're not talking about a plotter that can print one of these in a matter of minutes?

TAPE 1, SIDE A

001 SMITH: It takes on the order of 3 minutes per foot. The bottleneck there really isn't the plotter. The bottleneck is getting the data off the system, cut to a tape, "sneakernet" it over to our shop, load back on our system, and push it through.

006 JOHN SHARRARD, GIS: We're really talking about two different devices. There will be device here that looks like a laser printer. It does color copies from the screen of each computer that we'll have here. That will be used for draft quality plots that you can take a look at. The more final version maps will be done over at the Service Center on our large scale plotter.

014 REP. MARKAM: Why don't you bring something over for us to look at instead of just talking about it.

015 CHAIR WALDEN: Could you arrange to do that for our Thursday meeting?

016 SHARRARD: Yes we certainly could.

016 REP. MASON: For us computers nerds, is this MAC hardware, DOS hardware, or Star Wars stuff?

021 SMITH: It's probably closest to Star Wars than it is DOS. It's a UNIX-based operating system. We have Sun fileserver and Sparcstation terminals. They are very fast machines. We have a total of about 2-1/2 gigabytes of disc space. The fileserver is rated at about 16 million instructions per second.

027 SHARRARD: The dataset we're working with is around 900 megabytes and it has to be accessed by all the different systems at the same time. That is primarily why PC systems cannot be used for this.

038 REP. MARKHAM: We all pretty well know what our districts look like statewide now. I would like to see what they look like just to expand them.

045 SMITH: There is one small catch to that process. The data as it comes from the Census Bureau is going to be tied to 1990 census geography. There is no apparent way, either manually or automatically to take the 1980 districts and apply the 1990 Census to that, the problem being that in some cases you will have a district line that cuts current census geography in half. The question then is how do you allocate those numbers on either side of that line? We can come close. On the system as a background map layer you will be able to see your old districts.

055 REP. MARKHAM: It just seems to me since you'll be coming over, you could bring one that's as close as we've got.

060 SHARRARD: We cannot do that because the Census Bureau has not delivered the data yet.

063 REP. COURTNEY: It is my understanding that we aren't going to be looking at the House and Senate districts anyway, are we Mr. Chair? The Senate's going to be doing that and we're going to be looking at the five congressional districts, isn't that correct?

067 CHAIR WALDEN: That is correct except that we will have the

opportunity to observe and discuss the actions of our counterparts in the Senate with them and they will have with us as we work on congressional.

070 REP. COURTNEY: That's something we didn't discuss in the last meeting that apparently has been agreed to--that the Senate gets us and we get the nationals. We are not going to meet together, are we?

072 CHAIR WALDEN: It will not be a joint committee.

075 SEXTON: Discusses third-party plans as well as options of how the process may be available to individuals.

151 REP. MILLER: Did you say we might consider not allowing certain plans that don't meet criteria to come before a hearing? Who decides whether plans meet the criteria given that they may be a little iffy as far as legalese so that some may think they're qualified and others might differ.

154 SEXTON: That is one of the considerations. What meets constitutional requirements? It's believed that the 5% overall deviation that exists when the lines were drawn for legislative districts in 1981 might need to come down somewhat. The Oregon courts tend to be more conservative on determining that kind of factor. So if the committee wanted to say, "All plans will comply with the equal population requirement", and to us equal population means a 1% overall deviation from the ideal, then that gives a standard to determine whether or not a plan meets the established guidelines.

180 REP. MILLER: The equal population requirement is more definitive. I think there needs to be some kind of process for them to submit plans.

199 CHAIR WALDEN: One of the things we want to come up with today is how we set up those criteria so that the public does know. We may want a recommendation from staff after they have evaluated each plan that would come to us and then we would make the ultimate policy decision. They might do the first screening and then give us their input. That's one of the items we need to go over today.

205 REP. MASON: Likes Option #1.

223 REP. MILLER: In this linking of transportation if the only way you could get to part of your district was to go outside of your district, that would not be linked?

230 REP. MASON: That's correct. There's very few situations where this occurs.

238 REP. MARKHAM: Near Diamond Lake I had four registered constituents which were 40 miles from my district by where the crow flies.

243 CHAIR WALDEN: It will be those types of things we will try to avoid as we go through this process.

246 REP. COURTNEY: We're going to hold public hearings on our work and allow individuals from the public to come forward and make recommendations as to how they see things and I don't want to be shooting them down as they sit at witness table by saying, "I'm sorry, did you run your plan through a certain gauntlet?" I think we should at least allow them to present their plan, and do whatever process we do in terms of checking the criteria. Then come back with some kind of recommendation on their plan.

270 REP. MASON: We shouldn't underestimate the technical side of this process. It's easy to talk about community interest but that's not going to do a lot for you when you get down to the nitty gritty.

277 REP. COURTNEY: How could you tell a member of the public "no" when they wanted to testify about something they felt strongly about?

284 REP. MASON: It's one thing to allow them to comment on plans but it's another thing to allow them to bring in plans that don't meet basic criteria. We're under an incredible time constraint.

293 REP. CARTER: If we were to send the criteria out to persons of interest, do you think that would be acceptable? I agree with Rep. Mason, but I agree with our leader here in the sense that I would be uncomfortable with that. It doesn't make sense to bring in a plan that does not meet criteria.

307 CHAIR WALDEN: We have to make sure that people understand the basic criteria. We couldn't expect them to come here with a plan that has been run through the process and in its final form. We need to have the plan given to us based on the best of their ability reaching this criteria and then the staff would evaluate and let us know. We would make a policy decision as to whether to send it through the process. One of the things we need to discuss this morning is how much time is available on those computers and how we allocate that time.

321 REP. CARTER: In reading the information that you sent to us, it appeared to me that we need to break it down in terms of hours that the public will have, etc. If all of those things are given, I think it would be an agreed-upon idea to send the criteria out, knowing that we have some computer access time. I think that we can expect them to come up with a plan that is voted aye or nay and not feel uncomfortable about it.

328 REP. COURTNEY: I know that everything's on a fast track around this building but I'm not sure that we can rush this so fast that we stifle the public impact. There is some warning there that we just can't be turning people off who come in with their neighborhood association (and they feel strongly), and we simply dismiss them. I think we're going to have to sit through their testimony. If we don't do that, we're probably going to have some political fallout that we're going to regret.

347 CHAIR WALDEN: Let me assure you that it is our intention not only to sit through with interest their presentation but also to go out into the state and conduct field hearings on weekends and evenings to do that very item and that is to get their input. We will be coming up with a schedule of proposed times and places so that we reach out and solicit input from all sorts of communities.

352 REP. COURTNEY: Will I be allowed to have an excused absence from Legislative sessions for that?

358 CHAIR WALDEN: These will not be held during legislative sessions. We will be conducting these so there aren't conflicts with your regularly scheduled sessions or committee times. I'll be happy to discuss that issue with you at your leisure.

364 REP. BAUM: Can we make sure some of those hearings are held in the eastern third of the state?

376 CHAIR WALDEN: Yes.

378 SEXTON: Discusses the procedure for availability for census data and materials to individuals who may want them and committee meetings.

415 CHAIR WALDEN: We have three issues to get input on and come to some basic understanding. We need to discuss them with our Senate counterparts so we end up with rules that are identical. 1. Dealing with maps and access 2. Which options we want to come to agreement on 3. Coming up with a plan for allocating access time to technical staff and computers.

TAPE 1, SIDE B

004 REP. MASON: At least the committee members would have access to large scale maps for work sessions and not just the final work session.

014 CHAIR WALDEN: As a subcommittee we will want to monitor the allocation because we can't run up that kind of cost and have one person dominate the system. There may be two versions of every map.

022 REP. CARTER: I agree with Rep. Mason in regard to committee members having access and also agree that costs should be limited.

028 CHAIR WALDEN: Priority for the access to that mapmaking rests with subcommittee and then the full committee members because we ultimately have to make that decision first.

032 REP. COURTNEY: The only confusion is we have the same access as the Senate members even though our assignment is significantly different?

037 CHAIR WALDEN: That's correct.

038 REP. CARTER: I thought you said this subcommittee would take priority.

039 CHAIR WALDEN: The Senate and the House are using the same plotter, the same data, and the same four technical people. That's why our rules have to mirror the Senate rules and we have to get to our third point which is access time. We'll work fairly closely with our colleagues even though it's not a joint committee.

048 SEXTON: Does the committee also want to address consideration of the plotter generated maps for third-party plans and to define the point at which those plans may be produced on plots rather than the smaller hard copy versions that can be produced relatively quickly and inexpensively.

052 CHAIR WALDEN: Is there discussion on that? They would have access to the smaller version of the map. This is a question of access to the big plotter.

078 REP. COURTNEY: What are the parameters? Do they pay?

099 CHAIR WALDEN: They would have to pay.

100 SEXTON: If a third-party plan were accepted for consideration by the subcommittee or the committee for discussion or evaluation, public hearing, work session, do you want a big picture of that plan and in the process at what point is that plan cleared for plotting versus smaller maps?

106 REP. COURTNEY: What if a member of the public walks in your door and requests a map and they refuse to give him one because the committee hasn't given him clearance yet? If we go to Option #2, which says that anyone can come before us and submit a plan, we then give it to staff to run it through the gauntlet of qualifications and criteria. If staff says they meet the criteria, then that member of the public gets a freebee?

118 CHAIR WALDEN: Staff recommends to us. Then we make the policy decision whether or not we forward that.

121 REP. COURTNEY: Then if we say "Yes", they get a map.

122 CHAIR WALDEN: In effect, we are asking for a map for the committee.

123 REP. BAUM: The minimum we have to allow people is an opportunity to sit in front of us and make their pitch. That's our obligation. Whether we let them in to use the system is a policy decision that the committee makes. We can either clog ourselves up or clog the staff up.

132 REP. COURTNEY: We should probably clog the front end at the public hearing and then we can see from there.

136 REP. CARTER: There will be a smaller version of the map. Those of us who have seen the big map would not be concerned about the cartographic availability of the big map.

145 REP. COURTNEY: Moves for Option #2.

154 CHAIR WALDEN: In fairness to the public we have to come to consensus agreement and then discuss with our Senate counterpart. We're using the same people and the same equipment. I would like to accept your motion in consensus.

165 REP. MILLER: What was the experience of 1981? How many people plotted out detailed maps and brought them to the committee for consideration? Referring to experience of Legislative Counsel, we have a similar experience where we have excellent staff presentations about certain things that are going on in the agencies. We are given recommendations as a committee and we can choose to follow those recommendations or we can choose not to adopt the committee's staff report. That seems to be working fairly well in that committee and might have some applicability here.

183 REP. MASON: We didn't have the technical capability in 1981 to allow the public to generate a multiplicity of plans. What I see is we're going to raise the expectations of members of the public. If the technology is available, we're going to get more and more plans. There'll be probably three or four versions that are seriously considered and there will be versions generated by the two committees and by the staff. The testimony is good but I don't think we should give the impression that these are going to be seriously considered. There's only so much time in this process.

212 CHAIR WALDEN: Thinks also we have a certain obligation to the public to allow them access to that data for a lot of other reasons. We're trying to come up with this balance that allows them to be participants in the process but allows us to be able to do our work as well.

219 REP. MASON: It's one thing to allow the public to generate their own plans and more realistic to allow them access to the plans and to comment on the plans.

231 REP. COURTNEY: Calls for the question.

233 CHAIR WALDEN: We are voting on consensus to reach an agreement but not to finalize these as our guidelines on Option #2 that would allow us to accept at public hearing any plan or amendment, with the item directed to committee staff for evaluation and possible scheduling of public hearing on that plan if it meets the criteria. The staff would report back to us and we would make that public policy decision as to whether or not this meets criteria. We can go from there to sending it out to the mapmaker. Is that general agreement on the motion?

VOTE: In a roll call vote, the Motion was unanimously approved.

264 CHAIR WALDEN: How do we allocate the time available on those computers? We figure that there are 32 hours available to work in a day (four operators at eight hours a day). We need to build in the schedule where there's time available to the caucus members who are not on this committee to have some access and the public needs to have some access. One thought is that the committee would have about 24 of those 32 hours so that the staff can do the hard work that needs to be done to get the data up and running and deal with committee business in both the House and Senate. Perhaps the caucuses could be allocated six hours and the public two. Given that there are twice as many House members, and therefore demands on the time, as Senate members, perhaps that could be split 1/3 for the Senate and 2/3 for the House. Having thrown that on the table, we need to decide who gets in on that time. That may be best left to the committee technical staff who will have a better understanding of what their workloads are.

308 REP. CARTER: Thinks the suggested time sounds adequate.

319 REP. MILLER: Sounds like a fair approach. If it's deemed otherwise by members and the public who would like more time, it's not something we couldn't review in the future.

330 CHAIR WALDEN: We don't know how much time we will need. We need some framework to start with.

334 REP. COURTNEY: So six hours will go to the caucuses. That figures four hours to the House and two hours to the Senate? So that means two hours for you and two hours for me?

338 CHAIR WALDEN: That's an issue we need to discuss and reach agreement on. We can do it either split evenly or by proportionality. That would need to hold with our counterparts in the Senate.

344 REP. MASON: Since we have the Majority and Minority Leader on the committee, the caucus time should be looked at as non-committee caucus member time.

354 CHAIR WALDEN: You meant for the members of your caucus that aren't on this committee? The issue is, do you do it by proportionality in terms of dividing up each minute or do you do it 50/50?

357 REP. BAUM: 50/50.

358 CHAIR WALDEN: With no objections, it is so ordered. Rep. Courtney and I will meet with our counterparts in the Senate and discuss these

options with them and hopefully be able to report back on Thursday at 8:00 for our next subcommittee meeting. One of the items on the agenda for Thursday will be HJM1 asking for the expedited release of the Census data, to go to our Congressional delegates. We will be moving that one as rapidly as possible.

Adjourns meeting at 9:20 a.m.

Submitted by: Reviewed by:

Carol Wilder Adrienne Sexton Assistant Administrator

EXHIBIT LOG:

A - OLIS Timelines - 9 pages B - Guidelines for
Redistricting - 5 pages