

House Committee on Legislative Rules & Reapportionment Subcommittee on
Reapportionment February 7, 1991 - Page

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statements made during this session. Only text enclosed in quotation
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report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

SUBCOMMITTEE ON REAPPORTIONMENT

February 7, 1991 Room 350 8:30 a.m. Tapes 4 - 5

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

MEMBER EXCUSED: Rep. Randy Miller

VISITING MEMBER: Rep. Ron Cease

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

WITNESSES: Gail Ryder, Senior Administrator Senate
Redistricting Committee

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proceedings, please refer to the tapes.

TAPE 4, SIDE A

011 CHAIR WALDEN: Calls the meeting to order at 8:40 a.m. Opens
public hearing and work session on Draft Proposal #7 - Rules of Assisted
Legislative Access to Redistricting Technical Support Equipment and
Personnel (EXHIBIT A).

Previously discussed in Subcommittee the access the law requires. In
meetings with Legislative Counsel and others, it is clear that we have
an obligation to public to grant them access to work with trained staff
and access the same electronic facility that we can access.

Reviews draft proposed rules and asks for discussion.

043 REP. CEASE: Is that four, eight hours at the same time or

staggered?

044 CHAIR WALDEN: It would be from 8:00 in the morning until 5:00 at night with some breaks along the way for the staff. - Continues review of rules. > Under #4, "or the public" in the second line should be deleted.

071 REP. MARKHAM: What does this sentence mean, "Late arrivals will be provided late access"?

072 CHAIR WALDEN: If you had scheduled an appointment to run from 2:30 to 2:50 and you show up at 2:40, you start at 2:40 and you go until 2:50. If you didn't get there on time, you're not going to cut into someone else's time.

128 REP. MASON: We have the Senate Administrator here. Have these been agreed on with the Senate?

132 CHAIR WALDEN: We felt a need to have identical rules when you're dealing with allocating a common resource, the time available on those computers, especially relative to public access as well as member access.

135 GAIL RYDER, SENIOR ADMINISTRATOR, SENATE REDISTRICTING COMMITTEE: This Draft #7 is the compromise proposal that is submitted by Senator Otto. He cannot speak for the entire Senate. We would be happy to take this to our next meeting on Thursday and propose it at that time to the entire membership of our committee, but this is the agreement with Senator Otto.

150 CHAIR WALDEN: Asks for public or Congressional office comment.

155 REP. CARTER: Rep. Mason, do you see anything in these rules that might have created a problem ten years ago that is different from what we have this time?

160 REP. MASON: Did not occur ten years ago because we were on the mainframe computers. Members of the committee never had an opportunity to get their hands on any hardware. The decisions that need to be made will be more conceptual and the technical people will do more of the technical work. The one thing I would like to avoid is a proliferation of plan after plan. There are probably three versions that really are relevant and you just can't have people floating in plan after plan. Don't overcomplicate the whole thing. Don't reinvent the wheel every committee hearing.

180 CHAIR WALDEN: Discusses Addendum to Committee Rules for committee (EXHIBIT B). Asks for Motion to recommend to the full committee an addition to the Rules of the Draft Proposal #7 and the Addendum to the Committee Rules as an addendum to the Rules contingent upon Senate approval of the like document.

190 MOTION: Rep. Courtney moves to recommend to the full committee adoption of the Draft Proposal #7 - Rules of Assisted Legislative Access to Redistricting Technical Support Equipment and Personnel, as amended in #4 to remove the words "or the public" in line 2, and Draft Addendum to Committee Rules, dealing with what the law requires, subject to approval by the Senate Redistricting Committee of identical language in their rules.

201 CHAIR WALDEN: Asks for further discussion.

202 REP. MASON: Should anything we do be in violation of adopted rules, would that expose any eventual plans to a challenge of it being in violation of statutory requirements and case law but also expose it to a challenge of us not having followed our own internal rules? There are four ways you could challenge a plan--it violates state or federal constitutional requirements and it violates state or federal statutes. If we put these into our Rules, it seems to me you're also opening yourself up to another possibility of challenge of somebody saying, "Not only did they mess up ABCD but they violated their own Rules". Some of this stuff might best be left out of our own rules. I don't know if anybody has an opinion on it or if anybody has any knowledge of it. We're putting right into our rules, "Districts may not be created for the purpose of favoring any political party...and no district may be drawn which intends to dilute the voting strength...". You're putting that right into your own rules.

234 CHAIR WALDEN: My understanding is that's already in law. This is the hierarchy of how you draw the lines. If we violate these guidelines, we will have violated the law anyway.

238 REP. MASON: You've jumped from guideline to rule, though.

240 CHAIR WALDEN: If we violate this point, whether it be in our rules or in law, we have still violated the point. I understand what you're saying that it may give somebody an extra place to say we've violated the rules and the law. But I think if you violate one, you've violated both.

247 REP. MASON: In addition, would it subject us to mandamus to follow our own rules?

249 CHAIR WALDEN: That may be one of the positive benefits of putting them in our rules, to make us all very aware of what the law is so that as we work on these plans to try to stay within those rules so that if it becomes subject to a court challenge we can say...

252 REP. MASON: A mandamus isn't a challenge, it's someone, in the middle of the process, laying a court order on you to follow your own rules.

257 REP. CARTER: Could we take Proposal #7 as a working paper for us and let this draft stand alone as an operational action?

266 CHAIR WALDEN: It was recommended to us by the Chief Clerk that the most appropriate way to do this was to adopt these rules and get the full force of the House behind it as the controlling document for access so it was very clear to the public and to our own members what the rules were and what we had to live by.

274 REP. MARKHAM: Have there been suits filed against committee rules, laws we've passed in the past, or referrals to the public? Has that come up before?

280 REP. MASON: Not that I know of.

283 REP. COURTNEY: Calls for the Question.

290 VOTE: In a roll call vote, the Motion was unanimously approved. Rep. Miller excused.

301 CHAIR WALDEN: Asks for discussion on Census Data and Materials for Public Distribution (EXHIBIT C) submitted by OLIS. We recommended that

OLIS develop guidelines and pricing for the various documents that would be available to members of the public.

317 REP. MASON: Where do our congressional people fit into this? Are congressional people considered public or are they considered part of the government?

321 CHAIR WALDEN: Under the Draft Proposal #7 that we just recommended, under "C. Majority and Minority Leaders of the Senate and House", each have an hour plus an additional 15 minutes which may be yielded to representatives of the congressional delegation. That's the time allocation. I think you're speaking to whether or not they would get this at no charge.

332 REP. MASON: I hope there would be some way to extend to them the hard copy courtesies we have, if they are part of the government.

341 CHAIR WALDEN: They are not part of our Legislative Assembly and therefore not party to the costs incurred by the Legislative Assembly or this committee. Therefore, they would be treated as any other member of the general public.

355 ADRIENNE SEXTON, ADMINISTRATOR: Committee staff have discussed the various lead-up products that might be available to members and the congressional delegation to assist them in starting their plan development as working documents. One of the options is to provide them with a base map printout of their current district boundaries as it's reflected on current census geography that will be used to define new boundaries, as a working document for their benefit. That would also be provided to all legislators as a reference point for beginning their drafting.

Beyond that, as the Chair has indicated, the responsibility for drawing the congressional boundaries lies with the Legislature and not with the congressional delegation. The cost incurred for that is by the Legislative Assembly and not the congressional delegation. If they wanted large copies of the big, full-size scale maps in order to look at their boundaries with a little more detail, those then, under this proposal, would be at their expense on the basis of the OLIS schedule in the same manner as other members of the public; understanding that they are not just the public in this instance but their access to the redistricting facilities are in the same way as the public under point #4 of Draft #7 -Yielding Time to Others, in addition to the Majority Leaders having set aside time that they can yield to the congressional delegation. There is accommodation for their participation in the Legislative process of redrawing those lines.

397 REP. COURTNEY: There are four D members of Congress who will want my generosity and one R member of Congress who will want all your generosity. With my time, I will be willing to serve the needs of four and you can take care of one.

412 CHAIR WALDEN: I would welcome their change of party to have them share the problem you're facing. The Senate can yield time to them as well.

TAPE 5, SIDE A

008 REP. MARKHAM: What's the cost to the State per hour for all this machinery?

011 SEXTON: The 1989 Legislature adopted a bill that appropriated \$504,000 for the biennium to cover the cost of the redistricting activity. That included contracting with the GIS Service Center, whom we've heard from a couple of times, to develop the proposal for the hardware and software, all the way to hiring the staff of technicians who will take us through the process to the end of the biennium. So in terms of a strict hourly cost of what the technicians' time is costing, I can get it broken down but that figure is to account for everything, including their time.

022 REP. MARKHAM: What I would like to see is that budget, where we are on it, and where the money to date has been spent.

022 CHAIR WALDEN: Discusses field trips. We had planned to go to Medford on the 16th and due to the request of one of the minority party members, among others on the committee, we changed it to the 23rd. We will schedule the full committee to meet Thursday, February 14, at 5:00 p.m. for the purpose of considering adoption to our rules of the recommendation this subcommittee has passed on to the full committee. That would fall two hours after the Senate committee has taken its action.

082 SEXTON: Regarding transportation for the field hearings, if I can hear from anyone who would want to participate in an Assembly-paid van to any of the locations, please let me know by Feb. 11 in order to make arrangements.

094 REP. BAUM: Are the Chair and the Vice Chair going to go up early?

095 CHAIR WALDEN: We have not worked that out yet.

098 REP. COURTNEY: To what extent are we going to publicize these meetings?

102 CHAIR WALDEN: We will be sending out press releases from the committee and public service announcements. We've notified the Senate Committee. We are planning to send letters to various special interest groups who may have a direct interest, inviting them to participate. We're in contact with the County Clerks. If anyone has suggestions of people to be contacted to participate, I think we will need to have some invited testimony. We will be making those same requests of members in whose districts we will be holding these hearings. I welcome your suggestions.

113 REP. MARKHAM: We certainly want to notify the County Clerks around in eastern Oregon.

115 CHAIR WALDEN: We will be doing that. There was a problem in redistricting last time in some precincts the way the lines got drawn. We had precincts with 12 or 15 people in it. The President of the Association of County Clerks has offered to help us once we get to a finalizing process to try to avoid wherever possible that kind of problem. They're willing to review our plan for us for that technical part.

124 REP. MARKHAM: A few weeks ago on the subject it was said that federal and state law didn't allow a district to be divided. My District #46 had one section in Diamond Lake, a two-hour drive away from my district. I finally got it changed ten years later. That's part of the Roseburg district.

130 CHAIR WALDEN: It's that sort of drawing of the lines that we are

going to do our best to avoid this time.

Adjourns the meeting at 9:18 a.m.

Submitted by: Reviewed by:

Carol Wilder Adrienne Sexton Assistant Administrator

EXHIBIT LOG:

A -Draft Proposal #7 - Rules of Assisted Legislative Access to
Redistricting Technical Support - 2 pages B -Addendum to Committee
Rules - 6 pages C -Census Data and Materials for Public Distribution
- 1 page