

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

January 30, 1991 Hearing Room E 8:30 a.m. Tapes 16 - 17
MEMBERS PRESENT:Rep. Bill Markham, Chair Rep. Larry Sowa, Vice Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Rep.
Mike Burton, District 17 Rep. Randy Miller, District 24 STAFF
PRESENT:Randall Jones, Committee Administrator Carolyn Cobb,
Committee Assistant MEASURES CONSIDERED:HJR 8 - Establishes
Four-Year Terms For Representatives and Six-Year Terms For Senators, PH,
WS HJR 10 - Limits Terms of State Senators, United States Senators,
State Representatives and United States Representatives, PH, WS

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 16, STDE A

003 CHAIR MARKHAM: calls the meeting to order at 8:38 a.m.

HJR 8 - ESTABLISHES FOUR-YEAR TERM; FOR REPRESENTATIVES AND SIX-YEAR
TERMS FOR SENATORS - PUBLIC HEARING Witnesses: Mike Burton, State
Representative, District 17

007 MIKE BURTON, STATE REPRESENTATIVE, DISTRICT 17: Something needs to
be done about reforming campaign financing and addressing the question
of pensions for legislators. -HJR 8 would help decrease the cost of
elections and maintain the concept of the House Committee on State and
Federal Affairs January 30, 1991 - Page 2

citizen legislature. -HJR 8 primarily changes the length of the term of
office for state legislators to four years for the house and six for the
senate. -It creates a situation where instead of having to run
constantly, we have some consistency in the ability to serve in off ce.
-HJR 8 also sets a maximum number of terms for state legislators but
allows people to run for other offices. -Maintains a citizen
legislature. -Discusses affect of term limitation on legislators'
pension benefits. 095 CHAIR MARKHAM: In California didn't the voters
take away legislators' pensions? 099 REP. BURTON: They limited their
terms and I think they did that also. Under Oregon law, you cannot
abrogate any existing contracts. 159 REP. FORD: We want to make sure
all types of people have the opportunity to serve in the legislature,
and not just the economically well off. 158 REP. NOVICK: Are there not
only a few members of the legislature that would be affected by the
overall term limitation of measure? 171 REP. BURTON: In Oregon the
average member of the House serves six years,

senate eight, so the twelve year limitation of the measure is beyond
that. 195 CHAIR MARKHAM: Explain how this bill affects the Governor's
office and the other state-wide elective offices. 199 REP. BURTON: It
was not my intent to limit the terms of statewide elective offices. We
were attempting to rotate the terms so they were not all up for election
at once, I am not advocating any changes in the statewide offices.

244 CHAIR MARKHAM: Under this bill a person could serve twelve years
in the house and then run for the senate. 260 REP. ROBERTS: Did you put

the questions of term limitation and extending the length of the terms together in this measure because it seemed it would be more acceptable?
270 REP. BURTON: My primary focus was to extend the terms so the number and cost of elections would be reduced. Limiting terms, although most legislators don't serve twelve years, gives a clear signal that we want people to serve but not stay. 283 REP. BELL: A four year term would allow house members to be in session, then have an interim for planning and work, and then another session to carry out the work of the committees. In regards to the limiting of terms, if the house and senate turn over on a regular basis, it should increase the pool of candidates for statewide offices and congressional offices.

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308 REP. BURTON: This measure would allow members to be policy makers rather than just running for office. What the state needs to get from its elected representatives is time to deal with the issues. 343 REP. BELL: Would you be opposed to separating this measure into two different bills?

349 REP. BURTON: If that would work, I don't have a problem with it.

357 REP. FORD: It is up to each legislator to show their constituents they are not campaigning all the time.

TAPE 17, SIDE A

013 REP. SOWA: Line 18, on page 1 says if this passes the legislature it will be voted on in 1992. In the meantime some members who have already served three terms will be running for re-election, this bill will prevent them from taking their offices if they win. Was that your intention?

032 REP. BURTON: Describes the sections of the measure dealing with that issue.

084 REP. NOVICK: There is some benefit to having people who have come through the process and know what has happened in past sessions. Since this also applies to municipal offices, it may create a problem in small towns of finding someone to run.

117 REP. FORD: When the measure discusses terms, does that mean election, or election and appointment.

123 REP. BURTON: Appointments are dealt with in other sections of law. I would defer to legal counsel on this measure's effect on appointments.

141 REP. BELL: Are there other ideas out there, will someone come along with another idea?

148 REP. BURTON: I believe Rep. Miller has another, and there may be others. I have become aware of a group called "Twelve and Out" working on the federal side.

HJR 10 - LIMITS TERMS OF STATE SENATORS. UNITED STATES SENATORS, STATE REPRESENTATIVES AND UNITED STATES REPRESENTATIVES - PUBLIC HEARING

Witness: Randy Miller, State Representative

233 RANDY MILLER, STATE REPRESENTATIVE, DISTRICT 24: Appearing in support of HJR 10. -Terms limits apply to a variety of offices with good reason. -Polls indicate the people of America support the idea, with well over 70% of them favoring the concept. -In almost every state, as a result of grassroots action, measures are being considered.

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-Three states have had measures on their ballots, and in every case a majority were in favor. -My concept is to add the years of service together and when the total is twelve, you must sit out an election cycle.

346 CHAIR MARKHAM: Are congressional terms determined by the state or the federal constitution?

350 REP. MILLER: Based on the opinion that says we have the authority in this state to regulate federal representatives, the state does have the power. The state senate used to appoint representatives to congress and that was changed from appointment to election without a constitutional amendment.

TAPE 16, SIDE B

010 REP. FORD: Has there been any U. S. Supreme Court decision on the election of members of congress which would supersede the Oregon Constitution?

014 REP. MILLER: I am not aware of anything on this particular subject, I would be glad to find that out for you. I believe the founding fathers never intended us to have professional politicians at any level. This bill attempts to eliminate that situation.

026 REP. FORD: Would not this bill cause a succession of appointments to office as incumbents must leave at the end of the twelve years?

033 REP. MILLER: It deserves some reflection, but I hope we are not focused on creating a career. Public service is an admirable pursuit, but once it becomes a career questions of pensions and other benefits arise. There will be other measures addressed by the public at large and they will not be so generous with regard to the length of service allowed. I don't favor the four year term idea for house members.

101 REP. SOWA: This would affect people who are in office before the effective date of this act?

104 REP. MILLER: No. It would take effect upon the approval of the public in a statewide vote.

169 REP. ROBERTS: Do you have a problem with HJR 8?

183 REP. MILLER: Yes. There is something valuable in allowing the people to approve or disapprove of our work product on a direct basis in a more frequent way than expanded terms would allow.

194 REP. ROBERTS: When is the effective date of your proposal?

196 REP. MILLER: 1992 would be the first general election affected by this measure. It is prospective in nature. The twelve year clock starts upon enactment. House Committee on State and Federal Affairs January 30, 1991 - Page 5

226 REP. NOVICK: From my perception this is a problem in congress, but not in the state legislature.

245 REP. MILLER: The problem is greater at the federal level than the state level. It is my feeling that we need to send a signal that this is the place for a citizen legislators. With health benefits and fairly decent pay, direct or indirect, it has become a career.

335 REP. FORD: No change is going to make the job less difficult and time consuming. I haven't heard the public complain about legislators' longevity, they are complaining about the way campaigns are conducted.

TAPE 17, SIDE B

011 REP. OAKLEY: Do you know any of the people who are circulating term limitation petitions?

017 REP. MILLER: They are being circulated by some of the same people who were involved in Measure 5 and they are pretty good at gathering signatures.

026 REP. OAKLEY: You can serve twelve years in the house and twelve years in the senate?

030 REP. MILLER: Under the proposal I support, it is twelve total years of legislative service in any combination you like.

HJR 10 - LIMITS TERMS OF STATE SENATORS, UNITED STATES SENATORS, STATE REPRESENTATIVES AND UNITED STATES REPRESENTATIVES - WORK SESSION

064 CHAIR MARKHAM: With respect to this measure and HJR 8, there are four things to consider: term limits, offices affected, term length of house and senate members, and is it prospective or retroactive. Perhaps the measures should be combined.

091 REP. ROBERTS: I'm not certain the legislature can change United States Senate and House of Representative terms. 097 CHAIR MARKEIAM: We had better get an opinion from Legislative Counsel on that. Submitted by: Reviied by: Carolyn Cobb Randall Jones Assistant Administrator