

Senate Redistricting January 15, 1991 Page 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.

SENATE COMMITTEE ON REDISTRICTING

February 28, 1991 Hearing Room "B" 3:00 p.m. Tapes 22 -23

MEMBERS PRESENT: Sen. Glenn Otto, Chair Sen. Dick Springer, Vice-Chair Sen. John Brenneman Sen. Jim Bunn Sen. Scott Duff Sen. Mae Yih

MEMBERS EXCUSED: Sen. Bill Bradbury

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Jayne Hamilton, Committee Assistant

MEASURES CONSIDERED: SJR3 -Relating to Limiting Congressional and State Legislative

Terms of office, PH/WS SB #591 - Relating to election of judges, WS

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TAPE 22, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:07.

(TAPE 22, SIDE A)

PUBLIC HEARING

SB 591 RELATING TO ELECTION OF JUDGES

Witnesses: Tom Howser, Attorney Robert Grant, Attorney

010 TOM HOWSER, ATTORNEY: Gave testimony on his beliefs of why he feels it's necessary that judges need to be broad and diversified. There are a lot of qualified people who refuse to get caught up in the process because they know what is going to happen to them. This bill speaks to these people. Supports the bill.

130 ROBERT GRANT, ATTORNEY: Supports the bill. The Governor, with respect to the Supreme Court, under this bill could conceivably appoint 71% of the Supreme Court from a tri-county area and 60% of the Court of Appeals from the same tri-county area. I don't necessarily agree with the premise advanced that the most qualified lawyers are from the tri-county area. There are highly qualified, confident judges from different parts of the state who would make good Supreme Court judges, but they are inhibited from accepted appointments because of the present state of affairs.

194 RYDER: Distributes written testimony submitted to her by L.L. Sawyer Circuit Judge, Exhibit A, and maps from Supreme Court Justice Fadeley, Exhibit B.

(TAPE 22, SIDE A)

PUBLIC HEARING

SJR3 RELATING TO LIMITING CONGRESSIONAL AND STATE LEGISLATIVE TERMS OF OFFICE

Witnesses: Ron Grensky, Senator District 25 Jim Bunn, Senator District 15 Robert Grile, Limit Incorporated Steve Lanning, Oregon AFL

214 SEN RON GRENSKY, SENATOR DISTRICT 25: Read written testimony, Exhibit C. Reviewed proposed amendments, Exhibit D.

259 YIH: It seems to me that if a legislator is performing his or her job well, then they will be reelected. Why don't you leave it to the decision of the voters?

269 GRENSKY: In theory that is supposed to be the case. However, to cite an example that demonstrates that this does not always work in practice, I would point out that of 435 Congressmen that are up for election every 2 years, in the last election only 6 were not reelected. Frequently, many things besides the ability to do a good job or not are taken into account when it comes time to run for office. I would be delighted if we were in fact each measured at reelection time on the performance that we did, and that was the criteria for which we were returned or not to office. I believe that term elections is not a panacea, however I firmly believe that the people of Oregon are disenchanted with their present system of government as is the majority of Americans by the fact that at least 39 states are looking at this issue.

301 YIH: Then why are you removing the limitation of the Federal offices?

304 GRENSKY: As a practical matter it is legally and technically difficult to do that.

313 YIH: I thought you removed the limit because the Federal offices only gain influence and ability to do things for their district after reaching around 5 terms.

320 GRENSKY: Certainly the present system does tend to foster that. The longer you're in, the more effective you are. I think that term limits would tend to put everyone on equal footing so that everyone can be effective sooner in the process. I think it is the seniority system that is making so many people ineffective in government.

342 DUFF: Have you given any details of the initiative that has passed in California? For instance, do you know how many people favored that initiative early in the process before a campaign against the initiative was undertaken?

348 GRENSKY: I don't have any numbers on that line. I've been handed some numbers that indicate that it did pass by a great deal.

358 DUFF: It started out about 80% favorable.

361 SEN BUNN, SEN DISTRICT 15: The polling was overwhelming but it also brought in other issues. Major cuts in the legislative salary and changes in retirement. So it wasn't strictly a vote on term limit. It is difficult to know how much the other two issues impacted the outcome of the election.

375 DUFF: I ran a questionnaire through my district and I included this in the questionnaire. 80% of the respondents favored term limitations. I asked them how many years they favored. It came out in my survey 8.1 years. I think it's something that's coming in Oregon at grass roots level. I think that what they're proposing here in terms of 12 years are probably more than most people want to give us.

392 GRENSKY: It seems to me from my own personal observations as a State Senator here, that although it is not always true that the longer someone stays in government the more likely they are to want to remain there. Term limits would be a way to promote people who are sincere about serving. They would know coming in that they would not be here forever. They would not have to make promises either implied or expressed, that they couldn't keep. They would know coming in they had a fuse on their term. A fuse that was burning the day they got here that would end at the end of this term. I think the benefits to such a term limitation far out weigh the detriments, and I am aware that there are some down sides, primarily the experience factor.

444 DUFF: What has been the turn-over in our legislature?

445 GRENSKY: Our average State Senator is serving presently at 7.1 years.

464 DUFF: We're talking about limiting terms of people elected within a district, not state wide. Is there any thought to the feeling that if a district somewhere in the state votes no overwhelmingly on term limitations that we're taking away their right of choice on this measure?

478 GRENSKY: That hasn't crossed my mind, but it is something that's worth considering.

TAPE 23, SIDE A

026 OTTO: When would the term limitation start?

031 GRENSKY: The next full term of office beginning after the effective date, which would be the effective date of the next election.

046 BUNN: My view of the term limits is that they are very necessary to try to instill confidence in the voters. I think that we have a situation now through a combination of campaign finance, PAC involvement, and longevity of legislators that people just don't have confidence that we need in the elected officials. I don't think that by limiting the terms of the Governor or the State Treasurer that we have denied the state quality leadership. We have forced a change that has been good. It will bring in new ideas and in the long run will benefit from that as well as building up public confidence. In California, for example, once you've served your limit you can never serve in that chamber again. This bill would state that once you've served a 12 year time period whether it be the House or the Senate that you would have to stop serving in that capacity for one term and then you could run again. So it does not limit someone's ability to be involved in the process, it just states that once you've served a 12 year period your incumbency will end. In the election process incumbency does not stay there for 20 years. That's the approach I would like to get at so that people do feel they have a chance to run and that it isn't something where the incumbents have the money and the name ID, and every one else is locked out. I think this would do that in an intelligent way that would benefit the state of Oregon.

076 OTTO: You talk about a 12 year limit. If a person were to serve 12 years in the House they could start right in and service 12 years in the Senate?

079 BUNN: As a matter of fact someone could serve 12 years in the House then serve 12 years in the Senate and then serve 12 years in the House and etc. as long as the voters wanted to vote them back in. They would not be running for reelection for a 14th or 16th or an 18th year. The incumbency cycle would be broken. They would be running against an incumbent or for an empty seat when they switch. In my opinion the bill is not to keep people out of the process but it's to bring more people into the process.

093 DUFF: I don't understand how this would limit the influence of PAC's or special interest groups.

096 BUNN: I believe firmly that if one studies the C&E reports that they will find that PAC's traditionally support incumbents and that by breaking the incumbency cycle you will also break that tradition and that tendency. When you have more open races they bring in a more even funding source and a better potential for a change or a new individual to come into the legislature.

115 DUFF: When each of you began your testimony you spoke about Congressional election. Is it possible that the survey you sent out confused Congressional elections and state offices?

117 BUNN: After last session when Congress raised their pay and I received calls wondering why I was getting \$89,000.00 a year, I realized that that could be a factor. I'm very confident that if we went out, spent more time, and clarified it, the results would be the same.

136 OTTO: Do other states limit the terms of office for their Congressional representation?

139 BUNN: The effect to limit term has passed in three states: Colorado, California, and Nebraska. Colorado is the only one of them that limits their Congressional terms.

162 ROBERT GRILE, LIMIT INC.: The purpose of Limit Inc. is to educate the public that prolonged incumbency in elected officials at the State and Federal level endangers representative government and leads to elitism, and also to work toward the goal of improving representative government by limiting the number of consecutive terms that legislators can serve, and third to assist and to join with other lawful organizations whose purposes are consistent with these objectives.

220 BUNN: Even though the goals set by your organization are somewhat different, would you support passage of SJR3 with the 12 year limits that it has?

223 GRILE: We say it's something that needs to be decided by the legislation. We would not change the 12 year terms for the Senator.

248 BRENNEMAN: Do you think there's any improvement by limiting the terms and the style of representation you would get?

259 GRILE: I think that one of the problems is the source of the PAC funds.

272 BRENNEMAN: Do you think that by limiting terms it would have any effect on money generated?

274 GRILE: Yes.

290 BRENNEMAN: What do you think about the argument against the proposal that things are complicated in Government and you need people with experience.

292 GRILE: The experience as been generated in the selection of the candidate. Looking at his background and the his ability to make decisions and to reason things out.

339 STEVE LANNING, OREGON AFL-CIO: Read written testimony, Exhibit E. Opposed the bill.

407 BUNN: Do you feel that the limit on the President or the Governor are wrong?

409 LANNING: No. Our organization has not dealt with that to change it.

419 BUNN: Isn't that denying us the ability to say, they've done a wonderful job, I'd like to have them for 12 or 20 years?

421 LANNING: Yes I believe it might be, but our organization has not taken another position other than to support the current system.

426 OTTO: What about the Secretary of State and the State Treasure?

430 LANNING: Current limitations are supported by our organization.

439 RYDER: Distributed a fiscal impact statement, Exhibit F.

TAPE 22, SIDE B

WORK SESSION

013 MOTION: SEN BUNN MOVED TO AMEND SJR3 ON LINE 18, BY STRIKING 2 AND INSERTING 3, ON LINE 19 STRIKING 3 AND INSERTING 6, AND DELETING SECTIONS 10 AND 10A FROM THE BILL.

019 VOTE: MOTION FAILED, 3-2. VOTING NO SEN YIH AND SEN OTTO. (EXCUSED SEN BRADBURY, AND SEN SPRINGER.)

Meeting adjourned at 4:35

Submitted By:

Reviewed By:

Jayne Hamilton  
Assistant

Joan Green  
Assistant

EXHIBIT LOG

A - Written testimony, LL Sawyer-staff, 1 page B - Map, Fadely-staff, 1  
page C - Written testimony, Sen Grensky, 2 pages D - Proposed  
amendments, staff, 1 page E - Written testimony, Steve Lanning, 2 pages  
F - Fiscal impact statement, staff, 1 page