

Senate Redistricting June 13, 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

June 13, 1991Hearing Room "B" 4:00 p.m. Tapes 56

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

MEMBERS EXCUSED:Sen. John Brenneman

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Julie Muñiz, Committee Assistant

MEASURES CONSIDERED: HJR 19 - Proposing amendment to Oregon State Constitution relating to limiting terms of State Senators and Representatives; WS HB 2728 - Relating to election offenses; PH/WS

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TAPE 56, SIDE A

004 CHAIR OTTO: Called the meeting to order at 4:10 p.m.

(TAPE 56, SIDE A)

PUBLIC HEARING/WORK SESSION

HB 2728 - RELATING TO ELECTION OFFENSES

Witnesses:Bob Shoemaker, Oregon State Senator, District 3

010 BOB SHOEMAKER, OREGON STATE SENATOR, DISTRICT 3: Urges Committee to amend HB 2728 with the -A4 amendments, Exhibit A, which remove HB 2728 and expands it with SB 1052. We don't need more testimony on this bill, I think you're all familiar with it. Let's just amend HB 2728 and send it on its way.

022 OTTO: Why don't you summarize what this bill does.

023 SHOEMAKER: SB 1052 is a truth in advertising bill. If someone lies in campaign material, a statement will be made in the voters' pamphlet stating this candidate has violated this act. If this occurs 90 days before an election, the Secretary of State would not investigate until after the election has concluded.

034 OTTO: You say one or two elections, the primary and ...

034 SHOEMAKER: Primary in general. That isn't as specific as it could be.

036 OTTO: If a person is successful making it through the primary, the same thing would be true of the general, right?

038 SHOEMAKER: I believe so. Reads §4, pg. 2 of -A4 amendments, Exhibit A. It would be in both voters' pamphlets if the candidate was in both elections.

054 YIH: If we send this bill over for concurrence and they don't concur...?

057 SHOEMAKER: It would go to Conference Committee where it might die.

I hope there would be some floor debate over concurrence or non-concurrence.

062 YIH: So at least it would have a chance?

062 SHOEMAKER: It would have a chance and people could voice their opinions on whether they think this is a good law or not.

064 YIH: You mean you don't have a hearing right now?

064 SHOEMAKER: There would not be any committee hearing on the House side other than a Conference Committee, if it went there.

WORK SESSION

069 MOTION: SEN. DUFF MOVED -A4 AMENDMENTS TO HB 2728, DATED 6/12/91, EXHIBIT A.

076 OVOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BRENNEMAN, SEN. SPRINGER).

078 MOTION: SEN. DUFF MOVED HB 2728 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

086 VOTE: MOTION CARRIED, 4-1. VOTING NO: SEN. BRADBURY. (EXCUSED: SEN. BRENNEMAN, SEN. SPRINGER). SEN. SHOEMAKER WILL LEAD THE FLOOR DISCUSSION.

(TAPE 56, SIDE A)

WORK SESSION

HJR 19 - PROPOSING AMENDMENT TO OREGON STATE CONSTITUTION RELATING TO LIMITING TERMS OF STATE SENATORS AND REPRESENTATIVES

Witnesses:Randy Miller, Oregon State Representative, District 24.

092 RYDER: Rep. Randy Miller is under a call of the House at the moment. He will be here as soon as possible. Distributes -A5 amendments, Exhibit B.

105 BRADBURY: Discusses -A5 amendments, Exhibit B. This makes a simple change in the Constitution by getting at the power of incumbency. Under this amendment, an incumbent can't stay more than 12 years in an office. It goes a long way in addressing this concern of term limits.

119 BUNN: I agree. I could compare it to serving 8 years as Secretary of State and counting that against the limit of Governor. They're different offices. I don't think combining those two makes any sense.

128 DUFF: What if I were appointed and served an incomplete term, would it be counted in those 12 years?

131 BRADBURY: It's my understanding that it wouldn't.

135 RYDER: There is specific language in the Constitution already that says your term begins as of election. Legislative Counsel sent a memorandum clarifying that if a Senator completes a term in one specific area and then moves to another area, then that would be considered a second office.

148 BUNN: I thought it said the opposite. If you were redistricted out, it would have no impact. As long as you serve as a Representative, regardless of what area, you're still serving in that office.

154 RYDER: He's not referring to redistricting. That's covered somewhere else in the Constitution. You're correct. If you served 12 years and moved to another legislative district...

156 BRADBURY: ...where you would not be an incumbent ...

157 RYDER: ... and then elected to that district, then you would again be a Senator for a different Senatorial office.

160 BUNN: A measure has been passed that says if you move to another

district you may use the term "re-elect." Are you saying those terms would not count as one continuous term for this?

167 RYDER: Yes, according to Legislative Counsel, regardless of the use of the term "re-elect."

176 BUNN: I disagree with the interpretation of it. It's important to recognize if the intent is to break incumbency, then we've done that. But I believe that Sen. Duff and I hold the same legislative office, so if I moved to serve in his seat, it should count in that 12 years. There's not a discrepancy over the incumbency question because we break that.

186 RYDER: Legislative Counsel is only saying there's some room for interpretation, not that it's definite one way or the other.

189 BUNN: We should establish for the record that we're talking about any one office being a state legislator and district numbers have no impact on that. We need to get an agreement.

194 OTTO: I would agree. For example, we're going through redistricting right now and don't know what number our districts will become. It may be the same area but the number changed.

201 DUFF: I agree with what Sen. Bunn has described as the intent.

207 RYDER: On the Staff Measure Summary I'll clarify that it's regardless of redistricting or moving.

208 YIH: I don't see a difference between a member of the Legislative Assembly and any one office in the Assembly. What's the difference?

211 BUNN: The difference is if someone served 10 years in the House, they could not run for the Senate unless they waited. The House lumped Representative and Senator together; the amendments say these are two separate offices.

226 YIH: You're not just a member of the Assembly, you're serving in a different office.

230 BUNN: I would respect Representative Miller's opinion. I think we know for the record that he didn't support these amendments. I don't mind acting with that knowledge.

#### WORK SESSION

235 MOTION: SEN. BUNN MOVED THE -A5 AMENDMENTS TO HJR 19, DATED 6/11/91, EXHIBIT B.

239 BRADBURY: I think there's some value of placing intent on the record. I want to make sure we have stated it clearly.

250 RYDER: It is the intent of the Committee that a legislative office, regardless of redistricting or a move, would be one consecutive period of time.

253 BRADBURY: Where you are the incumbent?

254 RYDER: Not necessarily the incumbent because if you were to move you wouldn't necessarily be the incumbent -- oh, yes, you would.

258 BRADBURY: Explain to me...

259 BUNN: What we're not allowing is for someone to serve for 12 years in House district 1 and then move to House district 2 and serve another 12 years, etc.

#### PUBLIC HEARING

271 RANDY MILLER, OREGON STATE REPRESENTATIVE, DISTRICT 24: Discusses HJR 19. The amendment you drafted would remove limits from the bill. I don't think the public would buy this. I understand the disagreement. The public should decide how long we should be here. The Committee needs to consider that there will be a competing measure on the ballot. When you put a limit as this other measure is doing, versus something

that allows people to move around without really having to ever sit out, I don't think the public will accept the amendments you proposed. Even the version we passed in the House will take a lot of persuasion.

WORK SESSION

330 VOTE: MOTION CARRIED, 4-1. VOTING NO: SEN. OTTO. (EXCUSED: SEN. BRENNEMAN, SEN. SPRINGER).

340 MOTION: SEN. BUNN MOVED TO SEND HJR 19 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

340 YIH: I'm not going to support this because I believe it should be left to the people to decide how long a person should remain in office.

350 BUNN: I support this because incumbency has created an unfair advantage in Oregon politics. We need to break incumbency cycles.

375 VOTE: MOTION FAILED, 3-2. VOTING NO: SEN. DUFF, SEN. YIH. (EXCUSED: SEN. BRENNEMAN, SEN. SPRINGER).

Recessed at 4:25 p.m.

Reconvened at 4:30 p.m.

395 MOTION: SEN. BUNN MOVED HJR 19 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

398 VOTE: MOTION CARRIED, 4-3. VOTING NO: SEN. DUFF, SEN. OTTO, SEN. YIH.

Meeting adjourned at 4:35 p.m.

Submitted By:

Reviewed By:

Julie Muñiz  
Assistant

Joan Green  
Assistant

EXHIBIT LOG

A - HB 2728-A4 amendments, Bob Shoemaker , 5 pgs. B - HJR 19-A5 amendments, Staff, 1 pg.