

# COMMITTEE ON HOUSE RULES, REDISTRICTING, AND PUBLIC AFFAIRS

January 12, 2001  
1:30 PM

Hearing Room HR D  
Tape 1 - 2

**MEMBERS PRESENT:**     **Rep. Carl Wilson, Chair**  
                              **Rep. Richard Devlin, Vice-Chair**  
                              **Rep. Dan Doyle, Vice-Chair**  
                              **Rep. Dan Gardner**  
                              **Rep. Bill Garrard**  
                              **Rep. Steve March**  
                              **Rep. Bruce Starr**  
                              **Rep. Joanne Verger**  
                              **Rep. Cheryl Walker**

**MEMBER EXCUSED:**

**STAFF PRESENT:**       **Cara Filsinger, Committee Administrator**  
                              **Jennifer Goodman, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **Adoption of Committee Rules**  
  **House Rules and Campaign Contributions.**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 1, A</b>		
003	Chair Wilson	Calls meeting to order at 1:39 PM; Introduction of members.
010	Rep. Garrard	Introduction
015	Rep. March	Introduction
018	Rep. Starr	Introduction
020	Rep. Devlin	Introduction
022	Chair Wilson	Introduction
023	Rep. Doyle	Introduction
024	Rep. Walker	Introduction
026	Rep. Verger	Introduction
<b><u>ADOPTION OF COMMITTEE RULES</u></b>		
Proposed rules submitted by staff ( <b>EXHIBIT A</b> )		
<b>028</b>	<b>Rep. Wilson</b>	<b>MOTION: Moves to ADOPT the proposed Committee Rules dated 01/12/01.</b>
<b>028</b>		<b>VOTE: 8-0</b> <b>EXCUSED: 1 - Rep. Gardner</b>
	<b>Chair Wilson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
036	Wilson	Begin Informational meeting; introduces Phil Schradle, Special Counsel to Attorney General.
044	Schradle	Special Counsel to the Attorney General submits and reviews written material regarding free speech ( <b>EXHIBIT B</b> )

089	Schradle	<ul style="list-style-type: none"> <li>• Contribution itself is the giver's act of expression.</li> </ul>
112	Schradle	<ul style="list-style-type: none"> <li>• <i>Vannatta</i> did make limitations including disclosure.</li> </ul>
125		<ul style="list-style-type: none"> <li>• Conclusion – Secretary Of State's opinion is that ORS 260.174 is unconstitutional</li> </ul>
155	Schradle	<ul style="list-style-type: none"> <li>• Reiterates that 260.174 based on <i>Vannatta</i> is unconstitutional</li> </ul>
158	Rep. Garrard	Asks if disallowment of contributions is a violation of Article 1 Section 8.
163	Schradle	Responds that the giver of a contribution has the right to give and that not allowing this opportunity of giving would be a violation according to <i>Vannatta</i> .
183	Rep. Garrard	Asks if the member is prohibited from accepting the contribution would that be a violation of the contributor's free speech.
186	Rep. March	Asks if the contributor offers and the receiver declines is this a violation of the givers free speech.
196	Schradle	Responds that no this was not the import of his point. If contributor is barred from making the offer of contribution this is problematic. Acceptance of this contribution is outside <i>Vannatta</i> and he is therefore unable to come to a conclusion.
208	Rep. March	Asks can members agree not to listen, not accept contributions.
213	Schradle	Continues reviewing <i>Vannatta</i> .  Cannot prohibit givers right to give a contribution under <i>Vannatta</i> .
239	Rep. Devlin	Asks if House refuses to accept as a whole contributions, and 1 member in fact did, would that person be held accountable.
250	Schradle	House can impose sanctions; however this is outside of <i>Vannatta</i> .
268	Rep. Devlin	Asks if Measure 9 is still in effect
277	Schradle	Responds that the answer is yes.
296	Rep. Devlin	Asks about impugning a member on the floor.
304	Schradle	Responds that there are already rules dealing with impugning a member. Discussion continues regarding rules and impugment of members as related to <i>Vannatta</i> .
337	Rep. Devlin	Asks what the weight of the Attorney General's opinion is regarding the Legislature.
347	Schradle	Discusses Attorney General's power.
369	Chair Wilson	Thanks and dismisses Phil Schradle.
373	Chair Wilson	Introduces Greg Chaimov.
377	Chaimov	Legislative Council supports the Attorney General's office in what was stated by Phil Schradle.
401	Chair Wilson	Asks if these strictures were used to control campaign contributions from challenger from outside the legislature?
417	Chaimov	Responds that no, an outsider would not be required to disclose any information regarding campaign contributions.
430	Chair Wilson	Notes that the playing field would then be uneven for the members who did abide by the rules of disclosure.
437	Chaimov	Agrees, that yes the playing field would be uneven.
452	Rep. Gardner	Asks whether it would be mandatory to report to the Secretary of State's Office the name, amount, etc. of the contributor if disclosure on the floor is made.
462	Chaimov	No.
465	Rep. Gardner	Asks if a rule could be put into effect that says the legislature does not condone accepting campaign contributions during session and because of this there is a request to disclose on the

479 Chaimov floor.  
 Responds that a policy of this kind is not a legal question but a parliamentary one.

489 Rep. Verger Asks how many years and how many legislators have abided by these rules of no campaign contribution acceptance during session.

501 Ted Reutlinger Legislative Counsel's office responds that a 1974 statute stated that contribution acceptance was banned only from lobbyists, and from 1987-1993 it was amended to anyone wanting to make a contribution.

**TAPE 2, A**

026 Rep. March Asks if reduction of free speech thus far has not been challenged in court.

030 Chaimov Responds that a gubernatorial candidate did challenge a portion of the law and it was struck down.

033 Chair Wilson Asks if any other states have a 24-hour reporting of contribution acceptance.

036 Chaimov Responds that he is not aware of any.

038 Rep. Walker Asks Mr. Chaimov if he is aware of other states confronting this same issue.

043 Chaimov Responds that a number of states have limits but are able to enforce because their state's free speech provisions are not interpreted as liberally by their Supreme Court as Oregon's court does.

050 Chair Wilson Asks if there is legal recourse for a member if a name is mentioned on the floor and it leads to embarrassment or defamation of character.

060 Chaimov Responds that there is not.

074 Rep. Starr Asks about the history of House rules and whether there was any abuse of campaign contributions.

085 Ramona Kenady Chief Clerk of the House responds that there were concerns with the members and the lobby.

106 Chair Wilson Asks for an explanation of the journal.

110 Kenady Explains that the journal is a requirement of the Oregon Constitution and documents the proceedings of the House.

142 Chair Wilson Asks how open the journal is to the public.

143 Kenady Responds that the public may request a copy daily.

147 Rep. Gardner Asks how many people look at the journal daily.

149 Kenady Responds that not many people do, but it is available.

154 Rep. Gardner Asks if the journal is read on floor.

156 Kenady Responds that it is not.

160 Chair Wilson Asks if there is anything that would prohibit the speaker from making reference from the dais about campaign contribution that would be in the journal.

172 Ramona Kenady Responds that there is not.

174 Chair Wilson Recesses the committee at 2:37 PM.

179 Chair Wilson Calls the committee back to order at 2:52 PM.

**OPENS WORK SESSION FOR HOUSE RULES AND CAMPAIGN CONTRIBUTIONS;  
 INTRODUCTION OF EXHIBIT C**

182 Chair Wilson Explains that the committee is here to adopt changes to House rules. Notes that there should be some hand engrossing in subsection 2 of rule 19.50.

205	Kenady	Explains the change in subsection 2.
225	<b>REP. DEVLIN:</b>	<b>MOTION: Moves be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
225		<b>VOTE: 9-0</b>
	<b>Chair Wilson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
244	Chair Wilson	Announces that the committee will discuss the minority report issue at another time.
248	Chair Wilson	Adjourn the committee at 3:05 PM.

Submitted By,

Reviewed By,

Jennifer Goodman,  
Committee Assistant

Cara Filsinger,  
Committee Administrator

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**EXHIBIT SUMMARY**

**A – Proposed committee rules, staff 2 pp.**

**B – House rules and campaign contributions, written material, Phil Schradle, 26 pp.**

**C – House rules and campaign contributions, written material, staff 2 pp.**