

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

July 12, 1999 Hearing Room D

2:00 P.M. Tapes 148 - 149

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

STAFF PRESENT: Cletus B. Moore, Jr., Administrator

Judith Callens, Policy Analyst

Keith Putman, Policy Analyst

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: SB 1304A Work Session

SB 722A Work Session

HB 2648A Work Session

SB 1181A Work Session

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.

TAPE/#	Speaker	Comments
TAPE 148, A		

004	Chair Simmons	Opens the meeting at 4:30 p.m. Opens the work session on SB 1304A.
<u>SB 1304A WORK SESSION</u>		
006	Rep. Mannix	Introduces the ñA7 amendments. States that the average distance traveled by jurors is 21 miles. Recommends that the limit should be 20 miles total and be included on page 3 of the amendments (EXHIBIT A).
019	Rep. Mannix	MOTION: Moves to ADOPT SB 1304-A7 amendments dated 07/12/99.
022	Chair Simmons	Asks about the effective date of the amendments.
023	Rep. Mannix	Replies that the effective date is July 1, 2000.
024	Rep. Gardner	Asks about the fiscal impact of the amendments.
025	Rep. Mannix	Replies that there is an approximate 20-25% reduction from the previous fiscal impact due to the mileage limit and incentives to move to the one juror-one trial format. Adds that there is a maximum \$50 per-day cap.
045	Kingsley Click	State Court Administrator. Indicates that the rough fiscal for 2001-2003 will be about \$5 million.
055	Chair Simmons	Asks if the fiscal is reduced from the previous figure of \$8.5 million.
057	Click	Replies yes.
059	Rep. Edwards	Suggests the insertion of "20" on line 19 of the ñA7 amendments.
062	Rep. Devlin	Asks if the 20-mile average represented a round trip amount. Asks if including "20" for the one way amount would make the actual distance double the average round trip.
066	Rep. Mannix	Replies yes. States that the distance would need to be "10" rather than "20."
071	Rep. Edwards	MOTION: Moves to AMEND SB 1304 -A7 AMENDMENTS on page 3, in line 19, insert "10".
		VOTE: 6-0 EXCUSED: 1 - Beyer

	Chair Simmons	Hearing no objection, declares the motion CARRIED.
075	Click	Clarifies that the fiscal impact stated earlier contemplated 20 miles one way, or 40 miles round trip.
080	Rep. Devlin	Asks if the majority of the fiscal impact will be incurred for those serving more than two days and being paid \$50 a day.
084	Click	Replies yes.
096	Rep. Starr	Supports the 10 mile one way cap.
098	Rep. Gardner	States that he would be comfortable with a higher limit.
105	Rep. Edwards	Acknowledges that the controversy occurs concerning the lower end of the limit.
110	Rep. Devlin	Emphasizes that the difference between fiscal impacts will not be very large. Adds that the focus of the bill is on righting a wrong that has existed for 30 years.
126	Chair Simmons	Asks if the amendment includes the language about nursing mothers.
127	Rep. Mannix	Replies yes.
132	Rep. Starr	MOTION: Moves to ADOPT SB 1304-A7 amendments dated 07/12/99 AS CONCEPTUALLY AMENDED.
		VOTE: 7-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
137	Rep. Starr	MOTION: Moves SB 1304A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0

	Chair Simmons	<p>Hearing no objection, declares the motion CARRIED.</p> <p>REP. STARR will lead discussion on the floor.</p>
148	Chair Simmons	Closes the work session on SB 1304A. Opens the work session on SB 722A
<u>SB 722A WORK SESSION</u>		
151	Rep. Beyer	<p>MOTION: Moves to RECONSIDER the vote by which "MOTION: Moves SB 722A to the floor with a DO PASS AS AMENDED recommendation."</p>
162		<p>VOTE: 4-3</p> <p>AYE: 4 - Beyer, Mannix, Starr, Simmons</p> <p>NAY: 3 - Devlin, Edwards, Gardner</p>
	Chair Simmons	The motion CARRIES.
166	Chair Simmons	Closes the work session on SB 722A. Opens the work session on HB 2648A.
<u>HB 2648A WORK SESSION</u>		
173	Cletus Moore	Committee Administrator. Introduces the ñA9 amendments. Explains the ñA10 amendments, which limit the number of persons authorized by the Governor to register as lobbyists for public agencies to 125 and allows two additional persons to lobby for boards or commissions (EXHIBIT B).
196	Chair Simmons	Notes that a number of conceptual amendments have been discussed.
199	Chris Dearth	Legislative Director, Governorís Office. Discusses a number of conceptual amendments to the ñA10 amendments. Suggests an addition on page 1 of the amendments: "Except as provided in subsection 4 and 5 and Section 3 of this 1999 Act a state agency employee may not register to lobby" Cites line 4 of the ñA10 amendments and suggests a substitution from "serve" to "register." Cites line 18 and suggests replacing "act" with "register."

253	Chair Simmons	Asks if there is also an amendment on page 2, line 11 of the A-engrossed bill.
254	Dearth	Replies yes. Suggests adding the Governor's legal counsel to the list of excepted individuals. Discusses including a clearer definition of board or commission to clarify the difference between state agencies and boards or commissions.
278	Chair Simmons	Asks about the current definition of board or commission in the bill.
280	Dearth	Replies that his intent is to craft a definition including agencies that are accountable to the board or commission and to clarify which agencies are classified under the 125 cap or which agencies are subject to the two person limitation. Notes possible problems with agencies with large budgets and complex issues, especially higher education and the Public Utilities Commission. Requests the option to work with counsel to bring these agencies to within the Governor's limitation of 125.
338	Chair Simmons	Asks if they can adopt the amendments conceptually.
342	Dearth	States that he is more comfortable to work with counsel.
348	Rep. Edwards	Asks the Chair if he still intends to include Section 4, the referral to the voters.
350	Chair Simmons	States that it could be removed conceptually. Recesses the work session on HB 2648A. Opens the work session on SB 1181A.
<u>SB 1181A WORK SESSION</u>		
370	Rep. Starr	Supports the ñA10 amendments (EXHIBIT C).
373	Rep. Beyer	Explains that the ñA10 amendments would require schools to explain why their collective bargaining offer exceeds a certain amount.
409	Chair Simmons	Asks for a detailed explanation of the ñA10 amendments.
417	Keith Putman	Policy Analyst. Describes the ñA10 amendments: <ul style="list-style-type: none"> Neither the allowable growth factor nor total combined compensation is contained in the ñA10 amendments; these concepts are replaced by a revenue estimate using methods agreed to by the Department of Administrative Services, Legislative Fiscal and Legislative Revenue.
TAPE 149, A		
016	Putman	<ul style="list-style-type: none"> Section 4 of the original bill describes the allowable growth factor and its

		<p>use in contract offers. The ñA10 amendments use the revenue forecast and require a report only if the districtsí total budget exceeds the revenue forecast.</p> <p>Summarizes that, in the new bill, the allowable growth factor is replaced with an estimate of revenue that, if exceeded, mandates a report. Adds that the definition of administrators includes the superintendent.</p>
040	Rep. Starr	Asks about the change to status quo.
044	Putman	Cites page 4 of the ñA10 amendments. Comments on the amendmentsí treatment of status quo and compensation after a collective bargaining agreement has expired.
050	Rep. Starr	Discusses the statutory definition of status quo and the continuation of step increases during the negotiating process. Reports that status quo, as defined in the amendments, would retain its colloquial meaning.
066	Rep. Gardner	Disagrees with Rep. Starr. Stresses that people could be kept in the status quo (under the amendmentsí definition) for a long time and thus receive no increases.
074	Rep. Devlin	States that the issue being discussed is ripe for a veto. Introduces and explains the ñA7 amendments, which exclude the portion about status quo. Adds that it represents a version that the Governor may be willing to support (EXHIBIT D).
091	Rep. Starr	Emphasizes that the status quo revision was in SB 1180 originally. Adds that the ñA10 amendments go a long way to holding school boards accountable concerning the money they spend.
116	John Marshall	Oregon School Boards Association. Indicates that the ñA10 amendments depart drastically from the A-engrossed version of the bill. Adds that they would at least give some guidelines to school districts. Notes the plethora of current approaches to school funding. Discusses status quo, step increases and the effect of these increases on the collective bargaining environment.
172	Marshall	Notes that the status quo requirement is not statutory, but originated in a ruling by the Employment Relations Board. Prefers the A-engrossed bill, but also supports the ñA10 amendments.
187	Rep. Mannix	Asks if any time limits are imposed on the length of a collective bargaining agreement.
190	Marshall	Replies no.
191	Rep. Mannix	Asks if such time limits should be imposed.
199	Marshall	Expresses uncertainty, but agrees with Rep. Mannixís general concern.

205	Rep. Mannix	Notes that the ñA10 amendments move away from the formula cap. Adds that shorter collective bargaining periods increase the possibility of legislative oversight.
223	Chair Simmons	States that the ñA10 amendments represent a good compromise.
233	Tricia Smith	Oregon School Employees Association. Opposes the ñA10 amendments, particularly the status quo elimination. Discusses step increases and the goal of retaining employees. Stresses that status quo bargaining does not increase the likelihood that contracts will be negotiated quickly by reducing the incentive to settle.
284	Tricia Bosak	Oregon Education Association (OEA). Opposes the ñA10 amendments, especially the status quo. Notes that the bill targets collective bargaining as a problem. Lists other concerns about the revenue estimate procedure, employee retention and reporting requirements.
322	Mark Toledo	General Counsel, OEA. Explains that the current statute allows public employers to exclude step increases and insurance premium from the status quo benefits after the collective bargaining agreement expires. Notes that the status quo issue was brought up during the 1995 session in SB 750.
354	Rep. Starr	Asks if the OEA supported SB 750.
355	Toledo	Replies no. Discusses the collective bargaining time line and employers discretionary power to include or exclude STEP increases after the agreement expires. Notes that the status quo is a collective bargaining, not an economic, issue.
386	Rep. Starr	Asks if the status quo does not necessarily lengthen or shorten the collective bargaining process. Asks about the employees motivation to negotiate.
TAPE 148, B		
003	Toledo	Replies that they have a huge impetus to stay at the bargaining table even if they continue to receive STEP increases and insurance.
011	Rep. Devlin	MOTION: Moves to ADOPT SB 1181-A7 amendments dated 07/08/99.
		VOTE: 3-4 AYE: 3 - Devlin, Edwards, Gardner NAY: 4 - Beyer, Mannix, Starr, Simmons

	Chair Simmons	The motion FAILS.
020	Rep. Beyer	MOTION: Moves to ADOPT SB 1181-A6 amendments dated 06/21/99.
024	Rep. Beyer	Explains the ñA6 amendments, which includes superintendents in the definition of administrator.
031		VOTE: 7-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
032	Rep. Beyer	MOTION: Moves SB 1181A to the floor with a DO PASS AS AMENDED recommendation.
037	Rep. Mannix	Indicates that he will provide a courtesy vote to the Chair.
039	Rep. Edwards	States that the bill is flawed and indicates the complexity of the issue. Opposes the bill. States that he will offer a minority report.
048	Rep. Devlin	Indicates that the ñA7 amendments were intended to produce a bill that the Governor will sign. Opposes the current version of the bill.
054	Rep. Starr	Expresses concerns about the bill and looks forward to working on it further.
060		VOTE: 4-3 AYE: 4 - Beyer, Mannix, Starr, Simmons NAY: 3 - Devlin, Edwards, Gardner
	Chair Simmons	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.

064	Rep. Devlin	Serves notice of possible minority report.
066	Rep. Edwards	Serves notice of possible minority report.
069	Chair Simmons	Closes the work session on SB 1181A. Reopens the work session on SB 1181A.
070	Rep. Starr	Serves notice of possible reconsideration of SB 1181A.
072	Chair Simmons	Closes the work session on SB 1181A. Opens the work session on HB 2648.
<u>HB 2648 WORK SESSION</u>		
074	Rep. Mannix	MOTION: Moves to ADOPT HB 2648-A12 amendments dated 07/12/99.
076	Rep. Mannix	Discusses the A12 amendments, which represent an agreement with the Governor's office. Suggests maintaining the exemption for the Attorney General's office if they are required to offer legal advice on issues.
086	Dave Heynderickx	Deputy Legislative Counsel. Notes that the original bill had a list of exempt activities and included a prohibition on lobbying, using a broad definition. Adds that the amendments do not prohibit lobbying, but limit the number of people who may register as lobbyists; this change made the Attorney General exemption obsolete.
116	Rep. Mannix	MOTION: Moves to SUSPEND the rules for the purpose of making a conceptual amendment concerning the Attorney General exemption.
123	Rep. Mannix	Explains the methodology behind exempting persons from the Attorney General's office, allowing them to provide advice as long as they are within the course and scope of their employment. Notes the benefits from being able to access the legal knowledge of the Attorney General's office.
139	Rep. Edwards	Agrees with Rep. Mannix.
149	Rep. Mannix	Notes that the exemption was included in the A-engrossed bill.
157	Chair Simmons	Mentions the exemption for commodity commissions included in the A-engrossed version of the bill.
165	Heynderickx	Agrees with Chair Simmons. Adds that commissioners are also exempt because they are not paid. Comments that the bill as structured allows the Governor to assign additional lobbyists (besides the two already mentioned) provided that

		they fit under the 125-person cap.
208	Chair Simmons	Asks how the new language would affect Oregon Department of Fish and Wildlife (ODFW).
210	Heynderickx	Replies that the commission associated with ODFW would have two lobbyists for the commission itself, one or both of which may come from ODFW.
220	Chair Simmons	Asks about the ODFW itself.
222	Heynderickx	Replies that ODFW is under the 125 rule.
232	Cletus Moore	Asks if the commission can have more than two lobbyists provided that the additional lobbyists are part of the Governor's 125-person group.
236	Heynderickx	Replies yes. Indicates that the alternative will be to put an absolute number on the lobbyists from an agency.
245	Chair Simmons	Asks about the differences between the ñA11 and ñA12 amendments (EXHIBITS E & F) .
251	Heynderickx	Replies that the A-engrossed version of the bill gave the Governor an unlimited number of lobbyists provided that they were employed within the office of the Governor. Explains that nothing in the bill allowed exempted agencies to utilize employees to lobby, a problem that is addressed in the ñA12 amendments.
299		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
301	Rep. Mannix	MOTION: Moves to AMEND HB 2648A to allow an Assistant Attorney General to provide legal advice to any employee, member or committee of the Legislative Assembly as long as the Assistant does not advocate the passage or defeat of any legislative measure.
312	Rep. Edwards	States that the conceptual amendment reiterates lines 4-6 of the A-engrossed bill.
315	Rep. Mannix	Replies that he is being more careful by stating that these activities do not

		constitute lobbying at all.
358		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
360	Chair Simmons	Asks about the effects on the university system.
364	Heynderickx	Replies that higher education will receive two persons for the Board of Higher Education and as many others as the Governor may allocate.
370	Chair Simmons	Asks if each university, rather than having a president and others lobby for them individually, will be required to ask the Governor for one or more of the 125 slots.
376	Heynderickx	Replies yes.
378	Chair Simmons	Asks about the status of Oregon Health Sciences University (OHSU).
379	Heynderickx	Replies that OHSU, due to their unique identity as a private entity unless specifically mandated by the Legislature, would be exempt from the statute.
392	Gerald Bieberle	Oregon Fryer Commission. Supports the ñA12 amendments.
400	Heynderickx	Stresses that ñA12 amendments no longer prohibit lobbying outright, but impose caps on the number of lobbyists.
415	Bieberle	Replies that lobbyists like himself fall under Section 2.
423	Chair Simmons	Asks if the commodity commission could continue to appoint Bierberle as their lobbyist.
424	Heynderickx	Replies yes.
TAPE 149, B		
003	Bierbele	Adds that the Governor can reject a particular lobbyist.

005	Heynderickx	Indicates that the Governor will be able to exert some control over the appointment of lobbyists by boards and commissions.
012	Moore	Asks where this provision is in the amendments.
013	Heynderickx	Cites page 2, line 1.
018	Chair Simmons	Asks if the licensing commissions are under similar provisions.
019	Heynderickx	Replies yes.
020	Rep. Mannix	Asks about maintaining the exemption for licensing commissions that examine applicants, which was included previously in the ñA9 amendments.
026	Jim Markee	Jim Markee & Associates. Explains how the amendment would create a disadvantage to private, multi-person lobbying companies who represent boards or commissions; given the two-person restriction, these companies would be required to choose one person (if a commission employee has occupied one of the two slots) to handle the entire account.
057	Rep. Devlin	Notes that the original intent of HB 2648A was not directed toward lobbying by licensing boards. Acknowledges the difficulties stated by Markee.
074	Rep. Mannix	Presents a conceptual amendment excluding licensing boards or commission.
081	Bierberle	Agrees with Markeeís analysis and possible problems with multiple person lobbying firms.
095	Rep. Mannix	States that another approach would be to allow boards and commissions a single contract, rather than a single person, to fill one of their two slots.
103	Markee	Notes that the Department of Administrative Services (DAS) has rules governing lobbying by private firms, which treat a firm as one person.
110	Rep. Mannix	Suggests that boards and commissions should be able to designate a single private firm as one of their lobbyists.
115	Chair Simmons	Responds that Rep. Mannixís suggestion sounds overly broad.
121	Rep. Mannix	Suggests specifically limiting the single firm allowance to state commodity commissions and licensing or certification commissions, or to those commissions not funded by the General Fund.

132	Markee	Reports that the DAS rules speak to this issue.
138	Rep. Mannix	MOTION: Moves to SUSPEND the rules for the purpose of adopting a conceptual amendment to exclude commodity commissions and licensing boards which are not funded by the General Fund.
		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
150	Rep. Mannix	MOTION: Moves to AMEND HB 2648A to exempt any state board or commission that examines applicants for a license or a certification to practice a profession or engage in a trade or calling, or any state board or commission involving commodities provided that all exempted boards or commissions are not funded by the General Fund.
174	Chair Simmons	Asks about the effect on the Senior Services Commission.
175	Rep. Mannix	Replies that it would be covered by the bill.
178	Rep. Devlin	Notes that much of the lobbying is done by non-compensated board members who would fall under another exemption.
185	Moore	Restates the conceptual amendment.
192	Heynderickx	Notes that he will use language from the A-engrossed bill concerning commodity commissions.
198		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.

203	Rep. Mannix	Suggests "15" to fill in the blank on page 1, line 21 of the ñA12 amendments.
206	Dearth	Replies that this limitation is not necessary because it is in the interest of the executive branch to maintain continuity.
219	Chair Simmons	Asks if "20" would be agreeable.
221	Dearth	Replies that he would agree with this, but expresses concern about an unforeseen disruption.
230	Rep. Mannix	MOTION: Moves to AMEND HB 2648A on page 1, in line 21, insert "20".
239	Rep. Devlin	Replies that he will have no objection to the motion, but notes that the limit may present a problem if the Governor dies in office.
255		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
257	Rep. Mannix	MOTION: Moves to AMEND HB 2648A on page 2, in lines 15-17, delete the sentence beginning "Not more than ___ replacements may. . ."
260	Rep. Mannix	Explains that a cap on the number of replacements is unnecessary.
268	Dearth	Adds that the lobbyists are independent of each other and should not be affected by the actions of another.
280		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.

285	Rep. Devlin	Notes that the referral to the voters needs to be removed.
305	Chair Simmons	Acknowledges that the relating clause includes a description of the referral after the semicolon, which would need to be deleted.
311	Heynderickx	Requests that the committee will treat the amendments as conceptual and give the administrator, Chair and counsel some flexibility to make technical changes.
320	Rep. Mannix	MOTION: Moves to SUSPEND the rules for the purpose of adopting a general conceptual amendment.
332	Rep. Mannix	Explains that he would like to authorize the Chair and Heynderickx to make any technical changes that maintain the spirit of the bill.
336		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
337	Rep. Mannix	MOTION: Moves, as a conceptual amendment, that the Chair and Vice-Chair be authorized to work with Legislative Counsel for technical clarification in the bill.
340		VOTE: 6-0 EXCUSED: 1 - Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
345	Rep. Mannix	MOTION: Moves HB 2648A to the floor with a DO PASS AS AMENDED recommendation.
350		VOTE: 6-0 EXCUSED: 1 - Starr

	Chair Simmons	Hearing no objection, declares the motion CARRIED. REP. SIMMONS will lead discussion on the floor.
353	Chair Simmons	Closes the work session on HB 2648A. Adjourns the meeting at 7:45 p.m.

Submitted By, Reviewed By,

Brad Daniels, Cletus B. Moore, Jr.,
Administrative Support Administrator

Reviewed By, Reviewed By,

Judith Callens, Keith Putman,
Policy Analyst Policy Analyst

EXHIBIT SUMMARY

A ñSB 1304A, -A7 amendments, staff, 6 pp.

B ñHB 2648, -A9 amendments, staff, 1 p.

C ñSB 1181, -A10 amendments, staff, 5 pp.

D ñSB 1181, -A7 amendments, staff, 1 p.

E ñHB 2648, -A11 amendments, staff, 3 pp.

F ñHB 2648, -A12 amendments, staff, 3 pp.