

HOUSE COMMITTEE ON RULES AND ELECTIONS

February 24, 1997 Hearing Room E

3:00 P.M. Tapes 9 - 10

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT:

Brian Griffin, Administrator

Valerie Luhr, Administrative Support

Kellie Shoemaker, Committee Clerk

MEASURE/ISSUES HEARD:

HJM 1 Public Hearing and Work Session

HB 2165 Public Hearing and Work Session

HB 2166 Public Hearing

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 9, A		
008	Chair Snodgrass	Calls the meeting to order at 3:05 p.m. Rep. Markham and Rep. Piercy are excused. Review the day's agenda. Opens the public hearing on HJM 1.
<u>HJM 1 -</u>		

<u>PUBLIC HEARING</u>		
018	Brian Griffin	Committee Administrator, reviews the provisions of the measure.
024	Lane Shetterly	State Representative, House District 34. Reviews the measure, which he inherited from former State Representative John Schoon.
039	Rep. Montgomery	Clarifies that it is Western Oregon State College, not university.
046	Chair Snodgrass	Closes the public hearing on HJM 1. Opens the work session on HJM 1.
<u>HJM 1 - WORK SESSION</u>		
051	Rep. COURTNEY:	MOTION: Moves HJM 1 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Piercy
	Chair Snodgrass	The motion CARRIES. REP. SHETTERLY will lead discussion on the floor.
		Rep. Markham arrives at 3:09 p.m. in time for roll call.
071		Rep. Shetterly says that the members of the women's basketball team will be at the floor session.
073	Chair Snodgrass	Closes the work session on HJM 1. Opens the public hearing HB 2165.
<u>HB 2165 - PUBLIC HEARING</u>		
080	Brian Griffin	Reviews the provisions of the measure. The measure was pre-session filed at the request of the Oregon Government Standard and Practices Commission.
090	Pat Hearn	Executive Director, Oregon Government Standard and Practices Commission. Submits testimony [EXHIBIT A] as explanation of the intent of HB 2165. Says the original language of the bill was broader than intended because it also would have included uncompensated lobbyists who represent associations or organizations. Says there is amendment language to take care of that.
119	Rep. Markham	Asks what it was they caught late.
120	Hearn	Says that the original bill language would have excluded from the registration requirement uncompensated lobbyists who compensate on behalf of an organization or group or agency, such as a volunteer who

		is lobbying on behalf of the AARP.
126	Chair Snodgrass	Asks Hearn if he has seen the amendment and does he have any problems with it.
127	Hearn	Says he has seen and says it is precisely what they hoped it would be.
134	Rep. Beyer	Asks if seniors who lobby on behalf of senior issues would be covered even though they were not being compensated.
138	Hearn	If they were representing AARP, they would have to register. If they were doing it out of own interest, they would not have to.
140	Rep. Beyer	What if they were representing a neighborhood association.
142	Hearn	Explains when they would have to register according to existing language in statute.
146	Rep. Beyer	Asks why not streamline and eliminate anybody who is not paid to lobby.
149	Hearn	Explains statutory purpose for the lobbying regulation and policy decisions that would need to be made.
158	Rep. Messerle	Asks if the definition of corporation includes nonprofit organizations.
161	Hearn	Say they do not have definition of corporation
162	Rep. Messerle	Says the bill does not help those who represent themselves.
168	Rep. Courtney	Asks if we are opening the door so an organization can have individuals representing them with the training and background needed to be as effective as a lobbyist without going through the channels of an official lobbyist.
178	Hearn	Says the door conceivably would be open. Comments on the laws that exist today on giving public testimony.
183	Rep. Courtney	Asks what we are accomplishing.
185	Hearn	Clarifying that those who are not receiving compensation nor representing any agency or group to register as a lobbyist.
200	Rep. Markham	Asks how many people do register.
203	Hearn	Says there about 730 total registered.
206	Rep. Markham	Says this a 10 percent reduction.
207	Hearn	Concurs.
209	Rep. Montgomery	A lobbyist is a lobbyist no matter how they are paid. Does not understand the need for the bill.
218	Hearn	That is a policy decision to be made. Comments on the current definition of a lobbyist.
233	Rep. Beyer	Comments on public employees who have to testify on bills and are registered as lobbyists. Does the definition exclude them or change the relationship.
		Rep. Piercy arrives at 3:22 p.m.
243	Hearn	No it would not.

245	Rep. Beyer	Questions and discussion on registering of public employees as lobbyists:
249	Hearn	* No one is required to be registered as a lobbyist, but do so as a precaution. * Laws enacted in 1974.
264	Rep. Beyer	Asks if the 24-hour rule pertains to state employees.
270	Hearn	Only if the 24 hours accrues in addition to legislative testimony.
280	Rep. Beyer	Ask if most register out of protection.
281	Hearn	That is his perception.
282	Rep. Beyer	Says maybe there is the need to clarify whether state employees should be registered.
286	Hearn	* That may be correct * Need for education to make them feel comfortable to not register * Policy decision
293	Rep. Markham	Comments on a bill before the Judiciary Committee proposed by Representative Fahey.
305294	Chair Snodgrass	Asks if it is correct that if they accept the proposed amendment, it will make Hearn's job easier when dealing with individuals who want to lobby.
313	Hearn	* Reduce paperwork * Staff time * Gave up a clerical position for next biennium.
325		Closes the public hearing on HB 2165. Opens the work session on HB 2165.
<u>HB 2165 - WORK SESSION</u>		
339	Rep. Montgomery	MOTION: Moves to ADOPT HB 2165--1 amendments dated 02/24/97.
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
352	Rep. Montgomery	MOTION: Moves HB 2165 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-4 AYE: 3 - Markham, Montgomery, Snodgrass NAY: 4 - Beyer, Courtney, Messerle, Piercy

	Chair Snodgrass	The motion FAILS.
379	Chair Snodgrass	Closes the work session on HB 2165. Opens the public hearing on HB 2166.
<u>HB 2166 - PUBLIC HEARING</u>		
392	Brian Griffin	Committee Administrator. Reviews the provisions of the measure.
402		Rep. Courtney leaves at 3:31 p.m.
412	Pat Hearn	Executive Director, Oregon Government Standards and Practices Commission. Reviews testimony [EXHIBIT B] in support of HB 2166.
TAPE 10, A		
001	Hearn	Continues comments in support of HB 2166.
036	Rep. Beyer	Questions and discussion on provisions of the public records law and the role and responsibilities of public employees
045	Hearn	* Confidentiality of information * Use of knowledge gained in public capacity for financial gain
083	Hearn	Continues review of HB 2166 [EXHIBIT B]
108	Rep. Markham	Asks if it was prohibited under the 1993 law.
109	Hearn	In response to Rep. Markham, says the act of representing the client before the body is prohibited. Before the law was enacted, the terms "governing body" or "public body" were not defined. Continues review of HB 2166 [EXHIBIT B] .
162	Chair Snodgrass	Asks if brother-in-laws and sister-in-laws are not part of the expanded definition of "relative."
165	Hearn	They would be under the proposal, but are not currently.
166	Chair Snodgrass	Asks if she would be potentially responsible for the relatives of her husband's family based on the new definition of "relative."
171	Hearn	You are not responsible for them; but you cannot take any action that would benefit them financially.
175	Chair Snodgrass	Questions and discussion on Section 2, lines 24 and 25, HB 2166, on disclosure of actual or potential conflicts of interest:
184	Hearn	* Section 2 is not dealing with conflicts of interest. * Answers yes to Chair Snodgrass question on disclosure of conflicts of interest. Not likely to happen in the legislature because the actions taken generally impact the entire state. Explains class exception.
205	Rep. Markham	Says that most people that declare conflicts of interest on the floor of the house or senate really are not because they do not understand the definition.

212	Hearn	Concurs with Rep. Markham's statement.
215	Rep. Messerle	Ask where does guardianship fits in, such as foster parents or legal guardianship.
220	Hearn	They are not included.
221	Chair Snodgrass	Asks Hearn for clarification of "public body."
222	Hearn	Clarifies "public body" and "governing body."
		Rep. Beyer left at 3:50
232	Hearn	Continues review of HB 2166 [EXHIBIT B].
292	Hearn	Continues review of HB 2166 [EXHIBIT B].
324	Rep. Piercy	Referring to Hearn's remarks, says that in spite of the fact you have an actual conflict of interest, that you do have some interests at stake because of the necessity of numbers you are going to be able to vote.
328	Hearn	Concurs with Rep. Piercy. Comments on amendments and testimony in 1993 dealing with such as small school districts and small city councils.
345	Rep. Piercy	Says she does not know evidence that is necessary. Says they are circumventing what they have set up.
348	Hearn	The amendment was brought in by the Oregon School Boards Association. Continues review of HB 2166 [EXHIBIT B].
395	Hearn	Continues review of HB 2166 [EXHIBIT B].
TAPE 9, B		
001	Hearn	Continues review of HB 2166 [EXHIBIT B].
015	Rep. Piercy	Asks for clarification between disclosure of conflict of interest for planning commissioners and disclosure of conflict of interest for all other public officials.
019	Hearn	Reviews provisions of the statutes pertaining to conflicts of interest.
046	Rep. Piercy	Clarifies Hearn is saying that everything that is in this piece is already included in the other piece. We are not losing anything by doing this in terms of stringency.
050	Hearn	That is correct; comments on existing planning commission issues and what they are proposing to includes.
057	Rep. Markham	Asks Hearn if he is registered as a lobbyist.
060	Hearn	Says he is not.
061	Rep. Markham	Suggests Hearn should be available to explain the bill.
069	Scott Exo	Grassroots Leadership Director, 1000 Friends of Oregon. Reviews testimony on HB 2166 and their own bill language [EXHIBIT C].
120	Exo	Continues testimony.
160	Rep. Markham	Asks Exo if he is saying Hearn's amendments do not go far enough.
162	Exo	Yes.

163	Rep. Markham	Asks if their amendments take it as far as it should go.
164	Exo	They are offered in the submitted testimony.
169	Sarah Hackett	League of Oregon Cities. Expresses concerns on the way HB 2166 is currently drafted. * Concept of incorporating "public body" and "governing body" from existing public meeting statutes; refers to page 2, lines 30-32. * Definitions of "governing body" and "public body" affects on existing provision (page 4, paragraph 6, line 41).
228	Hasina Cassim	Special District Association of Oregon. Wants to have their attorneys look at this legislation in response to Hackett's comments about page 4. Says about 75 percent of their districts have five or fewer FTE and rely on volunteers. Do not want to see volunteer committees go away.
244	Chair Snodgrass	Clarifies the bill was pre-session filed. Asks Cassim how much longer they would need to look at the bill.
249	Cassim	Says about a week.
251	Rep. Markham	Says the three entities should work together.
256	Rep. Beyer	Concurs. Expresses concern about the affects on smaller communities.
263	Hearn	Comments that existing law covers voluntary committees and advisory boards for government agencies. Say they are trying to define a provision that is already there. No jurisdiction is changed. In response to Hackett's concerns, bringing the definition in does not change anything.
288	Chair Snodgrass	Requests Hearn to further look into satisfying the smaller communities and wants to know when he is ready to deal with it. Declares the meeting adjourned at 4:20 p.m.

Submitted by, Reviewed by,

Valerie H. Luhr Rosemary Wood

Administrative Support Specialist Administrator

EXHIBIT SUMMARY

A - HB 2165, written material, Pat Hearn, 1 p.

B - HB 2166, written material, Pat Hearn, 3 pp.

C - HB 2166, written material, Scott Exo, 4 pp.