

**HOUSE COMMITTEE ON RULES AND ELECTIONS**

**May 14, 1997 Hearing Room E**

**4:00 P.M. Tapes 64, 65**

**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:**

**Rosemary Wood, Administrator**

**Valerie Luhr, Administrative Support**

**Kellie Shoemaker, Committee Clerk**

**MEASURE/ISSUES HEARD:**

**Introduction of Committee Bills**

**SB 86 Public Hearing and Work Session**

**HB 2001 Public Hearing**

**SJR 34 Public Hearing**

**SJR 13 Public Hearing**

**HB 2201 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
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<b>TAPE 64, A</b>		
005	Chair Snodgrass	Calls the meeting to order at 4:09 p.m. Announces the introduction of committee bills LC 113 and LC 4390 <b>[EXHIBIT A and EXHIBIT B]</b> .
<b><u>INTRODUCTION OF COMMITTEE BILLS</u></b>		
015	Rep. Montgomery	<b>MOTION: Moves LC 113 AND LC 4390 BE INTRODUCED as committee bills.</b>  <b>(LC 113 became HJM 10. LC 4390 became HM 2.)</b>
020		<b>VOTE: 6-0</b>  <b>EXCUSED: 1 - Beyer</b>
	Chair Snodgrass	<b>Declares the motion CARRIED.</b>
027	Chair Snodgrass	Opens a public hearing on SB 86.
<b><u>SB 86 - PUBLIC HEARING</u></b>		
029	Rosemary Wood	Committee Administrator, reviews the provisions of the bill.
039	Rep. Markham	Asks if the part in the bill which prohibits a legislator from turning into a paid lobbyist was an amendment to the bill.
041	Chair Snodgrass	Comments that it is her understanding that it was.
042	Rep. Markham	Comments that he would like to remove it. Considers it a restraint to employment.
048	Greg Leo	Confederated Tribes of the Grand Ronde Community of Oregon, submits and presents testimony <b>[EXHIBIT C]</b> in favor of the original SB 86. Introduces the SB 86-A5 amendments <b>[EXHIBIT D]</b> .
088	Rep. Montgomery	Why is this bill necessary?
093	Leo	It sets up a system whereby post-employment is regulated and is channeled into regulatory functions rather than operational or vender functions.
104	Bruce Bishop	Representing Siletz and Coquille Tribes, submits and presents testimony <b>[EXHIBIT E]</b> in support of SB 86 and urges the committee's support of the -5 amendments.
121	Chair Snodgrass	Asks if Bishop was present when the amendments relating to a legislator were put in.
126	Bishop	Responds that he was not involved in that hearing.

129	Rep. Piercy	Asks if there will be testimony as to whether there are constitutional problems.
130	Chair Snodgrass	Responds.
137	Captain Greg Willeford	Division Director, Department of State Police Gaming Enforcement Division, submits and presents testimony <b>[EXHIBIT F]</b> in support of SB 86.
180	Willeford	Continues testimony, comments that the amendment addressing legislators and lobbyists was added by the Senate Rules Committee, the Department of State Police has no position on this issue.
211	Rep. Markham	Asks what monitoring all Oregon tribal gaming operations for the purpose of ensuring Tribal-State Compact compliance entails.
215	Willeford	It is a partnership, and the details are in the compact agreement. It involves frequent monitoring of the gaming operations.
224	Rep. Markham	Asks if accounting oversight is one of them?
226	Willeford	It involves accounting a bit, we don't do an audit of their books, but we have access to records.
232	Rep. Markham	Asks if it is public information.
234	Willeford	Yes.
238	Chair Snodgrass	Asks if any of the issues involving the constitution were dealt with on the Senate side.
239	Willeford	As an agency we had the Department of Justice do a review of the proposed measure prior to it being forwarded to Legislative Counsel, but it was not discussed in hearings.
246	Rep. Piercy	Asks if these type of policies are made in other areas, prohibiting people from pursuing jobs after they have left a particular state job.
251	Willeford	There are a few in the same chapter in statute.
256	Chair Snodgrass	Asks Sen. Randy Miller to come forward to address portions of the bill. Asks him to address the portion dealing with legislators and lobbying.
260	Sen. Miller	Recalls that Sen. Leonard put the argument forward; it was not a central feature of the bill. If this committee has a different view he does not think it will jeopardize the future of the bill.
278	Rep. Montgomery	Would you consider an executive director of an association to be a lobbyist?
281	Sen. Miller	If they meet the definitions of a lobbyist.

286	Rep. Montgomery	Comments that his reason for asking is that the member who requested this would be a lobbyist at the time his career is over in the Senate.
292	Chair Snodgrass	Did you discuss term limits as they pertain to the house side and regarding this particular issue of waiting a year?
297	Sen. Miller	Comments that was not the essence of the bill, nor the product of a lot of discussion.
324	Chair Snodgrass	Comments that she sees it as an opportunity to continue a certain level of information that would not necessarily be accessible if that person was not watching a particular issue.
336	Chair Snodgrass	Closes the public hearing on SB 86.
338	Rep. Montgomery	Asks if there will be a work session on this bill, would like to deal with it right now. Comments that there is no sense in letting a very good bill die because of this issue.
353	Chair Snodgrass	Opens a work session on SB 86.
<b><u>SB 86 - WORK SESSION</u></b>		
356	Rep. Montgomery	<b>MOTION: Moves to ADOPT SB 86A-5 amendments dated 05/14/97.</b>
	Chair Snodgrass	<b>Hearing no objection, declares the motion CARRIED.</b>
370	Rep. Montgomery	<b>MOTION: Moves to AMEND SB 86A by removing on page 2, lines 38 &amp; 39 and on page 3, lines 22, 23 &amp; 24.</b>
398	Chair Snodgrass	Recognizes the bill has not been scheduled for a work session.
413	Chair Snodgrass	Opens a public hearing on HB 2001.
<b><u>HB 2001 - PUBLIC HEARING</u></b>		
420	Don Sterling	Oregon Initiative Committee, submits and presents testimony <b>[EXHIBIT G]</b> to clarify previous testimony on HB 2001.
<b>TAPE 65, A</b>		
030	Chair Snodgrass	Closes the public hearing on HB 2001; opens a public hearing on SJR 34.
<b><u>SJR 34 - PUBLIC HEARING</u></b>		
038	Rosemary Wood	Committee Administrator, reviews the provisions of SJR 34.
048	Sen. Randy Miller	State Senator, testifies in support of SJR 34.

098	Sen. Miller	Continues testimony. Comments on the length of the sessions.
115	Rep. Montgomery	Comments that this is another one of those urban/rural issues. Asks where the rural legislators are to find an apartment for two months. States that he is opposed to this bill.
123	Sen. Miller	Comments that the majority of members who favored this in the Senate represented people from all parts of the state.
132	Rep. Montgomery	We will eliminate a lot of people from rural Oregon from serving in the legislature.
143	Sen. Miller	Comments that in 1989 he authored a similar bill, which lost. But he thinks people have realized issues have become more complex, and it would be an advantage if this process were adopted.
156	Rep. Markham	Comments on the reduction of salaries.
161	Sen. Miller	Responds that the reduction is only enacted if the legislature stays beyond the limited time frames provided.
175	Rep. Montgomery	Comments that on day one of the legislature we should give each member \$100,000 cash, and everyday they are here they give back \$1,000 to the state.
187	Sen. Neil Bryant	State Senator, District 27, comments that he supports this bill despite the fact that he is from rural Oregon.
191	Rep. Montgomery	Responds that Bend is not rural Oregon.
196	Sen. Bryant	Testifies in support of SJR 34. Believes this bill will allow him to continue to practice law and be a citizen legislator.
215	Rep. Montgomery	Comments on bills which are pre-session filed to accomplish the same goals. However, nearly all of these bills are amended. Pre-session filed bills should not be amended; this defeats the purpose of pre-session filing.
227	Chair Snodgrass	Closes the public hearing on SJR 34; opens a public hearing on SJR 13.
<b><u>SJR 13 - PUBLIC HEARING</u></b>		
250	Rosemary Wood	Committee Administrator, reviews the provisions of the bill.
255	Sen. Neil Bryant	Testifies in support of SJR 13.
283	Rep. Floyd Prozanski	House District 40, comments that he is looking for a bill to use as a vehicle to amend the constitution.
290	Rep. Randall Edwards	House District 15, adds comments to Rep. Prozanski's testimony.
	Rep.	Asks if the representatives have discussed this with Senator

291	Montgomery	Bryant.
296	Rep. Prozanski	Responds that their original intention was to use HB 2001. They are merely presenting an idea.
304	Chair Snodgrass	Asks the representatives to put their idea into the record.
307	Rep. Prozanski	Comments on the number of bills which have been introduced regarding the initiative process as it pertains to constitutional amendments. Proposes raising the necessary rate of passage in order to change the constitution.
346	Rep. Edwards	Adds that the issue is a matter of treating the state's constitution differently than statutes. The ease at which we are able to amend the constitution should be of concern to everyone.
385	Chair Snodgrass	Wants to bring the testimony back to the bill before the committee, HJR 13. Encourages the representatives to speak with Senator Bryant off the record.
402	Tom O'Connor	Testifies against the idea presented by Rep. Prozanski and Rep. Edwards.
417	Rep. Montgomery	Asks the chair if the current discussion is on the proposed amendment or on SJR 13.
419	Chair Snodgrass	Responds that at this point the discussion is on SJR 13.
423	Rep. Montgomery	Comments that if that is the case, then the discussion should be on SJR 13 and disregard the proposed amendment.
428	O'Connor	Comments that the reason he is testifying is to state that the initiative process not be messed with in any way.
<b>TAPE 64, B</b>		
004	Chair	Explains the purpose of SJR 13. Asks O'Connor if he has a problem with the purpose of the bill.
006	O'Connor	Responds that he is unable to say yes or no because he is not familiar with the actual bill. Does not see a problem with the current date initiatives take effect, and does not want to see any changes made by the legislature to the initiative process.
017	Lloyd Marbet	Representing himself and the Coalition for Initiative Rights, testifies in opposition to SJR 13. Believes this bill sends the message to the people that the legislature intends to facilitate its power to alter laws adopted by initiative.
054	Rep. Markham	Comments that in his experience the legislature has to deal with initiatives to straighten them out. Is that true?
057	Marbet	Responds that there is an equal perception on the part of the public that they have to straighten out measures passed by the legislature.
		OSPIRG, testifies against SJR 13. Comments that statutory

075	Randy Tucker	material should be dealt with in a statutory fashion. Delaying the enactment of initiative passed laws sends a message encouraging people to put their measures into the constitution instead of in statutory form.
101	Chair Snodgrass	Closes the public hearing on SJR 13. Opens the work session on HB 2201.
<b>HB 2201 - WORK SESSION</b>		
112	Chair Snodgrass	Asks Colleen Sealock to address the -1 amendments <b>[EXHIBIT H]</b> .
115	Colleen Sealock	Director of Elections in Secretary of State's office, comments that parts of the original bill dealt with ballot measure 9, but parts of ballot measure 9 have since been ruled unconstitutional. The -1 amendments remove from law the statutes found to be unconstitutional in the VanNatta case. Addresses the rest of the effects of the amendments.
140	Rep. Markham	Asks for clarification on a candidate acting as his own treasurer.
142	Sealock	Responds that there has been confusion as to whether the Secretary of State was interpreting correctly if a candidate could be his own treasurer. This clarifies it.
		Asks if the chair would like her to go through the amendments section by section.
149	Chair Snodgrass	Responds that since she did that at the previous hearing, it should not be necessary. States that her intention is to pass the bill out today.
153	Rep. Markham	Asks what the difference is between this bill and HB 2202.
157	Sealock	Explains that HB 2202 was their omnibus bill. However, it does not deal with contribution and expenditure requirements.
164	Chair Snodgrass	Explains to Rep. Markham issues in HB 2202.
171	<b>Rep. Montgomery</b>	<b>MOTION: Moves to ADOPT HB 2201-1 amendments dated 03/05/97.</b>
184		<b>VOTE: 4-0</b> <b>EXCUSED: 3 - Beyer, Courtney, Piercy</b>
	<b>Chair Snodgrass</b>	<b>Declares the motion CARRIED.</b>
187	Chair Snodgrass	Comments that before the committee moves on, she would like some clarification on the original bill. Comments that the issues she would like to have addressed may be dealt with on the Senate side.

200	Sealock	Responds that she would be happy to address those issues.
210	<b>Rep. Montgomery</b>	<b>MOTION: Moves HB 2201 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 3 - Beyer, Courtney, Piercy</b>
	<b>Chair Snodgrass</b>	<b>The motion CARRIES.</b> <b>PIERCY will lead discussion on the floor.</b>
230	Chair Snodgrass	Declares the meeting adjourned at 5:23 p.m.

Submitted by, Reviewed by,

Valerie H. Luhr Janet Adkins

Administrative Support Specialist Policy Analyst

Transcribed by,

Kellie Shoemaker

Committee Clerk

**EXHIBIT SUMMARY**

**A - LC 113, staff, 2 pp.**

**B - LC 4390, staff, 1 p.**

**C - SB 86, written testimony, Greg Leo, 3 pp.**

**D - SB 86, proposed amendments, Greg Leo, 1 p.**

**E - SB 86, written testimony, Bruce Bishop, 1 p.**

**F - SB 86, written testimony, Greg Willeford, 2 pp.**

**G - HB 2201, written testimony, Don Sterling, 1 p.**

**H - HB 2201, proposed amendments, Colleen Sealock, 5 pp.**