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SENATE COMMITTEE ON RULES AND ELECTIONS

March 26, 1997 Hearing Room A

1:00 PM Tapes 27-29

MEMBERS PRESENT:

Sen. Randy Miller, Chair

Sen. Gene Derfler, Vice-Chair

Sen. Neil Bryant

Sen. Randy Leonard

Sen. Cliff Trow

MEMBER EXCUSED:

STAFF PRESENT:

Jan Nordlund, Administrator

Jennifer Peck, Administrative Support

MEASURE/ISSUES HEARD:

Joint Meeting with House Committee on Rules and Elections

Introduction of Committee Bills

SB 485 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 27, A		
002	Chair Miller	Opens meeting at 1:14 p.m. and opens work session for introduction of measures for approval.
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
011	Jan Nordlund	Committee Administrator. Explains the draft request.
018	Chair Miller	MOTION: Moves that draft and introduction request from Senator Kintigh be approved.
	Chair Miller	Hearing no objection, declares the motion CARRIED.
017	Chair Miller	Opens joint meeting for public hearing on SB 485.
<u>SB 485 PUBLIC HEARING</u>		
026		Staff presents public written testimony submitted prior to the meeting (EXHIBIT A).
027	Rep. Markham	Asks who brought forward SB 485.
029	Chair Miller	States it was the Senate Committee on Rules and Elections.
029	John Caldwell	Clackamas County. Presents (EXHIBIT B) in support of SB 485. States SB 485 would prevent public employees from using public funds to affect legislation.
060	Caldwell	Discusses licensing. States public employees may promote agendas which do not reflect the views of the majority of voters.
090	Rep. Markham	Asks about testimony concerning selling properties owned by businesses.
092	Caldwell	Explains the officers' duties in selling.
105	John Rossner	Member, Oregon Farm Bureau, Yamhill County. Presents (EXHIBIT C) in support of SB 485. States public employees should not be lobbyists while they are being paid public money. States SB 485 allows state agencies to have input into the legislature when they are requested.

160	Rossner	Continues to read testimony.
167	Rep. Markham	Comments on Multnomah County.
173	Chair Miller	Comments on an experience in a meeting where he noticed the majority of audience members were from state offices.
192	Rossner	Responds he does not want to prohibit communication between public employees and legislators, but they should not voice opinions on state time, unless it pertains to agency expertise.
202	Chair Miller	Asks about reducing number of lobbyists.
211	Rossner	States only a limited number of lobbyists need to attend meetings or represent an agency.
223	Sen. Leonard	Comments on lobbyists and budgets.
241	Chair Miller	Comments that SB 485 may improve agencies' productivity.
251	Sen. Leonard	Comments on legislators having control of budgeting for state lobbyists.
259	Rossner	Explains agencies do not necessarily specify positions as "lobbyists" so it would not show up on budgets.
275	Caldwell	States SB 485 is a direct approach to addressing the role of lobbyists from state agencies.
287	Rep. Markham	Explains a situation in which the vast majority of audience members in a meeting were from state agencies.
302	Rep. Courtney	Asks about the county assessor in Rossner's testimony. Asks if it is the intention to include all public employees.
308	Rossner	Explains the intention of the assessor example and that SB 485 should only refer to public employees who happen to be state employees.
322	Rep. Courtney	Asks about time restrictions on page 1, line 23.
330	Caldwell	States that section needs clarification.
350	Rep. Courtney	Asks about page 1, lines 25-26.
355	Caldwell	Responds he did not draft SB 485. States the real problem is with the myriad of agencies which pursue their own agendas.
370		Discussion of fairness between judiciary, executive and legislative branches within SB 485.
390	Lee Hazelwood	Member, Mid-Willamette Valley Senior Service Agency, Stayton, Oregon. Presents and reads (EXHIBIT D) in opposition to SB 485.
TAPE 28, A		
001	Hazelwood	States SB 485 would keep the Governor's Commission from doing what it is supposed to do.

019	Pat Hearn	Executive Director, Oregon Government Standard and Practices Commission. Presents (EXHIBIT E) in neutrality. Clarifies aspects of SB 485. Defines lobbying.
074	Hearn	Discusses section 2, subsection 1 and section 3 of SB 485. Discusses possible ambiguous language. Discusses page 2, line 42.
104	Sen. Trow	Asks if Hearn has considered that many statutes have been requested by agencies for clarification.
114	Hearn	Responds he is aware of that procedure.
128	Chair Miller	Comments that an agency head could visit a meeting without invitation.
132	Hearn	Explains his exhibit. Discusses the agencies with registered lobbyists.
174	Hearn	Details an example of excessive registration of lobbyists.
199	Chair Snodgrass	Asks how many agencies have registered lobbyists.
202	Hearn	States he is unsure, but estimates it could be in the sixties.
204	Chair Snodgrass	Asks if drafting legislation is or can be considered lobbying.
215	Hearn	States lobbying does not include drafting legislation.
228	Chair Snodgrass	Asks about agencies drafting legislation.
232	Hearn	Responds he cannot speak for other agencies.
234	Rep. Markham	Asks what the penalty is if a lobbyist does not register.
236	Hearn	States it costs up to a maximum of \$1,000. States it is up to the commission's discretion.
259	Chair Miller	Asks about people who are exempt from registration and for clarification of the definition of lobbyists.
281	Hearn	Responds.
290	Rep. Beyer	Asks for further clarification of page 2, lines 43-44 about people who would or would not be considered lobbyists.
301	Hearn	Discussion of the limits of the definition of lobbyist.
314	Rep. Beyer	Asks about the state agency staff who have helped in legislative meetings and if they would be considered lobbyists.
322	Hearn	Responds they would not be considered lobbyists.
330	Rep. Beyer	Restates that agencies do not submit legislation, but that the Governor submits legislation.
350	Joan Silver	Grant County. Presents (EXHIBIT F) in support of SB 485. Explains her experiences as a public employee and an active volunteer. Gives an example of excessive time public

		employees have spent in the audience at board meetings. States this would not happen in any other businesses.
420	Silver	States there should be designated representatives to speak at meetings.
TAPE 27, B		
001	Silver	States SB 485 will not put unreasonable limits on public employees who inform meeting members.
028	Sen. Trow	States a problem with SB 485 concerning section 2, subsection 3, lines 12-14. States people could be prevented from testifying if the majority party did not approve.
049	Silver	States these problems could exist.
055	Sen. Trow	Concludes committees should listen to people from all viewpoints.
063	Bob McKellar	Oregon Forest Products Transportation Association. Supports SB 485. States one person is sufficient to represent each agency.
096	Michael Meredith	President, CEO, Oregon Trucking Association. Supports SB 485. Comments on the advantages in place for Oregon Department of Transportation (ODOT). States ODOT has ample lobbyists funded by public funds.
126	Sen. Leonard	Asks if we had a different Governor would the lobbyists reflect the opinions of the Governor.
128	Meredith	States lobbyists work well with the Governor now, and expects they would in the future.
139	Sen. Leonard	Comments that the Governor's lobbyists probably represent the views of the Governor.
145	Meredith	Comments on an example where he was unable to appeal an amendment to a measure which related to ODOT.
180	David Schuman	Deputy Attorney General, Department of Justice. Opposes SB 485. Explains the testimony his department offers. Comments on his department's excessive registration of lobbyists. States the legislature would be deprived of neutral testimony if the Department of Justice only testified upon request. Recommends that the Attorney General's office be exempted from SB 485.
225	Schuman	Discusses separation of powers among the branches of government.
240	Chair Snodgrass	Asks about equal power between state legislators and lobbyists.
242	Schuman	Responds the Department of Justice confronts a variety of legal

		issues and needs to provide policy-neutral legal advice.
250	Chair Snodgrass	Asks if this is Schuman's first session and how many people in the agency are necessary to represent the agency at committees.
270	Schuman	States it is his first session as a public employee and 50-70 out of 190 attorneys deliver policy-neutral legal advice to legislative committees.
279	Sen. Bryant	Asks about the independence of the executive branch.
282	Schuman	States it is a concern but no research has been done on that issue.
285	Sen. Trow	Asks about the judicial branch.
286	Schuman	States the judicial branch is exempted from SB 485.
288	Rep. Courtney	Asks if a legislator asking the opinions of an agency would be allowed under SB 485.
299	Schuman	Explains that could happen but probably would not under SB 485. States the chair or majority, only, could invite testimony.
329	Andy Bryant	Farmer, Clackamas County. Supports SB 485. States that as a citizen he must pay his own expenses when coming to speak at the legislature, and it not fair that public employees get paid by public funds to do the same. States it is difficult to speak against people who have nothing at stake, except their jobs.
396	Chair Miller	Asks if citizens would not be as well served with more neutral fact-finding input.
402	Andy Bryant	Responds the people of Oregon would be well served by dealing with the legislative staffs directly.
<u>TAPE 48, B</u>		
005	Chair Snodgrass	Asks if he would recognize this roomful of people in two week's time.
010	Andy Bryant	States he would not.
011	Chair Snodgrass	Asks if he is represented by a single lobbyist.
014	Andy Bryant	Responds his group would need to spend much time and money to lobby a big issue, whereas state agencies could have many people speak at no cost to the agency.
021	Chair Snodgrass	Asks if he would recognize one man if he saw him on a regular basis as a lobbyist.
027	Andy Bryant	States he would recognize the man.
030	Sen. Leonard	Comments on the legislative use of state agencies in helping to make decisions. Refers to page 2, lines 42-44 of SB 485.
053	Andy Bryant	Discusses the majority party versus the majority of the people.

063	Chair Miller	Discusses getting general information from state agencies.
078		Discussion of attaining appropriate information from agencies.
090	Andy Bryant	States there is an abuse of government when government lobbyists have full use of the system.
098	David Easton	Owner, Ace Hardware and Chair, National Federation of Independent Business and Oregon Guardian Advisory Council, Forest Grove, Oregon. Presents and reads (EXHIBIT G) in support of SB 485.
133	Sen. Derfler	Asks what the state agencies' purpose should be.
140	Easton	Responds the agencies should supply necessary information.
147	Sen. Derfler	Asks if each agency should have lobbyists.
150	Easton	States there only needs to be one person in each department to represent the agency.
163	Sen. Derfler	Asks who could be approached for information.
165	Easton	Explains there will be fair representation of information from a limited number of representatives.
170	Chair Miller	Comments on the needs of the agencies versus the needs of the citizens. Asks if there would be more equal footing under SB 485.
177	Easton	States it appears there would.
186	Chair Miller	Asks if Easton needed to wait to speak in previous meetings due to the number of people from state agencies.
194	Easton	States a lot of the people were from state agencies.
197	Clifford Moeller	Presents (EXHIBIT H) in support of SB 485. Comments on the use of tax dollars to advocate issues against the tax payers' needs.
230	Sen. Leonard	Asks if Moeller is aware HB 2191, as referred to in (EXHIBIT H), was proposed by the Governor.
232	Moeller	States he was not aware of that.
241	Chair Snodgrass	Asks if the Governor has the ability to submit measures at his own request.
244	Sen. Leonard	Explains he can expect the agencies to establish measures he wants to be approved.
261		Discussion of the Governor's introduction of measures.
298	Chair Miller	Comments on the listing of the requestor of a measure.
307	Sen. Trow	Explains the legislature considers measures regardless of requestor or sponsor.
324	Sen. Leonard	Restates the Governor sponsored HB 2191.
333	Chair Miller	Comments on agencies going through legislators to get measures approved before introduction.

351	Sen. Leonard	Suggests the Governor could comment on these issues.
365	Moeller	States more state employees influence the legislature than are necessary.
372	Sen. Leonard	Comments on the Governor's ability to introduce measures.
TAPE 29, A		
001	Rep. Messerle	Comments on the right of people to be aware of hearings.
019	Chair Snodgrass	Comments that there are uncertainties by reading the measure as to its origin and who requested it be drafted.
036	Sen. Leonard	Comments on the Governor's directive on measures.
048	Kalvin B. Garton	President, Oregon Realtors Land Institute and member, Cattleman's Association, Pendleton, Oregon. Supports SB 485. States that government is too big.
071		Discussion of who is affected by SB 485.
088	Jan Nordlund	Committee Administrator. States Oregon Education Association is not a state agency.
091	Rollie Wisbrock	Chief of Staff, Oregon Treasury. Opposes SB 485. Explains how his department provides committees with information.
111	Chair Miller	Asks if most committee chairs would welcome the information presented by agencies, if not request it. Comments on the number of tax-payer supported lobbyists.
141	Wisbrock	Comments on the legal access which certain departments have to particular information which could affect knowledge of those facts in the committee.
166	Chair Miller	Asks if an agency head could provide a list of people a chair could contact for information on particular subjects.
176	Wisbrock	Comments on the range of information which Oregon Treasury may currently provide.
209	Chair Snodgrass	Asks if other people from the treasury department are present, requests they also come forward and asks their positions and duties.
218	Mari Anne Gest	Director of Public and Legislative Affairs. States she started her job just before the legislative session.
230	Chair Snodgrass	Asks why Gass did not testify instead of Wisbrock in today's meeting.
232	Gest	States it is because Wisbrock was available and wanted to testify.
235	Chair Snodgrass	Asks for position title of Wisbrock.

237	Wisbrock	States he is Chief of Staff and testified because he had experience with past issues on this significant measure.
248	Phillip Bently	Policy Assistant. Explains how his position relates to the treasury.
250	Chair Miller	Asks about the duties and titles within their department.
283	Wisbrock	Explains Bently's position and duties.
287		Discussion of the specific duties of their jobs.
294	Chair Snodgrass	Asks who is doing Bentley's work while he has been present at the meeting listening to the testimony.
306	Bently	States no one fills his duties when he is at these meetings.
313	Chair Snodgrass	Asks when Bently and Gass arrived at the meeting today.
330	Bently	Arrived about a half hour ago.
335	Gest	Arrived at 1:00 p.m., at the start of the meeting.
345	Chair Snodgrass	Asks if fewer positions would be needed if there were fewer bills.
350	Gest	States that makes sense.
356	Wisbrock	States Bently is an intern and has a variety of responsibilities.
363	Chair Miller	Asks if Gass' position is new.
364	Wisbrock	States it is.
370	Chair Miller	Asks if it is possible to follow the measures without someone in that position.
372	Wisbrock	States her position is necessary.
377	Chair Miller	<p>Comments members have staff of two to look at all the measures and the department uses 74 people to consider the same number of measures.</p> <p>Asks if Wisbrock can understand the public's frustration for lack of money in Oregon's schools and programs versus paying for the many positions created to fill this department's duties.</p> <p>States the legislators do not ask for extra people to help them follow measures.</p>
420	Chair Miller	Closes public hearing on SB 485 and adjourns meeting at 3:32 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 485, submitted public testimony, staff, 1 p

B - SB 485, written testimony, John Caldwell, 1 p

C - SB 485, written testimony, John Rossner, 2 pp

D - SB 485, written testimony, Lee Hazelwood, 1 p

E - SB 485, informational data, Pat Hearn, 7 pp

F - SB 485, written testimony, Joan Silver, 1 p

G - SB 485, written testimony, David Easton, 2 pp

H - SB 485, HB 2191, Clifford Moeller, 1 p
