

HOUSE COMMITTEE ON RULES AND REORGANIZATION

February 3, 1993 Hearing Room E 1:30 p.m. Tapes 20 - 22

MEMBERS PRESENT: Rep. John Watt, Chair Rep. Lonnie Roberts, Vice-Chair
Rep. Delna Jones Rep. Cedric Hayden Rep. Michael Payne Rep. Eldon
Johnson Rep. Fred Girod Rep. Avel Gordly

MEMBER EXCUSED: Rep. Delna Jones Rep. Dave McTeague

STAFF PRESENT: Adrienne Sexton, Committee Administrator Kenneth
Brady, Committee Clerk

MEASURES CONSIDERED: HB 2496 - Regulates out-of-state travel HB
2497 - Reducing jurors in circuit courts

WITNESSES: Rep. Beverly Clarno, HB 2496 & HB 2497 John
Kreft, HB 2496 Sandra Burt, HB 2496 Ann Vecchi, HB 2496 Bob Olosen, HB
2497 Stephen Thompson, HB 2497 Jim Edmonds, HB 2497

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 20, SIDE A

006 JOHN WATT, COMMITTEE CHAIR: Opens hearing at 1:32 p.m. -Opens
public hearing on HB 2496.

(Tape 20, Side A) HB 2496 - REGULATES OUT-OF-STATE TRAVEL

008 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains HB 2496.

027 REPRESENTATIVE BEVERLY CLARNO: Submits written testimony (EXHIBIT
A) in support of HB 2496. -Believes in prioritizing travel. -Encourages
telecommunications, etc.

075 WATT: Notes that few state agency representatives are here today.
-Asks what has changed since last session.

082 CLARNO: Not sure if there have been any policy changes.

100 REPRESENTATIVE LONNIE ROBERTS, VICE-CHAIR: Asks who is going to
control the frequent flyer miles distribution?

107 CLARNO: Lots of discussion. -Executive dept.?

113 ROBERTS: Doesn't it already control it?

116 CLARNO: Wasn't a specific policy.

126 REPRESENTATIVE CEDRIC HAYDEN: What are the remedies?

129 CLARNO: This bill. Executive dept. control.

135 HAYDEN: How about a Travel Czar? To keep track . . .
-Incentives, etc.

144 CLARNO: I don't disagree. Hard to find figures.

160 SEXTON: I received a phone call from Mike Marsh. -Dollar amounts
(rough): 89-91 : 5.3 million appropriated -92-93 5.1 -93-95 4.2 etc...

188 WATT: Last session's HB 2891...prohibited out-of-state travel
unless by law. Does this bill
only give authority?

191 CLARNO: Not sure.

196 SEXTON: HB 2891 would have prohibited... -90% wouldn't be by law

243 JOHN KREFT: Submits written testimony (EXHIBIT B) as information
about HB 2496. -We make sure that every trip complies with rules.

260 WATT: If there are no specifics asked by ways & means, then
it's virtually a Carte Blanche?

272 KREFT: Not exactly. Good reason travel only is allowed.

280 WATT: Is travel itemized?

293 KREFT: We asked for that.

301 WATT: Why are some agencies reviewed and not all reviewed?

303 KREFT: All agencies are required to be reviewed.

312 WATT: In the budgeting process, do they itemize anticipated
travel expenditures?

318 KREFT: Yes.

320 WATT: You approve all of those?

322 KREFT: Not in all.

326 WATT: What ones? Same each time? Different ones? Criteria?

332 KREFT: I don't know. I'd need to get more details.

341 WATT: Based on previous spending? Or on future spending?

347 KREFT: Both. -A lot of ideas from Rep. Clarno's committee have
been put into practice.

351 WATT: Which?

355 KREFT: I'll get a list to committee.

360 REPRESENTATIVE AVEL GORDLY: How do you verify travel costs?

364 KREFT: Various rate checks, etc. -Cross reference...whatever looks suspicious.

389 GORDLY: If an agency wants ten people to go when they don't need to go, then what?

392 KREFT: That is up to Exec. dept.

399 REPRESENTATIVE FRED GIROD: What justification is there for out-of-state travel?

405 KREFT: To find out what's going on. -Keeping state employees up to speed with competition. -Reviewing goes on.

TAPE 21, SIDE A

009 GIROD: Couldn't it all be done on the phone, fax, etc.?

015 ROBERTS: This only addresses out-of-state travel. Agencies can still play with in-state travel, right?
-Example . . . How about in-state?

028 KREFT: There's admin. rules for in-state travel . . . no statutory guides.

032 HAYDEN: Small businesses rarely travel out of state. Why does the state have to? Doesn't gov't travel more than the private sector?

059 KREFT: We do have EDNET satellite system...try to use local systems first. -Some cases conferences & trips are necessary. -Training in particular.

078 GIROD: Is there something that says we have to send people to these conferences?

086 KREFT: Depends on the situation. Not a requirement for a state employee to be on nat'l committees. -We're nationally known for some things (OREGON).

096 WATT: Don't the organizations pay the way?

098 KREFT: Usually they do.

100 HAYDEN: Why is that good? They get state salaries.

105 WATT: How many requests for travel do you turn down?

108 KREFT: Very few.

109 WATT: What would be a reason?

111 KREFT: If there were too many people going. -We try not to second guess the agency.

116 WATT: You're against this bill. In regards to SB 135, does that limit the number of people that attend?

123 KREFT: No. It repeats that. -I oppose because there needs to be a statute. -We aren't arguing against, but it needs to be a statute, not just an admin. rule.

145 REPRESENTATIVE DELNA JONES: What's the cost in comparison to last biennium?

152 KREFT: Responds.

160 JONES: Have you not reduced trips?

162 KREFT: I don't know.

173 JONES: Including meals, hotels, etc? 176 KREFT: Yes.

180 REPRESENTATIVE ELDON JOHNSON: Do you reimburse state employees for actual costs?

184 KREFT: There's a limit. We deal with the exceptions.

200 WATT: The Exec. dept. has final approval?

203 KREFT: Approved by managing budget. Not on trip by trip basis.

209 WATT: Decisions based on quantity or quality? Historically at certain levels, or on merit?

224 KREFT: No performance measures . . . requires agencies take trips for good reasons. -Agencies should be accountable.

236 WATT: You ask for good reasons?

239 KREFT: Yes. We're required to by law to sign off on them.

247 GIROD: This is a perfect example of service budget failure over hard budget. Doesn't tell you what you should know.

261 HAYDEN: If you had a private consulting practice . . . what recommendations would you make to the state in terms of travel costs?

275 SANDRA BURT: There's a wealth of opportunity available in terms of the EDNET, right now. Training, etc. -Use available resources.

311 HAYDEN: Suggestions?

313 KREFT: More telecommunications. Oregon's a leader.

316 JONES: I heard the same two years ago. How much more is it used now?

326 BURT: I don't know. Last few years the technology has proliferated. Receiving points have been increased.

345 JONES: What improvements have been made since last session? Where?

357 BURT: I'll get that info.

360 BURT: Submits written testimony (EXHIBIT C). -Points out troubles in determining solutions for the frequent flyer programs. -There are restraints on frequent flyer miles. -All but two airlines said no. -Puts limits on travel agents to find cheap fares. -Researching exchanging freq. flyer miles for low fares. -Researching how corporations do it. TAPE 20, SIDE B

045 ROBERTS: So if this bill passes, no one will get the miles.

048 BURT: Yes.

052 JONES: Someone almost got it to work two years ago. What have we done to get further away from that in two years?

066 BURT: New contract with AWAY TRAVEL.

080 JONES: Some other state did it.

084 BURT: To my knowledge, we're the only state that has this.

087 JONES: Are we spending less per trip to other states?

090 BURT: Yes.

099 JONES: In relation to what?

102 BURT: Difficult to compare to other states. We're the only one.

107 GIROD: This is a cost-savings. Compares to buying all singly.

114 WATT: Two years ago ... testimony was given that we were close to an agreement for the freq. flyer miles. Now what has changed?

125 BURT: I'd have to research. I know nothing of that.

130 WATT: Please work with committee staff. We'll be having another hearing on this. We need more accountability.

158 HAYDEN: What kind of value is this freq. flyer plan?

163 ANN VECCHI, AWAY TRAVEL: Mileage is redeemable only between individuals and the airlines . . . not for corporations or the state. Submits written testimony (EXHIBIT D). -Have talked to the state of WASHINGTON about it. -Says that Oregon's is best. -Gives examples.

229 HAYDEN: Not close to answering my question. What's the value of the miles? Rough estimate?

240 VECCHI: Can't answer it on state basis.

244 HAYDEN: What's the budget?

246 KREFT: 34 million.

251 HAYDEN: Total?

253 VECCHI: Can't track that.

258 HAYDEN: What's the value?

261 VECCHI: It's by the individual. I can have a report run, though. For each individual.

270 HAYDEN: I think this committee should look into it.

275 WATT: Hard to track unless redeemed, right?

280 VECCHI: On an honor system.

284 WATT: How do we know that employees are being honest?

287 BURT: True. At the time of the request for travel, the agency should have the freq. flyer account contract, etc.

303 JONES: This is no longer productive. But are we managing beneficially and efficeintly? No control?

307 VECCHI: No control.

323 GIROD: Any restrictions for pre-booking airline fare?

327 VECCHI: Responds.

347 JOHNSON: Do you take advantage of that?

350 VECCHI: Responds.

368 WATT: Closes hearing on HB 2496.

377 WATT: Opens on HB 2497.

(Tape 20, Side B) HB 2497 - Reduces juries from 12 to 6 jurors.

380 REPRESENTATIVE BEVERLY CLARNO: Submits written testimony (EXHIBIT E) in support of HB 2497. -Explains.

408 ROBERTS: Why reduce from 12 to 6?

412 CLARNO: Time and cost savings . . . a lot.

427 ROBERTS: Still elect two alternates?

430 CLARNO: Yes.

440 JOHNSON: How does this fit with Rep. Parks' bill?

446 CLARNO: Supportive.

449 JONES: Testimony from Rossman was ... better for 6 instead of 12. Easier to work through it. Isn't there still an option for the judge to extend?

474 CLARNO: I don't remember. People can still pay for more jurors.

TAPE 21, SIDE B

030 JONES: There are alternate ideas still.

041 GORDLY: Have you seen letter from Steven Thompson? -Excludes alot of minorities.

053 CLARNO: I don't agree.

060 GORDLY: How? Racial and ethical injustices . . .

068 CLARNO: We had a discussion. This doesn't affect that, however. 6 or 12 jurors makes no difference there.

075 HAYDEN: I thought justice was colorblind.

077 WATT: Calls ten minute recess.

080 WATT: Calls to order at 3:12 pm

082 SEXTON: Explains HB 2497. -Other state have smaller juries. -30 states must have 12.

112 GORDLY: In the 13 state with 6, which are those?

117 SEXTON: Responds.

127 BOB OLOSEN: (with Jim Edmonds & Stephen Thompson): -Committee conclusions.

145 ROBERTS: What's an insufficient verdict?

152 STEPHEN THOMPSON: Submits written testimony (EXHIBIT F) in opposition to HB 2497. -When they have questions, etc.

160 THOMPSON: Chair of BAR practices...etc. -Pitfalls of this. -Points out important parts. -Cost issue/summary. -OPPOSED ADAMANTLY. -Speaks of others who are opposed.

209 THOMPSON: HB 2497 won't accomplish its goal. -Huge inequities (reduces minority participation). -Explains study.

245 HAYDEN: This is what I was asking. Explain the significance of having X number of minorities.

253 THOMPSON: It's important to have a cross-section.

287 HAYDEN: Justice is the goal. If it's a moot point, then it goes to cost studies. Do you have any stats on that?

299 THOMPSON: This is only for civil cases. -Studies I've noted...

310 WATT: Using L.A. in your example, isn't L.A. a problem? Not comparable to Oregon.

320 THOMPSON: There's a lot of diversity there, here there's less. We'll have more chance of a problem.

336 WATT: How are juries selected?

343 JONES: Stats presented.

365 THOMPSON: When you reduce numbers, chances of exclusion are greater.

-Explains selection process.

430 GIROD: Assuming the pool you're drawing from is representative of the population, why are more women on a group of 12 than 6?

440 THOMPSON: Two more people are bumped off on 6 than 12.

TAPE 22, SIDE A

030 THOMPSON: Value of a bump is more in 6 than 12. -Size of panel from which the jury is drawn.

049 HAYDEN: Is larger panel random (20-30)?

053 THOMPSON: Yes.

055 JOHNSON: If you raised size of panel with a 6 person jury, would that be okay?

059 THOMPSON: No. Cases of similar type end up with different results. One strong juror can influence more. -Fairness is more important than speed. -Public's assessment is important.

083 REPRESENTATIVE MICHAEL PAYNE: Rebuttal that justice is color blind. -Example.

093 THOMPSON: True. Not just color. Race, origin, gender, age.

100 JONES: Would you believe the judges that testified a 6 person jury is more effective?

105 THOMPSON: Tell of the judges he knows of that have testified. -Anecdotal only...but, they were concerned about minority exclusion when he spoke with others.

118 JONES: Council took no position?

122 THOMPSON: They oppose it. I'm here for them.

144 PAYNE: Brings up part of handout that is against his testimony.

152 THOMPSON: Explains.

169 THOMPSON: Reducing will supposedly reduce time, Rep. Clarno said. -Study says otherwise.

197 WATT: Alot of this information is outdated. Aren't there more recent studies?

204 THOMPSON: The latest is from L.A. Prof. Keil's (#1). -I will obtain, but haven't found yet. -Studies are few and far between.

223 JONES: Is there a reason it's good to have 6 in federal court and not in state?

237 THOMPSON: It is not good anywhere. -Aberrational feature is

present.

260 GIROD: Any decline in number people who actually serve?

263 THOMPSON: There has to be. We're calling fewer jurors now.

268 GIROD: With this bill?

284 THOMPSON: Up the filing fee instead. That'll solve it. More of a financial jump.

296 JIM EDMONDS: On behalf of the Oregon Defense Council. -Notes abberation. -Imperial evidence that a 6 person jury awards larger verdicts. -Perspective...

377 HAYDEN: Management counselors say to have a committee of no more than 6. Are juries different than committees?

392 EDMONDS: Efficiency isn't the goal. Fairness is.

415 HAYDEN: More people...more confusion.

425 EDMONDS: In a civil case . . . only 9 out of 12 must make a decision. On a 6 person jury, some people pressure (takes 5 out of 6).

447 WATT: Closes on HB 2497. -Adjourns at 4:05

Submitted by

Reviewed by

Ken Brady

Administrator

Adrienne Sexton Clerk

EXHIBIT LOG:

A - Testimony on HB 2496 - Beverly Clarno - 1 page B - Testimony on HB 2496 - John Kreft - 1 page C - Testimony on HB 2496 - Sandra Burt - 2 pages D - Testimony on HB 2496 - Ann Vecchi - 3 pages E - Testimony on HB 2497 - Beverly Clarno - 1 page F - Testimony on HB 2497 - Stephen Thompson - 72 pages G - Fiscal impact for HB 2497 - R. William Linden, Jr. - 2 pages