

HOUSE COMMITTEE ON RULES AND REORGANIZATION

July 7, 1993           Hearing Room E 1:45 p.m.   Tapes 107 - 109

MEMBERS PRESENT:   Rep. John Watt, Chair Rep. Lonnie Roberts, Vice-Chair  
Rep. Dave McTeague Rep. Cedric Hayden Rep. Michael Payne Rep. Eldon  
Johnson Rep. Fred Girod Rep. Avel Gordly Rep. Patti Milne

STAFF PRESENT:           Adrienne Sexton, Committee Administrator Bryan  
Boehringer, Committee Clerk

MEASURES CONSIDERED:  HCR 15 - Honors Women Airforce Service  
Pilots of World War II during 50th Anniversary. SCR 9 - Recognizes and  
congratulates Clackamas County on occasion of its 150th anniversary. SB  
159 - Relating to the Oregon Government Ethics

Commission.

[--- Unable To Translate Graphic ---]

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 107, SIDE A

004     CHAIR WATT:   Calls the meeting to order at 1:53 p.m.

PUBLIC HEARING ON HCR15 Witnesses:  Rep. Beverly Clarno, District 55

007     REP. BEVERLY CLARNO, DISTRICT 55:  Testifies in support of HCR15.

058     VICE-CHAIR ROBERTS:  Discusses the important role women played in  
WW II.

WORK SESSION ON HCR15

MOTION: REP. ROBERTS:  Moves HCR 15 to the Floor with a DO PASS  
recommendation.

VOTE: 7-0 Motion passes AYE:  Girod, Gordly, Milne, McTeague, Payne,  
Roberts, Watt NO:  None EXCUSED:  Johnson, Hayden

REP. CLARNO will lead discussion on the Floor.

PUBLIC HEARING ON SCR 9 Witnesses:  Sen. Bill Kennemer, District 12 Judy  
Hammerstad, Clackamas County Commissioner

072     SEN. BILL KENNEMER, DISTRICT 12:  Testifies in support of SCR 9.

082     JUDY HAMMERSTAD, CLACKAMAS COUNTY COMMISSIONER:  Testifies in  
support of SCR 9.

WORK SESSION ON SCR 9

MOTION: REP. ROBERTS: Moves SCR 9 to the Floor with a DO PASS recommendation.

VOTE: 8-0 Motion passes AYE: Girod, Gordley, Johnson, Milne, McTeague, Payne, Roberts, Watt NO: None EXCUSED: Hayden

REP. MCTEAGUE will lead discussion on the Floor.

WORK SESSION ON SB 159 A

122 CHAIR WATT: Discusses the process for working through the amendments.

137 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains the matrix of amendments. (EXHIBIT A)

189 CHAIR WATT: Discusses section 8.

195 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Continues with explanation of the amendment matrix.

273 CHAIR WATT: Asks about the definition of "pending" from Mr. DiLorenzo.

277 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Continues with explanation of the amendment matrix.

324 VICE-CHAIR ROBERTS: Asks for clarification in section 22a.

328 REP. GIROD: Clarifies section 22a.

332 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Continues with explanation of the amendment matrix.

442 VICE-CHAIR ROBERTS: Asks about section 18.

451 CHAIR WATT: Explains that the committee will work off of the hand-engrossed bill. (EXHIBIT B)

463 PAYNE: Asks whether -9, -15, -17, -21 amendments are adopted.

466 CHAIR WATT: Explains that no amendments have been adopted. Explains the hand-engrossed amendments and the process of reviewing the amendments.

TAPE 108, SIDE A

047 REP. JOHN SCHOON, DISTRICT 34: Testifies on SB 159. Discusses closed meetings. Discusses the A-17 amendments. (EXHIBIT C)

116 PAUL SNYDER, ASSOCIATION OF OREGON COUNTIES: Testifies in support of the SB 159A-17 amendments.

134 CHAIR WATT: Asks if the language is taken from the public records laws.

135 SNYDER: Continues with explanation of amendment.

139 REP. GIROD: Asks who makes the accusations.

140 SNYDER: Believes that anybody can.

143 CHAIR WATT: Can be made by part of the governing body as well as someone testifying before that governing body. Also a member of the audience.

146 REP. PAYNE: Discusses concerns with the sub 2 section. Who will pay the fees?

150 SNYDER: Explains that the body that committed the violation would be responsible for paying the fees.

173 REP. SCHOON: Discusses the defense of the individuals.

177 REP. PAYNE: Asks who the amendment will protect.

181 SNYDER: Discusses the intent of the amendments. Discusses questions of public records.

208 REP. SCHOON: Explains that matters will remain confidential.

215 PAT HEARN, GOVERNMENT ETHICS COMMISSION: Comments on Mr. Snyder's statement. Explains what must accompany a complaint for an investigation to take place.

225 REP. SCHOON: Explains the intent of the legislation.

236 CHAIR WATT: Discusses what possibilities could occur if a new director was appointed.

245 REP. GIROD: Discusses the shift of authority from the Attorney General.

252 CHAIR WATT: Explains the authority. Asks about the sub 2 language.

257 REP. SCHOON: Sub 2 language came from the Association of Oregon Counties.

267 CHAIR WATT: Explains the time line for working with Counsel.

273 SNYDER: Explains that this amendment cleans up the -A17 language.

285 HEARN: Discusses the open meeting laws.

310 REP. PAYNE: Discusses concerns with the language "intentionally or willfully".

329 CHAIR WATT: Discusses the use of the language.

352 HEARN: Discusses technical concerns with the language.

359 CHAIR WATT: Asks Rep. Payne to work with Mr. Hearn and counsel to decide on better language.

361 REP. PAYNE: Comments on burden of proof.

379 SNYDER: Discusses balancing the public record with ethical behavior.

396 HEARN: Would be happy to work on the language. Explains provisions that won't work if bill passes.

432 CHAIR WATT: Opens questions on A-25

446 VICE-CHAIR ROBERTS: Asks questions about section 11.

462 JOHN DILORENZO: Explains the language on page 9, section 11.

TAPE 107, SIDE B

050 DILORENZO: Explains the A-25 amendments.

060 CHAIR WATT: Asks if committee is ready to vote on these amendments.

070 DILORENZO: Discusses conflicts in the various amendments. Discusses the A-17 amendments. 094 HEARN: Discusses concerns in combining the review periods. Discusses problems with the time periods.

125 REP. GIROD: Asks about more appropriate time periods.

128 HEARN: Discusses the average case length.

135 DILORENZO: Discusses combination and efficiency.

145 HEARN: Discusses concerns.

154 CHAIR WATT: Discusses the overall goal of the legislation.

179 HEARN: Comments on preliminary review stage.

192 DILORENZO: Discusses dismissing the case earlier.

216 CHAIR WATT: Asks about the capabilities of writing administrative rules.

220 HEARN: Explains that they can write rules.

221 CHAIR WATT: Suggests 120 days be changed to 180 days.

231 HEARN: Explains that 180 days would be very workable.

239 REP. PAYNE: Discusses concerns with stipulation

245 HEARN: Comments on extension of time and who benefits.

260 CHAIR WATT: Suggest changing the number of days.

262 HEARN: Discusses the confidentiality provisions.

307 DILORENZO: Discusses the reasons for the problem not existing.

352 CHAIR WATT: Discusses accountability in government.

382 HEARN: Explains that he serves at the will of the members of the commission.

391 REP. PAYNE: Discusses the intentional and willful clause.

399 DILORENZO: Suggests possible language changes.

442 REP. GIROD: Discusses liability of the Government Standards Commission.

458 HEARN: Discusses the need for a "level playing field".

476 CHAIR WATT: Asks about penalty provisions.

477 HEARN: Comments on statutes regarding confidentiality.

492 GIROD: Suggests a possible amendment.

TAPE 108, SIDE B

040 GIROD: Continues with explanation. 043 REP. PAYNE: Discusses concerns with liability and confidentiality.

046 CHAIR WATT: Explains example of the confidentiality provision.

054 REP. PAYNE: Discusses an example of a violation.

057 REP. GIROD: Explains that a member of the commission is the commission.

058 CHAIR WATT: Gives example of who this language applies to.

062 REP. MILNE: Asks about the definition

065 DILORENZO: Discusses binding of the commission.

080 CHAIR WATT: Discusses current ethics confidentiality protections.

085 VICE-CHAIR ROBERTS: Asks about what recourse is there against an individual.

086 DILORENZO: Could end up with a member costing the commission a lot of money.

091 REP. PAYNE: Comments on violations.

098 CHAIR WATT: Agrees with Mr. Hearn that \$5,000 is steep. - Addresses language of the -A25 amendments.

122 VICE-CHAIR ROBERTS: Suggests \$1,000 penalty.

125 HEARN: Wants \$1,000 fine.

129 DILORENZO: Asked for \$5,000 to show harshness of penalty.

132 VICE-CHAIR ROBERTS: Asks that \$5,000 fine be changed to \$1,000.

137 PAYNE: Concur with Rep. Roberts.

137 REP. MILNE: Asks that the fine be \$2,500.

MOTION: Rep. Roberts moves that the \$5,000 fine be changed to \$1,000.

VOTE: AYE: Girod, Milne, Payne, Roberts, Watt NO: None. EXC:  
Gordly, Hayden, Johnson, McTeague

MOTION: Rep. Girod moves that language on page 2b in Line 2, section 3,  
and on 15b and 15c, line 10 and 29 be changed from 120 days to 180 days.

200 DILORENZO: Points out other sections that need to change for  
language to concur.

VOTE: CHAIR WATT: Hearing no objections the motions pass. 224 HEARN:  
Doesn't oppose changing name of commission, but does not agree with  
Mr. DiLorenzo's proposal.

248 REP. GIROD: Public Officials and Standards and Conduct  
Commission.

257 HEARN: Discusses informally whether lobbyist fall under  
government standards.

264 DILORENZO: Lobbyists will fall under its jurisdiction.

275 REP. GIROD: Suggests Oregon Government Conduct Commission.

279 ED PATTERSON, CAPITOL CLUB: Comments on SB 159A. Can resolve  
with Government Standards and Practices Commission title.

MOTION: REP. GIROD: Moves that Oregon Government Standards Commission be  
deleted and insert Oregon Government Standards and Practices  
Commission.

VOTE: Hearing no objections the motion passes.

333 HEARN: Discusses further concerns and changes

371 CHAIR WATT: Discusses the referencing of "cause".

379 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains where the  
definition of "cause" still exists.

388 DILORENZO: Discusses cases pending.

422 CHAIR WATT: Asks about addition of the language leading to  
inquiry.

424 HEARN: Discusses the definition of cause at the preliminary  
review.

440 DILORENZO: Explains keeping cause in the language.

463 REP. HAYDEN: Asks about the levels of cause.

TAPE 109, SIDE A

028 HEARN: Suggests that action prior to the lawsuit would be preliminary. Comments how commission currently decides if a violation has occurred.

048 CHAIR WATT: Explains that the Committee has given the commission the ability to write the rules to facilitate the changes.

071 HEARN: Explains that he would like to see that directive written into the statute.

086 DILORENZO: Discusses standards for evaluating and filing a lawsuit.

099 REP. HAYDEN: Suggests having Legislative Counsel provide the explanation of the language. Discusses using the highest possible standard.

118 HEARN: Comments on possible merit of Rep. Hayden's suggestion.

126 DILORENZO: Suggests putting in provisions for an established threshold.

147 HEARN: Summarizes that the amendments reduce time and offer person the option to file a case in court instead of a contested case hearing.

167 CHAIR WATT: Suggests that there is time to work together and resolve the question of cause.

189 HEARN: Discusses concerns on the confidentiality issue.

230 CHAIR WATT: Comments on language.

233 DILORENZO: Discusses the apparent contradiction in the draft language. Suggests possible amendments to alleviate the concern.

MOTION: VICE-CHAIR ROBERTS moves page 15c, line 15 after "sion"

insert a period; delete " until the matter is before the commission in public hearing."

VOTE: Hearing no objections the motion passes.

MOTION: VICE-CHAIR ROBERTS moves page 2c, line 27 insert a period after the words "or action"; delete rest of the sentence.

VOTE: Hearing no objections the motion passes.

308 CHAIR WATT: Closes the work session on SB 159. Adjourns the meeting at 4:05 p.m.

Submitted by:

Reviewed by:

Betina Rothausser  
Administrator

Adrienne Sexton Coordinator

EXHIBIT LOG:

A - Amendment to SB 159A - staff - 8 pages B - Amendment to SB 159A - staff - 17 pages C - Amendment to SB 159A - Associated Oregon Counties - 1 page D - Amendment to SB 159A - League of Oregon Cities - 1 page E - Amendment to SB 159A - Valerie Paulson - 1 page F - Amendment to SB 159A - Capitol Club - 1 page G - Amendment to SB 159A - Rep. Girod - 1 page H - Amendment to SB 159A - Rep. Girod - 2 pages I - Amendment to SB 159A - Sen. Shoemaker - 1 page J - Amendment to SB 159A - Rep. Schoon - 3 pages K - Amendment to SB 159A - Sen. Kerans - 2 pages L - Amendment to SB 159A - Rep. Walden - 2 pages M - Amendment to SB 159A - Sen. Kerans - 1 page N - Amendment to SB 159A - John DiLorenzo - 6 pages O - Amendment to SB 159A - Sen. Kerans - 2 pages P - Amendment to SB 159A - Rep. Girod - 1 page Q - Amendment to SB 159A - Sen. Kerans - 1 page R - Amendment to SB 159A - William Love - 1 page S - Amendment to SB 159A - Oregon Government Ethics Comm. - 1 page T - Amendment to SB 159A - Art James - 1 page U - Amendment to SB 159A - State Treasurer - 2 pages V - Amendment to SB 159A - John DiLorenzo - 2 pages