

HOUSE COMMITTEE ON RULES AND REORGANIZATION Subcommittee on Rules

April 27, 1993 Hearing Room E 1:30 p.m. Tapes 18 - 21

MEMBERS PRESENT: Rep. Fred Girod, Chair Rep. Lonnie Roberts Rep. Dave
McTeague Rep. Cedric Hayden

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

MEASURES CONSIDERED: HCR4 - Designates the Oregon Waltz as
state waltz.

SB 159 - Modifies procedures for Oregon Government
Ethics Commission

WITNESSES: K.K. Burrell, HCR4 Sen. Grattan Kerans, SB 159
Pat Hearn, SB 159 Donald Dole, SB 159 Sen. Bob Shoemaker, SB 159 Ed
Patterson, SB 159 Diana Godwin, SB 159 Gary Wilhelms, SB 159 Jim Green,
SB 159 Gary Bruebaker, SB 159

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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 18, SIDE A

002 REPRESENTATIVE FRED GIROD, SUBCOMMITTEE CHAIR: Convenes meeting at
1:30 p.m. -Opens public hearing on HCR4.

PUBLIC HEARING - HCR4

005 REPRESENTATIVE LONNIE ROBERTS: Explains resolution.

010 K.K. BURRELL: Submits written testimony (EXHIBIT A) in support of
HCR 4 on behalf of Lucky Mason. -Plays recording of "Oregon Waltz."

091 REPRESENTATIVE CEDRIC HAYDEN: Asks for lyrics.

094 GIROD: Closes hearing on HCR4. -Opens hearing on SB 159.

PUBLIC HEARING - SB 159

100 SENATOR GRATTAN KERANS: Submits written testimony (EXHIBIT B) in
support of SB 159. -Summarizes testimony and explains bill.

142 REPRESENTATIVE LONNIE ROBERTS: Are those kept secret until
needed otherwise?

150 KERANS: Continues.

181 HAYDEN: What course would you have against someone accusing you on a daily basis?

189 KERANS: Responds. -Continues testimony.

257 ROBERTS: You're talking about salary, not travel, etc.?

265 KERANS: Responds. -Continues testimony.

292 HAYDEN: Asks for a clarification, 2nd page, 2nd paragraph, line 4.

300 KERANS: Responds. -Continues testimony.

355 ROBERTS: You're talking about intent. What does this bill do differently than current law?

365 KERANS: Responds.

371 HAYDEN: This is a self-policing situation, isn't it?

379 KERANS: Responds.

402 HAYDEN: How does this bill improve over current law?

407 KERANS: Responds.

TAPE 19, SIDE A

045 PAT HEARN, O.G.E.C.: In support of SB 159.

062 DONALD DOLE, O.G.E.C.: In support of SB 159.

074 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains fax received from John DiLorenzo (EXHIBIT C).

089 HEARN: Summarizes the bill, section 1 and 2.

115 DOLE: Comments on Hearn's summary.

123 HAYDEN: What's the 'Long Matter'?

128 DOLE: Responds.

132 GIROD: Asks about what happens if false charges are brought up.

139 HEARN: Responds.

165 DOLE: We don't act on anonymous mail.

168 GIROD: Isn't all that information open to the public?

171 HEARN: Responds.

181 HAYDEN: If the complaint is unfounded, what recourse is there?

186 HEARN: That's not part of the Ethics Commission.

188 HAYDEN: Could you skip the Ethics Commission and go to the court?

191 HEARN: You can ask.

194 DOLE: Responds.

200 GIROD: What if the complaints come from the prison or mental health institution?

202 DOLE: Responds. -Notes the difference in inquiry language.

255 REPRESENTATIVE DAVE MCTEAGUE: Please define a conflict of interest.

260 HEARNS: Responds. -Continues with section 2.

289 HAYDEN: Questions double jeopardy.

295 HEARNS: Doesn't apply.

299 HAYDEN: Is that good?

301 HEARNS: Responds. -Summarizes section 3, 5 and 6.

344 HAYDEN: Asks about clarification of section 4.

348 HEARNS: Responds.

370 DOLE: Explains why section 5, subsection 4 was deleted.

387 GIROD: What constitutes a misrepresentation?

392 DOLE: Responds.

408 HEARN: Continues section 6.

429 HAYDEN: What happens if a lobbyist realizes it was a misrepresentation only after the incident?

440 DOLE: It has to be a known misrepresentation.

TAPE 18, SIDE B

022 HEARN: Summarizes section 7 and 8.

061 HAYDEN: Will that deter people from entering public service?

067 HEARN: I don't think so.

077 HAYDEN: Could there be a two or three tier system with different standards?

082 DOLE: Responds.

108 GIROD: Asks about definition of relatives.

120 HEARN: Clarifies. -Summarizes section 9.

177 HAYDEN: The 'avoidance of financial detriment' language may be a bit extreme.

185 HEARN: Continues with section 9.

196 GIROD: If there is something applying to my profession, could I vote on it?

208 DOLE: Responds.

219 HAYDEN: Gives an example, and asks if that constitutes avoidance.

230 HEARN: Responds.

249 DOLE: Gives an example of what financial detriment is. 277
HEARN: Summarizes section 10.

300 HAYDEN: Questions whether representatives could be employees of companies they had previously contracted to.

307 DOLE: Responds.

339 MCTEAGUE: This is broad new language when dealing with the amount of contracts that are given out.

342 DOLE: Responds.

360 MCTEAGUE: Some of these regulations shouldn't apply to the small contracts, only to the large ones.

438 SENATOR BOB SHOEMAKER: In support of SB 159 except for the part about honorariums.

TAPE 19, SIDE B

042 GIROD: Would limits be okay?

044 SHOEMAKER: Responds.

050 HAYDEN: Why should it be different than the per diem we get here?

054 SHOEMAKER: Responds.

075 MCTEAGUE: No one's offered to pay me to go anywhere. How common is this?

081 SHOEMAKER: Responds.

112 HEARN: The U.S. Senators gave up honorariums in 1991. -Summarizes section 11.

158 HAYDEN: What's the benefit to filing the statement of economic interest?

169 HEARN: Responds.

189 DOLE: Responds.

216 HAYDEN: Can you use it to deprive someone of office?

221 DOLE: No, just to kick them off the ballot.

240 HAYDEN: Discusses the penalty for not filing statement.

267 GIROD: The statement is more for information than anything else.

275 DOLE: Responds. 295 HAYDEN: Where do you keep all those reports?

300 HEARN: Responds.

315 GIROD: Asks why some elected officials are on the list, some not.

330 DOLE: Responds.

333 HEARN: Responds. -Summarizes section 12.

353 HAYDEN: Why is just the official's house on the report and not all property?

358 HEARN: Summarizes section 15 and 16.

409 ROBERTS: Gives an example of a Representative being a member of a board.

414 HEARN: Responds.

423 ROBERTS: What about something like PERS, if it affects all of us.

432 HEARN: That falls under the class exception. -Summarizes section 17.

TAPE 20, SIDE A

033 MCTEAGUE: When and why does the Ethics Commission use the Attorney General's office?

037 HEARN: Responds.

040 DOLE: Responds.

053 HEARN: Summarizes section 18.

084 HAYDEN: Why can't you get some of that information?

087 HEARN: Responds.

090 DOLE: Responds.

140 HAYDEN: What can't you do now that you can do when you call it a formal investigation?

148 DOLE: Responds.

175 HEARN: Responds. -Summarizes section 22 and 23.

265 HAYDEN: Asks questions about prosecutorial discretion.

271 DOLE: Responds.

300 MCTEAGUE: Can the commission ask questions, or is their role finished after the report?

311 DOLE: Responds.

333 MCTEAGUE: The commission decides whether to conduct a full investigation?

335 DOLE: Yes.

340 GIROD: How essential is section 23?

346 DOLE: Responds.

360 GIROD: It would be better if part of statute instead of as an administrative rule.

374 MCTEAGUE: Are you prevented from adopting criteria?

386 DOLE: Responds.

389 HEARN: Responds.

396 MCTEAGUE: Is there a granted rulemaking policy for you?

400 DOLE: Yes.

415 HEARN: Summarizes section 24, 25-28.

444 DOLE: Addresses the -9 amendments.

TAPE 21, SIDE A

030 DOLE: Continues. -Discusses ethics relating to entertainment.

073 ROBERTS: How do we fix the language?

078 HEARN: Responds.

098 GIROD: This would repeal the rule then. -It would make entertainment exempt.

141 MCTEAGUE: What does the Senate bill say about this issue?

144 DOLE: Nothing.

158 ED PATTERSON, CAPITOL CLUB: Notes the lobbyist code of ethics. -We only looked at it in terms of lobbyists. -Gives opinions on bill. -Submits written testimony (EXHIBIT D).

255 DIANA GODWIN, CAPITOL CLUB: Further notes the code of ethics. -There are many different factors involved.

311 GARY WILHELMS, US WEST COMMUNICATIONS: There is a fine line between gifts and non-gifts. -Needs to be considered and the 100 dollar limit is going too far.

375 GODWIN: Gives another example as to what is a gift and what is not.

420 ROBERTS: Comments that this applies to legislators as well as lobbyists.

447 PATTERSON: Responds.

TAPE 20, SIDE B

022 JIM GREEN, O.S.B.A.: In support of SB 159. -Notes proposed changes, mistakes.

055 ROBERTS: These officials can't take part in the discussion but can in 3the voting?

060 GREEN: Responds.

095 ROBERTS: I agree. They don't get paid so shouldn't be required to disclose that information.

115 GARY BRUEBAKER, DEPUTY STATE TREASURER: Submits written testimony (EXHIBITS E & F) in support of the concept of SB 159. -Opposed to parts of it.

192 ROBERTS: What if an individual filed this with the Treasurer?

195 BRUEBAKER: Responds. -Continues testimony.

257 GIROD: Closes hearing on SB 159. -Adjourns at 4:40 p.m.

Submitted by:

Reviewed by:

Kenneth Brady
Administrator

Adrienne Sexton Clerk

EXHIBIT LOG:

A - Testimony on HCR4 - Lucky Mason - 2 pages B - Testimony on SB 159 A - Grattan Kerans - 5 pages C - Testimony on SB 159 A - John DiLorenzo - 3 pages D - Testimony on SB 159 A - Ed Patterson - 2 pages E - Testimony on SB 159 A - Gary Bruebaker - 5 pages F - Testimony on SB 159 A - Gary Bruebaker - 5 pages G - Testimony on SB 159 A - Marc Overbeck - 5 pages H - Proposed amendments to SB 159 A - Staff - 1 page I - Information on SB 159 A - Staff - 5 pages J - Information on SB 159 A - Staff - 7 pages