

HOUSE COMMITTEE ON RULES AND REORGANIZATION Subcommittee on Rules

May 4, 1993 Hearing Room H 170 1:30 p.m. Tapes 24 - 25

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

MEMBER EXCUSED: Rep. Cedric Hayden

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

MEASURES CONSIDERED: SB 159 A - Modifies procedures for Oregon Government Ethics Commission

HB 3423 - Changes date of biennial primary election

HB 2556 - Defines procedure for filling vacancy in

Legislative Assembly

WITNESSES: Randall Edwards, Oregon State Treasury, SB 159 A
John DiLorenzo, SB 159 A Pat Hearn, Government Ethics Commission, SB 159 A
Jim Green, Oregon School Board, SB 159 A Marv Evans, Confederacy of School Administrators, SB

159 A

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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 24, SIDE A

003 REPRESENTATIVE FRED GIROD, SUBCOMMITTEE CHAIR: Convenes meeting at 1:34 p.m. -Opens hearing on SB 159 A.

PUBLIC HEARING - SB 159 A

007 RANDALL EDWARDS, OREGON STATE TREASURY: Submits written testimony (EXHIBIT A) with proposed amendments to SB 159 A.

036 REPRESENTATIVE LONNIE ROBERTS: What part are we discussing of the bill?

040 EDWARDS: Section 10. -Continues testimony.

064 ROBERTS: Generally, most confidential information doesn't stay confidential for more than two years.

070 EDWARDS: Responds.

124 ROBERTS: The confidentiality would still be subject to court review, correct?

128 EDWARDS: Correct.

132 JOHN DILORENZO: Submits written testimony (EXHIBIT B) in support of -10, -13, & -14 amendments to SB 159 A.

283 ROBERTS: Doesn't that prohibition from giving contributions while in session apply to all officials?

294 DILORENZO: Yes, now it does. -Continues testimony.

340 ROBERTS: Asks about the 'speedy hearing rule'.

348 DILORENZO: Responds.

367 ROBERTS: Do you agree that nothing should be told to the media until there is probable cause?

377 DILORENZO: Responds.

400 ROBERTS: Is there a penalty for the Ethics people releasing information to the press?

420 DILORENZO: Responds.

435 REPRESENTATIVE DAVE MCTEAGUE: What is the main idea of the A-14 amendments?

444 DILORENZO: Explains A-14 amendments.

TAPE 25, SIDE A

038 DILORENZO: Continues.

050 MCTEAGUE: Did you present this to the Senate?

054 DILORENZO: Responds.

064 MCTEAGUE: In a circuit court, would that be a judge or jury who decides?

068 DILORENZO: Responds. -Explains A-10 amendments. 092 ROBERTS: In a circuit court, isn't that choice up to the defendant?

097 DILORENZO: Responds.

111 PAT HEARN, ETHICS COMMISSION: Gives comments in response to DiLorenzo's amendments.

128 ROBERTS: That's not the way I understand the amendments.

139 HEARN: Points out in the -14 amendments where it would eliminate the investigatory phase.

159 ROBERTS: What part are you referring to?

164 HEARN: Responds.

182 DILORENZO: Explains the process of the investigations. -Notes how that would change with the -14 amendments.

220 HEARN: Discusses the ill effects of the -14 amendments.

245 GIROD: This would push more into the courts instead of the investigatory phase?

252 HEARN: Responds.

272 ROBERTS: Could you explain a 'preliminary review'?

277 HEARN: Explains.

329 MCTEAGUE: How long did people used to 'hang in the wind' in this process?

336 HEARN: Sometimes two or three years and once as long as eight years.

365 ROBERTS: What percentage of claims would you say are unsubstantiated?

380 HEARN: Not sure. Maybe 15-20 percent.

386 ROBERTS: Are there any options for recourse after that?

390 HEARN: Don't know.

393 GIROD: How many cases in the last two years involved local governments?

397 HEARN: About 240 of 250. -Comments on -10, -13 and -14 amendments.

TAPE 24, SIDE B

035 HEARN: Continues. -Name could be the "Board of Commissioners of Official Standards and

Conduct" or something like that.

080 DILORENZO: Responds to the points that Hearn brought up.

113 ROBERTS: Who do you collect the attorney's fees from?

120 DILORENZO: The State of Oregon.

125 ROBERTS: Why does Mr. Hearn disagree with the 120 day time?

133 HEARN: Responds.

150 JIM GREEN, OREGON SCHOOL BOARD: Speaks on the -11 amendments.

168 GIROD: What are the consequences if they don't disclose that information?

173 HEARN: \$1000 fine. Or they could have to forfeit twice the amount gained.

180 GREEN: School Board people are not paid, and are there as volunteers. Shouldn't have to disclose all that information.

200 ROBERTS: Do you make a possible conflict of interest known before the bid or during or when?

210 GREEN: Responds.

219 GIROD: How are the school boards different?

226 GREEN: School Board members set policies, not raise taxes or anything else.

238 MARV EVANS, CONFEDERACY of SCHOOL ADMINISTRATORS: Speaks on the -11 amendments.

262 MCTEAGUE: Are there members of the School Board that negotiate contracts?

270 EVANS: Yes.

273 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains who would fall under the limits of being able to get jobs, etc.

300 EVANS: Responds.

311 MCTEAGUE: We need clarification from the Senate on this.

319 GIROD: Closes hearing on SB 159 A. -Adjourns at 2:55 p.m.

Submitted by:

Reviewed by:

Kenneth Brady
Administrator

Adrienne Sexton Clerk

EXHIBIT LOG:

A - Testimony on SB 159 A - Randall Edwards - 3 pages B - Testimony on SB 159 A - John DiLorenzo - 7 pages C - SB 159 A with -10, -12, & -14 amendments - Staff - 17 pages D - Amendment to SB 159 A - Staff - 1 page