

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

February 2, 1993 Hearing Room B 3:00 p.m. Tapes 4 and 5
MEMBERS PRESENT: Senator Grattan Kerans, Chair Senator Neil Bryant
Senator Joan Dukes Senator Rod Johnson Senator Dick Springer STAFF
PRESENT: Annette Talbott, Committee Counsel Tamara Brickman,
Committee Assistant MEASURES CONSIDERED: Public Hearing SB 17 SB 18
SB 19 - These minutes contain materials which paraphrase and
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. TAPE 4, SIDE A

006 CHAIR KERANS: CaUs meeting to order at 3:09 p.m.

Public Hearing on SB 17

WITNESS: Patrick Hearn, Executive Director, Oregon Government Ethics
Commission

009 PATRICK HEARN, Executive Director, Oregon Government Ethics
Commission: Refers to EXHIBIT A from 1/28/93 meeting. Testifies in favor
of SB 17.

071 SEN. BRYANT: Asks if there is a procedure for a protective order
process for subpoenas to avoid abuses of that power.

078 HEARN: Replies that there is currently no such procedure.

083 ANNETTE TALBOTT, Counsel: Asks if the Commission has discussed
whether a person can challenge a subpoena through an administrative
procedure.

HEARN: Asks for clarification. Senate Ethics, Elections, and Campaign
Finance Committee February 2, 1993 - Page 2

087 ANNETTE TALBOTT: Responds.

CHAIR KERANS: Clarifies that he is referring to a protective order.

HEARN: Responds to question on protective order.

CHAIR KERANS: Continues discussion and questions on issue of subpoena
power of the Commission. Understanding that during the 1991 session the
subpoena power was to be available at any time after the filing of a
complaint or acting on its own motion. That is what they thought (2) did
yet the other language suggests the subpoena cannot be issued until
cause is found. Asks why the commission is not asking to clarify the
subpoena issue.

CHAIR KERANS: Comments on the need to clarify the language.

127 HEARN: Responds to Chair Kerans' comments.

CHAIR KERANS: Comments on need for counsel to examine protective order
question and clean up LC draft. Closes Public Hearing on SB 17.

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proceedings, please refer to the lopes. Senate Ethics, Elections, and
Campaign Finance Committee February 2, 1993 - Page 3

Public Hearing on SB 18 WIINESS: Patrick Hearn, Executive Director,
Oregon Government Ethics Commission 144 HEARN: Testifies in favor of SB
18. 172 CHAIR KERANS: Comments on lobbyist registration requirements.
181 HEARN: Continues testimony on SB 18. 189 SEN. JOHNSON: Asks
questions on the bill's intent and the possible benefits. 192 HEARN:
Responds to Sen. Johnson's questions.

CHAIR KERANS: Closes Public Hearing on SB 18.

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Public Hearing on SB 19

WITNESSES: Patrick Hearn, Executive Director, Oregon Government Ethics Commission
Craig Smith, Chief Financial Officer, Chemeketa Community College

208 HEARN: Testifies in favor of SB 19.

248 CHAIR KERANS: Asks why the Committee should "turn the Commission loose to go out by rule to decide on a case by case, month by month basis whose in whose out of the statute...?"

258 HEARN: Responds that the intent is to try to lessen the legislative burden.

274 SEN. BRYANT: Asks if the Commission has any suggestions on who they would like to include.

276 HEARN: Responds to Sen. Bryant's question.

296 SEN. JOHNSON: Mentions that he is not "inclined to expand the power of this agency or any other agency to broaden its scope or power base."

301 CHAIR KERANS: Comments that the Bill will probably be amended.

315 SEN. JOHNSON: Refers to the concerns raised in the letter from League of Oregon Cities. Asks a question regarding the concerns raised. (EXHIBIT A)

HEARN: Responds to Sen. Johnson's question.

SEN. JOHNSON: Comments that he would like to add some language to the Bill to clarify the concerns.

336 CHAIR KERANS: Discusses conflict of interest disclosure versus the Statement of Economic Interest (SEI) disclosure.

348 HEARN: Comments that regardless of whether an official is required to file a SEI, that official must disclose when there is a conflict of interest.

359 CHAIR KERANS: Continues discussion on conflict of interest. Asks what the penalties would be for an official who fails to disclose a conflict of interest.

HEARN: Responds by discussing penalty structure.

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379 CHAIR KERANS: Comments on the Commission's efforts of enumerating further those persons who should be required to file a SKI.

392 SEN. DUKES: Continues discussion on conflict of interest issue.

HEARN: Responds to questions on conflicts of interest raised by Sen. Dukes.

423 CHAIR KERANS: Directs Mr. Hearn and Ms. Talbott to further refine the conflict of interest issue and make an inclusive "additional enumeration" of who should be on list for filing a SKI.

464 CRAIG SMITH, Chief Financial Officer Chemeketa Community College: Introduces himself as representing the Community Colleges Association.

TAPE 5, SIDE A

035 SMITH: States that the Oregon Community College Association opposes SB 19.

075 SEN. JOHNSON: Concurs with opinion of Mr. Smith.

076 CHAIR KERANS: "Bit of tautology to disagree...by virtue of fact that CC Directors are not enumerated and thus not required to divulge there hasn't been a complaint to their filings." Questions Mr. Smith about Community College budget not including personnel expenses.

087 SMITH: Responds to Chair Kerans' question on budget.

098 CHAIR KERANS: Discusses conflict of interest issue.

SMITH: Continues discussion of conflict issue, and concludes testimony.

134 CHAIR KERANS: Closes hearings on SB 17, 18, 19. 136 ANNETTE TALBOTT: Discusses agenda for Thursday February 4, 1993.

139 CHAIR KERANS: Adjourns meeting at 3:50 p.m.

Submitted by:

Reviewed by:

Tamara Brickman

Annette Talbott Assistant

Counsel

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