

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

February 11, 1993 Hearing Room B 3:00 p.m. Tapes 10 and 11
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: Executive Appointments Work
Session SB 17 SB 18 SB 19 SB 110 SB 111 - 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. TAPE 10, SIDE A

006 CHAIR KERANS: Calls meeting to order at 3:17 p.m.

EXECUTIVE APPOINTMENTS WITNESS: PETER S. GRAY, Executive Appointee,
Oregon Government Ethics Commission 021 PETER S. GRAY, Executive
Appointee, Oregon Government Ethics Commission: Presents background
information. (EXHIBIT A)

028 CHAIR KERANS: Discusses commission issues with Mr. Gray.

043 GRAY: Responds to Chair Kerans' statements and questions.

051 CHAIR KERANS: Continues discussion with Mr. Gray. Senate Ethics,
Elections, and Campaign Finance Committee February 11, 1993 - Page 2 i

077 MOTION: SEN. JOHNSON moves for confirmation of Peter Gray to
Oregon Government Ethics Commission. CHAIR KERANS: Hearing no objections
the MOTION is ADOPTED. 088 CHAIR KERANS: Turns to the confirmation
for reappointment of Joshua Stampfer to the Oregon Government Ethics
Commission. (EXHIBIT B) 094 MOTION: SEN. BRYANT moves for
confirmation of Joshua Stampfer to a full term on Ethics Commission
beginning January 2, 1993 ending January 1, 1997. CHAIR KERANS: Hearing no
objections the MOTION is ADOPTED.

INFORMATIONAL MEETING

WITNESS: PATRICK HEARN, Executive Director, Oregon Government Ethics
Commission

111 PATRICK HEARN, Executive Director, Oregon Government Ethics
Commission: Introduces Dick Durham, Member, Oregon Government Ethics
Commission.

118 CHAIR KERANS: Begins discussion of the commission's budget.
(EXHIBIT C) 142 HEARN: Responds to Chair Kerans' question regarding the
commission's budget. 209 CHAIR KERANS: Discusses the reduced budget
level structure with Mr. Hearn.

303 SEN. BRYANT: Asks a question regarding the budget and the repeal of
mandatory timelines for investigation phases.

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

316 CHAIR KERANS: Discusses the cost of investigative staff with Mr.
Hearn and Sen. Johnson.

343 SEN. JOHNSON: Asks what would happen to the commission if its

investigative staff was to be cut back.

369 CHAIR KERANS: Continues the discussion regarding funding for the commission.

424 HEARN: Responds to Chair Kerans' questions and statements.

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458 CHAIR KERANS: Asks if the commission needs a full FTE for the purposes of promoting continuing education.

TAPE 11, SIDE A

042 HEARN: Responds to Chair Kerans' statements and questions.

063 CHAIR KERANS: Continues the discussion regarding the commission's need to maintain its investigative staff.

085 HEARN: Discusses possibility of periodic seminars sponsored by the Ethics Commission and given throughout the state.

094 SEN. SPRINGER: Asks about the possibility of coordinating efforts with other offices that have an interest in understanding Ethics laws, such as the Attorney General, Department of Justice.

118 HEARN: Responds to Sen. Springer's question.

138 SEN. JOHNSON: Asks a question regarding the commission's budget. (EXHIBIT C)

173 CHAIR KERANS: Comments on ethics training and interaction with Department of Justice.

183 HEARN: Responds to Chair Kerans' statement.

192 SEN. BRYANT: Discusses budget issue of attorney fees.

210 HEARN: Responds to Sen. Bryant's comments.

WORK SESSION

255 CHAIR KERANS: Refers to concept list. Asks if there are any strong objections or additions to any of the concepts included on the list. Discusses the creation of two omnibus bills. (EXHIBIT D)

268 SEN. BRYANT: Asks if concept number two eliminates the need for concept number one.

276 CHAIR KERANS: Directs Sen. Bryant's question to Mr. Hearn. Senate Ethics, Elections, and Campaign Finance Committee February 11, 1993 - Page 4

278 HEARN: Responds by illustrating the case concerning the Director of SAIF, Stan Long. The Attorney General represented both the Ethics

Commission and Mr. Long.

287 CHAIR KERANS: Asks if concept number two would eliminate most of the problems that arrive.

289 HEARN: "Yes Mr. Chair, it would. Certainly a great deal of it."

290 CHAIR KERANS: Comments that number two would give the commission access to outside counsel in conflict situations. Relates to Sen. Bryant that Mr. Hearn believes number two would cure most of the problem. Number one would address occasional occurrences of conflict when the AG representing someone who was an employee of a "quasi-public corporation," and/or in a political "relationship" type conflict.

315 HEARN: Mentions only case he is familiar with is the case that everyone else is familiar with (Stan Long). He adds that number two would probably limit the occurrences of the "other" subject.

319 TALBOTT: Refers to an example which occurred in the Treasurer's office. She addresses the possibility of a conflict existing when the AG advises public officials, even if no ethics charges have been filed, and advising the Ethics Commission at the same time.

334 HEARN: Concurs with Ms. Talbott. Refers to the Davidson case at SAIF.

348 TALBOTT: Mentions that this case was several years ago.

352 CHAIR KERANS: Restates that number two would be "mostly curative", but number one would be needed on an occasional basis. Comments that the intent of the bill is to give the commission the ability to determine if a conflict exists (not the Attorney General) and seek outside counsel only in those cases in which a conflict does exist.

364 HEARN: Responds to Chair Kerans' statement. Confirms that the commission's intent is to only seek outside counsel in conflict situations.

372 SEN. JOHNSON: Makes a statement that he has no objections to the list of concepts, but he reserves the right to make amendments.

380 CHAIR KERANS: Responds to Sen. Johnson's statement.

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391 TALBOTT: Discusses that the clarifying language discussed previously with Mr. Hearn will appear in the draft.

404 SEN. BRYANT: Makes a statement regarding the Committee's disagreement to the concept granting the commission the authority by rule to add individuals to the SKI disclosure list (Concept 19).

409 CHAIR KERANS: Comments on Sen. Bryant's statement.

417 TALBOTT: Mentions that Mr. Hearn is prepared with a list for

discussion on SKI disclosure.

421 CHAIR KERANS: Asks that Mr. Hearn give the list to Counsel so that the committee can look at it as a whole.

440 CHAIR KERANS: Adjourns meeting at 4:15 p.m.

Submitted by: Reviewed by:

Tamara Brickman Annette Talbott Assistant Counsel

EXHIBIT LOG A - Appointment of Peter S. Gray - Governor Roberts - 12 pages
B - Appointment of Joshua Stampfer - Governor Roberts - 15 pages

C - Budget Overview of Oregon Government Ethics Commission - Committee Staff- 11 pages

D - Concept List Regarding the Ethics Commission's Authority - Committee Staff- 2 pages

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