

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

April 24, 1991 Hearing Room E 5:00 p.m. Tapes 30 - 31 MEMBERS
PRESENT: Rep. Greg Walden, Chair Rep. Peter Courtney, Vice-Chair Rep.
Ray Baum Rep. Margaret Carter Rep. Ron Cease Rep. Beverly Clarno Rep.
Carl Hosticka Rep. Bill Markham Rep. Randy Miller Rep. Fred Parkinson

MEMBER EXCUSED: Rep. Tom Mason VISITING MEMBER: Rep. Bob Pickard
STAFF PRESENT: Greg Leo, Committee Administrator Mary Walling,
Committee Assistant MEASURES CONSIDERED: SCR 1- In Memoriam: Ray
Atkeson SCR 5 - Commemorate: Dr. Linus Pauling SCR 2 - In Memoriam:
Senator Eugene Marsh SCR C - In Memoriam: Senator Gordon McKay SJM12
-150th Anniversary, Oregon Trail SCR 7 -100th Anniversary, Falls City HB
3197 - Honoraria to Public Officials HB 2826 - Measure Limitation HB
2917 - Prohibits Contingency Fee Payments HB 2039 - Joint Legislative
Audit Committee

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. House Committee on Legislative
Rules ~ 11capporbament April 24, 1991- Page 2

TAPE 30, SIDE A

009 CHAIR WALDEN: Calls the meeting to order at 5:00 p.m.

(Tape 30, Side A) SCR 5 - Commemorate: Dr. Linus Pauling. Public Hearing
Witnesses: Bill VanVliet for Rep. Tony VanVliet Karen Scheffer for Sen.
Clifford Trow 020 BTT I VANVLIET: Submits and summarizes testimony in
support of SCR 5. (EXHIBIT A)

033 KAREN SCHEFFER: Testifies for Sen. Trow in support of SCR 5. SCR 7
-100th Anniversary, Falls City, Public Hearing Witnesses: Bet Conmy for
Rep. John Schoon Karen Scheffer for Sen. Clifford Trow 051 BET CONMY:
Submits testimony and test)ifies in support of SCR 7. (EXHIBIT B)

KAREN SCHEFFER: Testifies for Sen. Trow in support of SCR 7.

Additional testimony submitted by Jon Wood in support of SCR 7. (EXHIBIT
C)

SCR 2 - In Memoriam: Senator Eugene Marsh. Public Hearing Witness: Scott
Carter for Rep. Stan Bunn

090 SCOTT CARTER: Submits and reads testimony in support of SCR 2.
(EXHIBIT D)

(Tape 30, Side A) HB 2039 - Joint Legislative Audit Committee, Public
Hearing Witnesses: Doug Wilson, Legislative Fiscal

142 DOUG WILSON, LEGISLATIVE FISCAL: Presents amendments (EXHIBIT E)
and test)ifies in support of HB 2039.

>The bill as originally drafted increased the membership of the Joint
Legislative Audit Committee from nine to twelve members and also allowed
the committee to have access to examine and copy all records in the
custody of any public or private entity for programs funded in whole or
part by state funds or in the custody of a state agency.

>This is to allow the committee to effectively evaluate state programs by taking a look at records that might not otherwise be available. >The first part of this amendment take out any reference to increasing the size of the of the committee. The remaining portion of the amendment addresses the concern about members haviang to give out information they might have in their possession clarifies that it is the legislative fiscal officer or designee. House Committee on I - lative Rules h Reapportioament April 24, 1991 - Page 3

> Discussed with with Legislative Counsel if a violation occurs what is the charge. To the best of their knowledge it would probably be a violation of official misconduct in the second degree, which is a class C misdemeanor. 185 REP. MARKHAM: What are the confidential material that fiscal officer would be looking at?

WILSON: An evaluation of a specific human resources program would be an example. There are private records of specific individuals that might be necessary to look at only for research purposes.

MARKHAM: Would this committee be in the Department of Revenue. That is really confidential stuff and disclosure takes a stiff penalty.

WILSON: If violated the records act it would be misconduct in the second degree. If violated some other act, that act would supercede the records act and take that penalty.

>Would be working under the direction of the audit committee. It would be for research purposes and any private or confidential information would not be released.

230 CHAIR WALDEN: This is the legislature's audit committee and need to make sure they have the same authority as other organizations.

(Tape 30, Side A) SCR 1 - In Memoriam. Rev Atkenson. Public Hearing 270 REP. MILLER: Testifies in support of SCR 1. 280 CHAIR WALDEN: Comments that Ray Atkenson arrived in Hood River in 1927 and his first job was picking apples.

Tape 30, Side A) HB 2917 - Honoraria to Public Officials, Public Hearing Witness: Rep. Bob Pickard, House District 54 289REP. BOB PICKARD, HOUSE DISTRICT 54: Testifies in support of HB 2917.

~ In the last election cycle a bonus was put on winning. There was an organization that signed contracts with two candidates and had two prices. The price that would be paid if the candidate lost and a greater price that would be paid if the candidate won.

325 ~ It puts a twist on winning that might cause people to do things that they might normally not do if it was a flat rate. In the case mentioned, there was an additional \$4,000 available if candidate won. Instead of \$10,000 it was \$14,000. 377 REP. HOSTICKA: If there are practices that are inappropriate, wouldn't it be a better approach to straight forwardly address the practices. All this does is the same thing as in the private sector which gives people incentives and makes payment contingent upon performance.

. House Committee on I-lative Rules ~ Reapportionmenl April 24, 1991- Page 4 TAPE 31, SIDE A 023 REP. CEASE: Recognize that this sort of thing can be abused but not sure it can be abused anymore than other activity in campaigns.

>Prefer to look at these things as a package so it doesn't appear to be zeroing in on this particular item on this candidate and another item on some other candidate. 060 REP. MILLER: Bill in that cuts off fund raising a lot sooner than it does now. Bill says fund raising stops as soon as certified as the winner. Like to shut down time further if could.

CHAIR WALDEN: Another issue here is the win at any price. This can in some people bring out the worst. > Secretary of State could not be here tonight but did submit some written testimony in support of HB 2917. Points out the other bill and amendments being worked on for that bill. (EXHIBIT F)

(Tape 31, Side A) SCR 6 - In Memoriam: Senator Gordon McKav. Public Hearing Witness: Rep. Bob Pickard, House District 54

120 REP. BOB PICKARD, HOUSE DISTRICT 54: Testifies in support of SCR 6.

(Tape 31, Side A) HB 2826 - Measure Limitation. Public Hearing Witness: Rep. Bev Clarno, House District 55

163 REP. BEV CLARNO, HOUSE DISTRICT 55: Submits and summarizes testimony (EXHIBIT G) and amendments (EXHIBIT H) in support of HB 2826.

> Originally hoped to limit the number of bills introduced. That is difficult to do. Instead has attempted to enact some quality into the process and change the way things are done. >It would allow for an unlimited number of member requests before December 15th and after December 15th the house members would be limited to 20 requests and the senate members to 25.

> Oregon has no limit on drafting requests or the number of bill introductions.

> The number of requests has more than tripled in 20 years. Agency requests have increased 700 percent in the last 10 sessions.

> Legislative Council is considering charging agencies for these drafts in the hope of curbing the influx of requests.

> It is nearly impossible to estimate the time spent by Council on drafting bills. 24,1991- Page 5

>Legislative Council is extremely pressured and it is difficult for them to keep errors from occurring,

260 REP. HOSTICKA: Why do we need a bill to do this? Other states are doing it by rule. Could we just amend the rules to get this done? REP CLARNO: No problem doing it by rule, but think should be looked at. Either through bill or through rules. REP. MARKHAM: Why should senators have more opportunities to introduce bills than house members? REP. CLARNO: Suggested by Legislative Counsel in looking at what other states do. Considered reasonable because senators do represent twice as many people as representatives do.

293 > Discussion re costs of bills. REP. MILLER: Since we have to draft rules every session, a statute may have a greater chance of succeeding from session to session than a rule that could be changed.

325 > Discussion re number of bills introduced in other states. REP. MILLER: What if tagged on to this an additional amendment that said any additional bills would be charged at a rate set by whatever party and deduct it from legislator's account. 445 REP. MARKHAM: The same bill is frequently introduced by more than one individual. 458 REP. CLARNO: With present process such pandemonium is created in Legislative Counsel at the last the employees burn out and mistakes are made.

~ With this bill unlimited bills can be introduced before December 15th. Most legislators have an idea from exposure on interim committees what Wls they would like to introduce.

TAPE 30, SIDE B 028 REP. CEASE: Some bills legislators introduced are at the requests of organizations and that is an appropriate way to get them into the system. Want to be sure not to cut off this. Also its not just individual bills, its size of bills and amendments.

> If you actually limit number, would it force more requests in the interim?

> Some people make a few requests and other people make lots of requests. 057 REP. COURTNEY: However, some legislators that introduce a lot of bills and work very hard to get the bills passed. Because a legislator has introduced a large number of bills doesn't mean legislator is not efficient. Some work day and night to improve the system as they see it.

076 REP. HOSTICKA: Believes a limit is a good idea. People who want to bring legitimate issues House Committee OD I - lative Rules & llesp - _ April 24, 1991- Page ~

to the legislature will find ways to do it. Need to discourage people who are throwing things out for political or personal ego purposes. 085 REP. WALDEN: The bill does have an unlimited number of bills that can be introduced before cutoff date.

091 REP. COURTNEY: A first time legislator may get left out.

112 CHAIR WALDEN: Raises point that in section 2, (3) that allows additional measures by speaker and others, it does not specify if it is incoming or outgoing individual or party.

> Discussion regarding this point and having Legislative Counsel draft amendments to specify that it is incoming individual or party.

153 REP. MILLER: Another point is that as bills get prepared earlier they would be dropped earlier and to the committees earlier. This could speed up the process.

160 REP. CLARNO: Many times duplicate bills are introduced and because of the crunch that Legislative Counsel is in they aren't aware of other bills on the same subject.

>Legislative Counsel tries to keep duplication down. Sometimes can't be done because of volume and pressure.

>Discussion regarding duplication of bills and how could this be worked out. Legislative Counsel at present tells second drafter to wait and Legislative Counsel talks to first drafter. If he has no objection Legislative Counsel consolidates into one bill. First drafter has to give permission. Because of overload Legislative Counsel can't always do

this.

(Tape 30, Side B) SJM12 -150th Anniversary, Oregon Trail, Public Hearing
Witness: Rep. Greg Walden, House District

261 CHAIR WALDEN: Testifies in support of SJM12.

Tape 30, Side B) SCR 1Work Session

MOTION: Rep. Miller moves SCR 1 be adopted.

VOTE: The motion carried with all members present voting aye. Rep. Baum,
Carter and Mason excused. Rep. Miller will carry the bill.

SCR 5 - Work Session

MOTION: Rep. Parlcinson moves SCR 5 be adopted.

VOTE: The motion carried with all members present voting aye. Rep.
Carter and Mason excused. Rep. VanVliet will carry the bill. House
Committee on Legtslati~e Rule. ~ Reapportbnmen~ April 24, 1991- Page 7

SCR 2 - Work Session

MOTION: Rep. Cease moves SCR 2 be adopted. VOTE: The motion carried with
all members present voting aye. Rep. Carter and Mason excused. Rep. Bunn
will carry the bill.

SCR 6 - Work Session

MOTION: Rep. Courtney moves SCR 6 be adopted. VOTE: The motion carried
with all members present voting aye. Rep. Mason excused. Rep. Pickard
will carry the bill.

SJM12 - Work Session

MOTION: Rep. Carter moves SJM12 be adopted.

VOTE: The motion carried with all members present voting aye. Rep. Mason
excused. Rep. Baum will carry the bill.

SCR 7 - Work Session

MOTION: Rep. Markham moves SCR 7 be adopted. . VOTE: The motion carried
with all members present voting aye. Rep. Mason excused. Rep. Schoon
will carry the bill.

HB 2039 - Work Session

MOTION: Rep. Cease moves the adoption of HB 2039-2 amendments.

VOTE: Hearing no objection, the motion is adopted. MOTION: Rep. Cease
moves HB 2039 to the floor with a do pass as amended recommendation.

VOTE: The motion carried with all members present voting aye. Rep. Mason
excused. Rep. Miller will carry the bill.

TAPE 31, SIDE B HB 3197 - Work Session 026 CHAIR WALDEN: Distributes
amendments to HB 3197. (EXHIBIT I)

030 REP. HOSTICKA: Does this refer to appearances and honoraria solely in relationship to the role of the person as a legislator? . House Committee on Legislative Rules ~ Reapportionment April 24, 1991- Page 8

CHAIR WALDEN: It is the sponsor's intent to limit it to just official duties as a legislator and not to preclude outside income as a result of legislator's occupation.

~ Intent to delete bold face language on page 1 and insert the HB 3197-2 amendments. The 2 amendments limit the acceptance of any form of cash payment for honoraria. It does not ban the cost associated with the legislator's appearance. The organization that extends the invitation can pick up transportation, lodging and meals.

075 > Considerable discussion regarding (1) how to deal with problems of honoraria being given to charity, and (2) how to distinguish between whether individual there because of his occupation or because he is a public official. 239 REP. BAUM: Suggests just say no to payment. Accept only payment for lodging, meals, and transportation.

291 MOTION: Rep. Hosticka moves the HB 3197-2 amendments be amended to read " No public official acting in official capacity may accept or direct any form of payment for honoraria but may accept the costs of travel, lodging, meals and other attendant costs." VOTE: Hearing no objection, the motion carried. 325 MOTION: Rep. Hosticka moves that on page 1, beginning on line 10, delete language following the word "However" to end of line 14, and delete wording on page 2, lines 22 through line 25. VOTE: Hearing no objection, the motion carried.

348 MOTION: Rep. Markham moves that on page 1, line 8, delete ", honoraria".

VOTE: Hearing no objection, the motion carried.

MOTION: Rep. Miller moves HB 3197 as amended be referred to the floor with a do pass recommendation. (Legislative Counsel is to be requested to check amendments for clarity.)

VOTE: Motion carried with all members present voting aye. Rep. Carter and Mason excused. Rep. Walden will carry the bill.

450 CHAIR WALDEN: Adjourns meeting at 7:10

Submitted by: Greg Leo Assistant
Reviewed by: Mary Walling
Committee Administrator

, House Committee on Legislative Rules and Reapportionment April 24, 1991 - PaBe 9

EXHIBIT LOG: A - Testimony on SCR 5 - Rep. VanVliet - 1 page B - Testimony on SCR 7 - Rep. Schoon - 1 page C - Testimony on SCR 7 - Jon Wood - 2 pages D - Testimony on SCR 2 - Scott Carter - 2 pages E - Amendments to HB 2039 - D. Wilson - 1 page F - Testimony on HB 2917 - N. Johnson - 1 page G - Testimony on HB 2826 - Rep. Clarno - 4 pages H - Amendments to HB 2826 - Rep. Clarno - 2 pages I - Amendments to HB 3197 - Staff- 1 page