

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

May 29, 1991 Hearing Room 350 4:00 p.m. Tapes 45 - 46
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: Senator Joan Dukes SIAFF PRESENT: Greg Leo, Committee
Administrator Mary Walling, Committee Assistant MEASURES
CONSIDERED: SB 292 - Oregon Government Ethies Commission SB 5558 -
Biennial Expenses, Secretary of State's Office SB 906 - Columbia River
Bicentennial Commission HCR8 - Memoriam: Donald "Don" Burlinglum

TAPE 45, SIDE A 010 CHAIR WALDEN: Calls the meeting to order at 4:10
p.m. (Tape 45, Side A) SB 5558 - BIENNIAL EXPENSES. SECRETARY OF STATE'S
OFFICE. PUBLIC HEARING Witness: Phil Keisling, Secretary of State 012
PHIL KEISLING, SECRETARY OF STATE: Submits testimony (EXHIBIT A) and
test)files in support of SB 5558.

> There is in the budget for the Secretary of State's Of fice
approximately \$48,000 that is reserved for costs if the responsibility
for reapportionment devolves upon the Secretary of State.

> The Ways and Means Committee was advised of possible costs in this
event and it was the Ways and Means Committee that decided to reserve it
in the emergency fund where it would be available if needed.

> If it is not necessary for the Secretary of State's Of fice for the
reapportionment, then the money will not be requested and it will be
available to the Emergency Board for some other use.

> The amount was based on cost estimates made by the Assembly and the
Department of Energy. This does not involve additional funding for the
Secretary of State's Office. The money would go directly to the
Legislative Assembly and the Department of Energy to operate the system.

075 REP. BAUM: What has been the past practices for taking care of
expenses for the reapportionment?

KEISLING: In 1981 the reapportionment came to Secretary of State's
Office but it was not so much an issue of where the lines were drawn.
The issue had to do with the paring of House Districts into Senate
Districts.

>It cost about \$5,000 in 1981. >In 1971, not sure how Secretary Myers
provided for it. At that time did not have automated data base, etc.

> Have to assume worst case scenario that there is no plan and the other
option there may be a plan and the Supreme Court says its fine except
for these changes, fix them.

> Have to have the spending authority to go out and incur the expense
subject of course to the Emergency Board having the final word.

116 REP. CEASE: What would happen if the reapportionment were not
completed and the Secretary of State was not appropriated any money?

KEISLING: Would abide by constitutional duty. Would have to make
decision on how it could be done within the current budget.

> Discussion regarding the overall increase in the Secretary of State's budget.

> Reasons for increase were construction of the new archives building and the costs of printing and mailing the voting pamphlet.

> Discussion re audit functions of Secretary of State's Office. House Committee on Legislative Reapportionment Ma, 29, 1991 - P - e 3

(Tape 45, Side A) SB 906 - COLUMBIA RIVER BICENTENNIAL COMMISSION. PUBLIC HEARING Witnesses: Senator Joan Dulces, Senate District 1 Garry Breckon, Chairman, Bicentennial Commission 282 SENATOR JOAN DUKES, SENATE DISTRICT 1: Testifies in support of SB 906.

> In 1987 the Legislative Assembly created the Columbia River Bicentennial Commission. A senator, a representative and two other members were to comprise the Commission. The Commission was encouraged to join with the State of Washington to celebrate the bicentennial of the discovery of the Columbia River by Captain Robert Gray. > The Commission learned they do not have any statutory authority, only resolutionary authority. This causes problem when they need to spend money, lease office space, etc.

> SB 906 simply gives the Commission the authority to spend the money the Commission raises. 329 GARRY BRECKON, PROJECT DIRECTOR, BICENTENNIAL COMMISSION: Testifies in support of SB 906 > SB 906 defines the status of the Commission as a state agency and in particular grants authority and gives responsibility to Commission to enter into contracts, solicit and accept contributions, etc. > Handout (EXHIBIT B) describes activities of Commission. > The Commission is dealing with small amounts of money and the money needs to be turned over quickly. 353 SENATOR DUKES: The Bicentennial Commission is a mini state agency and will be sunsetted December 31, 1993. (Tape A, Side A) HCR8 - MEMORIAM: DONALD "DON" BURLINGHAM. PUBLIC HEARING Witness: Nola Parkinson, Aide to Rep. Parkinson

408 NOLA PARKINSON, LEGISLATIVE AIDE TO REP. PARKINSON: Testifies in support of HCR8 and submits information regarding Don Burlingham's life (EXHIBIT C).

> He was mayor of the City of Woodburn and also served on the Woodburn City Council. He was president of the Woodburn Jaycees and Rotary Club.

TAPE 46, SIDE A

SB 292A - OREGON GOVERNMENT ETHICS COMMISSION. PUBLIC HEARING Witnesses: Pat Hearn, Executive Director, Oregon Government Ethics Commission Gail Ryder, Staff, Senate Government Operations Committee Ma~ 29, 1991 ~ e 4

019 CHAIR WALDEN: Passes out two sets of amendments (EXHIBITS D and E:) that were drafted following the last committee meeting. These amendments modify the previous amendments and take into account some of the discussion issues the committee had.

> The SB 292-A10 amendments return the appointment process for the Ethics Commission to the process currently in use. The majority and minority leaders will make the appointments only they are now identified as the Democratic and Republican leaders and the Governor will appoint three, with no more than two from each major political party.

054 > Section 5 goes back to the original language and removes the change of "would" to "could" that was in previous amendments.

> On page 6, beginning on line 24, the previous amendments read "of an agency". It was felt that alternative language "of a public body" instead of "agency" was better.

> The question arose that it might then be illegal for a member of the bar to represent a client before the state bar because it is a public body of which that person is a member. The language in these amendments "before the governing body of a public body. is Legal Counsel's response.

084 REP. HOSTICKA: How would that affect planning commissions and things like that? Are they considered to be governing body of a public body?

> Discussion followed on meaning and how this would be applied. Committee felt question should be asked of Legal Counsel.

105 CHAIR WALDEN: Perhaps it could be tied into those who are required to file statements.

110 HEARN: Agrees with Chair Walden. Might be way of doing it to tie it to the reporting requirements of public officials that have to file an SKI. Planning commissioners, city councilors, members of county boards and commissions are included. For the intent of this proposed legislation any employee of any public body or any political entity of the state is also a public official.

> Agrees that committee should request Legal Counsel to draft some better language.

125 CHAIR WALDEN: On page 8, Section 9 is an addition that deals with the awarding of attorney's fees to the public official who prevails before the Ethics Commission.

> Discussion as to whether subsection (3) was too lenient in that regardless of the merit of the charge the public official would get attorney's fees.

170 REP. HOSTICKA: It is up to this committee to decide what is appropriate. It seems that the administrative procedures act is more appropriate than winner take all, no matter whether the other side has a cue or not.

~ Agrees with Rep. Miller in an earlier statement he made that if get into a winner take all arena then the Ethics Commission should be compensated if they prevail. The taxpayers who . _ . House Committee on Legisls~e Rul~ h Reapportbamant May 29, 1991- P"e S

pay for the Ethics Commission's activities would be compensated for their costs.

~ Discussion regarding the merits of whether it should be winner take all or if the prevailing public official should be compensated.

233 GAIL RYDER, STAFF, SENATE GOVERNMENT OPERATIONS COMMITTEE: When the interim committee looked at the attorney's fees issue, it was from

the perspective of the court not having any latitude to allow attorney's fees without some kind of language in the law. The way the Senate looked at it was in permissive language and they would probably favor some reasonable attorney's fees. That is permissive language rather than mandatory language.> The original language of SB 297 said they "may" award attorney's fees. It gave the court discretion.

> Discussion continued regarding payment of attorney's fees.

(Tape 46, Side A) HCR8 - MEMORIAM: DONALD "DON" BURLINGHAM. WORK SESSION

MOTION: Rep. Courtney moves that HCR8 be adopted.

VOTE: In a roll call vote the resolution is adopted. Rep. Carter, Cease, Markham, and Mason excused. Rep. Parkinson will carry the resolution.

(Tape 46, Side A ends at 310) TAPE 45, SIDE B

003 CHAIR WALDEN: Reopens the meeting at 5:45.

> Committee has been requested by the State Treasurer's office to introduce LC 4078. It was introduced before but the measure summary was inaccurate. It requires the Governor to submit 1993 - 1995 budget by December 31, 1991.

MOTION: Rep. Miller moves the introduction of LC 4078.

VOTE: Hearing no objection, the motion carries. Rep. Marlcham and Mason excused.

(Tape 45, Side B) SB 5558 - BIENNIAL EXPENSES. SECRETARY OF STATE'S OFFICE. WORK SESSION

016 MOTION: Rep. Cease moves SB 555 3 to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with Rep. Miller voting nay. Rep. Markham and Mason excused. Rep. Shiprack will carry the bill.

(Tape 45, Side B) SB 906 - COLUMBIA RIVER BICENTENNIAL COMMISSION. WORK SESSION . House Committee on Legislative Rules and Reapportionment May 29, 1991- Page 6

048 MOTION: Rep. Courtney moves SB 906 to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting aye. Rep. Markham and Mason excused. Rep. Taylor will carry the bill.

060 CHAIR WALDEN: Adjourns the meeting at 6:00 p.m. Submitted by:
Reviewed by: Mary Walling Greg Leo Assistant
Committee Administrator

EXHIBIT A - Testimony on SB 5558 - P. Keisling - 2 pages B - Testimony on SB 906 - G. Breclcon - 6 pages C - Testimony on HCR8 - N. Parkinson - 2 pages D - Amendments to SB 292 A - Staff - 9 pages E - Amendments to SB 292 A - Staff 1 page

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