

Senate Government Operations February 1, 1991 Page 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.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

February 1, 1991Hearing Room "B" 3:00 p.m. Tapes 11 - 12

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair
Sen. Jim Bunn Sen. Ron Grensky Sen. Tricia Smith Sen. Dick Springer

MEMBERS EXCUSED:Sen. John Kitzhaber

STAFF PRESENT: Gail Ryder, Senior Committee Administrator John
Houser, Committee Administrator Joan Green, Committee Assistant

MEASURES CONSIDERED: SB 483 - Relating to Ethics, PH/WS
SB 294 - Relating to Ethics, PH/WS SB 302 - Relating to Boundary
Commissions, PH/WS SB 290 - Relating to Ethics, WS SB 291 - Relating to
Ethics, WS SB 292 - Relating to Ethics, WS SB 293 - Relating to Ethics,
WS SB 295 - Relating to Ethics, WS SB 296 - Relating to Ethics, WS SB
297 - Relating to Ethics, WS

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TAPE 11, SIDE A

008 CHAIR OTTO: Called the meeting to order at 3:08 p.m.

(TAPE 11, SIDE A)

PUBLIC HEARING

SB 302, RELATING TO BOUNDARY COMMISSIONS

017 HOUSER: SB 302 was introduced by the Interim Committee at the request of the Portland Area Boundary Commission. It would increase the maximum permissible assessments to local governments in the area from their activities. Yesterday afternoon we received communication from the Boundary Commission that the bill had been introduced prior to the passage of Ballot Measure 5 and they would like to postpone further action on the bill, until the impact of Ballot Measure 5 is determined.

027 OTTO: Would anyone like to testify on SB 302?

WORK SESSION

030 MOTION: SEN. SPRINGER MOVED SB 302 BE TABLED.

032 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN. KITZHABER).

(TAPE 11, SIDE A)

PUBLIC HEARING

SB 483, RELATING TO ETHICS

041 RYDER: Rep. Hosticka has requested SB 483 be withdrawn, as he is unable to attend this meeting.

043 OTTO: Not tabled, just withdrawn?

044 RYDER: Just withdrawn.

(TAPE 11, SIDE A)

PUBLIC HEARING

SB 294, RELATING TO ETHICS

046 RYDER: SB 294 is a companion bill to SB 483. There are no witnesses signed to speak to that bill.

(TAPE 11, SIDE A)

WORK SESSION

SB 290, RELATING TO ETHICS

052 RYDER: Discusses hand-engrossed -1 amendments to SB 290, Exhibit A. These amendments remove all references to the Executive Director having a term of office and being confirmed by the Senate. The remainder of the bill would require appointment by the Governor for all Ethics Commissioners with Senate confirmation. That amendment has been adopted in concept.

068 CEASE: Requests the amendments be provided in addition to the hand-engrossed bill at any time she will be voting on an amendment.

076 BUNN: Was it identified where the amendments came from?

077 RYDER: These are the amendments that were adopted conceptually at the last meeting.

089 MOTION: SEN. BUNN MOVED THE -1 AMENDMENTS BE ADOPTED.

092 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN. KITZHABER).

099 SMITH: I will be voting no on this bill. I prefer the balance in the existing statute.

(TAPE 11, SIDE A)

WORK SESSION

SB 291, RELATING TO ETHICS

124 RYDER: Discusses the hand-engrossed -2 amendments to SB 291, Exhibit B. These amendments incorporate Mr. DiLorenzo's proposed amendments and add the periods of time that are written in SB 292, so that it is all in one bill. The language regarding periods of time also remains in SB 292. If this bill were to stand alone it would have all the confidentiality language, with the length of the time period.

134 MOTION: SEN. SMITH MOVED THE -2 AMENDMENTS TO SB 291.

151 BUNN: I don't support that because I feel, for the time period to be meaningful and/or functional, the definition of probable cause is needed.

158 SMITH: Could that language be added to SB 291 or should the language in this bill be added to SB 292?

162 BUNN: It makes no difference to me, but I want to see the standard of preponderance of evidence and probable cause tied to the time line. Without that we have set a time line, but we don't know what we are trying to achieve by the given dates. For discussion purposes only, I would conceptually take the provisions of SB 297 and put them together with SB 291 and SB 292.

170 RYDER: In both?

169 BUNN: Yes.

170 RYDER: You would be duplicating all of the judgement language minus the language regarding attorneys fees? At the end of the last meeting the Committee loosely instructed me on merging some of the bills. The awarding of attorneys fees was left by itself in SB 297 and all of the language regarding judgements was moved into the omnibus bill, SB 292. Also added to SB 292 would be the contents of SB 293 which is the statute of limitations. We duplicated the portions regarding the time

lines and had them placed in both SB 292 and SB 291 . You are suggesting we duplicate the judgement portions and add it to the confidentiality bill as well?

187 BUNN: What is meant by the judgement portions?

187 RYDER: It would be all of SB 297, minus the portions allowing the awarding of attorneys fees, probable cause and intent.

192 BUNN: The attorneys fees can be a separate bill. Those three concepts, preponderance of evidence and probable cause from the original draft of SB 297, confidentiality from the original draft of SB 291 and then the time line from SB 292 need to be locked together.

201 SMITH: The only thing that is not currently in SB 292, assuming we adopt the amendments to SB 292, is the confidentiality portion, correct?

205 RYDER: No that is not correct. There were additional features added to the omnibus bill, SB 292 .

208 SMITH: But of the three things Sen. Bunn referred to, the only one missing from SB 292, at this point, is the confidentiality feature?

210 RYDER: Correct.

211 SMITH: It is the only thing that makes SB 291 unique?

213 RYDER: Yes.

213 SMITH: So if the confidentiality feature was added to SB 292 you could eliminate SB 291 altogether?

214 RYDER: True.

228 MOTION WITHDRAWN BY SEN. SMITH.

232 MOTION: SEN. BUNN MOVED THAT SB 291 BE MOVED TO SB 292. MOTION ADOPTED BY ACCLAMATION.

253 MOTION: SEN. SMITH MOVED SB 291 BE TABLED.

254 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN. KITZHABER).

(TAPE 11, SIDE A)

WORK SESSION

SB 292, RELATING TO ETHICS

262 BUNN: I would like to suggest that SB 292 be printed A-engrossed for our consideration before adoption.

264 RYDER: A motion could be made to send it to the floor to be printed A-engrossed and re-referred to the Committee. Discusses the hand-engrossed -2 amendments to SB 292, Exhibit C, which add the portions on judgement and statute of limitations.

284 MOTION: SEN. SMITH MOVED THE -2 AMENDMENTS TO SB 292. OBJECTIONS? MOTION ADOPTED BY ACCLAMATION.

288 MOTION: SEN. BUNN MOVED SB 292 TO THE FLOOR TO BE PRINTED A-ENGROSSED AND RE-REFERRED TO THE COMMITTEE.

294 CEASE: I don't mind doing that, but I am not sure I will support this bill when it returns.

298 VOTE: MOTION ADOPTED BY ACCLAMATION.

(TAPE 11, SIDE A)

WORK SESSION

SB 293 - RELATING TO ETHICS

301 RYDER: All of SB 293 is now contained in SB 292.

304 MOTION: SEN. SMITH MOVED SB 293 BE TABLED.

306 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN. KITZHABER).

(TAPE 11, SIDE A)

WORK SESSION

SB 295, RELATING TO ETHICS

324 RYDER: There are no amendments to SB 295.

325 SMITH: What happens to the blanks in SB 295?

328 RYDER: This bill has subsequent referral to the Ways and Means Committee.

329 SMITH: Ways and Means will fill in the blanks?

330 RYDER: Or you can, either way.

335 MOTION: SEN. SMITH MOVED SB 295 TO WAYS AND MEANS WITH A DO PASS RECOMMENDATION.

344 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN. KITZHABER).

(TAPE 11, SIDE A)

WORK SESSION

SB 296 - RELATING TO ETHICS

352 RYDER: There are no amendments to SB 296, there is also a subsequent referral to the Ways and Means Committee. SB 296 would authorize the Ethics Commission to have independent counsel.

362 SMITH: I am not in favor of this bill.

371 MOTION: SEN. BUNN MOVED SB 296 BE TABLED.

375 VOTE: MOTION CARRIED, 4-2. VOTING NO: SEN. SPRINGER, CHAIR OTTO. (EXCUSED: SEN. KITZHABER).

(TAPE 11, SIDE A)

WORK SESSION

SB 297, RELATING TO ETHICS

384 RYDER: Discusses SB 297-2 amendments, dated 02/01/91, Exhibit D. They remove all portions from the bill, except the portion relating to attorneys fees. Legislative Counsel failed to add Mr. DiLorenzo's amendments, which were previously adopted by the Committee, to the -2 amendments. The -2 amendments and Mr. DiLorenzo's amendment would be the form you would want the bill in.

403 BUNN: With the -2 amendments, have we taken out all of the substantive sections and put them into another bill, except for the attorneys fees?

407 RYDER: No, you merely duplicated by adding them to SB 292.

412 BUNN: If we adopt this set of amendments, everything that is being deleted has been put into SB 292?

415 RYDER: It leaves only attorneys fees in this bill.

417 BUNN: We will not have lost any of the original concepts in SB 297.

418 RYDER: No.

419 MOTION: SEN. BUNN MOVED THE -2 AMENDMENTS, DATED 02/01/91, (EXHIBIT D), WITH LEGISLATIVE COUNSEL INCORPORATING THE AMENDMENTS FROM MR. DILorenzo THAT THE COMMITTEE ADOPTED PREVIOUSLY.

428 CEASE: What is left of the bill would be §2 on pg. 2 or is that out?

437 RYDER: The change that is referenced on pg. 2 is now in SB 292. The changes on pg. 3 would remain.

441 CEASE: On pg. 2, the new language on lns. 35-36 would remain in a different bill? On pg. 3, lns. 8-10 would be deleted from the printed bill and §8 would be §6 and the rest of pg. 3 would be deleted, correct?

453 RYDER: Conceptually, Legislative Counsel was requested to delete all of the concepts that were in the original SB 297 that did not deal with attorneys fees, and move the deleted language to the omnibus bill. I believe that has happened.

481 MOTION WITHDRAWN BY SEN. BUNN.

484 MOTION: SEN. BUNN MOVED TO CONCEPTUALLY AMEND SB 297 BY LEAVING ONLY THE SECTION RELATING TO ATTORNEYS FEES IN SB 297 AND ALL OTHER SECTIONS BE MOVED TO SB 292.

486 RYDER: All that would remain in SB 297 would be (8), lns. 11-13, pg 3 of SB 297.

489 BUNN: Correct.

TAPE 12, SIDE A

029 RYDER: And adding Mr. DiLorenzo's amendment?

030 BUNN: Correct.

036 VOTE: MOTION ADOPTED BY ACCLAMATION.

041 CEASE: Does this have a subsequent referral?

042 RYDER: Yes, because of the attorneys fees.

062 MOTION: SEN. BUNN MOVED SB 297 TO THE FLOOR TO BE PRINTED A-ENGROSSED AND RE-REFERRED TO THE COMMITTEE. MOTION ADOPTED BY ACCLAMATION.

(TAPE 12, SIDE A)

WORK SESSION

SB 483, RELATING TO ETHICS

076 MOTION: SEN. CEASE MOVED SB 483 BE TABLED.

077 VOTE: MOTION FAILED, 2-4. VOTING NO: SEN. BUNN, SEN. GRENSKY, SEN. SPRINGER, CHAIR OTTO. (EXCUSED: SEN. KITZHABER).

(TAPE 12, SIDE A)

WORK SESSION

SB 294, RELATING TO ETHICS

082 MOTION: SEN. CEASE MOVED SB 294 BE TABLED.

085 VOTE: MOTION FAILED, 3-3. VOTING NO: SEN. BUNN, SEN. GRENSKY, CHAIR OTTO. (EXCUSED: SEN. KITZHABER).

089 Meeting adjourned at 3:45 p.m.

Submitted By:

Reviewed By:

Joan Green
Assistant

Jayne Hamilton
Assistant

EXHIBIT LOG

A - Hand-engrossed amendments, Staff, 2 pgs. B - Hand-engrossed

amendments, Staff, 3 pgs. C - Hand-engrossed amendments, Staff, 6 pgs. D
- Amendments, Staff, 1 pg.