

# THE PUBLIC COMMISSION ON THE OREGON LEGISLATURE

November 13, 2006  
1:00 P.M.

Hearing Room 350  
Tapes 43 – 44

**MEMBERS PRESENT:**

|                             |                   |
|-----------------------------|-------------------|
| Judge Laura Pryor, Co-Chair | Jim Hill          |
| Gary Wilhelms, Co-Chair     | Barbara Karmel    |
| Dave Barrows                | Ginny Lang        |
| Daniel Bernstine            | John Lattimer     |
| Rep. Deborah Boone          | Susan Leeson      |
| Frank Brawner               | Hans Linde        |
| Bridget Burns               | Greg Merten       |
| Jane Cease                  | Sen. Frank Morse  |
| Kim Skerritt Duncan         | Gretchen Schuette |
| Dave Frohnmayer             | Connie Seeley     |
| Mark Garber                 | Kerry Tymchuk     |
| Sen. Avel Gordly            | Junki Yoshida     |
| Hasso Hering                |                   |

**MEMBERS EXCUSED:**

Rep. Wayne Krieger  
Delores Pigsley  
Sheriff Raul Ramirez  
Carl Wilson

**STAFF PRESENT:**

Marjorie Taylor, Committee Administrator  
Patsy Wood, Committee Assistant

**PROPOSALS/ISSUES HEARD:**

- Approval of Commission Report
- Work Session – Introduction of Commission Measures

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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| TAPE/#            | Speaker           | Comments  |
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| <b>TAPE 43, A</b> |                   |   |
| 003               | Co-Chair Wilhelms | Calls the meeting to order at 8:43 a.m.   |
| 011               | Marjorie Taylor   | Administrator. Announces the commission members who are on the road or on the speakerphone. |

**APPROVAL OF COMMISSION REPORT**

- 030 Gretchen Schuette MOTION: Moves adoption of the final report “A Blueprint for a 21<sup>st</sup> Century Legislature” (Exhibit A).**
- 031 Co-Chair Wilhelms Announces this will be the first item on the Emergency Board agenda on December 1, 2006.
- 035 Kerry Tymchuk Requests a 15-minute break to look over the report.
- 040 Co-Chair Wilhelms Recesses the committee at 8:45 a.m.
- 045 Co-Chair Wilhelms Reconvenes the committee at 9:00 a.m.
- 048 Tymchuk Supports the report as a thoughtful, innovative document.
- 056 Hasso Hering Commends the document drafters on a fine document.
- 060 Co-Chair Wilhelms Notes there were several participants in drafting the final report.
- 063 Taylor Recognizes Sue Leeson, Kerry Tymchuk, Kim Duncan and Ginny Lang for their contributions.
- 067 Rep. Boone Thanks the co-chairs and staff for the timely updates.
- 071 Barbara Karmel Thanks drafters for the more emphatic language in the final report.
- 079 Co-Chair Pryor MOTION: Moves that the last bullet on page 10 of the Executive Summary (Exhibit A) be amended to read: “Create a new legislative improvement commission no later than 2016.”**
- 095 Sen. Morse Supports the motion, but would like a final report by the Joint Committee for higher profile.
- 107 Co-Chair Wilhelms Reiterates Co-Chair Pryor’s motion to end page 10 at 2016. Wants a vote on this before he moves onto the suggestion by Sen. Morse.
- 115 Schuette Wonders if this change impacts other parts of the report.
- 117 Co-Chair Wilhelms Responds the items here do not appear anywhere else in the report.
- 124 VOTE: 24-0-5  
EXCUSED: 5: Krieger, Merten, Pigsley, Ramirez and Wilson excused**
- 125 Co-Chair Wilhelms Hearing no objection, declares the motion CARRIED.**
- 127 Sen. Morse MOTION: Moves that the first bullet on page 10 of the Executive Summary (Exhibit A) be amended to read: “Create a Joint Committee to consider all bills introduced by the commission. The committee would create a summary at the end of session that compares actual bills introduced and the status of the bills against the recommendations of the PCOL.”**
- 137 Dave Barrows Asks if he is assuming that this joint committee will be formed by the legislature.
- 138 Sen. Morse Yes.
- 139 Barrows Questions the production of a summary if the legislature does not create such a joint committee.
- 127 Sen. Morse MOTION: Amends his motion to read: “Create a Joint Committee to consider all bills introduced by the commission. The**

**committee would create a summary at the end of session that compares actual bills introduced and the status of the bills against the recommendations of the PCOL. If a joint committee is not appointed, the leadership of both chambers will submit the final report.”**

- 157 Connie Seeley States an alternative: request that presiding officers report on implementation by a particular date by either the joint committee or staff.
- 166 Sen. Morse Stresses the importance of the timing of this final report – either before the end of session or within two weeks following sine die.
- 177 Seeley Concurs this is a reasonable expectation.
- 184 Taylor Repeats motion: **“Request that presiding officers report on implementation of commission recommendations by July 1 or two weeks after sine die.”**
- 189 Sen. Morse Wants to make sure the report compares what was recommended and what was implemented.
- 194 Sen. Gordly Suggests recommendation could be stronger by using “strongly” recommends the legislature consider the Commission’s proposals. Would be disappointed if leadership did not appoint a joint committee to move this body of work forward.
- 214 Sen. Morse Accepts that friendly amendment.
- 219 Co-Chair Wilhelms Confirms that Sen. Gordly’s amendment will be incorporated in the vote on Sen. Morse’s motion.
- 224 Dave Frohnmayer Supports the motion, but says the greatest danger of these recommendations is that they will not be seen as an integrated whole. Says the intent of the motion is to preserve the notion that this is a package of recommendations, that they don’t stand alone, that they are meant to be seen as a coherent whole, even though they address very different issues and are meant to be treated respectively with a good deal of burden of persuasion already adopted by virtue of this process.
- 250 Kim Duncan Suggests looking at expanding another amendment to reinforce this concept of the inter-relatedness of all the recommendations with stronger language so the recommendations receive full consideration.
- 264 Frohnmayer Notes page 22 and adoption of the recommendation that legislator compensation increases should be tied to reform in the expenditure of campaign funds. There might be good reason to tie it more broadly or to expect it to be tied more broadly to serious consideration and adoption of a broad range of the package of considerations. Says that is a piece of legislative history – not a motion, at this point.
- 275 Sue Leeson Recommends adding the first two sentences on page 13, “Recommendations made by the commission are interconnected. Many can be implemented separately, but the outcome will be better if most are implemented together or in close succession” to the executive summary.
- 284 Co-Chair Wilhelms Wants to first vote on Sen. Morse’s proposal with the addition of Sen.

- Gordly's language "strongly" added.
- 284 **VOTE: 25-0-4**
- 290 **Co-Chair Wilhelms** **EXCUSED: 4: Krieger, Pigsley, Ramirez and Wilson excused**  
**Hearing no objection, declares the motion CARRIED.**
- 300 Taylor Agrees the first two sentences on page 13 could be used or use "the recommendations in this report should receive full consideration and be considered as a package."
- 306 **Sen. Morse** **MOTION: Moves Commissioner Frohnmayer's language used as the first bullet point under "Legislative Consideration of PCOL Recommendations" on page 10 of the Executive Summary: "Consider this report as a package of recommendations and that each recommendation not stand alone. The recommendations are meant to be seen as a coherent whole even though they address different issues. The recommendations should be treated respectfully and with a burden of persuasion already adopted by virtue of approval by the commission."**
- 328 **VOTE: 25-0-4**
- 330 **Co-Chair Wilhelms** **EXCUSED: 4: Krieger, Pigsley, Ramirez and Wilson excused**  
**Hearing no objection, declares the motion CARRIED.**
- 338 Karmel Expresses concern that there is a certain disconnect between the Executive Summary mentioning annual sessions on the bottom of page 7 and the actual language concerning annual sessions on page 25. Feels the language should be strengthened to require the legislature to do it.
- 350 **Karmel** **MOTION: Moves that the final bullet point at the bottom of page 7 of the Executive Summary (Exhibit A): "Implement a plan that will allow both for a brief 2008 session and annual legislative sessions commencing in 2009" be used instead of the bolded Recommendation for annual sessions on page 25 of the final report.**
- 365 Rep. Boone Notes that the language on page 25 reads: "The legislature must determine how and whether it is desirable to have annual sessions ...."
- 369 Karmel Counters that it does not say the commission recommends that there be annual sessions. Feels the language is not emphatic enough.
- 375 Co-Chair Wilhelms Wonders if the precise language on annual sessions adopted by the full commission could be recalled.
- 380 Ginny Lang Notes the language in the recommendation on page 25 is the actual wording of the proposal adopted.
- 386 Co-Chair Wilhelms Indicates that the motion becomes to strengthen the language originally adopted by the commission on annual sessions.
- 396 Karmel Clarifies it is the second sentence of the recommendation on page 25: "The legislature must determine how and whether it is desirable to have annual sessions beginning with the 2009 session" that she wants substituted for the final bullet point on the bottom of page 7.

- 398 Lang Believes the current language in the final report is appropriate to use.  
**400** **VOTE: 14-10-1-4**  
**AYE: 14 - Brawner, Burns, Cease, Duncan, Garber, Gordly, Hill, Karmel, Leeson, Morse, Schuette, Seeley, Tymchuk, Yoshida**  
**NAY: 10 - Barrows, Bernstine, Boone, Frohnmayer, Hering, Lang, Lattimer, Linde, Pryor, Wilhelms**  
**ABSTAIN: 1 - Merten**  
**EXCUSED: 4 - Krieger, Pigsley, Ramirez, Wilson**
- 420 Co-Chair Wilhelms Announces that the vote is 14-10; gives members the opportunity to change their vote at this time.
- 440 Co-Chair Wilhelms The motion Fails.**

**TAPE 44, A**

- 030 Leeson In light of the previous discussion, wonders if the wording for annual sessions on page 25 should be moved to page 7.
- 032 Leeson MOTION: Moves that the second sentence of the bolded Recommendation for annual sessions on page 25: “Determine how and whether it is desirable to have annual sessions beginning with the 2009 session” be used for the second bullet point of the final report at the bottom of page 7 of the Executive Summary (Exhibit A).**
- 040 VOTE: 25-0-4**  
**EXCUSED: 4: Krieger, Pigsley, Ramirez and Wilson excused**
- 042 Co-Chair Wilhelms Hearing no objection, declares the motion CARRIED.**
- 044 Barrows Calls for the previous question: adoption of the final report.
- 045 VOTE: 25-0-4**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 4 - Krieger, Pigsley, Ramirez and Wilson excused**
- 058 Co-Chair Wilhelms The motion CARRIES.**

**WORK SESSION – INTRODUCTION OF COMMISSION MEASURES**

- 060 Co-Chair Wilhelms Opens a work session for the purpose of introducing bill drafts for the 2007 session (**EXHIBIT B**) – can adopt all 11 at once or individually.
- 076 Brawner MOTION: Moves adoption of the following LC drafts for pre-session filing by the PCOL: 1595, 1569, 1568, 1583, 1585, 1584, 1586, 1566, 1566-1, 1570, and 1693.**
- 078 Karmel Asks staff if there is any information that did not make it into bill form.
- 083 Taylor Responds all the commission recommendations were taken into account and the language given to Legislative Counsel (LC) for drafting. Says general language was given to LC and so general language may appear in the draft. Says, if a joint committee is formed, they can request additional drafts.
- 095 Co-Chair Wilhelms Says the funding bills will be given to the appropriate committee.

- 106 Karmel Responds she did not see the redistricting commission.
- 107 Taylor Notes it is in the State Controller legislation.
- 111 Co-Chair Wilhelms Notes that would be two items in one.
- 114 Linde Says he would not want to defend the draft on the open primary as written because it has unresolved problems, but will vote for it as a placeholder for the bill.
- 127 Taylor Agrees some of these items have constitutional issues and LC has provided memos to address some of those questions.
- 134 Karmel Wonders about legislation concerning program evaluation.
- 135 Taylor Announces it is LC 1570.
- 139 Frohnmayer Wants ruling from chair that these are submitted knowing there may be constitutional issues, but they are placeholders to initiate discussion.
- 146 Co-Chair Wilhelms Concurs.
- 147 VOTE: 25-0-4**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 4 - Krieger, Pigsley, Ramirez and Wilson excused**
- 165 Co-Chair Wilhelms The motion CARRIES.**
- 170 Co-Chair Pryor Presents flowers to administrator Marjorie Taylor for all of her dedication to the process and subsequent product.
- 180 Rep. Boone Thanks support staff.
- 185 Tymchuk Reminds members that a goal of the commission early on was to adopt recommendations that were realistic and idealistic – thinks that has been accomplished thanks to the dedication and perseverance of the co-chairs.
- 200 Merten Asks what happens now.
- 201 Co-Chair Wilhelms Says they are trying to have a commission dinner to celebrate. Announces December 1 is the full Emergency Board meeting and the two co-chairs will be first on the agenda presenting the final report to the legislature. Says the co-chairs will follow the recommendations through the 2007 session.
- 234 Merten Asks what the mechanism is for testifying on this proposed legislation.
- 236 Co-Chair Wilhelms Responds that the commission members will be put on a mailing list to notify members of the bill's progress.
- 252 Seeley Suggests that commission members let Marjorie know which bills they would like to testify on during the 2007 session.
- 270 Karmel Asks if it would be easier for all commissioners to receive a schedule of all legislation.
- 278 Taylor Says the contact information will be conveyed to the appropriate committee staff people.
- 290 Co-Chair Wilhelms Talks about the notification process and how this may be changed for the 2007 session to make it easier to notify interested parties of legislation.
- 338 Sen. Gordly Thanks the League of Women Voters for their interest in this process.

- 347 Jane Cease Asks if the final report has to go before a Ways & Means subcommittee.
- 350 Co-Chair Wilhelms Notes this will bypass the subcommittee and go straight to the full committee on Friday, December 1, 2006.
- 365 Tymchuk Notes where the final report will be located on the website, etc.
- 375 Co-Chair Pryor Comments that the media on the Eastern side of the state was wondering what would happen to this legislation.
- 388 Co-Chair Wilhelms Notes the support from media that is needed on this final report and its subsequent recommendations.
- 399 Sen. Gordly Notes she and Sen. Morse both serve on the E-Board and will support the formation of a joint committee.
- 408 Rep. Boone Notes she will be there too and also support this motion.
- 413 Lang Observes that a lot of the recommendations in the report don't translate into bills so would like the recommended changes tracked.
- 428 Frohnmayer Supports that recommendation.
- 442 Co-Chair Wilhelms Notes the adoption of rules by both chambers are critical and under review at the current time. Notes the retiming and annual session proposals have already been presented to leadership for exploration.

**TAPE 43, B**

- 001 Co-Chair Wilhelms Continues discussion of how leadership is currently looking at some of the recommendations of the commission.
- 037 Merten Notes the high priority of getting this joint committee established.
- 041 Co-Chair Wilhelms Notes these are not partisan proposals and are being accepted that way, even though there may be technical questions surrounding some of the suggestions.
- 048 Seeley Suggests if the commission feels strongly about a joint committee, write a letter to leadership to establish this joint committee.
- 056 Frohnmayer** **MOTION: Moves that the Speaker-elect and Senate President-elect, as well as the minority leaders, be notified of the importance attached to the joint committee approach to this legislation.**
- VOTE: 25-0-4**  
**EXCUSED: 4: Krieger, Pigsley, Ramirez and Wilson excused**  
**Hearing no objection, declares the motion CARRIED.**
- 060 Co-Chair Wilhelms**
- 063 Seeley Suggests the co-chairs present the final report to the caucus offices.
- 073 Co-Chair Pryor Responds they will do that.
- 076 Co-Chair Pryor Thanks the commission members for their ability to interact with each other. Expresses sorrow in not more people from Eastern Oregon being put on the commission. Says she will do her best to relate the process to people on the Eastern side of the state.
- 096 Co-Chair Wilhelms Acknowledges the participation of all commission members, especially the committee chairs for their time and dedication. Believes most of the recommendations will be successful.

122 Co-Chair Wilhelms Adjourns the meeting at 10:02 a.m.

**EXHIBIT SUMMARY:**

- A. Approval of Commission Report, A Blueprint for a 21<sup>st</sup> Century Legislature, staff, 94 pp
- B. Introduction of Commission Measures, Supplemental Information – proposed legislation, staff, 143 pp