

To: House Business and Labor Committee

Fr: Richard F. Wisner
Siletz, Lincoln County

Re: House Bill 4115 – testimony in favor.

Dear Chair Holvey, Vice-Chairs Bynum & Barreto and members of the Committee:

There is no point in re-hashing the history of PERS. It is a given that Oregon judges and legislators are members, do participate in the program and most likely receive benefits.

There does seem to be a point in mentioning the possibility of a conflict of interest, or a potential conflict of interest, and House Bill 4115 addresses that question.

Per Oregon Revised Statutes:

"'Actual conflict of interest' means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated." Or. Rev. Stat. Ann. § 244.020.

"'Potential conflict of interest' means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following: (a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position. (b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. (c) Membership in or membership on the board of directors

of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code." Or. Rev. Stat. Ann. § 244.020.

The way I read the above leaves no doubt there is if not an actual conflict of interest at the least there is the appearance of a conflict involved. And appearance count with most voters, e.g., it 'appears' that atmospheric temperatures rise with the concentration level of carbon dioxide, when data shows the exact opposite is the case. Carbon dioxide levels rise (and fall) following temperature change.

I think House Bill 4115 is a step in the right direction. It would remove all doubt. I urge the members of the Committee to pass this legislation.

Thank you for your time and consideration.