

HOUSE LEGISLATIVE RULES

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HOUSE COMMITTEE ON
LEGISLATIVE RULES

March 2, 1995 Hearing Room 50
4:00 p.m. Tapes 16-17

MEMBERS PRESENT:

Rep. Ray Baum, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Peter Courtney
Rep. Patti Milne
Rep. Lonnie Roberts

MEMBER EXCUSED:

Rep. Tony Corcoran
Rep. Lynn Lundquist
Rep. Bill Markham
Rep. John Watt

STAFF PRESENT:

Cathryn Epley, Committee Administrator
Cynthia Charrey, Committee Assistant

MEASURES HEARD:

SJR 14 Public Hearing and Work Session
HB 2649 Public Hearing and Work Session
HB 2153 Public Hearing and Work Session

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.

TAPE 16, Side A

003 CHAIR BAUM: Calls meeting to order at 4:10 p.m.

OPENS PUBLIC HEARING ON SJR14

Witnesses: Senator Greg Walden, District 28
Ted Reutlinger, Legislative Counsel

015 SENATOR GREG WALDEN, DISTRICT 28: Testifies in support of SJR14.

049 REP. COURTNEY: This is an amendment only?

053 SENATOR WALDEN: The reason for the amendment is to clarify qualifications for office.

060 REP. COURTNEY: Does this address inhabitancy or residency?

062 SENATOR WALDEN: It addresses inhabitancy for terms of appointment and continued inhabitancy during the term of the appointment.

078 TED REUTLINGER, LEGISLATIVE COUNSEL: Testifies in support of SJR14.

113 REP. COURTNEY: If this rule is violated, the house in which the person
is serving shall make the decision whether or not the person will stay. Is
that in here?

118 TED REUTLINGER: Not specifically.

CLOSES PUBLIC HEARING ON SJR14

OPENS WORK SESSION ON SJR14

130 VOTE: REP. COURTNEY: Moves to ADOPT the -A3 amendments to SJR14

134 VOTE: CHAIR BAUM: Hearing no objections the amendments are ADOPTED.
REP. CORCORAN, REP. LUNDQUIST, REP. MARKHAM, and REP. WATT are EXCUSED.

177 VOTE: REP. COURTNEY: Moves that SJR14, AS AMENDED, be sent to the
Floor with a DO PASS recommendation.

191 VOTE: In a roll call vote, all members present vote AYE. REP.
CORCORAN, REP. LUNDQUIST, REP. MARKHAM and REP. WATT are EXCUSED.

195 CHAIR BAUM: The motion CARRIES.

REP. ROBERTS will lead discussion on the FLOOR.

CLOSES WORK SESSION ON SJR14

OPENS HEARING ON HB 2649

230 CHAIR BAUM: This bill will define inhabitancy.

CLOSES PUBLIC HEARING ON HB 2649

OPENS WORK SESSION ON HB 2649

Witnesses: Lyn Rosik, Attorney General's Office
Ted Reutlinger, Legislative Counsel

245 MOTION: REP COURTNEY : Moves to ADOPT the -2 amendments to HB 2649.

247 VOTE: CHAIR BAUM: Hearing no objection the amendments are ADOPTED.

275 LYN ROSIK, ATTORNEY GENERAL'S OFFICE: Testifies in support of HB
2649.

287 CHAIR BAUM: Is there a clear case of HB 2649 interpreting SJR14 as a
Constitutional Amendment.

290 LYN ROSIK: Yes.

376 REP. COURTNEY: The issue of appointment is already taken care of
somewhere else?

388 LYN ROSIK: This bill deals with the issue of candidacy, not
appointment.

394 REP. COURTNEY: Where do we take care of the appointment issue?

405 LYN ROSIK: It's not in this bill.

409 REP. COURTNEY: Where would it be?

Tape 17, Side A

006 REP. COURTNEY: Where is the requirement for inhabitancy for appointment

taken care of?

010 LYN ROSIK: It is not in the statutes at this time. It may be possible to amend this bill.

078 REP. BEYER: Is it consistent where this is applied elsewhere in Oregon law?

081 LYN ROSIK: It is somewhat consistent. In the process for election the party is the first to make the examination of the statute. The county commissioners will determine if person is qualified.

105 REP. COURTNEY: That law does not apply to anyone who comes to Legislature by appointment.

115 REP. ROBERTS: Perhaps we should take the problem to Legislative Counsel and have them work out some kind of language.

131 REP. COURTNEY: Do you understand what we are discussing here?

140 TED REUTLINGER, LEGISLATIVE COUNSEL: No. I do not.

142 REP. COURTNEY: We're talking about someone who is appointed to the Oregon Legislature. Why do we not make sure these same rules apply?

153 TED REUTLINGER: Yes.

154 REP. COURTNEY: Is this not a problem?

156 TED REUTLINGER: The process of appointment is handled by statute.

167 REP. COURTNEY: They don't get the names until after the appointment is made.

180 TED REUTLINGER: The legislature still has the authority to refuse to seat someone.

188 REP. COURTNEY: This is a glaring inconsistency.

195 CHAIR BAUM: Your concerns are legitimate. Is there an approval process for the slate of candidates to be elected by the Secretary of State?

187 LYN ROSIK: No. The role is complete ministerial.

194 REP. BEYER: We could conceivably insert a step which says "The Secretary of State, prior to forwarding those names, will determine whether they are for purposes of candidacy determine whether they are candidates."

262 REP. COURTNEY: That is not the issue. There is no criteria for appointment.

276 CHAIR BAUM: SJR14 changes that by putting inhabitancy in the Constitution.

281 REP. COURTNEY: But you can't say that applies if it does not cover appointments

298 Chair Baum: Doesn't SJR14 require inhabitancy for appointments?

300 TED REUTLINGER: Yes. it does.

317 CHAIR BAUM: Would it be a problem?

320 TED REUTLINGER: Not at this time.

304 REP. COURTNEY: Shouldn't we refer this to Legislative Council

310 CHAIR BAUM: If this passed today, would it prevent another Marilyn
Shannon incident?

318 LYN ROSIK: I think it would make a difference.

335 CHAIR BAUM: Will the Attorney General's Office work with Legislative
Counsel on this?

350 LYN ROSIK: Yes.

CLOSES PUBLIC HEARING ON HB 2649

PUBLIC HEARING ON HB 2153 CARRIED OVER TO FUTURE DATE.

CHAIR BAUM: Adjourns meeting at 5:02 p.m.

Submitted by, Reviewed by,

Cynthia Charrey Cathryn Epley
Committee Assistant Committee Administrator

EXHIBIT SUMMARY: