

SENATE COMMITTEE ON  
RULES AND ELECTIONS

Hearing Room  
Tapes - 32

MEMBERS PRESENT:

Sen. Randy Miller, Chair  
Sen. Paul Phillips, Vice-Chair  
Sen. Dick Springer

MEMBER EXCUSED:

Sen. Brady Adams  
Sen. Shirley Gold

STAFF PRESENT:

Kristina McNitt, Committee Administrator  
Gretchen Haber, Committee Assistant

MEASURES HEARD:

Senate Rules: Public Hearing

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 , A

003 CHAIR MILLER: called the meeting to order at 11:00 a.m.

005 KRISTINA MCNITT, COMMITTEE ADMINISTRATOR, introduces Proposed Senate Rules (EXHIBIT A). Reviews formal procedures to pursue complaints.

025 MCNITT: explains options available to a person with a complaint. Discusses responsibilities of Majority and Minority Leaders, an appointed investigator, and Legislative Counsel.

038 MCNITT: discusses proposed Special Committee on Conduct.

045 MCNITT: states possible recommendations or actions by the proposed committee.

057 MCNITT: explains that at any time, the complainant may also opt for other legal remedies.

060 MCNITT: outlines the proposed informal process, which would be an alternative process for the person with a complaint.

095 SENATOR JOAN DUKES, notes that she would appreciate an opportunity to testify before the full committee.

100 CHAIR: indicates that there has been numerous discussions on the subject and that the committee would be happy to receive any written testimony.

102 SEN. DUKES: states that she formally requests an opportunity to testify on the subject before the full committee.

123 SEN. DUKES: notes improvements in the proposed senate rules.

126 SEN. DUKES: indicates that she would prefer not to notify the Majority and Minority Leaders at the outset of the process.

140 SEN. DUKES: testifies that the timelines move more quickly now, which she feels is positive. Indicates that twelve people would receive the report; in the event that no fault was determined, twelve people would still be aware of the investigation.

158 SEN. DUKES: appreciates the use of Legislative Counsel, as a non-partisan office.

160 SEN. DUKES: discusses malicious and frivolous claims.

170 SEN. DUKES: testifies that the committee would have the authority to terminate an employee, should the committee determine that the claim was a frivolous one.

180 SEN. DUKES: notes the various groupings of staff, including member staff and committee staff, and the separate processes for each.

187 SEN. DUKES: notes the lack of a provision for public education. Discusses importance of education as prevention.

200 SEN. DUKES: discusses rape shields and privacy concerns.

220 SEN. DUKES: raises questions about the open nature of questions during the hearing.

240 SEN. DUKES: discusses the lack of a process for disciplinary action for lobbyists. Refers to Capitol Club policy.

270 LAURIE WIMMER, Executive Director of the Women's Coalition.

275 WIMMER: states the coalition finds the informal process lacks protection of privacy for the complainant.

290 WIMMER: testifies that the lobby is an important group to bring into the process.

295 WIMMER: indicates importance of due notice to the subject of the complaint as well as the need to protect the privacy of the complainant at the early stage of the process.

319 CHAIR: recesses committee due to a call to the Senate Floor.

320 CHAIR: reconvenes committee at 11:30 a.m. Indicates that due to the interest in the senate rules, the committee will likely revisit the issue at a later time.

330 WIMMER: indicates the need to clearly define improper conduct.

368 WIMMER: asks committee to revisit the process as it would be carried out during the interim of the legislative session.

377 WIMMER: discusses legal immunity of senators during session.

394 WIMMER: explains that the Sexual Harrassment Committee was created in 1993 to address the gap in other services.

Tape 32, A

008 WIMMER: asks for a clarification in the proposed rules with regard to the intermediary's duty to provide a safe and non-hostile work environment.

017 WIMMER: discusses the lack of legal immunity for the intermediary, although they do have sensitive contact with the complainant.

025 WIMMER: requests an amendment clarifying the potential legal problems in switching from the formal to the informal process.

049 WIMMER: feels that cases could be dismissed for political or partisan issues. Asks for safeguards to be written into the rules.

050 WIMMER: testifies that there is no definition of the terms malicious or frivolous claims.

060 SEN. PHILLIPS: requests a list of Ms. Wimmer's top points. Asks Sen. Springer about current language on confidentiality.

070 SEN. SPRINGER: answers that there is language available from several sources.

080 SEN. MCCOY: testifies with regard to malicious or frivolous claims. Feels that this provision would deter people from filing claims. Feels it would open up the possibility for race claims to be included. Discusses, and suggests that these provisions be eliminated.

100 SEN. PHILLIPS: asks if Sen. Springer has any requests for change on the senate rules.

110 SEN. SPRINGER: answers that if so, he will bring them to the committee administrator.

115 SEN. PHILLIPS: adjourns the meeting at 11:45 a.m.

EXHIBIT SUMMARY:

A - Proposed Senate Rules - staff - 8 pages

