

SENATE COMMITTEE ON
RULES AND ELECTIONS

Hearing Room
Tapes - 53

MEMBERS PRESENT:

Sen. Randy Miller, Chair
Sen. Brady Adams
Sen. Shirley Gold
Sen. Dick Springer

MEMBER EXCUSED:

Sen. Paul Phillips, Vice-Chair

STAFF PRESENT:

Kristina McNitt, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD:

Introduction of Committee Bills
SB 567: Public Hearing and Possible Work Session
SJR37: Public Hearing and Possible Work Session
SB 344: Public Hearing and Possible Work Session
SB 178: Public Hearing and Possible Work Session
SB 335: Public Hearing and Possible Work Session
SJR41: Work Session
SB 1120: Work Session
HB 2692: 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 A

003 CHAIR MILLER: Calls the meeting to order at 9:05 a.m.

Public hearing on SB 567

012 SENATOR GREG WALDEN testifies in favor of SB 567.
> Concerned with fairness in administrative procedures used by Boards.
> Refers to Washington's "Appearance of Fairness Doctrine" (EXH. A).

032 WILL CAREY, Attorney and Municipal Court Judge: Common sense dictates if you are going to be a participant in a matter of contested case hearing you wouldn't turn around and act as a decision maker.
> Testifies in support of bill.
> Proposes inserting in Sec. 1(1) "an investigator, prosecutor, advocate or

witness" and after "issue" on line 6 insert "the member is involved in" and

strike language from word "out" through "arises":

> Doctrine would assist in educating members of state commissions and

agencies who are serving on license revocation cases.

085 SEN. SPRINGER: Could a party to the proceeding defeat the accomplishment of a fair hearing by subpoenaing as a involuntary witness a member of the licensing board or commission and compelling that person to testify?

100 CAREY: If someone was going to be a witness, they should excuse themselves from being a decision-maker.

> Goes into more detail.

SEN. SPRINGER: Believe bill as written applies to state boards and commissions. Is there any reason to apply this to local boards and commissions?

CAREY: Yes, it is needed just as much at the local level.

SEN. WALDEN: Legislative Counsel advised to begin at the state level, and then expand to local level in later sessions.

CHAIR: How would the term "involved" be defined?

CAREY: Involved in issue if acting as prosecutor, advocate, witness or investigator.

CHAIR: Notes that amendments, as discussed, will be drafted.

Opens public hearing on SJR37.

167 BILL PERRY, OREGON FARM BUREAU testifies in favor of SJR37 which prevents board or commission members from serving after their term has expired.

> Notes Governor can appoint an interim person until such time replacement is made.

> Talks about situation that lead to drafting the legislation.

CHAIR: Is there any situation when there may be no appropriate replacement, or where an appointment may not be possible during the interim?

216 PERRY: Believes the Senate meets monthly in the interim for the appointment process.

Work Session on SB 178.

243 KRISTINA MCNITT: Talks about the -2 amendments (EXH. B).

251 COLLEEN SEALOCK, ELECTIONS DIVISION, SECRETARY OF STATE explains the bill is an attempt to rectify a problem in existing law. Notes that there is not currently an effective method of resignation for treasurers of political committees without carrying responsibilities until replacements are chosen.

> Reviews what the bill does.

SEN. GOLD: Have there been specific instances where this has happened?

SEALOCK: It happens routinely in communities where treasurers come and go.

MOTION: Sen. Gold moves to adopt the -2 amendments. There are no objections.

MOTION: Sen. Gold moves SB 178 as amended to the floor with a do pass recommendation.

MOTION PASSES: In a roll call vote, the motion carries with all members

present voting aye.

Excused: Senators Adams and Phillips Carrier: Sen. Gold

Public Hearing on SB 344

294 SENATOR JOHN LIM testifies in favor of SB 344 and explains it was introduced because of the need for a person to abstain from voting on one's replacement

312 CHAIR: How this is handled at the federal level?

SENATOR LIM: Explains he is only aware of the situation that took place in the Oregon State Senate.

CHAIR: Notes that if a person resigns and is then not confirmed for a position they would be in a tough situation.

TAPE 53A

021 SEN. GOLD: Wonders what other states do.

CHAIR: Notes that Senators can announce a conflict on the floor and still vote.

Public Hearing on SB 335

044 CHAIR: Deleting language allowing for the ORS to be on-line would make the fiscal impact significantly smaller.

Work Session on SB 335

SEN. SPRINGER: Strongly supports the opening of the process to citizens electronically. Concerned that members may not have the resources to be able to take advantage of the opportunity.

CHAIR: Biggest cost has been deleted from the bill.

MCNITT: Clarifies that the fiscal impact would be about \$25,000.

077 SUE WILSON, LEGISLATIVE ADMINISTRATOR: Trying to get a sense on the costs to make sure all the members have the hardware and software they need.

MOTION: Chair moves to adopt the -3 amendments (EXH. C). There are no objections.

Chair: Will hold the bill until a fiscal impact statement is received.

Work Session on HB 2692

100 MOTION: Sen. Springer moves HB 2692 to the floor with a do pass recommendation.

MOTION PASSES: In a roll call vote, the motion carries with all members present voting aye. Excused: Senators Adams and Phillips.

110 CHAIR: Adjourns the meeting at 9:45 a.m.

Reviewed and completed by,

Carolynn Gillson

Committee Assistant

EXHIBIT SUMMARY

A	SB 567	Will Carey	1 page
B	SB 178-2	Secretary of State	2 pages
C	SB 335-3	LAC	5 pages