

SENATE COMMITTEE ON RULES

February 16, 1993 Hearing Room 454 8:00 a.m. Tapes 4 -5

MEMBERS PRESENT: Sen. Frank Roberts, Chair Sen. Dick Springer,
Vice-Chair Sen. Jim Bunn Sen. Joan Dukes Sen. Lenn Hannon Sen. Gene
Timms Sen. Cliff Trow

STAFF PRESENT: Jayme Armstrong, Administrator Karen Edwards,
Committee Assistant

MEASURES CONSIDERED: HCR 1 - In memoriam: Oregon State Police
Senior Trooper Bret Robert Clodfelter - Public
Hearing and Work Session

Discussion of proposed amendments to the temporary
rules of the Senate - Public Hearing and possible
Work Session

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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. [--- Unable To Translate
Graphic ---]

TAPE 4, SIDE A

005 CHAIR ROBERTS: Calls the meeting to order at 8:00 a.m.

HCR1 - PUBLIC HEARING

CHAIR ROBERTS: Discusses HCR 1. Staff measure summary will be
submitted as (EXHIBIT A).

HCR1 - WORK SESSION

MOTION: CHAIR ROBERTS: Moves HCR 1 be sent to the floor with a DO
PASS recommendation.

VOTE: CHAIR ROBERTS: Hearing no objection, the motion CARRIES.

SENS. BUNN AND TROW are absent.

SEN. TIMMS will lead the discussion on the floor.

DISCUSSION OF PROPOSED AMENDMENTS TO THE TEMPORARY RULES OF THE SENATE -
WORK SESSION

015 CHAIR ROBERTS: Discusses the amendment to section 4.01 from

(EXHIBIT B).

MOTION: CHAIR ROBERTS: Moves to adopt the amendment to section 4.01 of the temporary rules of the Senate.

VOTE: CHAIR ROBERTS: Hearing no objection, the MOTION is ADOPTED.

SENS. BUNN AND TROW are absent.

DISCUSSION OF PROPOSED AMENDMENTS TO THE TEMPORARY RULES OF THE SENATE - PUBLIC HEARING

034 CHAIR ROBERTS: Discusses the amendments regarding sexual harassment from (EXHIBIT C).

045 SEN. TRICIA SMITH, DISTRICT 17: Refers to section 18.02 from (EXHIBIT C). The blank refers to the number of days the committee, once it is

named, has to establish rules. The concern is that rules be established in order to guarantee due process to both to the complainant and the alleged individual.

058 SEN. LENN HANNON: What is the identifiable problem?

062 SEN. SMITH: Historically, in this building, women, primarily, but both women and men have been routinely sexually harassed. This gives

individuals an avenue to file a complaint and a fair way for them to have their complaints addressed and hopefully get the harassment stopped. Believes that it is important to everyone present to have a process in place that not only protects victims but protects those accused of this behavior.

099 SEN. HANNON: Does not feel that legislators are going to be more impartial than someone else. If there is a legitimate problem, it

should be dealt with appropriately and wonders if the members have the capability of dealing with this problem.

118 SEN. SMITH: Thinks that if a case is brought before the Senate, under this rule, and investigated by an appointed committee, it would be very difficult for the members of that committee to hide the truth that will come from an investigation or not to act on it because it is an issue of public interest.

136 SEN. JOAN DUKES: Any committee created in the Senate will be only as good as the people who are put on it. This allows for a system to be

set up that everyone knows is in place and people will think before they

do and say things.

165 SEN. HANNON: Suggests that an Ethics Committee be established to handle this.

191 SEN JIM BUNN: Refers to section 5(a) of section 10.02 from (EXHIBIT C). Does not feel that the legislature has the right, under freedom of

speech, to prevent someone from expressing their views regarding public policy before this body whether they are lobbyists or public members.

200 CHAIR ROBERTS: Suggests that the chair of a committee has control over who can offer evidence and who cannot.

204 SEN. SMITH: There is an existing house rule which allows restriction from house committees of lobbyists and others for violation of the rule.

208 SEN. BUNN: Feels that a Senate Ethics Committee should be established to cover any unethical complaints against a member.

252 SEN. TIMMS: Discusses a proposed amendment for the establishment of an Ethics Committee from (EXHIBIT D).

292 CHAIR ROBERTS: Discusses a letter received from President Bradbury from (EXHIBIT E).

389 SEN. DUKES: Would like the timeline to be short to discuss this issue. It deserves the full examination that it is asking for in a brief period of time.

411 CHAIR ROBERTS: Would two weeks be acceptable?

412 SEN. DUKES: Yes.

413 SEN. SPRINGER: Feels to grant any additional authority to an Ethics Committee would require a change in statute and thinks that is subject

to further constitutional debate. Does not feel that there time to do that because the public is expecting some action.

425 CHAIR ROBERTS: Suggests that Senate Rules establishes a special committee, under its rules, with the expectation that all of the general issues relating to ethics will be covered.

TAPE 5, SIDE A

005 SEN. HANNON: Would like to consider temporary rules, as a compromise, to implement this. Something needs to be done.

014 SEN. BUNN: Feels that the committee is looking at two different issues. One is rule 18.01, prohibiting the behavior and the other is rule 18.02 and how the behavior is dealt with it. Assumes that the issue can be

addressed by passing 18.01, showing that sexual harassment will not be

tolerated. Would need to get together within the next two weeks and figure out whether both rules should be under one umbrella or whether a committee should be established for dealing with a violation of the rule. Also, it needs to be decided if this is retroactive or not.

033 SEN. TROW: Refers question to Sen. Smith. If we can not move to establish a committee at this point, does it make sense to adopt section 18.01?

038 SEN. SMITH: Feels that it makes sense to adopt both sections. Explains reasons for wanting this passed. The rule does not just protect the

victims it also protects those that are accused. It gives everyone a legal open process. The committee has to be established and the rules have to be in place before the complaint can exist.

071 SEN. TIMMS: Does not agree with section 18.02 with having to have two persons report a complaint. Wants the process done right, which allows

for due process.

095 SEN. SMITH: Specifically asked Ms. Beaufait if the language in the first paragraph of section 18.02 is adequate to assure due process.

Told Ms. Beaufait that language was needed in the rule which requires the committee to adopt rules assuring due process for both the victim and the accused. Ms. Beaufait felt that it would be inappropriate for the members, at this point, to set out the specifics of what those rules are aside from the language which is presently being used.

105 CHAIR ROBERTS: Refers to subsection three of Section 18.02 from (EXHIBIT C). Raised the question to Sen. Smith as to whether or not

there could be an explicit provision for the committee to determine the basis for having public hearings in order to protect the individuals involved and she felt that subsection three dealt with that issue.

118 SEN. BUNN: If anything is done behind closed doors the public is going to feel that something is being covered up.

121 CHAIR ROBERTS: That may very well be but this is consistent with our legal procedure.

123 SEN. BUNN: Refers to (EXHIBIT C). Sen. Smith would you be comfortable with changing the committee from the five that is specified to adopting part of Sen. Timms proposal (EXHIBIT D) to have six members, 3

republicans appointed by the Democrat leader and 3 democrats appointed by the Republican leader?

130 SEN. SMITH: What would you do in the case of a tie?

131 SEN. BUNN: We would have a public stalemate. Feels that this is better than any alternative seen.

148 SEN. SMITH: Does not mind if there are six members on the committee. Would prefer that the leadership each chooses its own members. One of

the key points of the rule is that this is a standing committee that exists whether there is a complaint filed or not.

188 SEN. BUNN: Is concerned about when these rules will take effect.

200 CHAIR ROBERTS: Suggests that the Rules Committee meet within two weeks and that members confer with Senator Smith on issues that they have

regarding the language and their reservations.

232 SEN. TIMMS: Wants the process to be fair.

242 CHAIR ROBERTS: Sexual harassment has been ignored and accepted for a long time.

267 SEN. SPRINGER: In order for these temporary rules to become permanent on the floor, does there have to be a majority vote or a two-thirds vote to amend the rules?

273 CHAIR ROBERTS: It is a majority vote.

275 SEN. SPRINGER: Wants to know if Senator Kerans proposal (EXHIBIT F) will be discussed.

277 CHAIR ROBERTS: Does not have the time to discuss this morning.

DISCUSSION OF PROPOSED AMENDMENTS TO THE TEMPORARY RULES OF THE SENATE -
WORK SESSION

MOTION: CHAIR ROBERTS: Moves that the temporary rules of the Senate, as amended, be sent to the floor with a DO PASS recommendation.

VOTE: In a roll call vote, SENS. DUKES, HANNON, TIMMS, TROW, SPRINGER AND CHAIR ROBERTS vote AYE. SEN. BUNN votes NO.

CHAIR ROBERTS: The motion carries.

CHAIR ROBERTS will lead the discussion on the floor.

291 CHAIR ROBERTS: Adjourns at 8:55 a.m.

Submitted by:

Reviewed by:

Karen Edwards
Administrator

Jayne Armstrong Assistant

EXHIBIT LOG:

A - Staff measure summary on HCR1 - Staff - 1 page B - Amendment to the temporary rules of the Senate - Staff - 1 page C - Proposed amendments to the temporary rules of the Senate - Staff - 3 pages D - Senate Ethics Committee proposal - Sen. Timms - 1 page E - Letter from Office of the Senate President - Staff - 2 pages F - Proposed amendment to the temporary rules of the Senate - Staff - 1 page