

WORK SESSION ON LATE DRAFTS AND MEASURES

016 CHAIR ROBERTS: Discusses considerations of late drafts and measures.

MOTION: CHAIR ROBERTS: Moves to introduce measure on storage fee procedures (EXHIBIT A) submitted by SEN. SPRINGER.

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

MOTION: CHAIR ROBERTS: Moves to introduce proposed amendment (EXHIBIT B) to the Oregon Constitution submitted by SEN. SPRINGER.

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

MOTION: CHAIR ROBERTS: Moves to introduce measure (EXHIBIT C) on Indigent Defense submitted by SEN. SPRINGER.

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

MOTION: CHAIR ROBERTS: Moves to introduce LC 2223 and LC 2224 (EXHIBIT D) submitted by SEN. McCOY.

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

069 MOTION: CHAIR ROBERTS: Moves to introduce LC 3031 (EXHIBIT E) submitted by SEN. SHOEMAKER.

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

MOTION: CHAIR ROBERTS: Moves to introduce LC 2613 (EXHIBIT F) submitted by PRESIDENT BRADBURY.

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

MOTION: CHAIR ROBERTS: Moves to introduce LC 1863 (EXHIBIT G) submitted by SEN. SMITH.

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

PUBLIC HEARING ON THE CONSIDERATION OF PROPOSED AMENDMENT TO THE PERMANENT RULES OF THE SENATE

116 SEN. TRICIA SMITH, DISTRICT 17: Submits and summarizes proposed amendment regarding sexual harassment from (EXHIBIT H).

249 SEN. JIM BUNN: Refers to section 18.01 from (EXHIBIT H). Does this rule go beyond the Senate Chamber and Committees in the Capitol?

253 SEN. SMITH: Yes. Whenever Senate business is conducted, these rules will apply during the Legislative Session.

265 SEN BUNN: Do these rules apply during the interim period?

SEN. SMITH: Believes that interim rules have to be adopted.

270 SEN. BUNN: Who has to be harassed for this rule to apply?

274 SEN. SMITH: Understands that the rule applies when the Senate is conducting business.

277 SEN. BUNN: Does the rule apply to the House?

285 SEN. SMITH: No. Hopes that the House will adopt an identical rule for the conduct of its members and the business that is conducted in the

House.

291 SEN. BUNN: How will the difference be made, in the hall, as to whether it is Senate or House behavior?

293 SEN. SMITH: Believes that the individuals involved will have a clear idea.

310 KATHLEEN BEAUFIT, LEGISLATIVE COUNSEL: This is a jurisdictional issue. The Senate rules do not apply to House members.

329 SEN. BUNN: Feels that this is a gray area.

331 SEN. SMITH: Does not feel that there will be a gray area once the rules are adopted. Feels that the House of Representatives has the same

obligation that the Senate does to protect men and women in this building from sexual harassment.

344 CHAIR ROBERTS: The jurisdiction that the Senate has extends to the conduct of Senate business to include members of the Senate, employees

and lobbyists.

360 SEN. GENE TIMMS: Feels that Senate rules should be developed first, along with setting up an educational program, establishing a process

which is fair throughout the Capitol.

377 SEN. SMITH: Agrees that people should be educated as to what sexual harassment is and is not. Does not feel that rules should be drafted or adopted by anyone other than the members of the standing committee and

that due process should be included in those rules with the assistance of Legislative Counsel through the committee process.

413 SEN. TIMMS: Feels that both the Senate and the House should cooperate in adopting rules.

TAPE 7, SIDE A

011 SEN. BUNN: Refers to section 18.02, subsection two from (EXHIBIT H). Is that inquiry any further than determining whether or not the

complaint contains the required information?

016 SEN. SMITH: Reads from section 18.02, subsection two. The preliminary investigation is to determine whether or not the complaint meets the

criteria.

020 SEN. BUNN: Refers to section 18.02, subsection four. Does this supersede the Senate Rules or does it take two members for a minority

report. May one member submit a minority report?

024 CHAIR ROBERTS: The language should be read as it is read.

028 SEN. BUNN: The Senate rules require two members to submit a minority report. Wants to know if a special committee is being set up that can

violate Senate rules or is the committee going to go by Senate Rules?

030 CHAIR ROBERTS: We are setting up a rule that is a part of the rules of the Senate. It is not violating a Senate rule, it is part of the rule

and applies only to this committee.

032 SEN. BUNN: This is a special one, it has different rules than in every other committee?

033 CHAIR ROBERTS: Yes.

SEN. BUNN: In this case, we could have two minority reports, one majority report, three different minority reports or could we have six minority reports?

036 SEN. SMITH: The changes in this particular portion of the rule were brought about because of your concern that the minority members of this Senate would not have a voice in the disposition of these complaints.

045 CHAIR ROBERTS: In response to Sen. Bunn's question on the six reports, believes that the answer is yes.

048 SEN. BUNN: Refers to section 18.02, section 2. Would all six of the members be appointed by the democrat President of the Senate?

050 CHAIR ROBERTS: Yes.

056 SEN. SMITH: The Senate President would appoint the members.

058 SEN. BUNN: Refers to section 18.02, subsection five. Is this policy retroactive?

061 SEN. SMITH: No. There is no rule currently against sexual harassment by members in this building.

087 SEN. TIMMS: Does not feel that witnesses should be brought forth to testify about this problem.

098 CHAIR ROBERTS: Would like the committee to accept the fact that there has been sexual harassment and may very well continue to be in this body and would like to proceed with rules. If in the future there were no

charges of sexual harassment then this committee, that is proposed in this rule, might never have to meet.

113 SEN. JOAN DUKES: Feels it is important that people hear publicly what has been going on in this building and other work places for years.

126 CHAIR ROBERTS: It is a normal procedure when a proposal is in front of a committee, that there be testimony given as to the reasons for the

proposal as a part of the presentation.

142 SEN. BUNN: There is an acknowledgement for the need of the rule but it should be addressed properly.

147 CHAIR ROBERTS: Does the committee feel that they need testimony with reference to the need for the rule or should we proceed to vote on the

rule?

151 SEN. LENN HANNON: An opinion from the Attorney General's office has been requested by a female caucus member on how to set up rules that

would be productive in this Senate in dealing with this issue. Would like to wait to make sure that this is being approached appropriately.

158 CHAIR ROBERTS: Believes that this committee is in a position to make a decision and when it goes to the Senate floor if there is still a

reservation, the majority of the Senate can refer the bill back to committee or do whatever they want with it.

165 SEN. CLIFF TROW: The issue is a very important issue and if people want to make us fully aware of the issue then we should hear it from them.

169 SEN. SMITH: Believes that the women who have signed up to speak

were prepared not only to discuss the experiences that they have had

previously but also how they feel about this rule and how they would react if they were harassed in the future and this rule was in place.

Feels that it is important that the committee hear the testimony.

178 LAUREN MOUGHON, WOMEN'S RIGHTS COALITION: Reads testimony on behalf of a former legislative staff person who had been harassed by a legislative member and supports the proposed rule.

228 LAURIE WIMMER, THE COMMISSION FOR WOMEN, DIRECTOR: Testifies about an incident which occurred between her and a member of the Senate and

supports the proposed rule

268 DEBBIE LEE, LEGISLATIVE ASSISTANT: Testifies about an incident which occurred between her and a former staff member and supports the proposed rule.

302 KRISTEN GRAINGER, PROFESSIONAL LOBBYIST: Testifies about an incident which occurred between her and a legislator and supports the proposed

rule.

343 LISA ZAVALA, COMMITTEE ADMINISTRATOR: Testifies in support of proposed rule.

WORK SESSION ON THE CONSIDERATION OF PROPOSED AMENDMENT TO THE PERMANENT RULES OF THE SENATE

363 MOTION: SEN. BUNN: Moves to adopt section 18.01 of the proposed rules to the rules of the Senate.

DISCUSSION TO THE MOTION:

373 SEN. BUNN: Wants to establish the rules saying that sexual harassment will not be tolerated. Would like to wait on the Attorney General's

opinion to insure that the job is being done right.

383 SEN. SPRINGER: Feels that the entire rule should be adopted. Does not need the Attorney General's opinion to determine what is right or wrong. This is right and it would be wrong to delay.

390 SEN. DUKES: Agrees with Senator Springer.

VOTE: In a roll call vote, SENS. BUNN, HANNON AND TIMMS vote AYE.

SENS. DUKES, TROW, SPRINGER and CHAIR ROBERTS vote NO.

CHAIR ROBERTS: The motion FAILS.

416 SEN. TIMMS: Feels that Sen. Bunn makes a good point. Does not see why, all of a sudden, there is such a rush to pass rules. Does not

feel

these rules are drafted the way that they should be.

MOTION: CHAIR ROBERTS: Moves to adopt the proposed rules with reference to sexual harassment to the Senate floor.

VOTE: SENS. DUKES, TROW, SPRINGER and CHAIR ROBERTS vote AYE. SENS.

BUNN, HANNON and TIMMS vote NO.

CHAIR ROBERTS: The motion CARRIES.

SEN. SMITH will lead discussion on the Floor.

440 SEN. TIMMS: Files notice of possible minority report.

442 CHAIR ROBERTS: Adjourns meeting at 9:00 a.m.

Submitted by:

Reviewed by:

Karen Edwards
Administrator

Jayne Armstrong Assistant

EXHIBIT LOG:

A - Late measure - Sen. Springer - 13 pages B - Late measure - Sen. Springer - 4 pages C - Late measure - Sen. Springer - 4 pages D - Late drafts - LC 2223 and 2224 - Sen. McCoy - 6 pages E - Late draft - LC 3031 - Sen. Shoemaker - 10 pages F - Late draft - LC 2613 - President Bradbury - 13 pages G - Late draft - LC 1863 - Sen. Smith - 8 pages H - Proposed amendment to Senate Rules - Staff - 3 pages