

HJR 10 STAFF MEASURE SUMMARY**Carrier:** Rep. Hack**House Committee On Rules****Action Date:** 05/18/17**Action:** Be Adopted.**Vote:** 8-1-0-0**Yeas:** 8 - Barreto, Hack, Holvey, Kennemer, McLane, Nosse, Rayfield, Williamson**Nays:** 1 - Smith Warner**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Erin Seiler, LPRO Analyst**WHAT THE MEASURE DOES:**

Proposes amendment to Oregon Constitution to vest power of impeachment of statewide elected Executive Branch officials in House of Representatives and power to try impeachment in Senate. Requires three-fifths majority vote of House of Representatives to deliver impeachment resolution to Senate and two-thirds majority vote of Senate to convict. Limits judgment to removal from office and disqualification from holding other public office. Refers proposed amendment to people for approval or rejection at next regular general election.

ISSUES DISCUSSED:

- Reasons Oregon lacks impeachment provisions
- Examples of impeachable conduct
- Infrequency of utilization
- Requirement for Senate to conduct trial on articles of impeachment
- Potential for political exploitation of impeachment process
- Modernization of language including “high crimes” and “malfeasance”

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Impeachment is a process that provides legislatures with oversight of official government conduct and the means to remove executive or judicial public officers. The impeachment process has two stages, and the responsibility for each stage is usually separate. The first stage is the development of a formal accusation or statement of charges, typically by the house chamber of a legislature. During this stage, accusations are heard and investigated, and if the body believes misconduct has occurred, the charges—or articles of impeachment—are developed and voted on. If the requisite number of affirmative votes is reached, the articles are forwarded to the other chamber, usually a senate body, responsible for the second stage: formal consideration of the charges. This stage often resembles a trial: both sides may call witnesses and present evidence, and when arguments are complete, the body must vote whether or not the charged individual is guilty. A supermajority is typically required to convict. Impeachment is relatively rare and usually reserved for extreme cases.

Impeachment and removal of governors has happened occasionally throughout the history of the United States, usually for corruption. A total of at least eleven state governors have faced an impeachment trial, but in many cases individuals will resign before the proceedings begin or conclude. Currently, the Oregon Constitution does not provide for impeachment but does provide for recall in Article II, section 18.

House Joint Resolution 10 proposes amendment of the Oregon Constitution to provide a process for impeachment and refers it to the voters for consideration at the next regular general election. It would authorize the Oregon House of Representatives to bring articles of impeachment against statewide elected officials in the executive department

This Summary has not been adopted or officially endorsed by action of the committee.

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and authorize the Oregon Senate to try such persons. A two-thirds majority vote in Senate chamber would be required to conclude the process with conviction. In the event of conviction, judgment would be limited to removal from current office and disqualification from holding other public office.