

Special Sessions 2002 House Journals and Status Reports of the House and Senate

FIRST SPECIAL SESSION

Beginning February 8 and ending February 11, 2002

SECOND SPECIAL SESSION

Beginning February 25 and ending March 2, 2002

THIRD SPECIAL SESSION

Beginning June 12 and ending June 30, 2002

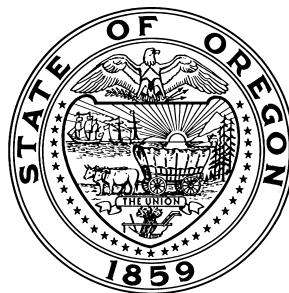
FOURTH SPECIAL SESSION

Beginning August 16 and ending August 20, 2002

FIFTH SPECIAL SESSION

Beginning September 1 and ending September 18, 2002

**JOURNAL RECORD OF PROCEEDINGS
LEGISLATURE'S CALL FOR SPECIAL SESSION IN 2004**



**SEVENTY-FIRST LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Published Under the Direction

of

MARK SIMMONS

Speaker of the House

HOUSE OF REPRESENTATIVES

HOUSE OFFICERS

MARK SIMMONS, Speaker

LANE SHETTERLY, Speaker Pro Tempore

RAMONA KENADY, Chief Clerk

HOUSE CAUCUS LEADERS

KAREN MINNIS, Majority Leader
ROB PATRIDGE, Majority Whip
TIM KNOPP, Deputy Majority Leader
BETSY CLOSE, Assistant Majority Leader
DAN DOYLE, Assistant Majority Leader
GREG SMITH, Assistant Majority Leader
TOOTIE SMITH, Assistant Majority Leader
PATTI SMITH, Assistant Majority Leader
CHERRYL WALKER, Assistant Majority Leader
JACKIE WINTERS, Assistant Majority Leader

DEBORAH KAFOURY, Democratic Leader
STEVE MARCH, Democratic Whip
PHIL BARNHART, Democratic Whip
CAROLYN TOMEI, Assistant Democratic Leader
MARK HASS, Assistant Democratic Leader
DIANE ROSENBAUM, Assistant Democratic Leader

HOUSE DESK PERSONNEL

CATHY FERGUSON, Assistant Chief Clerk

TODD KENADY, Publications Coordinator

OBIE RUTLEDGE, Reading Clerk

CERTIFICATE OF APPROVAL

We, the undersigned, having supervised the revision of the Journal and Status Report of the House of Representatives, covering the Five Special Sessions of the Seventy-first Legislative Assembly, hereby certify that such Journal and Status Report are correct to the best of our information and belief.

MARK SIMMONS
Speaker of the House

RAMONA KENADY
Chief Clerk of the House

SEVENTY-FIRST LEGISLATIVE ASSEMBLY – 2002 SPECIAL SESSIONS

REPRESENTATIVES' ADDRESSES

Representative	Address	Party	Dist#	New Dist#
Ackerman, Robert	975 Willagillespie Rd., Suite 200, Eugene, OR 97403	D	39	14
Backlund, Vic	1339 Mistwood Dr. NE, Keizer, OR 97303	R	33	25
Barnhart, Phil	PO Box 12181, Eugene, OR 97440	D	40	55
Bates, Alan	177 Crocker Ave., Ashland, OR 97520	D	52	5
Beck, Chris	719 NW 17th Ave., Portland, OR 97209	D	12	33
(1) Beyer, Terry	PO Box 131, Springfield, OR 97477	D	42	12
Brown, Alan	1155 SW Coast Hwy., Newport, OR 97365	R	4	10
(2) Brown, Ralph	586 S 12th Ave., Cornelius, OR 97113	R	5	29
Butler, Tom	PO Box E, Ontario, OR 97914	R	60	60
Carlson, Janet	4560 Patriot Ct. SE, Salem, OR 97302	R	32	20
Close, Betsy	PO Box 2339, Albany, OR 97321	R	36	15
Devlin, Richard	10290 SW Anderson Ct., Tualatin, OR 97062	D	24	37
Dingfelder, Jackie	2124 NE 54th Ave., Portland, OR 97213	D	19	45
Doyle, Dan	2725 12th St. SE, Salem, OR 97302	R	30	19
Gardner, Dan	PO Box 82342, Portland, OR 97282	D	13	41
Garrard, Bill	906 N 8th St., Klamath Falls, OR 97601	R	53	56
Hansen, Gary	628 N Tomahawk Island Dr., Portland, OR 97217	D	17	44
Hass, Mark	9294 SW Midea Ct., Portland, OR 97225	D	8	27
Hayden, Cedric	5811 Main St. #E, Springfield, OR 97478	R	43	8
(3) Hill, Jim	191 NE 33rd Ct., Hillsboro, OR 97124	R	5	29
Hopson, Elaine	PO Box 656, Tillamook, OR 97141	D	2	32
Jenson, Bob	2126 NW 21st St., Pendleton, OR 97801	R	57	58
Johnson, Betsy	PO Box R, Scappoose, OR 97056	D	1	31
Kafoury, Deborah	PO Box 11736, Portland, OR 97211	D	18	43
King, Al	36890 Edgehill Rd., Springfield, OR 97478	D	44	11
Knopp, Tim	PO Box 6145, Bend, OR 97708	R	54	54
Krieger, Wayne	95702 Skyview Ranch Rd., Gold Beach, OR 97444	R	48	1
Kropf, Jeff	753 Park St., Lebanon, OR 97355	R	37	17
Krummel, Jerry	30945 SW Boones Ferry Rd., Wilsonville, OR 97070	R	27	26
Kruse, Jeff	174 Burkhardt Rapids Ln., Roseburg, OR 97470	R	45	7
(4) Lee, Jan	PO Box 2517, Clackamas, OR 97015	D	10	51
Leonard, Randy	PO Box 92130, Portland, OR 97292	D	21	48
Lowe, Kathy	PO Box 68256, Milwaukie, OR 97268	D	26	40
March, Steve	516 SE Morrison St., Suite 206, Portland, OR 97214	D	15	46
Merkley, Jeff	PO Box 33167, Portland, OR 97292	D	16	47
Minnis, Karen	PO Box 790, Fairview, OR 97024	R	20	49
Monnes Anderson, Laurie	PO Box 1531, Gresham, OR 97030	D	22	50
Morgan, Susan	PO Box 2223, Myrtle Creek, OR 97457	R	46	2
(5) Morrisette, Bill	348 G St., Springfield, OR 97477	D	42	12
Nelson, Donna	1231 N. Adams St., McMinnville, OR 97128	R	29	24
Nolan, Mary	PO Box 1686, Portland, OR 97207	D	11	36
Patridge, Rob	PO Box 1161, Medford, OR 97501	R	50	6
Ringo, Charlie	4085 SW 109th Ave., Beaverton, OR 97005	D	6	34
Rosenbaum, Diane	1125 SE Madison St., Suite 100B, Portland, OR 97214	D	14	42

- (1) Appointed to replace Morrisette; sworn in November 9, 2001.
- (2) Appointed to replace Hill; sworn in February 19, 2002.
- (3) Resigned February 11, 2002.
- (4) Changed from Independent to Democrat July 19, 2001.
- (5) Resigned September 25, 2001.

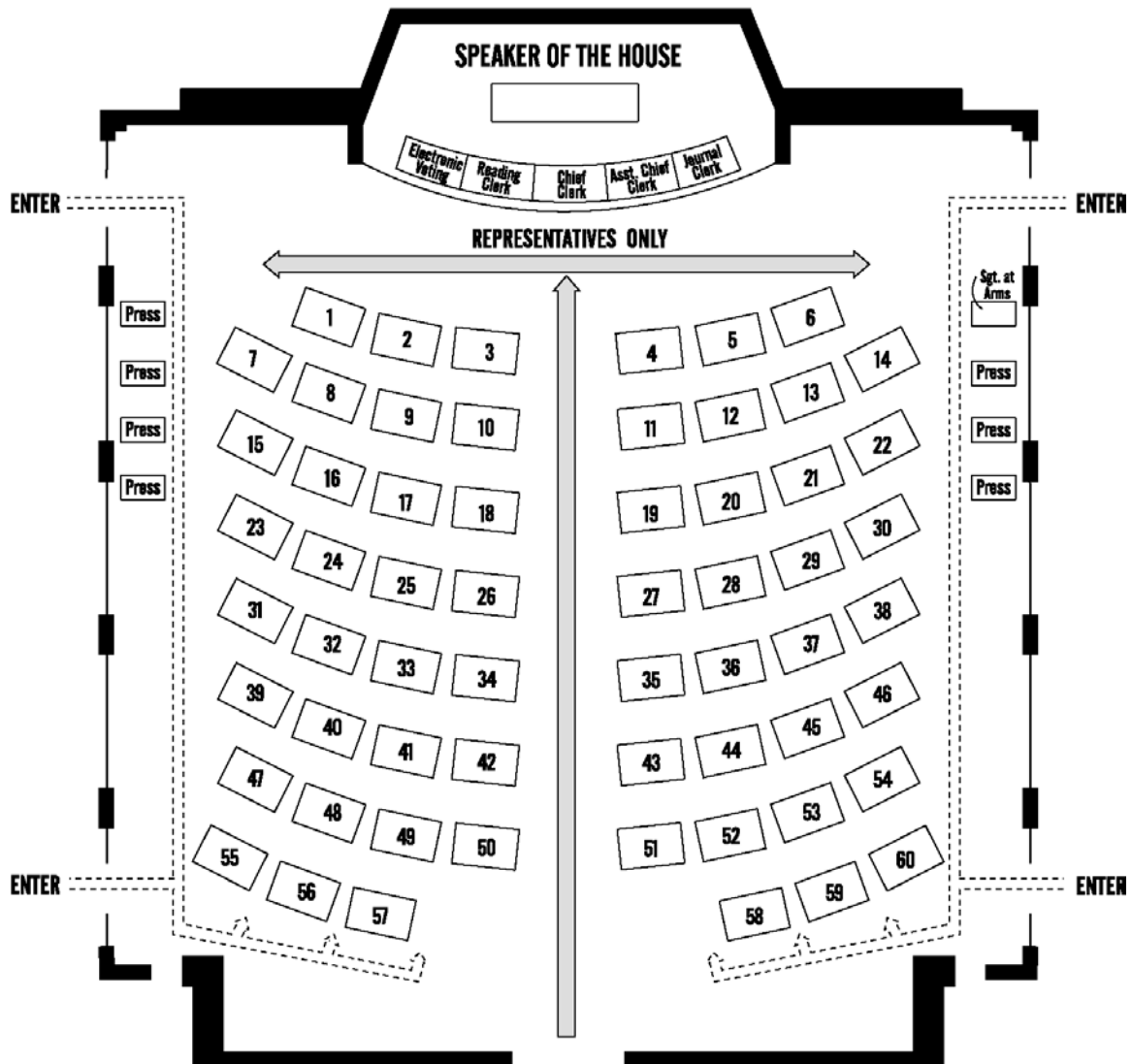
Note: New District numbers represent changes caused by Redistricting effective 12/15/01.

REPRESENTATIVES' ADDRESSES

Representative	Address	Party	Dist#	New Dist#
Schrader, Kurt	2525 N Baker Dr., Canby, OR 97013	D	23	39
Shetterly, Lane	PO Box 1025, Dallas, OR 97338	R	34	23
Simmons, Mark	PO Box 572, Elgin, OR 97827	R	58	57
Smith, Greg	PO Box 215, Heppner, OR 97836	R	59	59
Smith, Patti	PO Box 209, Corbett, OR 97019	R	56	52
Smith, Tootie	PO Box 226, Molalla, OR 97042	R	28	18
Starr, Bruce	PO Box 5875, Aloha, OR 97006	R	3	30
Tomei, Carolyn	11907 SE 19th Ave., Milwaukie, OR 97222	D	25	38
Verger, Joanne	1400 Ocean Blvd. NW, Coos Bay, OR 97420	D	47	9
Walker, Cheryl	PO Box 167, Murphy, OR 97533	R	51	4
Walker, Vicki	PO Box 10314, Eugene, OR 97440	D	41	13
Westlund, Ben	20590 Arrowhead Drive, Bend, OR 97701	R	55	53
Williams, Max	12103 SW 135th Ave., Tigard, OR 97223	R	9	35
Wilson, Carl	560 NE F St., Suite A, Box 502, Grants Pass, OR 97526	R	49	3
Winters, Jackie	PO Box 126, Salem, OR 97308	R	31	21
Wirth, Kelley	4973 SW Aster St., Corvallis, OR 97333	D	35	16
Witt, Bill	13197 NW Helen Ln., Portland, OR 97229	R	7	28
Zauner, Cliff	2662 Hazelnut Dr., Woodburn, OR 97071	R	38	22

Republicans – 32
 Democrats – 28

HOUSE SEATING CHART



- 1 – Starr
- 2 – Zauner
- 3 – Witt
- 4 – Hass
- 5 – Nolan
- 6 – Ringo
- 7 – Walker, C.
- 8 – Carlson
- 9 – Shetterly
- 10 – Nelson
- 11 – Krieger
- 12 – Garrard
- 13 – Wirth
- 14 – Morrisette/Beyer
- 15 – Hayden

- 16 – Smith, P.
- 17 – Brown, A.
- 18 – Smith, T.
- 19 – Rosenbaum
- 20 – Tomei
- 21 – Verger
- 22 – March
- 23 – Smith, G.
- 24 – Williams
- 25 – Backlund
- 26 – Doyle
- 27 – Beck
- 28 – Ackerman
- 29 – Bates
- 30 – Barnhart

- 31 – Krummel
- 32 – Lee
- 33 – Kropf
- 34 – Butler
- 35 – Schrader
- 36 – Walker, V.
- 37 – Lowe
- 38 – Monnes Anderson
- 39 – Jenson
- 40 – Morgan
- 41 – Winters
- 42 – Wilson
- 43 – Westlund
- 44 – Gardner
- 45 – Hopson

- 46 – Merkley
- 47 – Close
- 48 – Knopp
- 49 – Patridge
- 50 – Minnis
- 51 – Kafoury
- 52 – Hansen
- 53 – King
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- 55 – Simmons
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**FIRST
SPECIAL SESSION**

**FEBRUARY 8 -
FEBRUARY 11, 2002**



House Journal and Status Reports of the House and Senate

FIRST SPECIAL SESSION

**Beginning February 8 and
ending February 11, 2002**



**SEVENTY-FIRST LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Published Under the Direction

of

**MARK SIMMONS
Speaker of the House**

**MEMBERSHIP
AND
COMMITTEES**



HOUSE STANDING COMMITTEE MEMBERSHIP

BUDGET RECONCILIATION—

Ben Westlund, Chair
Gary Hansen
Susan Morgan
Rob Patridge (appointed February 10, 2002)
Mary Nolan (appointed February 10, 2002)
Kurt Schrader
Lane Shetterly

**ECONOMIC STIMULUS AND PUBLIC
POLICY—**

Carl Wilson, Chair
Alan Bates
Tom Butler
Cedric Hayden (discharged February 9, 2002)
Tim Knopp (appointed February 9, 2002)
Betsy Johnson
Jeff Kruse
Steve March
Diane Rosenbaum
Patti Smith

**FIRST
SPECIAL SESSION**

**HOUSE
JOURNAL**

Friday, February 8, 2002 – Morning Session

House called to order in Special Session at 9:00 a.m., pursuant to the proclamation of Governor John A. Kitzhaber issued February 1, 2002.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: The State of Oregon is facing a \$830 million deficit, and the State must rebalance the budget; and

WHEREAS: The State of Oregon is experiencing a recession, and the State has a need and an opportunity to act on stimulating its economy; and

WHEREAS: Our K-12 system of schools has become reliant on state income taxes, and Oregon is one of only three states with no school stabilization fund to help tide our schools through economic downturns.

NOW, THEREFORE, I, John A. Kitzhaber, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, hereby proclaim Friday, February 8, 2002 at 9 a.m. to be

THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY

for the purposes of rebalancing the budget, and to deliberate an economic stimulus package and the creation of a school stabilization fund.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, February 1, 2002.

John A. Kitzhaber M.D., Governor
Bill Bradbury, Secretary of State

Speaker in Chair. All present except: Excused, 1 – Tomei.

Opening Ceremony presented by Kellen Clemens, University of Oregon, Eugene.

Speaker appointed the Special Committee on Credentials: Kruse, Chair; Leonard and Hayden.

House stood at ease.

House called to order.

Kruse read the following report by the Special Committee on Credentials.

REPORT BY COMMITTEE ON CREDENTIALS

We, your Committee on Credentials, recommend that all members of the Regular Session of the Seventy-first Legislative Assembly with changes listed, are entitled to seats in the House of Representatives for this Special Session of the Seventy-first Legislative Assembly of the State of Oregon:

Terry Beyer replacing Bill Morrisette, representing the 12th District.

We find that the person listed above is duly qualified and has been sworn into office pursuant to law.

Rep. Jeff Kruse, Chair
Rep. Randy Leonard
Rep. Cedric Hayden

Kruse moved adoption of the report by the Special Committee on Credentials. Motion carried, the vote being: Yeas, 59; Excused, 1 – Tomei. Report adopted.

Speaker appointed the Special Committee on Rules: Minnis, Chair; Shetterly and Kafoury.

House stood at ease.

House called to order.

The following report of the Special Committee on Rules was read:

REPORT BY COMMITTEE ON RULES

We, your Committee on Rules, recommend that the House of Representatives adopt the Special Session Rules of the Seventy-first Legislative Assembly as amended.

Karen Minnis, Chair
Lane Shetterly
Deborah Kafoury

SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

Seventy-first Legislative Assembly

February 8, 2002

DEFINITIONS

1.01 Definitions. (1) "Measure" means bill, resolution or memorial, but does not include amendments.

(2) "Member" means member of the House.

(3) "Printing" includes printing and other means of reproducing copy.

(4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.

(5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-first Legislative Assembly.

(6) "Special Session" means the special session of the Seventy-first Legislative Assembly convening February 8, 2002.

(7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

RULES

2.01 Use of Mason's Manual. Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House" [~~referred to the Committee on Rules, Redistricting and Public Affairs by the Speaker, and if reported from the Committee on Rules, Redistricting and Public Affairs,~~ and allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules. (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the House. [~~Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die.] The rules adopted for the special session are repealed upon the adjournment of the special session sine die.~~

CONVENING

3.01 Quorum. (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.03 Attendance. A member shall attend all sessions of the House unless excused by the Speaker, and all meetings of the committees of the House of which he or she is a member unless excused by the chairperson. No member shall be considered excused, however, unless the Speaker or chairperson has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

3.05 Session Hour. Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

3.07 Open Sessions. All deliberations and meetings of the House shall be open to the press and public.

~~**3.08 Daily Session Length.** (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, including time used in recess.~~

~~(2) When the twelve-hour period described in subsection (1) of this rule has elapsed, the Speaker shall adjourn the House for a period of not less than eight hours. The convening of a session after adjournment constitutes the beginning of a new session day.~~

VOTING

3.12 Electronic Roll Call System. The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

3.15 Roll Call. (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the role of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the Speaker shall be last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was in the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

3.20 Requirements for Voting. (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

3.21 Announcement of Conflict of Interest. (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting. The statement shall be limited to the substance of the oral explanation given on the floor or in committee.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote or if all members have voted, the Speaker may direct the clerk to display the vote. After the individual votes have been displayed any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

3.28 Electronic Roll Call; Misuse, Penalties. No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

3.30 Voting by Presiding Officer. The Speaker shall vote whenever a roll call is required, the Speaker's name being called last on an oral roll call vote.

3.35 Explanation of Vote. (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next ~~session~~ business day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

3.50 Third Reading Requirement. (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or rereferred to committee on third reading.

3.55 Call of the House. (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the north aisle, the room west of the north aisle, and the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported

that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

ORDER OF BUSINESS

4.01 Order of Business. (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message. At the opening session of the day only.
- ~~(c)~~(c) Courtesies.
- ~~(d)~~(d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- ~~(h)~~ ~~Reports from standing committees.~~ Reports from special committees.
- ~~(i)~~(i) Propositions and motions.
- ~~(j)~~(j) Introduction and first reading of House bills.
- ~~(k)~~(k) Second reading of House bills.
- ~~(l)~~(l) Consent Calendar.
- ~~(m)~~(m) Third reading of House bills.
- ~~(n)~~(n) Final reading of memorials and resolutions.
- ~~(o)~~(o) Bills, reports and other business lying on the table.
- ~~(p)~~(p) First reading of Senate bills.
- ~~(q)~~(q) Second reading of Senate bills.
- ~~(r)~~(r) Third reading of Senate bills.
- ~~(s)~~(s) Other business of the House.
- ~~(t)~~(t) Other business of the Senate.
- ~~(u)~~(u) Announcements.
- ~~(v)~~(v) Remonstrances.

(2) The presiding officer, under the order of business *Reports from Standing Committees and Reports from Special Committees*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the order of business of Opening Ceremony, prayer and/or inspirational message, courtesies and the order of business of Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

4.05 Consent Calendar. (1) Each session day, a consent calendar of measures shall be presented for consideration and vote of the House.

Copies of the consent calendar shall be printed and distributed to members prior to consideration.

(2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.

(b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.

(3) Any measure recommended for the consent calendar shall be placed on the calendar but held at the Desk for two days after the day on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two-day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.

(4) If no objections or an insufficient number are filed within the two-day period, the measure shall be placed in numerical order on the next consent calendar. When the order of business "Consent Calendar" is reached, the Speaker shall announce the calendar **and ask for each measure listed whether there are objections to the measure being placed on the consent calendar. If five objections are raised the measure shall be removed from the consent calendar and placed on the third reading calendar. If there are not the sufficient number of objections,** the clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken. No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.

(5) ~~Notwithstanding the provisions of this rule if the Speaker has reasonable cause to believe that the session will adjourn sine die within three weeks after the time a measure is recommended for the consent calendar, the Speaker may order the measure to be placed in its proper order on the third reading calendar.~~

MOTIONS

5.01 Making Motion. (1) When a motion is made, it shall be stated by the presiding officer.

(2) A motion shall be reduced to writing upon a request of the presiding officer or of any member.

(3) No second to a motion is required.

5.05 Motion in Possession of the House. After a motion is stated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

5.10 Precedence of Motions. (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Nondebatable Motions. Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

5.20 Votes on Motions. If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

5.30 Division of the Question. Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

5.35 Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

5.37 Amendments to the Title of a Bill. No title (*"Relating to"* clause) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

5.40 Amendments from Floor. (1) No measure shall be amended upon the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Chief Clerk.

(2) In the absence of unanimous consent, if a majority of the members present desires a change in any measure, the measure shall be referred by the Speaker to committee in accordance with Rule 9.01(2).

DEBATE AND DECORUM

6.01 Decorum During Session and Committee Proceedings. (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

6.05 Use of Electronic Devices. (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

6.07 Recognition of Members. When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member's desk.

(1) The device labeled "to speak" shall be used when a member seeks recognition for purposes of debate or making motions.

(2) The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under Mason's Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

6.10 Conduct in Debate. (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

6.20 Interrupting a Member. Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

6.25 Frequency with Which Member May Speak. (1) The author of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate. The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the chairperson of the committee that reports the measure or a member designated by the chairperson may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (2) of this rule to another member. However, no member may yield time to a member closing debate.

6.35 Call to Order. (1) The presiding officer shall call to order any member who violates the rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

6.40 Discipline. If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

PRESIDING OFFICER

7.01 Election of Presiding Officer; Pro Tempore Presiding Officer. The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officer. (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

7.10 Duties of Presiding Officer. (1) To enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

COMMITTEES

8.01 Names of Committees. ~~There shall be the following 15 standing committees to which shall be referred all measures relating to the subject matters described herein:~~

~~(1) Advancing E-Government, relating generally to technology and utility regulation;~~

~~(2) Agriculture and Forestry, relating generally to agriculture and forestry;~~

~~(3) Business, Labor and Consumer Affairs, relating generally to business, labor and consumer affairs;~~

~~(4) Government Efficiency, relating generally to government operations;~~

~~(5) Health and Public Advocacy, relating generally to human resources and health care issues;~~

~~(6) Judiciary, relating generally to civil and criminal law and administration of justice;~~

~~(7) Land Use and Regulatory Fairness, relating generally to regulatory takings and property compensation;~~

~~(8) Rules, Redistricting and Public Affairs, relating generally to the rules and operations of the House and the Legislative Assembly, elections, redistricting, and public affairs;~~

~~(9) School Funding and Tax Fairness/Revenue, relating generally to taxation and the finance of elementary and secondary education;~~

~~(10) Smart Growth and Commerce, relating generally to commerce and economic development.~~

~~(11) Stream Restoration and Species Recovery, relating generally to stream restoration and species recovery;~~

~~(12) Student Achievement and School Accountability, relating generally to all levels of education and their administration, but excluding finance of elementary and secondary education;~~

~~(13) Transportation, relating generally to vehicles, mass transit, highways and other aspects of transportation;~~

~~(14) Water and Environment, relating generally to water law, natural resources and the environment;~~

~~(15) Ways and Means, relating generally to appropriations.~~

The Speaker may appoint special committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all ~~standing committees~~, statutory committees, special committees and task forces, and the chairpersons and vice-chairpersons thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all ~~standing~~ special committees and statutory committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the ~~standing special~~ committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any ~~standing special~~ committee under which a subcommittee is created shall appoint the other members of the subcommittee.

~~(4) The Standing Committee on Ways and Means and committees established by the Oregon Constitution shall be exempt from provisions under subsection (2) of Rule 8.05.~~

8.10 Committee Quorum; Rules. (1) A majority of the members of a ~~standing or~~ special committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all ~~standing and~~ special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

8.15 Committee Meetings. (1) All committees shall meet at the call of the chairperson, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

~~(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 24 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.~~

(5) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.

~~(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If the House is in session, the Speaker shall announce the emergency and the reasons why it is declared to exist. If the House is not in session, the Speaker shall notify members that an emergency exists and the reasons therefor by distributing such information to the desks of the members. For any meeting called under this emergency provision, notice shall be posted outside the House chambers and any other suitable and conspicuous place. If the meeting scheduled is for the purpose of taking public testimony, at least 24 hours notice must be given by posting the notice outside the House chambers and any other suitable and conspicuous place. A majority of the members may invoke this subsection and notice shall be given as described in this subsection.~~

(6) The chairperson or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public shall be given immediately upon call of the meetings, and notice of the meeting shall be announced on the floor if the House is in session.

(7) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(8) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

(a) Members present, excused or absent;

(b) All motions and their disposition;

(c) The results of all votes; and

(d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the Committee on Rules, Redistricting and Public Affairs Speaker. The committee Speaker shall conduct a hearing on the matter and shall, if it concludes concluded that the complaint is justified, recommend to the House that censure or other action be taken.

(12) As used in this rule:

(a) "Committee" includes standing and special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

8.20 Committee Action Required. (1) A chairperson shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the committee chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

~~(5)(4) Measures reported out by a committee shall be delivered to the Chief Clerk of the House within three session days no later than 12 noon of the session day after the committee action reporting the measure out.~~

~~**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or the School Funding and Tax Fairness/Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.~~

8.25 Committee Actions to be Recorded and Reported. (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. (1) No motion to dissolve into the committee of the whole shall be allowed.

REFERRAL OF MEASURES; COMMITTEE REPORTS

9.01 Referral to Committee. (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than five session days following such referral, the measure shall be referred by the Speaker in accordance with the provisions of subsections (2)-(3) of this rule. Notice of referral shall be in writing and to a special committee announced from the rostrum or a printed list shall be distributed to the desks of the members.

~~(2) Referrals of measures shall be to the committee whose jurisdiction, as defined in Rule 8.01, most closely relates to the principal subject matter addressed by the measure.(3) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means or the Committee on School Funding and~~

~~Tax Fairness/Revenue effective after the measure is reported out of the committee to which it was initially referred.(4) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.(5) The chairperson of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the chairperson of any other standing or special committee to review the measure. Upon acceptance of the measure by the chairperson of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.(6) When the Speaker determines that sine die adjournment is imminent and referral of measures to committees under Rule 8.01 will unnecessarily delay the orderly process of legislative business, the Speaker may refer a measure to an appropriate committee notwithstanding the subject matter designations described in Rule 8.01.~~

9.05 Committee Reports. After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chairperson of the committee.

9.10 Consideration of Committee Reports. ~~(1) Reports from standing committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.~~

~~(2) Except for reports recommending do not pass or referral to another committee, or reports accompanied by a minority report, no motion is required to adopt a committee report.~~

~~**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar of the first session day after distribution of amendments, if any. No member may sign on to more than one report.~~

~~(2) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule 9.32(3) or, if other than a bill, as provided by Rule 9.35(3).~~

~~(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.~~

~~(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.~~

~~(5) The minority report is subject to the requirements of House Rule 5.35.~~

9.30 Withdrawing Measure from Committee. A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

9.32 When a Bill Goes to Second Reading. (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar of the following same session day for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, the report shall be filed and the bill placed on the calendar for second reading on the same session day as the amendments must be printed and are distributed to the desks of the members before the measure comes up for second reading.

(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the same session day on which the minority report was substituted or rejected.

~~(4)(3) The Speaker may order a bill printed with amendments engrossed. If a bill is printed engrossed it shall not be considered placed on the calendar for second reading sooner than the same session day following distribution of the printed engrossed bill is distributed to desks of the members.~~

9.35 When a Measure Other Than a Bill Goes to Final Reading.

(1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar of the same session day next following receipt for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for final reading. The measure other than a bill shall be placed on the calendar for final reading on the same session day next following the day of distribution of the printed amendments.

~~(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar for final reading on the session day next following the day on which the minority report was substituted or rejected.~~

~~(4)~~(3) Upon the recommendation of the chairperson of the committee reporting a measure with amendments, or at the Speaker's discretion, the Speaker may order a measure printed with the amendments engrossed therein. If the measure other than a bill is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measures to the desks of the members.

9.37 When a Bill Goes to Third Reading. A bill shall be placed on the third reading calendar on the session day following its second reading.

RECONSIDERATION

10.01 Reconsideration. (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

~~(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.~~

~~(3)~~(2) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.

~~(4)~~(3) The motion to reconsider ~~shall~~ must be made ~~voted on the first session day after that on which immediately~~ after the vote to be reconsidered was taken. ~~The motion for reconsideration has precedence over any other motion.~~

~~(5)~~(4) Thirty-one votes are required to reconsider the final vote on a measure.

~~(6)~~(5) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.

10.05 Transmitting Measures on Which Reconsideration Moved.

When a member has ~~given notice of intention to moved~~ for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. ~~However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.~~

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately and without debate on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

CONCURRENCE; CONFERENCE

11.01 Vote to Concur in Amendments of Other House. (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall ~~not be taken sooner than the first session day~~ immediately after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. ~~(1)~~ When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

~~(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.~~

~~(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the differences between the House and Senate versions.~~

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose any amendments within the scope of the issue between the houses.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers, and notice of the meeting shall be announced on the floor if the House is in session.

11.15 Adoption of Conference Committee Report. (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall ~~not be made sooner than the first session day~~ in order immediately after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

11.20 Discharge of Conferees. (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

SPONSORSHIP

~~**12.00 Pre-session Filing and Printing.** (1) Any member or member elect of the House may, on or after November 18 of the even years to January 1 of the odd years, pre-file any measure with the Chief Clerk for introduction.~~

~~(2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.~~

~~—(3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed prefiled measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.~~

~~—(4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.~~

~~—(5) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.~~

~~—(6) Any measure prefiled and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.~~

12.05 Pre-session Drafting Requests. Members, member-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.

12.10 Sponsorship. (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure, the committee shall become the sponsor of the measure.

12.20 Committee Sponsorship. (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chairperson shall sign the proposed measure for presentation at the desk.

INTRODUCTION OF MEASURES

13.01 Requirements of Presentation of Measures for Introduction. (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chairperson or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

13.05 Deadline on Introductions. No measure shall be accepted by the desk for introduction in the House ~~after 5 p.m. on the 50th calendar day of the session~~ except:

~~(1) Measures approved by the Speaker and so identified for introduction by a committee.~~

13.10 Legislative Counsel Drafting Services. ~~(1) Between 5 p.m. on the 29th calendar day and 5 p.m. on the 36th calendar day of the session,~~

~~the Legislative Counsel shall only accept five non-transferable drafting requests from each member.~~

~~(2) After 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall discontinue not accepting requests for drafting of all measures for introduction during special session except:~~

~~(a) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means.~~

~~(b) Committee proposals approved for drafting by the Speaker.~~

~~(c) A proposal requested for drafting by a member under Rule 13.15.~~

~~—13.15 Priority Drafting Requests. (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.~~

~~—(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.~~

PUBLICATIONS

14.01 Journal; Status Report. (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

14.05 Other Legislative Publications. (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

14.10 Distribution of Legislative Publications. (1) There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the

Administrative Services Department, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies, and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

14.15 Measure Summaries. (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The Speaker may order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

14.25 Financial and Revenue Impact Statements. (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure except appropriation measures which implement the Governor's printed budget recommendations, and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as a financial impact statement to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and the governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

14.30 Legislative Newsletters. (1) Each member may issue legislative newsletters or other informational material to their constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule "constituent" means an individual that lives within a member's legislative district.

PERSONNEL RULES AND PROCEDURES

15.01 Personnel Rules and Procedures. (1) Except as otherwise provided by law the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

OFFICERS; PERSONNEL; ALLOWANCES

15.05 Chief Clerk; Election and Duties. (1) There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House.

(a) The Chief Clerk shall perform the following duties:

(A) Appoint a Sergeant at Arms in consultation with the Speaker.

(B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.

(C) Serve as parliamentarian of the House.

(D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(E) Prepare all measures, histories, journals and related publications for printing.

(F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

(C) Execute all processes issued by authority of the House or any of its committees.

(D) Perform such other duties as the Chief Clerk or Speaker may direct.

15.10 Member's Personal Staff. (1) (a) A member may appoint personal staff for the ~~special session or the interim or both~~, according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5025, (2001 Session Laws).

(b) A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the floor during sessions of the House.

(c) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

~~(c)-(d)~~ For purposes of computing fringe benefits, persons appointed under subsection 1(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

~~(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.~~

15.15 Leadership Office Personnel. (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

15.20 Other Personnel. (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each chairperson of a standing or special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives or designated to have access to the floor during the special session shall for the duration of such employment ~~the special session~~ serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

15.25 Expense Allowance. (1) Each member has an allowance of \$26,083.00 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim or special session for expenses as described under subsection (1) of this rule.

SERVICES AND SUPPLIES

16.01 Services and Supplies. (1) Each member shall have an individual services and supplies account. New members will receive a one time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual services and supplies expense account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.
- (f) Communications with constituents in compliance with H.R. 14.30.
- (g) Rental expenses incurred for a town hall meeting.
- (h) Establishment and maintenance of a district office.
- (i) Billings from state agencies for services and supplies.
- (j) Reasonable travel expenses incurred by members while on official legislative business. Does not include in-district travel.

(k) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

(l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage

deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

16.05 Attorney General Opinions. (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. This rule takes precedence over ORS 180.060(2).

(2) The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

PRIVILEGES

17.01 Floor Privileges. (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.05 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; or persons authorized by the Speaker; and (d) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges. The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

17.10 Assembly Transition. Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

ACCREDITATION OF NEWS MEDIA

18.01 Accreditation of News Media. (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

LOBBYISTS

19.01 Regulation of Lobbyists. (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The ~~Committee on Rules, Redistricting and Public Affairs~~ Speaker may, and on the complaint of five members of the House shall, investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

(3) If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

19.10 Statement of Philosophy. The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

19.20 Campaign Contributions During Session. All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under the order of business of "Other Business of the House" announcing the entry into the Journal.

SEXUAL HARASSMENT

20.01 Policy on Sexual Harassment. (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from sexual harassment. Sexual harassment in any manner will not be tolerated.

(2) Sexual harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and
- (g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes; Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be

referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Sexual Harassment for the purpose of deliberations regarding Sexual Harassment complaints only. The chairperson shall be a member of the majority party and the vice chairperson shall be a member of the minority party.

(6) The House shall provide education concerning sexual harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

67th OREGON LEGISLATIVE ASSEMBLY

1993 Regular Session

Enrolled House Resolution 1

Introduced and printed pursuant to House Rule 13.01

Whereas the Oregon House of Representatives is committed to creating and maintaining a work environment in which House Members and House employees are free from sexual harassment and are treated respectfully; now, therefore,

Be It Resolved by the House of Representatives of the State of Oregon:

SECTION 1. (1) The policy of the House of Representatives as stated in the House Rules and this Resolution applies to House Members and to all regular, interim and session House employees, including all House committee staff, House caucus staff, House Members' assistants, interns and volunteers, and to all other categories of House employees.

(2) House Members and employees are expected to discourage sexual harassment in the workplace and at events, professional meetings, seminars or any activities that involve legislative business.

(3) All complaints of sexual harassment shall be promptly, thoroughly and respectfully resolved.

(4) The House policy for reporting and resolving sexual harassment complaints is intended to:

- (a) Encourage members and employees to report harassment;
- (b) Assure that any complaint and a resolution thereof are resolved as discreetly as possible; and
- (c) Guarantee that retaliation is not tolerated against any person who complains of or reports sexual harassment.

(5) When a determination is made that sexual harassment has occurred, appropriate disciplinary action shall follow. As a general rule, sanctions assessed shall be proportionate to the seriousness of the offense. For employees, sanctions may include reprimand, suspension or termination. For House Members, sanctions may include reprimand, censure or expulsion.

(6) A supervisor who does not take appropriate action when the supervisor knows or has reason to suspect that harassment is occurring shall face a similar array of sanctions proportionate to the seriousness of the offense.

SECTION 2. (1) The formal and informal procedures instituted pursuant to House Rules and this Resolution shall apply only to allegations of sexual harassment brought against House Members or against House personal staff.

(2) House personal staff includes Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the House Members, including the Speaker's office and the Majority and Minority offices. House personal staff does not include committee staff and House staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(3) A person claiming to be aggrieved shall file a complaint to initiate the formal or informal procedures pursuant to House Rules and this Resolution no later than one year after the sexual harassment occurred.

SECTION 3. The following notice of the House policy shall be given to all House Members and House employees:

If you believe you have been sexually harassed, you have options. You can tell the offender about the offender's behavior, explain which action disturbed you and ask that the behavior stop. You can communicate with the offender in person or in writing. If you do not want to confront the offender directly, or if you have talked to the offender and the offensive behavior has not stopped, or if you believe your complaint has resulted in retaliation, you may use the informal or formal procedure established by the Rules of the House of Representatives and House Resolution 1 (1993) for pursuing your sexual harassment complaint.

In addition, you have the right to file a complaint with administrative agencies and in the judicial system.

SECTION 4. Many people who believe they have experienced sexual harassment simply want it to end; they do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address this need. However, a person making a complaint is not required to use this procedure as a prerequisite to proceeding with a formal House complaint or a complaint to an administrative agency or to the courts. The informal and formal procedures stated in this Resolution are optional. The informal complaint shall be handled as discreetly as possible. Every effort shall be made to maintain confidentiality. The informal procedure consists of the following steps:

(1)(a) The person making the complaint shall submit the complaint to an intermediary of the person's choice. The intermediary shall immediately take appropriate action to assure that the person making the complaint has a safe and nonhostile work environment. The Speaker or the Chief Clerk shall assist in making the appropriate arrangements upon notice from the intermediary. The intermediary shall notify the Majority and Minority Leaders and the supervisor of the person making the complaint that a complaint has been made. The Majority and Minority Leaders shall immediately notify the person who is the subject of the complaint of the fact that a complaint has been made, the name of the person making the complaint and the name of the intermediary.

(b) A reasonable number of House Members and staff of the House of Representatives, including the Chief Clerk, the Legislative Administrator and the Administrative Service Personnel Officer, shall be designated jointly by the Majority and Minority Leaders as intermediaries. A person designated as an intermediary shall receive special training in order to be prepared to assist the person making the complaint. Designated intermediaries shall be identified by name, with contact telephone number and office location. Copies of a list of the identification information on designated intermediaries shall be available in each House Member's office. While the intermediary is not an advocate, an intermediary, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to take disciplinary action. The intermediary's role is to listen, answer questions and explain options. The intermediary shall not serve as a counselor or psychologist but shall provide reference information about available human services resources. The role of an intermediary is to help the person making the complaint in determining who can best deal with the person's concerns and inform that person of available options.

(2) After meeting with an intermediary, the person making the complaint may decide that further action is necessary. If so, the person may request that the intermediary refer the matter to the Majority and Minority Leaders for informal remedial action or may institute formal complaint procedures.

(3) The informal procedure shall be kept confidential and any documentation related thereto shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502. Confidentiality shall extend until such time as a formal written complaint, if any, is filed as provided in this Resolution with the House Judiciary Committee counsel.

(4) If the subject person is not the Speaker or Majority or Minority Leader, informal remedial action shall be determined by the Speaker of the House and the Majority and Minority Leaders after appropriate investigation and within 60 days of the making of the complaint. The person who is the subject of the complaint shall be advised of the action by the Leadership.

(5) If the subject person is the Speaker or Majority or Minority Leader, the complaint shall be referred to the Legislative Counsel for the purpose of appointing an outside investigator. The investigator's report shall be submitted to the Speaker and the chairperson and vice chairperson of the Committee on Sexual Harassment within 10 days of the

appointment. The chairperson and vice chairperson shall take the action described in subsection (4) of this section.

SECTION 5. An aggrieved person may file a formal written complaint instead of participating in the informal complaint procedure described in section 4 of this Resolution, or may file a formal written complaint if, after participating in the informal procedure, the person is not satisfied with the resolution of the informal complaint. The formal complaint procedure shall consist of the following steps:

(1) A formal written complaint shall be filed with the Majority and Minority Leaders. Designated staff shall be made available to assist the person filing the complaint in development of the formal written complaint. If no work reassignment has occurred preceding the filing of the formal written complaint, the Majority or Minority Leader shall take immediate action to assure the person filing the complaint of a safe and nonhostile work environment, including reassigning the person to other duties. The Majority and Minority Leaders shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. With the consent of the person filing the complaint, the Majority and Minority Leaders may work to resolve the complaint. However, if there is no consent or no resolution, the formal written complaint shall be filed by the Majority and Minority Leaders with the House Judiciary Committee counsel within seven days of the determination that there is no consent or no resolution.

(2) After the filing of a formal written complaint with the House Judiciary Committee counsel, the Majority and Minority Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of sexual harassment. If the respondent is either the Majority or Minority Leader, or the Majority and Minority Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, the Legislative Counsel shall be notified and shall appoint an independent investigator within five days after receiving the notice.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Speaker and the Majority and Minority Leaders, the person filing the complaint, the person who is the subject of the complaint and members of the Committee on Sexual Harassment. If the investigator was appointed by the Legislative Counsel, the investigator shall also report to the Legislative Counsel.

SECTION 6. (1) At the convening of each Regular Session of the Legislative Assembly, the Speaker shall appoint an equal number of House Members of the majority and minority parties to the Committee on Sexual Harassment, which shall be established for purposes of resolving sexual harassment complaints under House Rules and this Resolution.

(2) Upon receipt of the formal written complaint and the investigator's report, the Committee on Sexual Harassment shall schedule a public hearing on the complaint. The committee shall notify the Majority and Minority Leaders, the Speaker, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with the House Judiciary Committee counsel.

(3) At the hearing, only the members of the committee shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the committee by requesting witnesses and documents to be presented to the committee and by requesting questions that the committee may address to the witnesses.

(4) Audio recordings of the committee hearing shall be made by committee staff and shall be made available on an expedited basis to the person filing the complaint and to the person who is the subject of the complaint. No television equipment or tape recording devices other than those used for official committee recording shall be permitted at the hearing.

(5) If the person filing the complaint or the person who is the subject of the complaint disagrees with the recommendations of the Committee on Sexual Harassment, either person may request that the committee review the recommendations. The request must be made in writing within 10 days after receiving written notice of the committee's action. The committee must complete the review not later than 10 days after receiving the request.

SECTION 7. (1)(a) If, at the conclusion of the hearing, the Committee on Sexual Harassment recommends any sanction, the sanction shall be proportionate to the seriousness of the offense.

(b) For House personal staff, recommended sanctions may include reprimand, suspension or termination. Any recommended sanction against a House personal staff member shall be imposed by the supervising House Member.

(c) For House Members, recommended sanctions may include reprimand, censure or expulsion. Any recommended sanction against a House Member shall be referred to the floor after the request for review time has passed or after the review is completed for approval by a two-thirds majority vote of the House before final action is taken against a House Member.

(2) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed.

(3) The person who filed the complaint may determine that no further action is necessary, but is not precluded from pursuing other appropriate remedies, including court action.

SECTION 8. (1) Each House employee shall be given a notice of the House policy on sexual harassment stated in section 3 of this Resolution. Formal education concerning sexual harassment shall be provided to all House employees by the staff of the Legislative Administration Committee. Participation in formal education is required as a condition of employment, internship or involvement as a volunteer during a Regular Session.

(2) Each House Member shall be given a notice of the House policy stated in section 3 of this Resolution and, in the respective caucuses, each House Member shall participate in education provided by the caucuses within 15 days after the convening of each Regular Session.

(3) Notice of the House policy shall be posted in work areas.

SECTION 9. In order to provide and maintain a workplace free from sexual harassment, the House may pursue an action against an alleged harasser without the complaint of an affected person. A complaint may be filed by either the Majority or Minority Leader with the House Judiciary Committee counsel. Such a complaint shall be subject to the same procedures as are followed when a formal written complaint is filed under section 5 of this Resolution with the House Judiciary Committee counsel.

SECTION 10. If it is determined, after a hearing before the Committee on Sexual Harassment, that a complaint of sexual harassment is malicious or frivolous in nature, the person filing the complaint shall be subject to appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

SECTION 11. Retaliatory action of any kind against any person who participates in any activity authorized or directed by House Rules on sexual harassment or this Resolution as a result of a person seeking redress under the procedures specified in House Rules and this Resolution is prohibited. Retaliation shall result in appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

Minnis moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Yeas, 59; Excused, 1 – Tomei. Special Session Rules adopted.

Speaker announced appointment of members to the following special committees:

SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION
– Westlund, Chair; Hansen, Morgan, Schrader, Shetterly.

SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY – Wilson, Chair; Bates, Butler, Hayden, Johnson, Kruse, March, Rosenbaum, Smith, P.

Vergier moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Special

Session of the Seventy-first Legislative Assembly. Motion carried on viva voce vote.

Vetoed HB 2497 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill 2497, unsigned and disapproved for three key reasons: an undesirable policy regarding prior authorization, the requirement that certain medications be removed from capitation, and the requirement that diagnosis codes be placed on prescriptions.

Notwithstanding this veto, there are many constructive policies embodied in HB 2497. Fortunately, these can be enacted through administrative action. I will instruct the Department of Human Services (DHS) to implement the provisions of HB 2497 which require the following:

- Practitioners to write their OMAP provider number on the prescription;
- OMAP patients to designate a primary pharmacy or pharmacy network;
- DHS to expedite the resolution of rebate disputes between pharmaceutical manufacturers and DHS and to collect the total amount of outstanding balances owed for unpaid drug rebates;
- DHS to seek rebates of at least 15.1% generic medications and establish a maximum allowable cost for certain drugs;

Controlling pharmaceutical costs is a complex task and what often seems desirable at first glance can ultimately be harmful to patients and increase costs. This is true of the portion of the bill that changes state policy to allow prior authorization of prescriptions based on the number of prescriptions obtained by a given patient over a six-month period of time. While I do not object in principle to the concept of prior authorization, I believe it must be used judiciously to avoid creating access barriers to needed medications. Allowing prior authorization based solely on the number of prescriptions obtained by a patient is simply bad policy. This singles out the sickest and most vulnerable of our Medicaid patients and subjects them to increased administrative hurdles for obtaining medications that may be the difference between life and death, independence and disability, and which could prevent the need for more expensive treatment. I will instruct OMAP to aggressively case-manage patients with high numbers of prescriptions in a manner that works collaboratively with their physicians to make sure they are getting optimal care rather than making it more difficult for physicians to render the best care.

The requirement for the Department to exclude by rule certain medications from the capitation rate for OHP providers is counter productive. At present, many OHP providers have drug utilization management systems that are effectively controlling pharmaceutical expenditures within their own provider group. Removing medications from these functioning management systems into fee for service payment by the state only increases the likelihood that inappropriate utilization will increase. In addition, some of the more effective pharmacy benefit management (PBM) contracts require the PBM to contract to provide medications on a capitated basis. This requirement would remove a potentially effective weapon in Oregon's arsenal for fighting drug costs.

Finally, the requirement for practitioners to write the diagnosis code of the condition for which a prescription is written violates patient confidentiality and increases the hassle factor that practitioners who serve OHP patients must endure. Diagnosis

codes are readily available in documents easily obtainable by the public. A pharmacy technician knowing the condition being treated seldom enhances the quality of care and the risk of unnecessary disclosure of a patient's health condition is greatly increased by such a practice. Creating an additional requirement for practitioners who see OHP patients also creates a disincentive for bringing OHP patients into one's practice by making the administrative burden practitioners already bear even greater.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 2714 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning House Bill 2714, unsigned and disapproved.

The bill would require the Land Conservation and Development Commission (LCDC) to establish yet another way to allow dwellings on Oregon's best farmland. This topic has been debated countless times over the past several years and a compromise was reached among various diverse interests.

Under existing law, a new farm dwelling is not allowed on high value farmland unless the owner can demonstrate a gross (not net) income of \$80,000 from farming. This is intended to protect Oregon's most productive soils for farming by distinguishing between commercial farmers and those people who simply want to live in the country. On lower quality farmland, less restrictive tests have been established for dwellings.

House Bill 2714 would require LCDC to adopt a rule to allow new dwellings on high-value farmland based on the "capability" of the parcel to become a farm. In my estimation, this new "capability" test would be quite easy to meet. For example, any size parcel could be declared capable of commercial farming as long as neighboring residents are farmers.

Consequently, this new test would enable hundreds of new dwellings to be located on some of Oregon's best farmland without the need to demonstrate that the land is being used for farming purposes. Instead, an applicant would only have to demonstrate that the land could be used for farming in order to obtain permission for a dwelling.

The "capability test" proposed by HB 2714 is not a new idea. Such a test was widely used in the 1980's. Under this practice, so-called "farm dwellings" with no real connection to commercial agriculture proliferated on high-value farmland throughout the Willamette Valley. A 1990-91 study found that 75 percent of all new "farm dwellings" were occupied by people earning less than \$10,000 from farming. About 37 percent of these dwellings were approved on land that grossed no farm income after the dwelling was built, even though the residents had previously declared an intention to farm.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 2981 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith, House Bill 2981, unsigned and disapproved.

This bill would require the Land Conservation and Development Commission to adopt rules governing the rural residential area located outside urban growth boundaries. This area is commonly referred to as the "urban fringe."

Last June, the Land Conservation and Development Commission adopted rules governing rural residential development in the urban fringe. The rules were adopted after a lengthy public process involving many stakeholders including the Oregon Building Industry Association which is the sponsor of HB 2981.

The rule established a minimum lot size for rural residential development within one-mile of urban growth boundaries. There is general consensus that it is important to maintain large parcels outside urban growth boundaries to enable a community to plan for future urban development in an efficient and more cost-effective manner. When a community decides to expand, it is easier to justify expansion of its urban growth boundary onto rural residential land located in the urban fringe land than onto prime farmland.

HB 2981 would require the Land Conservation and Development Commission to revisit this issue. I believe it is premature to take legislative action to amend an administrative rule adopted a little more than one year ago. I encourage the sponsor of HB 2981 to pursue the proposed changes directly with the Land Conservation and Development Commission and the Department.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 3528 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97310-0722

Dear Secretary Bradbury:

I am returning herewith, House Bill 3528, unsigned and disapproved.

The bill would allow a gas station and full service hook-ups for a recreational vehicle park on farmland in Harney County. Under current law, these uses are prohibited in farm zones.

First, let me state that I understand the difficult economic situation in Harney County. It has been hard hit by a downturn in its natural resource-based economy and is struggling to find ways to replace lost jobs and income. The Malheur Wildlife Refuge and Steens Mountains are expected to attract valuable tourism and recreation to the region.

The proponents of House Bill 3528 are correct to point out that services such as gas stations and restaurants are needed in Harney County to accommodate tourism. They also indicate that the development would provide jobs for local residents. Both of these statements are true. Tourist-related sources should be provided to the extent possible in existing towns to reinforce existing businesses. I remain committed to assisting Harney County find family wage jobs to sustain its economy. This includes making the appropriate capital investments in infrastructure that are necessary to provide a base for jobs and income.

Section III (1) of the bill limits what would be permitted in the rural service center, but it sets a precedent that I believe should be dealt with in the existing land use process. Because the economy of Harney County is changing, it may be worthwhile to

revisit historic land use patterns. Towns and developments that evolve to support a resource-based economy may not be conveniently located to accommodate the emerging growth in tourism. Toward that end, I will ask the Land Conservation and Development Commission to review its rural service center policy as it relates to resource dependent counties.

There may be merit in the development proposed by HB 3528, but only if it is done in the context of a comprehensive strategy identifying special gateways to meet visitors' needs as they travel to the Steens and the Malheur Wildlife Refuge. If Harney County is so inclined to lead such an effort, I will ask state agencies to contribute staff and resources to work with them on this important issue in the interim. Specific resources have been identified at the Economic and Community Development Department for this purpose.

Though I cannot sign this legislation, I will do everything I can to assist Harney County's development of an economic plan to support tourism and job development in the county.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 3808 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 3808, unsigned and disapproved.

HB 3808 repeals permission for the federal government to acquire land (through sale, lease or gift) for migratory waterfowl refuges. Under the federal Migratory Bird Conservation Act, states must grant permission for such acquisitions, which Oregon did several years ago in ORS 272.060.

Repealing the general permission statute would make transactions between willing sellers and the Department of Interior subject to state legislative approval. This violates the fundamental private property rights of individual landowners, who for either economic or environmental reasons want to sell their land for this purpose.

Creation and expansion of refuges is an important tool that can be used to reduce waterfowl damage of agricultural crops by providing alternative habitats and food sources.

HB 3808 also contains changes to the Forest Practices Act that are not related to the relating clause in the bill.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 3809 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 3809, unsigned and disapproved.

HB 3809 is a seriously flawed bill in two respects: (1) it creates a new and duplicative "expert scientific panel" for yet another examination of hatchery versus wild salmon issues; and (2) it represents another attempt by the Legislature to statutorily mandate state agency direction in the very complex science of salmon recovery.

A number of federal and state scientific panels have already, or are undergoing, serious reviews of artificial production (hatchery) methods and policies regarding salmon recovery in Oregon and the Northwest. Under the federal auspices of the Northwest Power Planning Council (Council) and the Bonneville Power Administration (BPA), the twin panels of the Independent Scientific Advisory Board (ISAB) and the Independent Scientific Review Board (ISRB) have been reviewing this and related salmon hatchery issues since 1997 and before.

In response to the continual federal mandates regarding the complex science of salmon recovery in Oregon, and to provide for sound scientific advice regarding Oregon Plan issues, including artificial production issues relating to recovery, Oregon utilizes its own Independent Multidisciplinary Science Team (IMST). The IMST has finished a thorough review of the policies and operations of ODFW's state fish hatcheries, and ODFW has been working closely with them in the development of the state's new Native Fish Conservation Policy and Conservation Hatchery Improvement Plan (CHIP).

In view of the large volume of scientific review now underway or just completed, the creation of one more "expert scientific panel" to review the existing science of hatchery versus wild salmon stocks is simply not needed. ODFW is developing a new Native Fish Conservation Policy for managing Oregon's salmonids. I am confident that this effort, led by experts in fisheries management, will result in a management tool that will clarify the role of hatchery fish in salmon recovery. ODFW needs to have the flexibility to respond to changing conditions, legal mandates and fisheries needs, and not be limited in the management tools available to address recovery efforts.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 3981 (Seventy-first Regular Session) – The following message from the Governor was read:

August 17, 2001

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 3981, unsigned and disapproved.

This bill would weaken the state Endangered Species Act (ESA), the Forest Practices Act (FPA) and the Energy Facility Siting process. With regard to the FPA and Siting process this bill would remove the requirement to consider the needs of state listed species and other fish and wildlife needs. With the growing number of federal ESA listings, Oregon must do everything it can to minimize impacts to at-risk fish and wildlife and their habitat in order to avoid more federal listings in the state, which result in a loss of state and local control over fish and wildlife management.

This bill also would require extensive and costly economic and social impact studies both before state listing and during state recovery planning. The decision to list a species under the state ESA should be based on the biological status of the species. Economic and social impacts should be and are taken in consideration by ODFW during the development of the recovery plan. The state ESA itself applies only to state-owned and managed lands, giving it limited applicability as it currently stands.

The bill includes some provisions I do support, including the development of a safe harbor program for lessees of state land, and the development of a candidate conservation program to avoid species listings. However, the other provisions identified above make it unacceptable to me.

Sincerely,
John A. Kitzhaber, M.D.
Governor

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Propositions and Motions.

HB 2497, 2714, 2981, 3528, 3808, 3809, 3981 (2001 Regular Session) – Minnis moved bills, together with Governor's veto messages, be tabled en bloc. Motion carried on viva voce vote. Vetoed bills together with Governor's veto messages tabled.

House recessed until 10:20 a.m. on motion of Jenson.

House continued in recess until 11:15 a.m.

House reconvened at 11:15 a.m. Hill in Chair. All present except: Excused, 1 – Tomei.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

Message from the Senate announcing the Senate has organized and is ready for the business of the Special Session of the Seventy-first Legislative Assembly.

By unanimous consent, on request of Chair, rules suspended to temporarily return to the order of business of First Reading of Memorials and Resolutions.

HCR 15 – Introduced, read and referred to the Special Session Committee on Economic Stimulus and Public Policy.

HJR 70 – Introduced, read and referred to the Special Session Committee on Economic Stimulus and Public Policy.

HR 10 – Introduced, read and referred to the Special Session Committee on Economic Stimulus and Public Policy.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 5070 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 5071 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 5072 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 5073 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 5074 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 5075 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4010 – Read first time and referred to the Special Session Committee on Economic Stimulus and Public Policy.

HB 4011 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4012 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4013 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4014 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4015 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4016 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4017 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4019 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4020 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

HB 4021 – Read first time and referred to the Special Session Committee on Economic Stimulus and Public Policy.

HB 4022 – Read first time and referred to the Special Session Committee on Economic Stimulus and Public Policy.

HB 4023 – Read first time and referred to the Special Session Committee on Economic Stimulus and Public Policy.

Courtesies of the House and floor were extended to Carolyn Oakley, former Representative from District 36.

SB 67, 374, 502 and 593 (2001 Regular Session) – Message from the Senate announcing, together with the Governor's messages, tabled en bloc.

House recessed until 1:00 p.m. on motion of Jenson.

House continued in recess until 2:00 p.m.

Friday, February 8, 2002 – Afternoon Session

House reconvened at 2:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Tomei.

Williams in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules

suspended to temporarily return to the order of business of Special Committee Reports.

HR 10 – Report by Special Session Committee on Economic Stimulus and Public Policy recommending adoption.

HB 4013 – Report by Special Session Committee on Budget Reconciliation recommending passage.

Minnis moved in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Special Session Rules of the House of Representatives of the Seventy-first Legislative Assembly, the requirement that on its final passage each bill shall be read section by section, be suspended for the duration of the Special Session of the Seventy-first Legislative Assembly, and that all bills pending before the House for final passage during this Special Session be read by title only. Motion carried on viva voce vote.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HR 10 – By unanimous consent, on request of Chair, rules suspended to permit final consideration immediately.

HR 10 – Read. Carried by Kruse. On adoption of the resolution the vote was: Yeas, 55; Excused, 1 – Tomei; Excused for business of the House, 4 – Morgan, Schrader, Shetterly, Westlund. Resolution adopted.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4013 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4013 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4013 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4013 – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 42; Nays, 13 – Backlund, Beck, Butler, Close, Hill, Merkley, Monnes Anderson, Nelson, Nolan, Ringo, Verger, Wilson, Wirth; Excused, 1 – Tomei; Excused for business of the House, 4 – Morgan, Schrader, Shetterly, Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4013 because:

“This bill allows but does not require OLCC stores to open on Sunday. This change may raise a small amount of revenue to help meet the budget deficit. It also allows liquor stores to set their hours with more flexibility and in compliance with changing customs.”

Merkley requested the following explanation of his vote be entered in the Journal:

“Yesterday I voted against HB 4013. This legislation takes away the power of the OLCC to designate any days on which liquor stores will be closed. In essence, this means the stores will be open on all holidays, as well as all weekends and all days of the year.

“The proponents of this bill argue that it will increase revenues for the state.

“I opposed this legislation for several reasons:

“First, it seems reasonable that the OLCC can designate certain holiday or special days (such as religious holidays or days of national mourning) on which the liquor stores will be closed.

“Second, the revenue analysis notes that there is no clear evidence that this change will have the desired effect of increasing revenue.

“Third, this legislation potentially decreases the revenue distributed to local government under the existing formula.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted against HB 4013, which deletes the requirement that Oregon Liquor Control Commission (OLCC) stores close on Sunday, not because I feel liquor stores should be closed on that day, but because local governments will not benefit from this tax.

“Additionally, in talking to the liquor storeowner in Gresham, he would lose money for his business. Selling liquor on Sunday would mean paying additional staff to work, and his business could not afford it.”

Verger requested the following explanation of her vote be entered in the Journal:

“I voted no on this bill as I had serious doubts that it would raise the projected revenue of 3 million dollars. I believe alcohol abuse (particularly on major holidays) is a cost to the State of Oregon and a detriment to the family life of many Oregonians. I prefer the stores that sell hard liquor be closed on Sunday.”

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 5070 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

HB 4012 – Report by Special Session Committee on Budget Reconciliation recommending passage.

House recessed until 4:00 p.m. on motion of Jenson.

House reconvened at 4:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Tomei.

Williams in Chair.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4012 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4012 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4012 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4012 – Read third time. Carried by Shetterly.

Call of the House demanded by Minnis, joined by Backlund, Witt, Nelson, Winters and Morgan. All present except: Excused (not subject to Call), 1 – Tomei.

HB 4012 – On passage of the bill the vote was: Yeas, 33; Nays, 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Verger, Walker, V., Wirth; Excused, 1 – Tomei. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 4012 because:

“This bill uses funds in this biennium which must be repaid in future years. Reliable projections tell us that the next two biennia will also be in deficit, likely as much as two billion dollars. The people of Oregon will be no better able to repay the loan amount this bill establishes, in the future, than they are if it were due today. This bill merely digs our fiscal hole even deeper, with interest. We must face our fiscal difficulties today rather than foist them off onto the future.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 4012 because we cannot borrow our way out of debt by taking from the Common School Fund. We will be creating a debt and paying interest. This is fiscally imprudent. There are better legal sources such as the Education Endowment Fund.

“I am in favor of an economic stabilization fund.”

Verger requested the following explanation of her vote be entered in the Journal:

“I voted no on this bill, as I believe there are better revenue sources for the budget than the Common School Fund.”

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4011 – Report by Special Session Committee on Budget Reconciliation recommending passage.

Speaker Pro Tempore in Chair.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5070 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 5070 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5070 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 5070 (A-Engrossed) – Read third time. Carried by Westlund.

Kruse in Chair.

Speaker Pro Tempore in Chair.

Previous question moved by Jenson, carried.

Call of the House demanded by Minnis, joined by Starr, Wilson, Winters, Westlund and Brown. All present except: Excused (not subject to Call), 1 – Tomei.

HB 5070 (A-Engrossed) – Potential conflict of interest declared by Lowe.

HB 5070 (A-Engrossed) – On passage of the bill the vote was: Yeas, 33; Nays, 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Walker, V., Wirth, Witt; Excused, 1 – Tomei. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 5070 because:

“This bill cuts essential services. It will damage our children’s schools and their futures. Our small rural schools may be unable to maintain essential programs; distance deprives them of options thus the educational opportunities promised by our constitution. Our urban districts must lay off more teachers, cut programs or close schools forcing class sizes to expand. Community colleges and universities will also be negatively impacted at a time when more people need to acquire skills to become productive members of Oregon’s workforce.

“This bill also cuts many health care programs, seriously effecting disabled adults, the elderly and children with developmental problems.

“This bill makes it difficult to prosecute some serious misdemeanors, stop prosecution of some serious crimes and deprive dependent children of representation in abuse cases.

“There are cuts in many important programs that will reduce our ability to oversee necessary environmental protections.”

Lee requested the following explanation of her vote be entered in the Journal:

“I voted against HB 5070A, setting a budget for the remainder of the biennium, because it does not support school funding for K-12 or higher education at the levels the Legislature set in the 2001 session.

“Further, it deletes the agriculture experiment station program, important to the constituents of House District 51, deletes an important hatchery facility on the Willamette River, diminishes senior and disability programs, reduces the services of the Department of Agriculture and disallows federal funding for watershed councils and soil and water conservation districts to provide water quality management and effect riparian restoration.

“For all of those reasons, and others, I did not support HB 5070.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“My no vote on HB 5070, which adjusts appropriations and expenditure limitations for state agencies, was due to the extreme cuts to K-12 education, higher education, and OHSU.

“The severe cuts to education and to OHSU will actually hurt our economy and our most vulnerable citizens, our children and medically uninsured. We need jobs in the state of Oregon and must support those programs that will lead the way to a well educated workforce trained to perform family wage jobs.”

Verger requested the following explanation of her vote be entered in the Journal:

"I voted for HB 5070 for the following reasons: This budget reflected the hard work of a bi-partisan group of 5 legislators, two Democrats appointed by the leadership. Rep. Kurt Schrader reported back to the Democratic Caucus on a regular basis including their progress on the budget and more importantly receiving direction which he took to the Group of 5. While I opposed and voted against HB 4013, the Common School Fund and a Revenue source included in HB 5070, I supported from the beginning the effort of the assembly to present a bi-partisan budget to the legislative body. This budget was a balance between cuts and raised revenue, restored OPI, ORDTS, raised reimbursement to pharmacies, and restored Type B (rural) Hospitals.

"Did I like everything about HB 5070? Of course not. But as a work in progress it garnered my support with the full expectation of future changes more to my liking. I hope my vote expressed my appreciation for the sincere effort on the part of my colleagues to represent their party's views and to reach many compromises."

Williams in Chair.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4011 - By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4011 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4011 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4011 - Read third time. Carried by Shetterly.

Call of the House demanded by Minnis, joined by Smith, T., Zauner, Hansen, Hill and Backlund. All present except: Excused (not subject to Call), 2 - Hayden, Tomei.

HB 4011 - On passage of the bill the vote was: Yeas, 58; Excused, 2 - Hayden, Tomei. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4011 because:

"This bill levels the payments to school districts but will have no effect on school funding, either positively or negatively. It will make it easier for the state to provide the funds as tax receipts arrive but does nothing for school funding."

Verger requested the following explanation of her vote be entered in the Journal:

"I supported HB 4011, the smoothing out of payments to schools, to help the cash flow problem being experienced at the State, as reported by the Treasurer."

SB 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010 - Message from the Senate announcing passage.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010 - Read first time and passed to Speaker's desk for referral.

SB 1000, 1002, 1003, 1004, 1006, 1007, 1008, 1010 - Referred from Speaker's desk to the following committees: 1006, 1007, 1008, 1010 - Budget Reconciliation; 1000, 1002, 1003, 1004 - Economic Stimulus and Public Policy.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Special Session, Seventy-First Legislative Assembly, filed on February 8, 2002 by Dennis Richardson, candidate for office of State Representative.

HB 5070 (A-Engrossed) - By unanimous consent, on request of Kafoury, rules suspended to permit Patridge to change his vote from "aye" to "nay" on passage of bill.

House adjourned until 9:00 a.m., Saturday, February 9, 2002 on motion of Jenson.

Saturday, February 9, 2002 - Morning Session

House convened at 9:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 - Hayden, Tomei.

House recessed until 10:45 a.m. on motion of Minnis.

House reconvened at 10:45 a.m. Williams in Chair. All present except: Excused, 2 - Hayden, Tomei.

Moment of silence observed.

SB 1013, 5574, 1009 - Message from the Senate announcing passage.

SJR 50, SR 2 - Message from the Senate announcing adoption.

SJR 50 - Read first time and passed to the Speaker's desk for referral.

HB 5071 - Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

HB 4010 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage with amendments and be printed A-Engrossed.

HB 4014 - Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

HB 4015 - Report by Special Session Committee on Budget Reconciliation recommending passage.

HB 4016 - Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

HB 4017 - Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

HB 4019 - Report by Special Session Committee on Budget Reconciliation recommending passage.

HB 4020 - Report by Special Session Committee on Budget Reconciliation recommending passage.

HB 4022 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage.

HJR 70 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending adoption with amendments and be printed A-Engrossed.

SB 1000 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage and be placed on the Consent Calendar.

SB 1002 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage and be placed on the Consent Calendar.

SB 1003 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage.

SB 1004 - Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage and be placed on the Consent Calendar.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5071, 4010, 4014, 4015, 4016, 4017, 4019, 4020, 4022 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4016 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4016 (A-Engrossed) - Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 47; Nays, 9 - Backlund, Butler, Carlson, Doyle, Jenson, Nelson, Patridge, Winters, Witt; Excused, 1 - Hayden; Excused for business of the House, 3 - Kafoury, Minnis, Speaker Simmons. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4016 because:

"This bill delays the start of six new judgeships until June 30, 2003, reduces jury fees and extends the time for the taking of action to the next judicial day if a courthouse is closed. This bill allows for increased capacity in the court where there are serious delays. I would prefer not to do this. However, we need the funds for other purposes during the current recession."

HB 4019 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4019 - Read third time. Carried by Hill. On passage of the bill the vote was: Yeas, 53; Nays, 3 - Butler, Doyle, Knopp; Excused, 1 - Hayden; Excused for business of the House, 3 - Kafoury, Minnis, Speaker Simmons. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4019 because:

"This bill clarifies a bill passed during the regular session. This tax sunsets the end of 2003."

HB 4020 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4020 - Read third time. Carried by Hill.

Speaker Pro Tempore in Chair.

HB 4020 - On passage of the bill the vote was: Yeas, 52; Nays, 5 - Johnson, Knopp, Lowe, Nolan, Witt; Excused, 1 - Hayden; Excused for business of the House, 2 - Minnis, Speaker Simmons. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4020 because:

"This bill uses funds from the Emergency Communication Account to help balance the budget during the recession. All budgeted improvements in the 9-1-1 systems will still be implemented. These funds are excess collections. This tax should be lowered if there are excess funds in the account; I will not be allowed to vote on that issue during this session. This tax should be related only to 9-1-1 but, with the funds available now, we should utilize them."

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 5574, 1009, 1013 - Read first time and passed to Speaker's desk for referral.

SB 5574, 1009, 1013, SJR 50 - Referred from Speaker's desk to the Special Session Committee on Budget Reconciliation.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1000, 1002, 1003, 1004 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1003 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1003 - Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 50; Nays, 7 - Close, Dingfelder, Jenson, Johnson, Nelson, Nolan, Witt; Excused, 1 - Hayden; Excused for business of the House, 2 - Kafoury, Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for SB 1003 because:

"This is a temporary measure to allow the State Treasurer to sell bonds during a time of low interest rates in the event the lottery is declared unconstitutional. I would support having a special session to reestablish it legally with a several year sunset so that Oregon can wean itself from this negative form of finance. The funds to be provided pay for pollution control, railroads and commuter rail, a university library and life services building along with other items."

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I voted no on SB 1003 because I believe it is premature to approve the issuance of bonds to fund the Columbia River deepening project before receiving the required permits or fully knowing what the environmental impacts of the project may be."

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Consent Calendar.

SB 1000, 1004 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1000 - Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 1 - Hayden; Excused for business of the House, 2 - Kafoury, Minnis. Bill passed.

SB 1004 - Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Nays, 1 - Nolan; Excused, 1 - Hayden; Excused for business of the House, 1 - Kafoury. Bill passed.

House stood at ease.

House called to order.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5071 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 5071 (A-Engrossed) - Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 51; Nays, 7 - Beck, Beyer, Dingfelder, Hansen, Lee, Leonard, Lowe; Excused, 1 - Hayden; Excused for business of the House, 1 - Kafoury. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 5071 because:

"This bill re-balances the use of lottery funds. There are significant downsides to this measure, especially the cut to the Gambling Addiction Treatment Program. It does preserve funding for pesticide reporting. I would prefer not to have the cuts included here but the recession requires some cuts."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against HB 5071, which reallocates funding from the Administrative Services Economic Fund for budget reconciliation purposes, for two reasons.

"First, funding agricultural programs is significant to House District 51 as that is one of our major businesses and HB 5071 cuts the Department of Agriculture budget, removing support from our local industry.

"Second, while the bill appears to add funding to the K-12 budget for schools, in the bigger picture the bill merely back-fills in a different bill and does not really result in adding any money or support to the education program."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted for HB 5071-A, because of the pressing needs of our State's budget. As much as I do not wish to make significant cuts into the Department of Human Services' gambling treatment programs, I believe my yes vote on this bill was necessary as an attempt to balance the budget."

HB 4014 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4014 (A-Engrossed) - Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 51; Nays, 8 - Ackerman, Beck, Beyer, Dingfelder, Kafoury, Lee, Leonard, Lowe; Excused, 1 - Hayden. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4014 because:

"This bill represents a General Fund re-balancing bill; it will reduce administrative costs. It also affects many other aspects of state government and is a necessary element of the rebalance."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against HB 4014, which reallocates funding from the sale of state assets and other resources for budget reconciliation purposes, because the bill repeals appropriations made to the Emergency Board which may be required to support Schools and other needed services. Instead funding is reallocated to other programs outside the education area. In addition, public hearings and comment were not received on these adjustments. The sale of state assets should be prioritized to our highest priorities, such as K-12."

House recessed until 2:00 p.m. on motion of Jenson.

Saturday, February 9, 2002 - Afternoon Session

House reconvened at 2:00 p.m. Wilson in Chair. All present except: Excused, 1 - Hayden.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

SB 1001 - Message from the Senate announcing passage.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1001 - Read first time and passed to Speaker's desk for referral.

SB 1001, 1005 - Referred from Speaker's desk to the following committees: 1005 - Budget Reconciliation; 1001 - Economic Stimulus and Public Policy.

Speaker announced appointment of members to the following committee:

SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY – Hayden discharged; Knopp appointed.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4021 – Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage with amendments and be printed A-Engrossed.

SB 1001 – Report by Special Session Committee on Economic Stimulus and Public Policy recommending passage.

House recessed until 4:00 p.m. on motion of Jenson.

House continued in recess until 6:30 p.m.

Saturday, February 9, 2002 – Evening Session

House reconvened at 6:30 p.m. Hill in Chair. All present.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4015 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4015 – Read third time. Morgan moved bill be rereferred to Special Session Committee on Budget Reconciliation. Motion carried on viva voce vote. Bill rereferred.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Special Session, Seventy-First Legislative Assembly, filed on February 9, 2002 by Anthony Veliz, candidate for office of State Representative.

House adjourned until 9:30 a.m., Sunday, February 10, 2002 on motion of Jenson.

Sunday, February 10, 2002 – Morning Session

House convened at 9:30 a.m. Hill in Chair. All present except: Absent, 3 – King, Schrader, Wirth.

Moment of silence observed.

HB 4015 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

SB 5574 (A-Engrossed) – Report by Special Session Committee on Budget Reconciliation recommending passage.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Consent Calendar.

SB 1002 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Absent, 3 – King, Schrader, Wirth. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for SB 1002 because:

“This bill is a technical fix enabling the treasurer to borrow funds temporarily in anticipation of tax receipts.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1001 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1001 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1001 – Read third time. Carried by Kruse. On passage of the bill the vote was: Yeas, 55; Nays, 5 – Butler, Close, Knopp, Krieger, Kropf. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for SB 1001 because:

“This bill establishes Emergency Management Agreement Compact between states. In a world where terrorism is a significant danger, Oregon may need help or be called upon to help other states. The state requesting help is responsible for expenses and potential liability. In an age of bio-terrorism any of us could be victims.

“Working together we can be safer than working separately.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4017 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4017 (A-Engrossed) – Read third time. Schrader moved bill be rereferred to Special Session Committee on Budget Reconciliation. Motion carried on viva voce vote. Bill rereferred.

HB 4010 (A-Engrossed) – Read third time. Carried by Starr. On passage of the bill the vote was: Yeas, 53; Excused for business of the House, 7 – Hansen, Morgan, Nolan, Schrader, Shetterly, Westlund, Speaker Simmons. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for HB 4010-A because:

"This bill represents a significant economic stimulus allowing bonding during a time of low rates while repairing our roads and bridges. This is a win-win situation for Oregon."

Speaker announced appointment of members to the following committee:

SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION
- Patridge, Nolan.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4021 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4021 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4021 (A-Engrossed) - Read third time. Carried by Wilson. On passage of the bill the vote was: Yeas, 56; Absent, 1 - Close; Excused for business of the House, 3 - Patridge, Schrader, Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4021-A because:

"This bill is a compromise which will help a few workers who have become unemployed as a result of the recession. I would have preferred a broader safety net and the Democratic job creation package. That package is not being presented to the house during the session."

House recessed until 1:00 p.m. on motion of Jensen.

House continued in recess until 2:30 p.m.

Sunday, February 10, 2002 - Afternoon Session

House reconvened at 2:30 p.m. Hill in Chair. All present.

House recessed until 3:15 p.m. on motion of Minnis.

House continued in recess until 3:45 p.m.

House reconvened at 3:45 p.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 - Nolan.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

HB 4019, 5071, 4013, 4014 - Message from the Senate announcing passage.

HB 4011 - Message from the Senate announcing passage as amended by the Senate.

HB 4011 (A-Engrossed) - Westlund moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas,

57; Nays, 2 - Lowe, March; Absent, 1 - Nolan. Bill repassed.

Lowe requested the following explanation of her vote be entered in the Journal:

"I voted NO on the Senate amendments to HB 4011 because no financial impact or explanatory documents were provided to the members regarding the consequences of the amendments before we were required to cast our votes.

"Cutting funds to education has grave consequences to the future of our children, especially the most vulnerable children served through Educational Service Districts (ESDs). ESDs will be affected by the senate amendments, and I want to know how before I cast any vote I favor.

"Generally I do not support cutting programs and education, since to do so cuts the rug out from under our future."

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4015 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4015 (A-Engrossed) - Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Hill, Starr, Kruse, Walker, C. and Krummel. All present.

HB 4015 (A-Engrossed) - On passage of the bill the vote was: Yeas, 35; Nays, 25 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkle, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Witt. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"HB 4015-A allows schools the flexibility to use grant funds for any purpose related to education. I am a firm believer in small class sizes and having schools accountable but our schools cannot achieve these objectives unless adequate funding is provided."

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 5574 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 5574 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 5574 (A-Engrossed) - Read third time. Carried by Westlund.

Potential conflict of interest declared by Hayden.

Previous question moved by Zauner, carried.

Call of the House demanded by Westlund, joined by Garrard, Merkle, Tomei, Smith, P. and Brown. All present.

SB 5574 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 29 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth, Witt. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted against SB 5574 because I believe that the cuts to our children, our seniors, our struggling families, and those in charge of the safety of Oregonians are just too deep.

“We would not be in this position today if it were not for the many unfunded mandates passed onto the voters by self-serving special interests. The shift from property taxes to income taxes to fund our schools that began over a decade ago has been a boon to big business and special interests. The institutionalizing of the “kicker” refund has only added to this boon. Meanwhile, seniors, the mentally ill and the working poor have had to compete with our school children for limited state dollars.

“The economy is in a recession. Oregonians are suffering. Jobs are lost. Demand for state services and assistance is up. Those who can afford it the most must step up to the plate and help those who are hurting.

“Now is not the time to turn our backs on those who need us the most.”

Lee requested the following explanation of her vote be entered in the Journal:

“I voted against SB 5574A, setting a budget for the remainder of the biennium, because it does not support school funding for K-12 or higher education at the levels the Legislature set in the 2001 session.

“Further, it deletes the agriculture experiment station program, important to the constituents of House District 51, deletes an important hatchery facility on the Willamette River, diminishes senior and disability programs, reduces public safety, reduces the services of the Department of Agriculture and disallows federal funding for watershed councils and soil and water conservation districts to provide water quality management and effect riparian restoration.

“These are all critical programs for House District 51 and I cannot support SB 5574A because of the negative impacts for our district.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“My no vote on SB 5574, which adjusts appropriations and expenditure limitations for state agencies was due to the extreme cuts to K-12 education and higher education. We must have a well trained workforce. If schools are not adequately funded, we will not be able to attract good businesses that provide family wage jobs.”

Witt requested the following explanation of his vote be entered in the Journal:

“I am filing this statement as an explanation for my vote on SB 5574.

“I recognize the need to make appropriate reductions in agency budgets in order to balance the State budget. However, I do not believe it was either necessary nor prudent to reduce the K-12 budget in view of the more than \$1 billion dollars available in educational trust funds.

“Presently the Common School Fund consists of nearly \$750 million and the Education Endowment Fund contains \$250 million. Both of these funds derived the great majority of their dollars by fund contributions and earnings during the 1990's.

“If it was appropriate to allow these funds to accumulate these substantial earnings during the 1990's when the economy was strong, it also is appropriate to use some of these accumulated earnings to support school funding when the economy is weak. To damage the quality of our school system as a result of lower funding while we have hundreds of millions of dollars in investment accounts dedicated to schools is irresponsible. Oregon's children and families deserve better.”

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

SB 1006 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

SB 1007 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

SB 1010 – Report by Special Session Committee on Budget Reconciliation recommending passage.

House recessed until 7:00 p.m. on motion of Jenson.

Sunday, February 10, 2002 – Evening Session

House reconvened at 7:00 p.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Devlin; Excused for business of the House, 3 – Hayden, Morgan, Westlund.

Wilson in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

SJR 50 – Report by Special Session Committee on Budget Reconciliation recommending adoption with amendments and be printed A-Engrossed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1006 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1006 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1006 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 52; Nays, 4 – Close, Lowe, Schrader, Witt; Absent, 1 – Devlin; Excused for business of the House, 3 – Hayden, Morgan, Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for SB 1006A because:

“This bill postpones three judgeships until June 30, 2003 in order to save money. There is no other good reason for the action; we need the funds.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1007 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1007 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1007 – Read third time. Schrader moved bill be rereferred to Special Session Committee on Budget Reconciliation. Motion carried on viva voce vote. Bill rereferred.

HB 4020 – Message from the Senate announcing passage.

HB 4012 – Message from the Senate announcing passage as amended by the Senate.

HB 4012 (A-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate.

Previous question moved by Zauner, carried.

Call of the House demanded by Minnis, joined by Brown, Nelson, Smith, P., Kropf and Knopp. All present.

HB 4012 (A-Engrossed) – On repassage of the bill the vote was: Yeas, 34; Nays, 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 4012-A because:

“This bill is a gun at the heads of the voters. It threatens them with a raid on the Common School Fund if the voters fail to pass a constitutional amendment, SJR 50.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“HB 4012-A borrows revenue from the Common School Fund and transfers it to the State School Fund. I am not in favor of creating a debt which this legislation would do. Although we need an Economic Security Fund, we need to look at other ways of obtaining revenue.”

House recessed until 8:20 p.m. on motion of Jenson.

House continued in recess until 9:30 p.m.

House reconvened at 9:30 p.m. Hill in Chair. All present except: Absent, 1 – Merkley; Excused for business of the House, 7 – Hayden, Kruse, Minnis, Morgan, Westlund, Winters, Speaker Simmons.

Having recessed under the order of business of Propositions and Motions, the House returned temporarily to the order of business of Messages from the Senate.

HB 4010, 4015 – Message from the Senate announcing passage.

HB 4021 – Message from the Senate announcing passage as amended by the Senate.

SB 1006 – Message from the Senate announcing Senate concurred in House amendments and repassed bill.

HB 4021 (B-Engrossed) – Wilson moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 1 – Merkley; Excused for business of the House, 7 – Hayden, Kruse, Minnis, Morgan, Westlund, Winters, Speaker Simmons. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for HB 4021-B because:

“This bill extends Unemployment benefits for 13 weeks for those whose benefits have expired. This version of the bill covers more workers than the earlier one. It also reduces unemployment insurance tax for employers on a temporary basis. These provisions protect families of unemployed workers and reduce the cost of employment for business.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

SJR 50 (A-Engrossed) – Read. Carried by Shetterly.

Previous question moved by Zauner, carried.

Call of the House demanded by Shetterly, joined by Zauner, Carlson, Walker, C., Nelson and Smith, T. All present.

Oral roll call demanded by Minnis, joined by Patridge, Doyle, Nelson, Zauner and Brown. All present.

SJR 50 (A-Engrossed) – On adoption of the resolution the vote was: Yeas, 39; Nays, 21 – Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Walker, V., Wirth. Resolution adopted.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted in favor of Senate Joint Resolution 50 because I believe that this is the best solution this legislature will pass to close the gap in our general fund budget to fund our K-12 education system. I strongly feel that the financial benefits far outweigh any potential flaws in the proposal.

“This resolution will allow the people of Oregon to vote on a constitutional amendment to provide \$120 million for K-12 education. It will also establish a “rainy day fund” for public education, something that leadership from previous legislative sessions have promised but have been unwilling or unable to do.

“I agreed with the Democratic Caucus when this was proposed as part of the Democratic budget rebalance proposal, and I still agree with it today on the floor vote today.”

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against SJR 50 because:

“This resolution invades the principle of the Education Endowment Fund, which is intended to accumulate and allow the legislature to use only the interest. It is in no significant way different from invading the Common School Fund; it is simply younger and less well known.

“In addition, the measure is likely unconstitutional as drafted because it establishes the relationship for the fund and also appropriates

money from it, two separate subjects. It could easily have been intentionally drafted to be constitutional but was not. Relying on this measure puts our children and their schools at risk if the Supreme Court should strike down the measure.”

Hopson requested the following explanation of her vote be entered in the Journal:

“Although I strongly support a stabilization fund for school funding, I did not and do not believe SJR 50-A was the appropriate method by which to achieve this end. I say this with the appreciation and understanding that the original concept may have been valid and reasonable.

“My reasons for voting NO are:

“1. I believe that a constitutional amendment needs to be carefully crafted in an open process where all parties are heard and the intricacies are clearly understood and debated. This bill was presented to us in its final form at 9:00 at night and we were to vote on it soon afterward. I was unwilling to send a referral to the voters without appropriate dialogue and review.

“2. Although this provides for some long-term stabilization, if it does not pass as a constitutional amendment, the schools will be short even more than what they are going to realize out of the readjusted budget.

“3. This method of developing a stabilization fund takes money from another source that was set up as a trust fund and I do not think that was appropriate.”

Johnson requested the following explanation of her vote be entered in the Journal:

“I voted no on SJR 50 despite my longstanding support of a stabilization fund for our public school system. I have several reasons for my decision and none of them include opposition to the concept of a fund to help our public schools deal with downturns in the economy.

“The proposal contained in SJR 50 failed on several counts:

- Amendments to our state Constitution deserve more than a few minutes of thought and a closed process before being sent to voters.
- This measure does not appear to meet basic constitutional tests of the single subject rule and should have been presented to the body as a revision rather than an amendment.
- It failed to meet even the threshold requirements for an open, deliberative process aimed at developing the best possible plan for a stabilization fund. This bill was made available to me at the very last minute, there were no hearings allowing the public or interested parties to participate in the development of it.
- The measure includes a one-time borrowing scheme that does not fit with the long-term nature of a stabilization fund.
- The funding source contemplated in the measure, the lottery, is under judicial review and is itself unstable.

“I look forward to future Special Sessions where we can have a full and open discussion, debate and vote on this very important issue and then go to our voters with a measure we can be proud of and truly point to as an opportunity to stabilize our school funding system.”

Lowe requested the following explanation of her vote be entered in the Journal:

“I support the concept of a rainy day fund. However, I voted NO on this measure because it was first presented to the House for discussion at 10:00 p.m. No public hearings were held, no meaningful time was allowed for scrutiny as to constitutionality of the construction and purpose of this bill.

“This bill could result in the passage of an amendment to the constitution of the state of Oregon.”

March requested the following explanation of his vote be entered in the Journal:

“I would like to provide for the record the following explanation of my vote on SJR 50:

“While some aspects of the proposal had merit, others were questionable. In particular, the establishment of a stabilization fund or “Rainy Day” fund with a source of revenue. I supported a stabilization fund to be established by statute in the last session, although not a

constitutional referral at that time. The design of this referral requires actions by the 2003 Legislature and Governor by April 30th of that year to avoid a raid on the Common School Fund to the tune of \$120 Million. Requiring action in 2003 for these funds to be truly available means districts will not be able to properly plan their budget, particularly if taking money from the Common School Fund is challenged.

“In addition, the amount of the money to be taken from the existing Endowment Fund is greater than the current earnings, which would require using part of the principal of the fund.

“Combined these flaws made a generally meritorious concept unacceptable in its form, therefore I found it necessary to vote against it.”

Merkley requested the following explanation of his vote be entered in the Journal:

“SJR 50 refers a constitutional amendment to voters that does two things: establishes the structure for a rainy day fund; and appropriates \$120m for education.

“I strongly support both of these objectives.

“I opposed this bill, however, because it recklessly endangers the very funding it proposes to supply.

“Specifically, the bill puts two ideas—a rainy day fund and appropriation for education—into a single constitutional measure. This strategy is likely to produce a constitutional challenge based on Armada. Simply stated, Armada upholds the constitutional requirement that only one measure may be placed before voters in a single constitutional amendment referred by the legislature. This problem could have been avoided by utilizing a constitutional “revision” rather than a constitutional “amendment.”

“This sloppy approach reflects another problem. Namely, this measure was drafted and voted on within a few hours without any opportunity for public input. At the hearing held to refer the issue to the floor for a vote, no testimony was permitted.

“We often criticize the authors of ballot initiatives for failing to exercise reasonable diligence in crafting a measure. The result of such a failure is that the measures often produce difficult problems. In this case, such carelessness places funding for K-12 education in danger. A few hours of careful review and testimony could have avoided this result.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“SJR 50-A refers to the voters a mechanism to establish an Education Stability Fund by amending the State Constitution. I do have a concern that this resolution if approved by the voters will be court challenged and proven unconstitutional. My yes vote was cast because our legislative counsel’s opinion stated it was constitutional.”

Vergier requested the following explanation of her vote be entered in the Journal:

“I voted yes on SJR 50 for the following reasons: (1) It establishes a rainy day fund for education (2) It adds 120 million dollars to K-12 education and (3) It is a referral to voters.”

Walker, V. requested the following explanation of her vote be entered in the Journal:

“I did not support SJR 50-A because I believe the measure to be unconstitutional and subject to the Armatta challenge, despite the comments made to the contrary by the carrier. I fully expect the measure to be challenged in court almost immediately, thus putting \$120 million of K-12 funding at risk to an unconstitutional ballot measure.

“Additionally, I could not support the measure because there was no opportunity for public input or legislative hearings, as was evidenced by much of the Special Session. The proposal also takes from the principal of the fund, which should be left intact for future needs.

“Oregon needs a rainy day fund ... there is no argument about that, and I have been a strong supporter of such a concept. The way we get there is not through SJR 50-A, however. It is my hope that the 71st Legislative Assembly can ultimately find a way to do that in a responsible bipartisan proposal.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1010 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1010 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1010 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 39; Nays, 21 – Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Walker, V., Wirth. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against SB 1010 because:

“This is a companion piece to SJR 50 to establish a ballot title and sets timeline for processing. See my vote explanation for SJR 50.”

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

SB 1008 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed A-Engrossed.

House recessed until 11:15 p.m. on motion of Jenson.

House continued in recess until 11:30 p.m.

House reconvened at 11:30 p.m. Hill in Chair.

Call of the House demanded by Zauner, joined by Smith, P., Nelson, Doyle, Hayden and Kropf. All present.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1008 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1008 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1008 (A-Engrossed) – Read third time. Carried by Hayden.

Potential conflict of interest declared by Hayden.

SB 1008 (A-Engrossed) – On passage of the bill the vote was: Yeas, 38; Nays, 22 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Haas, Hopson, Kafoury, Lee, Leonard, Lowe, March, Monnes Anderson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Wirth. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 1008A because:

“This bill invades the Health Service Commission's administrative responsibilities to prioritize medical and dental procedures. Not only does this violate current waiver rules but it involves the legislature in the establishment of the list of procedures – a task for which the legislature is not suited having no expertise in the field. We should keep politics out of these types of medical decisions.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 1008A because the legislature should not be prioritizing what health services should be provided under the Oregon Health Plan. We already have a process for this prioritization, which is the Health Service Commission. There are so many health services that need funding. To choose one over the other is up to the Health Service Commission which can consider all of the health services and their needs.”

HB 5070 – Message from the Senate announcing passage as amended by the Senate.

HB 5070 (B-Engrossed) – Westlund moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Minnis, joined by Winters, Patridge, Kruse, Nelson and Wilson. All present.

HB 5070 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 34; Nays, 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth. Bill repassed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted against HB 5070 for the same reason I voted against SB 5574...the cuts to our seniors, our struggling families, and our children are just too deep.”

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 5070-B because:

“This budget bill is a slight but insignificant improvement over its predecessor. It still unacceptably cuts funds for education, K-12, community colleges and universities. It also continues to under fund important health programs, fire prevention, and many other programs. With reasonable revenue enhancements this bill could have protected those programs, our kids, the sick, the old and infirm, the vulnerable in our society who need and deserve our support. Adequate programs will reduce the long term costs to society but our continued unwillingness to fund them bodes ill for the future.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“My no vote on HB 5070-B, which adjusts appropriations and expenditure limitations for state agencies, was due to the extreme cuts to K-12 education, higher education, and to Oregon Health Sciences University.

"HB 5070-B restores funding to Oregon Project Independence which is a good thing but cuts to education and Oregon Health and Sciences University are too severe. We need jobs in the state of Oregon and must support those agencies that will lead the way to a well-educated workforce trained to perform family-wage jobs."

Speaker Pro Tempore in Chair.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Special Session, Seventy-First Legislative Assembly, filed on February 11, 2002 by Dennis Richardson, candidate for office of State Representative.

Speaker in Chair.

SB 1006 - By unanimous consent, on request of Minnis, rules suspended and Devlin allowed to be recorded as voting "aye" on passage of bill.

HB 4021 - By unanimous consent, on request of Kafoury, rules suspended and Winters allowed to be recorded as voting "aye" on repassage of the bill.

SCR 12 - Message from the Senate announcing adoption.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of First Reading of Memorials and Resolutions.

SCR 12 - Read first time.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to Final Reading of Memorials and Resolutions.

SCR 12 - By unanimous consent, on request of Speaker, rules suspended to permit final consideration immediately.

SCR 12 - Read in its entirety.

SCR 12 - By unanimous consent, on request of Speaker, rules suspended to allow measure to be amended as follows: In line 4 of the printed concurrent resolution, after "at" delete the rest of the line and line 5 and insert "12:45 a.m. on the 11th day of February, 2002."

SCR 12 (A-Engrossed) - On adoption of the resolution the vote was: Yeas, 60. Resolution adopted.

House adjourned sine die at 12:45 a.m., Monday, February 11, 2002.

SB 1000, 1001, 1002, 1003, 1004, 1006, 1008, 1010, 5574, SJR 50, SCR 12 - Message from the Senate announcing President signed on February 11, 2002.

HB 4010, 4011, 4012, 4013, 4014, 4015, 4019, 4020, 4021, 5070, 5071 - Speaker signed on February 11, 2002.

SB 1000, 1003, 1004, 5574 - Speaker signed on February 11, 2002.

HB 4010, 4011, 4012, 4013, 4014, 4015, 4019, 4020, 4021, 5070, 5071 - Message from the Senate announcing President signed on February 12, 2002.

SB 1001, 1002, 1006, 1008, 1010, SJR 50, SCR 12 - Speaker signed on February 12, 2002.

HB 4012, 4015, 5070, 5071 - Message from the Governor announcing he vetoed on February 19, 2002.

HB 4010, 4011, 4019 - Message from the Governor announcing he signed on February 25, 2002.

HB 4021 - Message from the Governor announcing he filed with Secretary of State, without signature, on February 25, 2002.

HB 4013 - Message from the Governor announcing he filed with Secretary of State, without signature, on February 26, 2002.

HB 4014, 4020 - Message from the Governor announcing he vetoed on February 26, 2002.

**FIRST
SPECIAL SESSION**

**HOUSE MEASURES
STATUS REPORT**



HOUSE MEASURES

HB 4010 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Relating to transportation; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Economic Stimulus and Public Policy.
Work Session held.
- 2-9 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
- 2-10 Third reading. Carried by Starr. Passed.
Ayes, 53; Excused for business of the House, 7 - Hansen, Morgan, Nolan, Schrader, Shetterly, Westlund, Speaker Simmons.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-10(S) First reading. Referred to President's desk.
Referred to Economic Stimulus.
Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Messerle.
Passed.
Ayes, 27; Nays, 3 - Atkinson, George, Miller.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-25(H) Governor signed.
(Chapter 03, 2002 First Special Session Laws)
Effective date, February 25, 2002.

Authorizes Department of Transportation to issue new bonds. Specifies uses of proceeds. Authorizes exemption of certain contracts of Department of Transportation from competitive bidding requirements under specified circumstances.
Declares emergency, effective on passage.

HB 4011 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to payments from State School Fund; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 58; Excused, 2 - Hayden, Tomei.
Vote explanation(s) filed by Barnhart, Verger entered in Journal.
- 2-8(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-10 Public Hearing and Work Session held.
Recommendation: Do pass with amendments. (Printed A-Eng.)
(Amendments distributed.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 27; Nays, 1 - Carter, Attending Legislative Business, 2 - Beyer, Hannon.
- 2-10(H) House concurred in Senate amendments and repassed measure.
Ayes, 57; Nays, 2 - Lowe, March, Absent, 1 - Nolan.
Vote explanation(s) filed by Lowe entered in Journal.

- 2-11 Speaker signed.
- 2-12(S) President signed.
- 2-25(H) Governor signed.
(Chapter 04, 2002 First Special Session Laws)
Effective date, February 25, 2002.

Changes payment schedule for apportionments from State School Fund to school districts and education service districts starting with payments after July 1, 2003.

Reduces amount from State School Fund that is received by education service districts.
Declares emergency, effective on passage.

HB 4012 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state finance; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 33; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Verger, Walker, V., Wirth, Excused, 1 - Tomei.
Vote explanation(s) filed by Barnhart, Monnes Anderson, Verger entered in Journal.
- 2-8(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-10 Public Hearing and Work Session held.
Work Session held.
Recommendation: Do pass with amendments. (Printed A-Eng.)
(Amendments distributed.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Beyer.
Passed.
Ayes, 20; Nays, 10, Burdick, Carter, Corcoran, Deckert, Dukes, Gordly, Miller, Shields, Trow, Yih.
- 2-10(H) House concurred in Senate amendments and repassed measure.
Ayes, 34; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth.
Vote explanation(s) filed by Barnhart, Monnes Anderson entered in Journal.
- 2-11 Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.
- Requires State Treasurer to transfer \$100 million from specific moneys in Common School Fund to Distributable Income Account for distribution to schools. Provides for repayment, with interest, from lottery moneys. Requires proceeds of unclaimed property to be deposited into State School Fund until July 1, 2003.
Establishes Economic Security Fund. Requires transfer to Economic Security Fund of 25 percent of amount by which General Fund revenues for 2001-2003 biennium exceed November 2001 estimated General Fund revenues. Specifies conditions under which moneys may be appropriated from Economic Security Fund.
Becomes operative only if people do not approve Senate Joint Resolution 50 (2002) at special election held on same date as primary election.
Declares emergency, effective on passage.

HB 4013 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to stores operated by Oregon Liquor Control Commission.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Hansen.
Passed.
Ayes, 42; Nays, 13 - Backlund, Beck, Butler, Close, Hill, Monnes Anderson, Merkley, Nelson, Nolan, Ringo, Verger, Wilson, Wirth, Excused, 1 - Tomei, Excused for business of the House, 4 - Morgan, Schrader, Shetterly, Westlund.
Vote explanation(s) filed by Barnhart, Merkley, Monnes Anderson, Verger entered in Journal.
- 2-8(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-10 Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 22; Nays, 8 - Burdick, Carter, Castillo, Corcoran, Dukes, Gordly, Shields, Yih.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-26(H) Filed with Secretary of State without Governor's signature.
(Chapter 11, 2001 special Session Laws)
Effective date: January 1, 2003.

Allows liquor stores operated by Oregon Liquor Control Commission to open for business on Sundays. Provides that first \$3 million in excess of \$185,213,000 collected in 2001-2003 biennium from revenues other than taxes be deposited in General Fund instead of being distributed pursuant to statutory formula.

HB 4014 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state finance; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Westlund.
Passed.
Ayes, 51; Nays, 8 - Ackerman, Beck, Beyer, Dingfelder, Kafoury, Lee, Leonard, Lowe, Excused, 1 - Hayden.
Vote explanation(s) filed by Barnhart, Lee entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 16; Nays, 14 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Yih.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-26(H) Governor vetoed.

Reallocates net income and net proceeds from Space Age Industrial Park. Reduces maximum amount of allocation from Administrative Services Economic Development Fund to County Fair Account. Expands purposes for which moneys in Workers' Benefit Fund may be expended. Reduces maximum limit for transfer of moneys by Oregon Department of Administrative Services to Oregon Rural Health Association. Transfers \$1 million from Law Enforcement Medical Liability Account to Department of Human Services Account. Transfers \$2.5 million from Oregon JOBS Individual Education Account to Department of Human Services Account. Repeals appropriation to Emergency Board for allocation to Secretary of State for development and implementation of centralized voter registration system. **Reduces minimum level of expenditures on commuter rail project needed for Washington County to avoid refund of state funds. Transfers \$3 million from Housing Finance Fund to Emergency Housing Account in Oregon Housing Fund.** Repeals appropriation to Office of Governor. Repeals appropriation to Emergency Board for allocation to Office of Governor for administration of Post-Secondary Education Opportunity Commission. Authorizes Department of Human Services to distribute up to \$1.1 million for workers' compensation self-insurance pool for rehabilitation facilities.

Declares emergency, effective on passage.

HB 4015 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to School Improvement Fund; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass.
Second reading.
Rules suspended. Third reading.
Motion to rerefer to Budget Reconciliation carried.
Rereferred.
- 2-10 Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Read. Carried by Morgan. Passed.
Ayes, 35; Nays, 25 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Witt.
Vote explanation(s) filed by Monnes Anderson entered in Journal.
- 2-10(S) Introduction and first reading. Referred to President's desk.
Referred to Budget and Finance.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 19; Nays, 11 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Gordly, Morrisette, Shields, Trow.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.

Allows school districts and programs that receive grant funds to use funds for any educational purpose.

[Repeals School Improvement Fund and related grant program on July 1, 2002.]

Declares emergency, effective on passage.

HB 4016 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to courts; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.

- Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 47; Nays, 9 - Backlund, Butler, Carlson, Doyle, Jenson, Nelson, Patridge, Winters, Witt, Excused, 1 - Hayden, Excused for business of the House, 3 - Kafoury, Minnis, Speaker Simmons.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
- 2-11 In committee upon adjournment.
- [Eliminates three circuit court positions.]*
Reduces circuit court juror fees to \$25 per day for third and subsequent days of service. Provides that circuit court jurors be paid mileage at rate of 20 cents per mile.
Delays commencement of six circuit court positions from first Monday in January 2003 to June 30, 2003.
Grants additional day for complying with statutory time limit when court closed on last day for complying with limit.
Declares emergency, effective on passage.
- HB 4017 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to medical assistance; declaring an emergency.**
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
- 2-10 Third reading.
Motion to rerefer to Budget Reconciliation carried.
Rereferred.
- 2-11 In committee upon adjournment.
- Modifies dental services provided under medical assistance program.
Declares emergency, effective on passage.
- HB 4018 Vacant**
- HB 4019 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to 9-1-1 telecommunications tax; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.**
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass.
Second reading.
Rules suspended. Third reading. Carried by Hill.
Passed.
Ayes, 53; Nays, 3 - Butler, Doyle, Knopp, Excused, 1 - Hayden, Excused for business of the House, 3 - Kafoury, Minnis, Speaker Simmons.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
- Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 28; Nays, 2 - Beyer, George.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-25(H) Governor signed.
(Chapter 05, 2002 First Special Session Laws)
Effective date, May 13, 2002.
- Expands period during which 9-1-1 emergency reporting system tax is imposed.
Takes effect on 91st day following adjournment sine die.
- HB 4020 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to 9-1-1 telecommunications tax; appropriating money; prescribing an effective date.**
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass.
Second reading.
Rules suspended. Third reading. Carried by Hill.
Passed.
Ayes, 52; Nays, 5 - Johnson, Knopp, Lowe, Nolan, Witt, Excused, 1 - Hayden, Excused for business of the House, 2 - Minnis, Speaker Simmons.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Beyer.
Passed.
Ayes, 16; Nays, 14 - Burdick, Carter, Castillo, Corcoran, Deckert, Dukes, George, Gordly, Metsger, Miller, Morrisette, Shields, Trow, Yih.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-26(H) Governor vetoed.
- Expands purposes for which moneys in Emergency Communications Account and subaccounts may be used.
Takes effect on 91st day following adjournment sine die.
- HB 4021 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Relating to unemployment benefits; declaring an emergency.**
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Economic Stimulus and Public Policy.
- 2-9 Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
- 2-10 Second reading.
Rules suspended. Third reading. Carried by Wilson.
Passed.
Ayes, 56 - Absent, 1 - Close, Excused for business of the House, 3 - Patridge, Schrader, Westlund.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-10(S) First reading. Referred to President's desk.
Referred to Economic Stimulus.
Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)

- (Amendments distributed.)
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Atkinson.
 Passed.
 Ayes, 30.
- 2-10(H) House concurred in Senate amendments and repassed measure.
 Ayes, 53 - Absent, 1 - Merkley, Excused for business of the House, 6 - Hayden, Kruse, Minnis, Morgan, Westlund, Speaker Simmons.
 Vote explanation(s) filed by Barnhart entered in Journal.
- 2-11 Speaker signed.
- 2-12(S) President signed.
- 2-25(H) Filed with Secretary of State without Governor's signature.
 (Chapter 2, 2002 First Special Session Laws)
 Effective date, March 17, 2002.
- Provides emergency benefits for up to 13 weeks under certain circumstances.
Increases benefits to eligible individuals by \$20 per week. Reduces unemployment insurance tax for third and fourth calendar quarters of 2002.
 Declares emergency, effective March 17, 2002.
- HB 4022 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Relating to elections; declaring an emergency.**
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Economic Stimulus and Public Policy.
 Work Session held.
- 2-9 Recommendation: Do pass.
 Second reading.
- 2-11 At Desk upon adjournment.
- Specifies ballot title for ___ Joint Resolution ___ (2002) (LC 29).
 Declares emergency, effective on passage.
- HB 4023 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Relating to elections; declaring an emergency.**
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Economic Stimulus and Public Policy.
- 2-11 In committee upon adjournment.
- Specifies ballot title for ___ Joint Resolution ___ (2002) (LC 29).
 Declares emergency, effective on passage.
- HB 5070 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.**
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Budget Reconciliation.
 Work Session held.
 Recommendation: Do pass with amendments and be printed A-Engrossed.
 Rules suspended. Second reading.
 Rules suspended. Third reading. Carried by Westlund.
 Passed.
 Ayes, 32; Nays, 27 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Patridge, Ringo, Rosenbaum, Walker, V., Wirth, Witt, Excused, 1 - Tomei.
- Potential conflict(s) of interest declared by Lowe.
 Vote explanation(s) filed by Barnhart, Lee, Monnes Anderson, Verger entered in Journal.
- 2-8(S) First reading. Referred to President's desk.
 Referred to Budget and Finance.
- 2-10 Public Hearing and Work Session held.
 Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
 (Amendments distributed.)
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Hannon.
 Passed.
 Ayes, 16; Nays, 12 - Brown, Burdick, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Morrisette, Shields, Trow, Yih, Excused, 2 - Carter, Gordly.
- 2-11(H) House concurred in Senate amendments and repassed measure.
 Ayes, 34; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth.
 Vote explanation(s) filed by Ackerman, Barnhart, Monnes Anderson entered in Journal.
 Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.
- Adjusts appropriations and expenditure limitations for state agencies.
 Requires Oregon Department of Administrative Services to modify allotments under specified circumstances.
 Declares emergency, effective on passage.
- HB 5071 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.**
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Budget Reconciliation.
 Work Session held.
- 2-9 Recommendation: Do pass with amendments and be printed A-Engrossed.
 Second reading.
 Rules suspended. Third reading. Carried by Morgan.
 Passed.
 Ayes, 51; Nays, 7 - Beck, Beyer, Dingfelder, Hansen, Lee, Leonard, Lowe, Excused, 1 - Hayden, Excused for business of the House, 1 - Kafoury.
 Vote explanation(s) filed by Barnhart, Lee, Monnes Anderson entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
 Public Hearing and Work Session held.
 Recommendation: Do pass the A-Eng. bill.
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Hannon.
 Passed.
 Ayes, 23; Nays, 7 - Brown, Burdick, Carter, Corcoran, Gordly, Shields, Yih.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.
- Adjusts allocations from Administrative Services Economic Development Fund to certain agencies for biennium ending June 30, 2003.
 Adjusts authorized Administrative Services Economic Development Fund expenditure limitations for certain agencies for

fiscal years beginning July 1, 2001, and July 1, 2002, and for biennium ending June 30, 2003.

Transfers moneys from Problem Gambling Treatment Fund to Administrative Services Economic Development Fund.

Subjects affected agencies to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5072 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGETRECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5073 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5074 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5075 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HOUSE CONCURRENT RESOLUTIONS

HCR 15 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Adjourning special session of Seventy-first Legislative Assembly.

2-8(H) First reading. Referred to Speaker's desk.

Referred to Economic Stimulus and Public Policy.

2-11 In committee upon adjournment.

Adjourns special session of Seventy-first Legislative Assembly.

HOUSE JOINT RESOLUTIONS

HJR 70 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Proposing amendment to Oregon Constitution relating to term limits.

2-8(H) First reading. Referred to Speaker's desk.

Referred to Economic Stimulus and Public Policy.

Work Session held.

2-9 Recommendation: Be adopted with amendments and be printed A-Engrossed.

2-11 At Desk upon adjournment.

Proposes amendment to Oregon Constitution to limit service in Legislative Assembly to 12 years in any 16-year period. Applies to terms of office beginning after effective date of amendment and to persons [elected to fill vacancy] filling vacancies in office after effective date of amendment. Specifies that service [as appointee] to fill vacancy in legislative office counts [does not count] for purposes of limits.

Refers proposed amendment to people for their approval or rejection at next regular general election.

HOUSE RESOLUTIONS

HR 10 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC STIMULUS AND PUBLIC POLICY - Honoring memory of persons who lost their lives in attacks on United States on September 11, 2001.

2-8(H) First reading. Referred to Speaker's desk.

Referred to Economic Stimulus and Public Policy.

Work Session held.

Recommendation: Be adopted.

Rules suspended. Read. Carried by Kruse. Adopted.

Ayes, 55; Excused, 1 - Tomei, Excused for business of the House, 4 - Morgan, Schrader, Shetterly, Westlund.

2-20 Speaker signed.

Filed with Secretary of State.

Honors memory of persons who lost their lives in attacks on United States on September 11, 2001. Expresses sympathy for families of victims of attacks.

**FIRST
SPECIAL SESSION**

**SENATE MEASURES
STATUS REPORT**



SENATE BILLS

SB 1000 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to construction liens; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
Referred to Economic Stimulus.
Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Metsger.
Passed.
Ayes, 30.
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Economic Stimulus and Public Policy.
Work Session held.
- 2-9 Recommendation: Do pass and be placed on the Consent Calendar.
Second reading.
Rules suspended. Read third time under Consent Calendar.
Ayes, 57; Excused, 1 - Hayden, Excused for business of the House, 2 - Kafoury, Minnis.
- 2-11(S) President signed.
2-11(H) Speaker signed.
2-25(S) Governor signed.
Chapter 6, 2002 First Special Session Laws. Effective date, February 25, 2002.

Amends requirement that certain persons with right to lien notify certain landowners of right to lien. Repeals requirement that owner of real property give purchaser list of certain contractors, liens and encumbrances related to property and cautionary notice about encumbrances imposed after sale of real property. Repeals penalty of maximum of six months' imprisonment, \$2,000 fine, or both, for failure to provide list and cautionary notice. Repeals requirement that Construction Contractors Board provide cautionary notice to owner.

Enacts identical provisions operative January 1, 2004.

Eliminates criminal and civil liability that may have accrued during period beginning January 1, 2002, and ending on effective date of this Act.

Declares emergency, effective on passage.

SB 1001 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to emergency assistance between states; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
Referred to Economic Stimulus.
Work Session held.
- 2-9 Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Atkinson.
Passed.
Ayes, 26; Absent, 2 - Carter, Minnis, Excused, 1 - Fisher, Attending Legislative Business, 1 - President Derfler.
- 2-9(H) First reading. Referred to Speaker's desk.
Referred to Economic Stimulus and Public Policy.
Work Session held.
Recommendation: Do pass.
- 2-10 Second reading.
Rules suspended. Third reading. Carried by Kruse.
Passed.
Ayes, 55; Nays, 5 - Butler, Close, Knopp, Krieger, Kropf.

Vote explanation(s) filed by Barnhart entered in Journal.

- 2-11(S) President signed.
2-12(H) Speaker signed.
2-25(S) Governor signed.
Chapter 7, 2002 First Special Session Laws. Effective date, February 25, 2002.

Directs Governor to enter into Emergency Management Assistance Compact with other states. Repeals Interstate Emergency and Disaster Assistance Compact.
Declares emergency, effective on passage.

SB 1002 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to finance; appropriating money; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
Referred to Economic Stimulus.
Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Nelson.
Passed.
Ayes, 30.
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Economic Stimulus and Public Policy.
Work Session held.
- 2-9 Recommendation: Do pass and be placed on the Consent Calendar.
Second reading.
- 2-10 Read third time under Consent Calendar. Passed.
Ayes, 57; Absent, 3 - King, Schrader, Wirth.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-11(S) President signed.
2-12(H) Speaker signed.
2-19(S) Governor signed.
Chapter 1, 2002 First Special Session Laws. Effective date, February 19, 2002.

Authorizes State Treasurer to issue short term obligations to finance current state expenses. Authorizes issuance of obligations only for expenses for which moneys are appropriated. Limits duration of state obligations to current biennium.

Declares emergency, effective on passage.

SB 1003 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
Referred to Economic Stimulus.
Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Nelson.
Passed.
Ayes, 29; Nays, 1, Yih.
Yih entered Vote explanation(s) into journal.
- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Economic Stimulus and Public Policy.
Work Session held.
- 2-9 Recommendation: Do pass.
Second reading.
Rules suspended. Third reading. Carried by Rosenbaum. Passed.
Ayes, 50; Nays, 7 - Close, Dingfelder, Jenson, Johnson, Nelson, Nolan, Witt, Excused, 1 - Hayden, Excused for business of the House, 2 - Kafoury, Minnis.

Vote explanation(s) filed by Barnhart, Dingfelder entered in Journal.

- 2-11(S) President signed.
 2-11(H) Speaker signed.
 2-25(S) Governor signed.
 Chapter 8, 2002 First Special Session Laws. Effective date, February 25, 2002.

Authorizes issuance of lottery bonds without regard to litigation challenging lottery. Requires Oregon Department of Administrative Services to request appropriated funds for lottery bond payment if lottery invalidated.

Increases total amount that Economic and Community Development Department may transfer from Channel Deepening Account to primary sponsor.

Declares emergency, effective on passage.

SB 1004 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to public employee retirement; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
 Referred to Economic Stimulus.
 Work Session held.
 Recommendation: Do pass.
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Messerle.
 Passed.
 Ayes, 30.
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Economic Stimulus and Public Policy.
 Work Session held.
- 2-9 Recommendation: Do pass and be placed on the Consent Calendar.
 Second reading.
 Rules suspended. Read third time under Consent Calendar.
 Ayes, 57; Nays, 1 - Nolan, Excused, 1 - Hayden, Excused for business of the House, 1 - Kafoury.
- 2-11(S) President signed.
 2-11(H) Speaker signed.
 2-25(S) Governor signed.
 Chapter 9, 2002 First Special Session Laws. Effective date, February 25, 2002.

Directs Public Employees Retirement Board to adjust employer contribution of public employer that is grouped with other public employers for purpose of employer contributions to Public Employees Retirement System but that makes lump sum payment against employer's individual liabilities.

Declares emergency, effective on passage.

SB 1005 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to stores operated by Oregon Liquor Control Commission.

- 2-8(S) Introduction and first reading. Referred to President's desk.
 Referred to Budget and Finance.
 Public Hearing and Work Session held.
 Recommendation: Do pass.
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Hannon.
 Passed.
 Ayes, 21; Nays, 9 - Castillo, Corcoran, Dukes, Duncan, Gordly, Minnis, Shields, Starr, Yih.
- 2-8(H) First reading. Referred to Speaker's desk.
- 2-9 Referred to Budget Reconciliation.
- 2-11 In committee upon adjournment.

Allows liquor stores operated by Oregon Liquor Control Commission to open for business on Sundays. Provides that first \$3 million in excess of \$185,213,000 collected in 2001-2003

biennium from revenues other than taxes be deposited in General Fund instead of being distributed pursuant to statutory formula.

SB 1006 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to courts; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
 Referred to Budget and Finance.
 Public Hearing and Work Session held.
 Recommendation: Do pass.
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Courtney.
 Passed.
 Ayes, 20; Nays, 10 - Burdick, Castillo, Clarno, Corcoran, Dukes, Gordly, Minnis, Morrisette, Shields, Starr.
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Budget Reconciliation.
- 2-10 Work Session held.
 Recommendation: Do pass with amendments and be printed A-Engrossed.
 Second reading.
 Rules suspended. Third reading. Carried by Patridge.
 Passed.
 Ayes, 53; Nays, 4 - Close, Lowe, Schrader, Witt, Excused for business of the House, 3 - Hayden, Morgan, Westlund.
 Vote explanation(s) filed by Barnhart entered in Journal.
- 2-10(S) Rules suspended. Senate concurred in House amendments and repassed bill.
 Ayes, 17; Nays, 13 - Brown, Burdick, Carter, Castillo, Corcoran, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Yih.
- 2-11 President signed.
 2-12(H) Speaker signed.
 2-25(S) Governor signed.
 Chapter 10, 2002 First Special Session Laws. Effective date, February 25, 2002.

[Eliminates] Delays commencement of three circuit court positions from first Monday in January 2003 to June 30, 2003.

Reduces circuit court juror fees to \$25 per day for third and subsequent days of service. Provides that circuit court jurors be paid mileage at rate of 20 cents per mile.

Extends date for complying with statutory time limit if court closed on last day of time period.

Declares emergency, effective on passage.

SB 1007 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to voters' pamphlets; declaring an emergency.

- 2-8(S) Introduction and first reading. Referred to President's desk.
 Referred to Budget and Finance.
 Public Hearing and Work Session held.
 Recommendation: Do pass.
 Rules suspended. Second reading.
 Rules suspended. Third Reading. Carried by Hannon.
 Passed.
 Ayes, 18; Nays, 12 - Burdick, Castillo, Corcoran, Deckert, Dukes, George, Gordly, Metsger, Miller, Morrisette, Shields, Trow.
- 2-8(H) First reading. Referred to Speaker's desk.
 Referred to Budget Reconciliation.
- 2-10 Work Session held.
 Recommendation: Do pass with amendments and be printed A-Engrossed.
 Second reading.
 Rules suspended. Third reading.

Motion to rerefer to Budget Reconciliation carried.
Rereferred.

2-11 In committee upon adjournment.

[Specifies that no more than one argument supporting and one argument opposing each state measure shall be printed in state voters' pamphlet. Allows one supporting and one opposing rebuttal argument. Sets procedures for preparing arguments and rebuttal arguments. Eliminates fees for including arguments in state voters' pamphlet.]

Increases fees for inclusion of arguments and candidate statements in state voters' pamphlet. Allows filing of 85-word argument relating to state measure for inclusion in printed voters' pamphlet and 325-word argument to be made available on Internet.

Eliminates requirement that state voters' pamphlet contain text of measures, political party statements and district maps.

[First applies to voters' pamphlet prepared for 2002 general election.]

Applies to local measures included in state voters' pamphlet.

Specifies that provisions relating to filing of arguments become operative June 1, 2002.

Declares emergency, effective on passage.

SB 1008 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to medical assistance; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass.

Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Beyer.
Passed.

Ayes, 19; Nays, 11 - Burdick, Castillo, Corcoran, Deckert, Dukes, Duncan, Gordly, Metsger, Miller, Morrisette, Trow.

2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.

2-10 Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.

2-11 Rules suspended. Third reading. Carried by Hayden.
Passed.

Ayes, 38; Nays, 22 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hass, Hopson, Kafoury, Lee, Leonard, Lowe, Monnes Anderson, March, Nolan, Ringo, Rosenbaum, Tomei, Verger, Wirth.

Potential conflicts(s) of interest declared by Hayden.
Vote explanation(s) filed by Barnhart, Monnes Anderson entered in Journal.

2-11(S) Rules suspended. Senate concurred in House amendments and repassed bill.

Ayes, 16; Nays, 12 - Brown, Burdick, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Morrisette, Shields, Trow, Yih, Excused, 2 - Carter, Gordly.

President signed.

2-12(H) Speaker signed.

2-19(S) Governor vetoed.

3-3 Veto sustained in accordance with Art. V, sec. 15b, Oregon Constitution.

Modifies dental services provided under medical assistance program.

Declares emergency, effective on passage.

SB 1009 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.
Public Hearing and Work Session held.

Recommendation: Do pass.

Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.

Ayes, 23; Nays, 2 - Corcoran, Gordly, Absent, 4 - Deckert, Dukes, Hartung, Miller, Excused, 1 - Fisher.

2-9(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

2-11 In committee upon adjournment.

Transfers moneys to and adjusts allocations from Administrative Services Economic Development Fund to certain agencies for biennium ending June 30, 2003.

Adjusts authorized Administrative Services Economic Development Fund expenditure limitations for certain agencies for fiscal years beginning July 1, 2001, and July 1, 2002, and for biennium ending June 30, 2003.

Subjects affected agencies to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

SB 1010 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to elections; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass.

Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.

Ayes, 29; Nays, 1 - Corcoran.

2-8(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

2-10 Work Session held.

Recommendation: Do pass.

Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.

Ayes, 39; Nays, 21 - Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Walker, V., Wirth.

Vote explanation(s) filed by Barnhart entered in Journal.

2-11(S) President signed.

2-12(H) Speaker signed.

3-12(S) Governor signed.

Chapter 12, 2002 First Special Session Laws. Effective date, March 12, 2002.

Sets procedures for preparation of ballot title, financial estimates and explanatory statement for _____ Joint Resolution _____ (2002) (LC 81).

Declares emergency, effective on passage.

SB 1011 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - to unemployment benefits; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Economic Stimulus.

2-11 In committee upon adjournment.

Permits determination of eligibility for unemployment benefits using alternative base year under certain circumstances. Provides emergency benefits for up to 13 weeks under certain circumstances. Increases benefits to eligible individuals by \$20 per week.

Declares emergency, effective March 17, 2002.

SB 1012 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

Public Hearing and Work Session held.

Tabled in committee.

2-11 In committee upon adjournment.

Requires State Treasurer to transfer \$100 million from specific moneys in Common School Fund to Distributable Income Account for distribution to schools. Provides for repayment, with interest, from lottery moneys. Requires proceeds of unclaimed property to be deposited into State School Fund until July 1, 2003.

Establishes Economic Security Fund. Requires transfer to Economic Security Fund of 25 percent of amount by which General Fund revenues for 2001-2003 biennium exceed November 2001 estimated General Fund revenues. Specifies conditions under which moneys may be appropriated from Economic Security Fund.

Declares emergency, effective on passage.

SB 1013 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

Public Hearing and Work Session held.

Recommendation: Do pass with amendments. (Printed A-Eng.)

(Amendments distributed.)

Rules suspended. Second reading.

Rules suspended. Third Reading. Carried by Hannon.

Passed.

Ayes, 21; Nays, 9 - Burdick, Castillo, Corcoran, Deckert, Dukes, Gordly, Metsger, Morrisette, Starr.

2-9(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

2-11 In committee upon adjournment.

Reallocates net income and net proceeds from Space Age Industrial Park. Reduces maximum amount of allocation from Administrative Services Economic Development Fund to County Fair Account. Expands purposes for which moneys in Workers' Benefit Fund may be expended. Reduces maximum limit for transfer of moneys by Oregon Department of Administrative Services to Oregon Rural Health Association. Transfers \$1 million from Law Enforcement Medical Liability Account to Department of Human Services Account. Transfers \$2.5 million from Oregon JOBS Individual Education Account to Department of Human Services Account. Repeals appropriation to Emergency Board for allocation to Secretary of State for development and implementation of centralized voter registration system. Repeals appropriation to Office of Governor. Repeals appropriation to Emergency Board for allocation to Office of Governor for administration of Post-Secondary Education Opportunity Commission. Authorizes Department of Human Services to distribute up to \$1.1 million for workers' compensation self-

insurance pool for rehabilitation facilities. **Transfers \$3 million from Housing Finance Fund to Emergency Housing Account within Oregon Housing Fund.**

Declares emergency, effective on passage.

SB 5570 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

SB 5571 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - to state financial administration; appropriating money; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

SB 5572 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

SB 5573 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state financial administration; appropriating money; declaring an emergency.

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

2-11 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

SB 5574 By **SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state financial administration; appropriating money; declaring an emergency.**

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

Public Hearing and Work Session held.

Recommendation: Do pass with amendments. (Printed A-Eng.)

(Amendments distributed.)

Rules suspended. Second reading.

Rules suspended. Third Reading. Carried by Hannon. Passed.

Ayes, 17; Nays, 13 - Burdick, Castillo, Corcoran, Deckert, Dukes, Duncan, Hartung, Metsger, Miller, Morrisette, Shields, Starr, Trow.

2-9(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

2-10 Work Session held.

Recommendation: Do pass.

Second reading.

Rules suspended. Third reading. Carried by Westlund. Passed.

Ayes, 31; Nays, 29 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth, Witt.

Potential conflict(s) of interest declared by Hayden.

Vote explanation(s) filed by Ackerman, Lee, Monnes Anderson, Witt entered in Journal.

2-11(S) President signed.

2-11(H) Speaker signed.

2-19(S) Governor vetoed.

3-3 Veto sustained in accordance with Art. V, sec. 15b, Oregon Constitution.

Adjusts appropriations and expenditure limitations for state agencies.

Declares emergency, effective on passage.

Ayes, 60.

2-11(S) President signed.

2-12(H) Speaker signed.

2-12(S) Filed With Secretary of State.

Adjourns sine die special session of Seventy-first Legislative Assembly.

SENATE JOINT RESOLUTIONS

SJR 50 By **SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Proposing amendment to Oregon Constitution relating to education endowment fund.**

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Budget and Finance.

Public Hearing and Work Session held.

Recommendation: Be adopted.

Rules suspended. Second reading.

Rules suspended. Final reading. Carried by Hannon. Adopted.

Ayes, 19; Nays, 2 - Duncan, Yih, Absent, 8 - Burdick, Clarno, Corcoran, Deckert, Dukes, Hartung, Miller, Shields, Excused, 1 - Fisher.

2-9(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

2-10 Work Session held.

Recommendation: Be adopted with amendments and be printed A-Engrossed.

Read. Carried by Shetterly. Adopted.

Ayes, 39; Nays, 21 - Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Walker, V., Wirth.

Vote explanation(s) filed by Ackerman, Barnhart, Hopson, Johnson, Lowe, March, Merkley, Monnes Anderson, Verger, Walker, V. entered in Journal.

2-10(S) Rules suspended. Senate concurred in House amendments and readopted Joint Resolution.

Ayes, 27; Nays, 3, Corcoran, Miller, Yih.

2-11 President signed.

2-12(H) Speaker signed.

2-12(S) Filed With Secretary of State.

Proposes amendment to Oregon Constitution to **change education endowment fund to education stability fund and specifies conditions under which moneys may be appropriated from principal of fund. Provides for transfer of [\$100] \$120 million from education [endowment] stability fund to State School Fund.**

Makes amendment operative on April 30, 2003.

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary election.

SENATE RESOLUTIONS

SR 2 By **SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Expressing support and gratitude of Senate to all armed forces personnel.**

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

Public Hearing and Work Session held.

Recommendation: Be adopted with amendments. (Printed A-Eng.)

(Amendments distributed.)

Rules suspended. Second reading.

SENATE CONCURRENT RESOLUTIONS

SCR 12 By **SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Adjourning sine die special session of Seventy-first Legislative Assembly.**

2-8(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

2-11 Work Session held.

Recommendation: Be adopted with amendments. (Printed A-Eng.)

Rules Suspended. Resolution read in its entirety. Adopted.

Ayes, 16; Nays, 12 - Brown, Burdick, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Morrisette, Shields, Trow, Yih, Excused, 2 - Carter, Gordly.

2-11(H) First reading.

Rules suspended. Read in its entirety. Adopted.

Rules suspended. Final reading. Carried by Duncan.
Adopted.

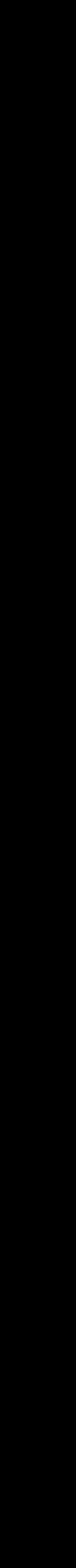
Ayes, 25; Absent, 4 - Deckert, Dukes, Hartung, Miller,
Excused, 1 - Fisher.

2-11 President signed.

2-20 Filed With Secretary of State.

Expresses support and gratitude of Senate to all armed forces
personnel for personal sacrifices made in campaign against
terrorism.

**VETOED
HOUSE BILLS
STATUS REPORT
2001 REGULAR SESSION**



HOUSE BILLS

Vetoed by Governor After Adjournment 2001 Regular Session

**HB 2497 By Representative KRUSE; Representative LEE -
Relating to Oregon Health Plan; declaring an
emergency.**

- 1-18(H) First reading. Referred to Speaker's desk.
1-23 Referred to Health and Public Advocacy.
4-24 Public Hearing held.
5-22 Work Session held.
6-1 Without recommendation as to passage, with amendments, be printed A-Engrossed and be referred to Rules, Redistricting and Public Affairs.
Referred to Rules, Redistricting and Public Affairs by order of Speaker.
6-13 Public Hearing held.
6-15 Work Session held.
6-21 Recommendation: Do pass and be referred to Ways and Means.
Referred to Ways and Means by order of Speaker.
7-4 Assigned to subcommittee on Capital Construction, Lottery and Bonding.
Work Session held.
7-5 Work Session held.
Returned to full committee.
Work Session held.
Recommendation: Do pass with amendments and be printed B-Engrossed.
Amendments distributed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Kruse.
Passed.
Ayes, 47; Nays, 13 - Barnhart, Bates, Beck, Dingfelder, Hass, Hayden, Lee, Leonard, March, Patridge, Rosenbaum, Shetterly, Witt.
Potential conflict(s) of interest declared by Hill.
7-5(S) First reading. Referred to President's desk.
Referred to Ways and Means.
Recommendation: Do pass the B-Eng. bill.
7-6 Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Brown.
Passed.
Ayes, 29; Attending Legislative Business, 1 - Hannon.
7-13(H) Speaker signed.
7-16(S) President signed.
8-17(H) Governor vetoed.
2-8-02(H) Governor's veto message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Requires practitioner prescribing legend drug for person receiving medical assistance to write certain information on prescription. Requires enrollee of medical assistance program who is enrolling or reenrolling in fee-for-service payment system to designate primary pharmacy or pharmacy network. Requires Department of Human Services to adopt rules governing purchase of legend drugs at pharmacy other than designated primary pharmacy or pharmacy network and changes in pharmacy or pharmacy network. *[Directs Health Services Commission to recommend to Director of Human Services copayments, not to exceed \$5, for purchase of legend drugs covered under Oregon Health Plan. Requires Department of Human Services to apply to federal government for waiver to allow copayments. Directs Department of Human Services to adopt copayment schedule by rule upon receipt of*

waiver.] Directs Department of Human Services to take specified actions to determine amounts of and to collect rebates from pharmaceutical manufacturers. Specifies Medicaid reimbursement rate to be paid by department for certain prescriptions for biennium beginning July 1, 2001.

Declares emergency, effective on passage.

**HB 2714 By Representatives KRUSE, T SMITH; (at the
request of Oregon Family Farm Association)
- Relating to farm dwellings in exclusive farm use
zones.**

- 2-5(H) First reading. Referred to Speaker's desk.
2-8 Referred to Water and Environment.
3-9 Public Hearing held.
5-11 Public Hearing held.
5-14 Public Hearing held.
5-18 Work Session held.
5-30 Recommendation: Do pass with amendments and be printed A-Engrossed.
Minority recommendation: Do pass with amendments and be printed A-Engrossed.
6-1 Rules suspended. Consideration of Committee Report and Minority Report taken from today's Calendar and placed in proper order on Tuesday, June 5 Calendar.
6-5 Motion to substitute Minority Report for Committee Report failed.
Ayes, 26; Nays, 32 - Ackerman, Backlund, Butler, Carlson, Doyle, Garrard, Hayden, Hill, Jenson, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Minnis, Morgan, Nelson, Patridge, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Walker, C., Westlund, Williams, Wilson, Winters, Witt, Zauner, Speaker Simmons, Excused, 2 - Brown, Close.
Committee Report adopted.
Ayes, 35; Nays, 23 - Barnhart, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Johnson, Kafoury, King, Leonard, Lowe, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Excused, 2 - Brown, Close.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Smith, T..
Passed.
Ayes, 32; Nays, 26 - Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Witt, Excused, 2 - Brown, Close.
Vote explanation(s) filed by Ackerman, Bates entered in Journal.
6-6(S) First reading. Referred to President's desk.
Referred to Rules and Redistricting.
6-22 Public Hearing held.
6-26 Work Session held.
6-27 Work Session held.
6-28 Recommendation: Do pass the A-Eng. bill.
Minority Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng. Minority)
6-29 Second reading.
7-2 Motion to substitute Minority Report for Committee Report failed.

- Ayes, 14; Nays, 15 - Atkinson, Beyer, R., Clarno, Duncan, Ferrioli, Fisher, Hannon, Harper, Hartung, Messerle, Miller, Nelson, Starr, Yih, President Derfler, Excused, 1 - George.
Third Reading. Carried by Harper. Passed.
Ayes, 16; Nays, 14 - Beyer, L., Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Metsger, Shields, Trow.
- 7-13(H) Speaker signed.
7-16(S) President signed.
8-17(H) Governor vetoed.
2-8-02(H) Governor's veto message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.
- [Establishes conditions for siting dwelling in conjunction with farm use in exclusive farm use zone.]*
Requires Land Conservation and Development Commission to adopt certain rules for authorization of dwellings in areas zoned for exclusive farm use. Provides that, when establishing standards for authorization of dwelling in conjunction with farm use on land managed as part of farm operation not smaller than minimum lot size, commission must adopt rules that take into consideration capability of lot or parcel, including size and soil class, agricultural activities on adjacent lots or parcels and other relevant factors.
- HB 2981 By Representative MORGAN (at the request of Oregon Building Industry Association) - Relating to minimum lot size.**
- 2-27(H) First reading. Referred to Speaker's desk.
3-2 Referred to Water and Environment.
4-13 Public Hearing and Work Session held.
4-24 Recommendation: Do pass with amendments and be printed A-Engrossed.
4-26 Second reading.
4-27 Rules suspended. Taken from today's Calendar and placed in proper order on Monday, April 30 Calendar.
4-30 Third reading.
Motion to rerefer to Water and Environment carried. Rereferred.
5-9 Public Hearing and Possible Work Session cancelled. Public Hearing held.
5-14 Work Session held.
5-22 Recommendation: Do pass with amendments and be printed B-Engrossed.
5-24 Read. Carried by Lee. Passed.
Ayes, 39; Nays, 6 - Barnhart, Beck, Leonard, March, Rosenbaum, Wirth, Absent, 2 - Jenson, Verger, Backlund, Dingfelder, Krieger, Lowe, Ringo, Schrader, Shetterly, Walker, C., Walker, V., Williams, Wilson, Speaker Simmons.
5-25(S) First reading. Referred to President's desk.
5-30 Referred to Rules and Redistricting.
6-5 Public Hearing and Work Session held.
6-11 Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
6-12 Second reading.
6-13 Taken from 06-13 Calendar and placed on 06-14 Calendar by unanimous consent.
6-14 Third reading. Taken from 06-14 Calendar and placed on 06-20 Calendar by unanimous consent.
6-20 Bill read. Carried by Harper. Passed.
Ayes, 22; Nays, 4 - Carter, Castillo, Shields, Trow, Attending Legislative Business, 4 - Duncan, Hannon, Nelson, Yih.
Castillo changed from aye to nay by unanimous consent.
- 6-22(H) House concurred in Senate amendments and repassed measure.
Ayes, 40; Nays, 20 - Ackerman, Barnhart, Bates, Beck, Dingfelder, Gardner, Hansen, Hass, Kafoury, Leonard, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth.
- 6-29 Speaker signed.
7-2(S) President signed.
8-17(H) Governor vetoed.
2-8-02(H) Governor's veto message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.
Requires Land Conservation and Development Commission to amend rules governing minimum lot or parcel size and planning for land that qualifies as urban fringe area to consider specified matters.
- HB 3528 By Representative BUTLER - Relating to rural service centers; declaring an emergency.**
- 3-8(H) First reading. Referred to Speaker's desk.
3-15 Referred to Health and Public Advocacy.
4-12 Public Hearing and Work Session held.
4-19 Recommendation: Do pass.
4-20 Second reading.
4-23 Rules suspended. Taken from today's Calendar and placed in proper order on Tuesday, April 24 Calendar.
4-24 Third reading.
Motion to refer to Water and Environment carried. Referred.
5-9 Public Hearing and Possible Work Session cancelled. Public Hearing held.
5-11 Public Hearing and Work Session held.
5-15 Recommendation: Do pass.
5-17 Read. Carried by Butler. Passed.
Ayes, 34; Nays, 25 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, Leonard, Lowe, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Witt, Absent, 1 - Morgan.
5-18(S) First reading. Referred to President's desk.
5-21 Referred to Rules and Redistricting.
5-29 Work Session held.
6-8 Work Session held.
6-14 Recommendation: Do pass with amendments. (Printed A-Eng.)
6-15 Second reading.
6-18 Third Reading. Carried by Harper. Passed.
Ayes, 19; Nays, 11, Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Shields, Trow.
6-20(H) House concurred in Senate amendments and repassed measure.
Ayes, 36; Nays, 24 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Witt.
6-29 Speaker signed.
7-2(S) President signed.
8-17(H) Governor vetoed.
2-8-02(H) Governor's veto message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.

Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

[Authorizes development of rural service centers in specified remote areas of state.]

Authorizes limited rural service center on land zoned for exclusive farm use under specified circumstances.

Declares emergency, effective on passage.

HB 3808 By Representative KROPF – Relating to federal migratory bird refuges.

- 3-12(H) First reading. Referred to Speaker's desk.
 3-20 Referred to Stream Restoration and Species Recovery.
 44 Public Hearing held.
 5-9 Work Session held.
 5-16 Work Session held.
 5-21 Recommendation: Do pass.
 5-22 Second reading.
 5-23 Third reading. Carried by Kropf. Passed.
 Ayes, 36; Nays, 24 - Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Leonard, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Shetterly, Tomei, Walker, V., Wirth, Witt.
 5-24(S) First reading. Referred to President's desk.
 5-25 Referred to Rules and Redistricting.
 6-5 Public Hearing held.
 6-12 Work Session held.
 6-22 Work Session held.
 6-25 Recommendation: Do pass.
 Second reading.
 6-26 Third Reading. Carried by Ferrioli. Passed.
 Ayes, 19; Nays, 9 - Brown, Burdick, Castillo, Corcoran, Courtney, Gordly, Metsger, Shields, Trow, Attending Legislative Business, 2 - Carter, Hannon.
 7-13(H) Speaker signed.
 7-16(S) President signed.
 8-17(H) Governor vetoed.
 2-8-02(H) Governor's veto message read in House.
 Motion to lay bill, together with Governor's veto message, on the table carried.
 Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Repeals permission for United States to acquire lands for purpose of migratory water fowl refuges.

HB 3809 By Representatives CLOSE, KROPF – Relating to hatchery bred salmon; declaring an emergency.

- 3-13(H) First reading. Referred to Speaker's desk.
 3-21 Referred to Stream Restoration and Species Recovery.
 44 Public Hearing held.
 46 Public Hearing held.
 5-2 Work Session held.
 5-18 Work Session held.
 5-25 Recommendation: Do pass with amendments and be printed A-Engrossed.
 5-30 Second reading.
 5-31 Third reading. Carried by Kropf. Passed.
 Ayes, 32; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Johnson, Kafoury, King, Leonard, Lowe, Monnes Anderson, March, Merkley, Morgan, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth, Witt, Absent, 1 - Hopson, Excused, 1 - Hayden.
 Vote explanation(s) filed by Verger entered in Journal.
 6-1(S) First reading. Referred to President's desk.
 6-4 Referred to Rules and Redistricting.
 7-3 Work Session held.

- 7-4 Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
 (Amendments distributed 07-04.)
 Rules suspended. Second reading.
 Carried over to 07-05 by unanimous consent.
 7-5 Third Reading. Carried by Ferrioli. Passed.
 Ayes, 16; Nays, 13 - Beyer, L., Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Gordly, Hartung, Messerle, Metsger, Trow, Excused, 1 - Shields.
 7-5(H) Rules suspended. House concurred in Senate amendments and repassed measure.
 Ayes, 32; Nays, 28 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, Leonard, Lowe, Monnes Anderson, March, Merkley, Morgan, Morrisette, Nolan, Ringo, Rosenbaum, Schrader, Shetterly, Tomei, Walker, V., Wirth, Witt.
 7-13 Speaker signed.
 7-16(S) President signed.
 8-17(H) Governor vetoed.
 2-8-02(H) Governor's veto message read in House.
 Motion to lay bill, together with Governor's veto message, on the table carried.
 Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Establishes moratorium on destroying hatchery bred salmon returning to waters of state. Creates expert scientific panel in State Department of Fish and Wildlife to investigate practice of destroying hatchery bred salmon. Requires State Fish and Wildlife Director to issue report to legislature. **Makes utilization of captive breeding and fish hatchery programs to achieve restoration and enhancement objectives goal of wildlife management to be implemented by State Fish and Wildlife Commission. Modifies definition of native and of native stocks.**

Sunsetts moratorium and expert scientific panel January 31, 2003.
 Declares emergency, effective on passage.

HB 3981 By Representatives JENSON, KROPF – Relating to protected species.

- 4-30(H) First reading. Referred to Speaker's desk.
 5-1 Referred to Stream Restoration and Species Recovery.
 5-14 Public Hearing held.
 5-21 Work Session held.
 5-29 Recommendation: Do pass with amendments and be printed A-Engrossed.
 5-31 Second reading.
 6-1 Third reading. Carried by Jenson, Kropf. Passed.
 Ayes, 38; Nays, 21 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hass, Kafoury, Leonard, Lowe, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Witt, Excused for business of the House, 1 - Westlund.
 6-4(S) First reading. Referred to President's desk.
 6-5 Referred to Natural Resources, Agriculture, Salmon, and Water.
 6-6 Public Hearing and Work Session held.
 6-12 Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
 6-13 Second reading.
 6-14 Taken from 06-14 Calendar and placed on 06-18 Calendar by unanimous consent.
 6-18 Third Reading. Carried by Beyer, R.. Passed.
 Ayes, 18; Nays, 12 - Beyer, L., Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Shields, Trow.
 6-20(H) House refused to concur in Senate amendments.

- 6-22(S) Senators Messerle, Ferrioli, Deckert appointed Senate conferees.
- 6-22(H) Representatives Jenson, King, Kropf appointed House Conferees.
- 6-25 Work Session held.
- 6-30 Conference Committee Recommendation: The House concur in Senate amendments dated Tuesday, June 12 and bill be further amended and repassed.
- 7-1 Rules suspended. House adopted Conference Committee Report.
Ayes, 34; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, Leonard, Lowe, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Williams, Wirth.
Rules suspended. Repassed.
Ayes, 34; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, Leonard, Lowe, Monnes Anderson, March, Merkley, Morrisette, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Witt.
- 7-2(S) Conference Committee Report read in Senate.
Senate adopted Conference Committee Report and repassed bill.
Ayes, 18; Nays, 12 - Beyer, L., Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Shields, Trow.
- 7-13(H) Speaker signed.
- 7-16(S) President signed.
- 8-17(H) Governor vetoed.
- 2-8-02(H) Governor's veto message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Requires State Fish and Wildlife Commission to create report concerning economic and social impacts of species recovery efforts for each species listed as threatened or endangered. Specifies content and uses of report.

Requires State Fish and Wildlife Commission to create, by rule, safe harbor program for state land lessees and candidate conservation program for parties affected by listing of species as threatened or endangered.

Eliminates certain authority of Energy Facility Siting Council to address effect of facility on fish and wildlife in adopting standards for siting, construction, operation and retirement of facilities.

Provides that certain rules and programs may not impose additional requirements or restrictions on use of private land to protect certain threatened or endangered species.

Limits State Board of Forestry to consideration of endangered fish and wildlife species that are federally listed when establishing inventory of resource sites needing protection.

**FIRST
SPECIAL SESSION**

**GENERAL
LEGISLATIVE
SUMMARY**



RECAPITULATION OF HOUSE BILLS (February 8-11, 2002)

Total House Bills Introduced	19
Passed both Houses and Approved by Governor	4
Vetoed by Governor (HB 4012, 4014, 4015, 4020, 5070, 5071).....	6
Filed without Governor’s signature (HB 4013, 4021)	2
In House Committee upon adjournment.....	6
In Senate Committee upon adjournment.....	1
TOTAL.....	19

RECAPITULATION OF HOUSE MEASURES OTHER THAN BILLS

Total House Joint and Concurrent Resolutions and Memorials Introduced	2
At Desk upon adjournment.....	1
In House Committee upon adjournment.....	1
In Senate Committee upon adjournment.....	0
TOTAL.....	2
Total House Resolutions and Memorials Introduced.....	1
Approved by House and filed with Secretary of State	1
In House Committee upon adjournment.....	0
TOTAL.....	1

TOTAL HOUSE MEASURES INTRODUCED –	22
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VETOED HOUSE BILLS

- | | | | |
|-----------|--|-----------|---|
| * HB 4012 | Relating to state finance. | * HB 5070 | Relating to state financial administration. |
| * HB 4014 | Relating to state finance. | * HB 5071 | Relating to state financial administration. |
| * HB 4015 | Relating to stores operated by Oregon Liquor Control Commission. | | |
| * HB 4020 | Relating to 9-1-1 telecommunications tax. | | |

*Vetoed by Governor after adjournment sine die.

HOUSE BILLS FILED WITHOUT GOVERNOR'S SIGNATURE

- | | |
|---------|--|
| HB 4013 | Relating to stores operated by Oregon Liquor Control Commission. |
| HB 4021 | Relating to unemployment benefits. |

**SECOND
SPECIAL SESSION**

**FEBRUARY 25 –
MARCH 2, 2002**



House Journal and Status Reports of the House and Senate

SECOND SPECIAL SESSION

**Beginning February 25 and
ending March 2, 2002**



**SEVENTY-FIRST LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Published Under the Direction

of

**MARK SIMMONS
Speaker of the House**

**MEMBERSHIP
AND
COMMITTEES**



HOUSE STANDING COMMITTEE MEMBERSHIP

BUDGET—

Ben Westlund, Chair
Jan Lee
Susan Morgan
Kurt Schrader
Lane Shetterly

PUBLIC POLICY—

Carl Wilson, Chair
Alan Bates
Tom Butler
Cedric Hayden
Betsy Johnson
Al King
Tim Knopp
Jeff Kruse
Steve March
Rob Patridge (discharged 02/24/2002)

TAXATION—

Bruce Starr, Chair (appointed 02/27/2002)
Mark Hass (appointed 02/27/2002)
Tim Knopp (appointed 02/27/2002)
Jerry Krummel (appointed 02/27/2002)
Jan Lee (appointed 02/27/2002)
Diane Rosenbaum (appointed 02/27/2002)
Tootie Smith (appointed 02/27/2002)
Vicki Walker (appointed 02/27/2002)
Jackie Winters (appointed 02/27/2002)

**SECOND
SPECIAL SESSION**

**HOUSE
JOURNAL**



Monday, February 25, 2002 - Morning Session

House called to order in Special Session at 9:00 a.m., pursuant to the proclamation of Governor John Kitzhaber issued February 21, 2002.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: The State of Oregon's budget deficit has worsened and now approaches \$1 billion, and it must be rebalanced by budget reductions, one-time revenues, and new revenues; and

WHEREAS: The State of Oregon continues to experience a recession, and unemployment is 8%, the State should take immediate action to stimulate the economy and create employment opportunities by investing in the construction of infrastructure; and

WHEREAS: Oregon is one of only three states with no school stabilization fund to help tide our schools through economic downturns, and the Legislative Assembly should reconsider the provisions of its recently passed school stabilization fund referral.

NOW, THEREFORE, I, John A. Kitzhaber, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, hereby proclaim Monday, February 25, 2002 at 9 a.m. to be

THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY

for the purposes of rebalancing the budget, to further deliberate economic stimulus opportunities, and to reconsider the proposed school stabilization fund.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, February 21, 2002.

John A. Kitzhaber M.D.
Governor

Speaker in Chair. All present except: Excused, 4 - Garrard, King, Kropf, Nolan.

Moment of silence observed.

Speaker announced the following appointments to the Special Committee on Credentials: Kruse, Chair; Leonard, Hayden.

House stood at ease.

House called to order.

The following report of the Special Committee on Credentials was read:

REPORT BY COMMITTEE ON CREDENTIALS

We, your Committee on Credentials, recommend that all members of the First Special Session of the Seventy-first Legislative Assembly with changes listed, are entitled to seats in the House of Representatives for this Second Special Session of the Seventy-first Legislative Assembly of the State of Oregon:

Ralph Brown, replacing Jim Hill, representing the 29th District.

We find that the person listed above is duly qualified and have been sworn into office pursuant to law.

Jeff Kruse, Chair
Randy Leonard
Cedric Hayden

Kruse moved adoption of the report by the Special Committee on Credentials. Motion carried, the vote being: Yeas, 56; Excused, 4 - Garrard, King, Kropf, Nolan. Report adopted.

Speaker announced the following appointments to the Special Committee on Rules: Minnis, Chair; Shetterly, Kafoury.

House stood at ease.

House called to order.

The following report of the Special Committee on Rules was read:

REPORT BY COMMITTEE ON RULES

We, your Committee on Rules, recommend that the House of Representatives adopt the Second Special Session Rules of the Seventy-first Legislative Assembly as amended.

Karen Minnis, Chair
Lane Shetterly
Deborah Kafoury

SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

Seventy-first Legislative Assembly

February 25, 2002

DEFINITIONS

1.01 Definitions. (1) "Measure" means bill, resolution or memorial, but does not include amendments.

(2) "Member" means member of the House.

(3) "Printing" includes printing and other means of reproducing copy.

(4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.

(5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-first Legislative Assembly.

(6) "Special Session" means the special session of the Seventy-first Legislative Assembly convening February 25, 2002.

(7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

RULES

2.01 Use of Mason's Manual. Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House" [~~referred to the Committee on Rules, Redistricting and Public Affairs by the Speaker, and if reported from the Committee on Rules, Redistricting and Public Affairs,~~ and allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules. (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the House. ~~Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die.] The rules adopted for the special session are repealed upon the adjournment of the special session sine die.~~

CONVENING

3.01 Quorum. (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.03 Attendance. A member shall attend all sessions of the House unless excused by the Speaker, and all meetings of the committees of the House of which he or she is a member unless excused by the chairperson. No member shall be considered excused, however, unless the Speaker or chairperson has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

3.05 Session Hour. Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

3.07 Open Sessions. All deliberations and meetings of the House shall be open to the press and public.

~~— [3.08 Daily Session Length. (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, including time used in recess.]~~

~~— [(2) When the twelve-hour period described in subsection (1) of this rule has elapsed, the Speaker shall adjourn the House for a period of not less than eight hours. The convening of a session after adjournment constitutes the beginning of a new session day.]~~

VOTING

3.12 Electronic Roll Call System. The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

3.15 Roll Call. (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the role of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the Speaker shall be last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was in the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

3.20 Requirements for Voting. (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic

voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

3.21 Announcement of Conflict of Interest. (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting. The statement shall be limited to the substance of the oral explanation given on the floor or in committee.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote or if all members have voted, the Speaker may direct the clerk to display the vote. After the individual votes have been displayed any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

3.28 Electronic Roll Call; Misuse, Penalties. No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

3.30 Voting by Presiding Officer. The Speaker shall vote whenever a roll call is required, the Speaker's name being called last on an oral roll call vote.

3.35 Explanation of Vote. (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next ~~session~~ business day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

3.50 Third Reading Requirement. (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

3.55 Call of the House. (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the north aisle, the room west of the north aisle, and the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

ORDER OF BUSINESS

4.01 Order of Business. (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message. At the opening session of the day only.
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- (h) ~~Reports from standing committees.~~
- (i) Reports from special committees.
- (j) Propositions and motions.
- (k) Introduction and first reading of House bills.
- (l) Second reading of House bills.
- (m) Consent Calendar.
- (n) Third reading of House bills.
- (o) Final reading of memorials and resolutions.
- (p) Bills, reports and other business lying on the table.
- (q) First reading of Senate bills.
- (r) Second reading of Senate bills.
- (s) Third reading of Senate bills.
- (t) Other business of the House.
- (u) Other business of the Senate.
- (v) Announcements.
- (w) Remonstrances.

(2) The presiding officer, under the order of business ***Reports from Standing Committees and Reports from Special Committees***, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the order of business of Opening Ceremony, prayer and/or inspirational message, courtesies and the order of business of Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

4.05 Consent Calendar. (1) Each session day, a consent calendar of measures shall be presented for consideration and vote of the House. Copies of the consent calendar shall be printed and distributed to members prior to consideration.

(2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.

(b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.

(3) Any measure recommended for the consent calendar shall be placed on the calendar ~~but held at the Desk for two days after the day on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.~~

~~(4) If no objections or an insufficient number are filed within the two day period, the measure shall be placed in numerical order on the next consent calendar. When the order of business "Consent Calendar" is reached, the Speaker shall announce the calendar and ask for each measure listed whether there are objections to the measure being placed on the consent calendar. If five objections are raised the measure shall be removed from the consent calendar and placed on the third reading calendar. If there are not the sufficient number of objections, the clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken. No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.~~

~~(5) Notwithstanding the provisions of this rule if the Speaker has reasonable cause to believe that the session will adjourn sine die within three weeks after the time a measure is recommended for the consent calendar, the Speaker may order the measure to be placed in its proper order on the third reading calendar.~~

MOTIONS

5.01 Making Motion. (1) When a motion is made, it shall be stated by the presiding officer.

(2) A motion shall be reduced to writing upon a request of the presiding officer or of any member.

(3) No second to a motion is required.

5.05 Motion in Possession of the House. After a motion is stated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

5.10 Precedence of Motions. (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Nondebatable Motions. Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a

decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

5.20 Votes on Motions. If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

5.30 Division of the Question. Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

5.35 Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

5.37 Amendments to the Title of a Bill. No title ("*Relating to*" clause) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

5.40 Amendments from Floor. (1) No measure shall be amended upon the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Chief Clerk.

(2) In the absence of unanimous consent, if a majority of the members present desires a change in any measure, the measure shall be referred by the Speaker to committee in accordance with Rule 9.01(2).

DEBATE AND DECORUM

6.01 Decorum During Session and Committee Proceedings. (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

6.05 Use of Electronic Devices. (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

6.07 Recognition of Members. When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member's desk.

~~(1)~~The device labeled "to speak" shall be used when a member seeks recognition for purposes of debate or making motions.

~~(2)~~The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under Mason's Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

6.10 Conduct in Debate. (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

6.20 Interrupting a Member. Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

6.25 Frequency with Which Member May Speak. (1) The author of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate. The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the chairperson of the committee that reports the measure or a member designated by the chairperson may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (2) of this rule to another member. However, no member may yield time to a member closing debate.

6.35 Call to Order. (1) The presiding officer shall call to order any member who violates the rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

6.40 Discipline. If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

PRESIDING OFFICER

7.01 Election of Presiding Officer; Pro Tempore Presiding Officer. The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officer. (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

7.10 Duties of Presiding Officer. (1) To enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

COMMITTEES

8.01 Names of Committees. ~~There shall be the following 15 standing committees to which shall be referred all measures relating to the subject matters described herein:~~

~~(1) Advancing E-Government, relating generally to technology and utility regulation;~~

~~(2) Agriculture and Forestry, relating generally to agriculture and forestry;~~

~~(3) Business, Labor and Consumer Affairs, relating generally to business, labor and consumer affairs;~~

~~(4) Government Efficiency, relating generally to government operations;~~

~~(5) Health and Public Advocacy, relating generally to human resources and health care issues;~~

~~(6) Judiciary, relating generally to civil and criminal law and administration of justice;~~

~~(7) Land Use and Regulatory Fairness, relating generally to regulatory takings and property compensation;~~

~~(8) Rules, Redistricting and Public Affairs, relating generally to the rules and operations of the House and the Legislative Assembly, elections, redistricting, and public affairs;~~

~~(9) School Funding and Tax Fairness/Revenue, relating generally to taxation and the finance of elementary and secondary education;~~

~~(10) Smart Growth and Commerce, relating generally to commerce and economic development.~~

~~(11) Stream Restoration and Species Recovery, relating generally to stream restoration and species recovery;~~

~~(12) Student Achievement and School Accountability, relating generally to all levels of education and their administration, but excluding finance of elementary and secondary education;~~

~~(13) Transportation, relating generally to vehicles, mass transit, highways and other aspects of transportation;~~

~~(14) Water and Environment, relating generally to water law, natural resources and the environment;~~

~~(15) Ways and Means, relating generally to appropriations.~~

The Speaker may appoint special committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all ~~standing committees~~, statutory committees, special committees and task forces, and the chairpersons and vice-chairpersons thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all ~~standing~~ special committees and statutory committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the ~~standing~~ special committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any ~~standing~~ special committee under which a subcommittee is created shall appoint the other members of the subcommittee.

~~(4) The Standing Committee on Ways and Means and committees established by the Oregon Constitution shall be exempt from provisions under subsection (2) of Rule 8.05.~~

8.10 Committee Quorum; Rules. (1) A majority of the members of a ~~standing or~~ special committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee

may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all ~~standing and~~ special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

8.15 Committee Meetings. (1) All committees shall meet at the call of the chairperson, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

~~(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 24 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.~~

(5) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.

~~(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If the House is in session, the Speaker shall announce the emergency and the reasons why it is declared to exist. If the House is not in session, the Speaker shall notify members that an emergency exists and the reasons therefor by distributing such information to the desks of the members. For any meeting called under this emergency provision, notice shall be posted outside the House chambers and any other suitable and conspicuous place. If the meeting scheduled is for the purpose of taking public testimony, at least 24 hours notice must be given by posting the notice outside the House chambers and any other suitable and conspicuous place. A majority of the members may invoke this subsection and notice shall be given as described in this subsection.~~

(6) The chairperson or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public shall be given immediately upon call of the meetings, and notice of the meeting shall be announced on the floor if the House is in session.

(7) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(8) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

(a) Members present, excused or absent;

(b) All motions and their disposition;

(c) The results of all votes; and

(d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the ~~Committee on Rules, Redistricting and Public Affairs Speaker~~. The ~~committee Speaker~~ shall conduct a hearing on the matter and shall, if it ~~concludes~~ concludes that the complaint is justified, recommend to the House that censure or other action be taken.

(12) As used in this rule:

(a) "Committee" includes ~~standing and~~ special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

8.20 Committee Action Required. (1) A chairperson shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the committee chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

~~(4) When the presiding officer determines that sine die adjournment may impinge on the operations of standing committees, the presiding officer shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the presiding officer.~~

~~(5)(4) Measures reported out by a committee shall be delivered to the Chief Clerk of the House within three session days no later than 12 noon of the session day after the committee action reporting the measure out.~~

~~**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or the School Funding and Tax Fairness/Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.~~

8.25 Committee Actions to be Recorded and Reported. (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. (1) No motion to dissolve into the committee of the whole shall be allowed.

REFERRAL OF MEASURES; COMMITTEE REPORTS

9.01 Referral to Committee. (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than five session days following such referral, the measure shall be referred by the Speaker ~~in accordance with the provisions of subsections (2)–(3) of this rule~~. Notice of referral shall be ~~in writing and to a special committee announced from the rostrum or a printed list~~ shall be distributed to the desks of the members.

~~(2) Referrals of measures shall be to the committee whose jurisdiction, as defined in Rule 8.01, most closely relates to the principal subject matter addressed by the measure.~~

~~(3) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means or the Committee on School Funding and Tax Fairness/Revenue effective after the measure is reported out of the committee to which it was initially referred.~~

~~(4) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.~~

~~(5) The chairperson of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the chairperson of any other standing or special committee to review the measure. Upon acceptance of the measure by the chairperson of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.~~

~~(6) When the Speaker determines that sine die adjournment is imminent and referral of measures to committees under Rule 8.01 will unnecessarily delay the orderly process of legislative business, the Speaker may refer a measure to an appropriate committee notwithstanding the subject matter designations described in Rule 8.01.~~

9.05 Committee Reports. After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chairperson of the committee.

9.10 Consideration of Committee Reports. ~~(1) Reports from standing committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.~~

~~(2) Except for reports recommending do not pass or referral to another committee, or reports accompanied by a minority report, no motion is required to adopt a committee report.~~

~~**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar of the first session day after distribution of amendments, if any. No member may sign on to more than one report.~~

~~(2) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule 9.32(3) or, if other than a bill, as provided by Rule 9.35(3).~~

~~(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.~~

~~(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.~~

~~(5) The minority report is subject to the requirements of House Rule 5.35.~~

9.30 Withdrawing Measure from Committee. A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

9.32 When a Bill Goes to Second Reading. (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar ~~of the following same session day~~ for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, the report shall be filed and the bill placed on the calendar for second reading on the same session day as the amendments must be printed and are distributed to the desks of the members before the measure comes up for second reading.

~~(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the same session day on which the minority report was substituted or rejected.~~

~~(4)-(3) The Speaker may order a bill printed with amendments engrossed. If a bill is printed engrossed it shall not be considered placed on the calendar for second reading sooner than the same session day following distribution of the printed engrossed bill is distributed to desks of the members.~~

9.35 When a Measure Other Than a Bill Goes to Final Reading.

(1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar of the same session day next following receipt for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for final reading. The measure other than a bill shall be placed on the calendar for final reading on the same session day next following the day of distribution of the printed amendments.

~~(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar for final reading on the session day next following the day on which the minority report was substituted or rejected.~~

~~(4)-(3) Upon the recommendation of the chairperson of the committee reporting a measure with amendments, or at the Speaker's discretion, the Speaker may order a measure printed with the amendments engrossed therein. If the measure other than a bill is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measures to the desks of the members.~~

9.37 When a Bill Goes to Third Reading. A bill shall be placed on the third reading calendar on the session day following its second reading.

RECONSIDERATION

10.01 Reconsideration. (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

~~(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.~~

~~(3)-(2) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.~~

~~(4)-(3) The motion to reconsider shall must be made voted on the first session day after that on which immediately after the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.~~

~~(5)-(4) Thirty-one votes are required to reconsider the final vote on a measure.~~

~~(6)-(5) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.~~

10.05 Transmitting Measures on Which Reconsideration Moved.

When a member has given notice of intention to moved for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately and without debate on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

CONCURRENCE; CONFERENCE

11.01 Vote to Concur in Amendments of Other House. (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall not be taken sooner than the first session day immediately after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. ~~(1)~~ When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

~~(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.~~

~~(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the differences between the House and Senate versions.~~

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose any amendments within the scope of the issue between the houses.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers, and notice of the meeting shall be announced on the floor if the House is in session.

11.15 Adoption of Conference Committee Report. (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall not be made sooner than the first session day in order immediately after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

11.20 Discharge of Conferees. (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

SPONSORSHIP

~~**12.00 Pre-session Filing and Printing.** (1) Any member or member-elect of the House may, on or after November 18 of the even years to~~

~~January 1 of the odd years, pre-file any measure with the Chief Clerk for introduction.~~

~~(2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.~~

~~(3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed pre-filed measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.~~

~~(4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.~~

~~(6) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.~~

~~(6) Any measure pre-filed and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.~~

12.05 Pre-session Drafting Requests. Members, member-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.

12.10 Sponsorship. (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure, the committee shall become the sponsor of the measure.

12.20 Committee Sponsorship. (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chairperson shall sign the proposed measure for presentation at the desk.

INTRODUCTION OF MEASURES

13.01 Requirements of Presentation of Measures for Introduction. (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chairperson or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

13.05 Deadline on Introductions. No measure shall be accepted by the desk for introduction in the House after 5 p.m. on the 50th calendar day of the session except:

(1) Measures approved by the Speaker and so identified for introduction by a committee.

(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.

(3) Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.

13.10 Legislative Counsel Drafting Services.—(1) Between 5 p.m. on the 29th calendar day and 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall only accept five non-transferable drafting requests from each member.

(2) After 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall discontinue not accepting requests for drafting of all measures for introduction during special session except:

(a) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means.

(b) Committee proposals approved for drafting by the Speaker.

(c) A proposal requested for drafting by a member under Rule 13.15.

~~**13.15 Priority Drafting Requests.** (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.~~

~~(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.~~

PUBLICATIONS

14.01 Journal; Status Report. (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

14.05 Other Legislative Publications. (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

14.10 Distribution of Legislative Publications. (1) There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the Administrative Services Department, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies, and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

14.15 Measure Summaries. (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The Speaker may order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

14.25 Financial and Revenue Impact Statements. (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure except appropriation measures which implement the Governor's printed budget recommendations, and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as a financial impact statement to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and the governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

14.30 Legislative Newsletters. (1) Each member may issue legislative newsletters or other informational material to their

constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule "constituent" means an individual that lives within a member's legislative district.

PERSONNEL RULES AND PROCEDURES

15.01 Personnel Rules and Procedures. (1) Except as otherwise provided by law the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

OFFICERS; PERSONNEL; ALLOWANCES

15.05 Chief Clerk; Election and Duties. (1) There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House.

(a) The Chief Clerk shall perform the following duties:

(A) Appoint a Sergeant at Arms in consultation with the Speaker.

(B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.

(C) Serve as parliamentarian of the House.

(D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(E) Prepare all measures, histories, journals and related publications for printing.

(F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

~~(C)~~Execute all processes issued by authority of the House or any of its committees.

~~(D)~~Perform such other duties as the Chief Clerk or Speaker may direct.

15.10 Member's Personal Staff. (1) (a) A member may appoint personal staff for the ~~special session or the interim or both~~, according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5025, (2001 Session Laws).

(b) ~~A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the floor during sessions of the House.~~

(c) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

~~(e)-(d)~~ For purposes of computing fringe benefits, persons appointed under subsection 1(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

~~(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.~~

15.15 Leadership Office Personnel. (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

15.20 Other Personnel. (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each chairperson of a standing or special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives or designated to have access to the floor during the special session shall for the duration of ~~such employment~~ the special session serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

15.25 Expense Allowance. (1) Each member has an allowance of \$26,083.00 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim or special session for expenses as described under subsection (1) of this rule.

15.50 Per Diem allowance during Special Session. Each member shall receive a per diem allowance for each session day, not each calendar day.

SERVICES AND SUPPLIES

16.01 Services and Supplies. (1) Each member shall have an individual services and supplies account. New members will receive a one time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual ~~services and supplies expense~~ account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.

(e) Copying.

~~(f)~~ Communications with constituents in compliance with H.R. 14.30.

~~(g)~~ Rental expenses incurred for a town hall meeting.

~~(h)~~ Establishment and maintenance of a district office.

~~(i)~~ Billings from state agencies for services and supplies.

~~(j)~~ Reasonable travel expenses incurred by members while on official legislative business. Does not include in-district travel.

~~(k)~~ Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

(l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

16.05 Attorney General Opinions. (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. This rule takes precedence over ORS 180.060(2).

~~(2)~~The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

PRIVILEGES

17.01 Floor Privileges. (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.05 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; or persons authorized by the Speaker; and (d) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges. The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

17.10 Assembly Transition. Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

ACCREDITATION OF NEWS MEDIA

18.01 Accreditation of News Media. (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

LOBBYISTS

19.01 Regulation of Lobbyists. (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The ~~Committee on Rules, Redistricting and Public Affairs~~ Speaker may, and on the complaint of five members of the House shall, investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

19.10 Statement of Philosophy. The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

19.20 Campaign Contributions During Session. All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under the order of business of "Other Business of the House" announcing the entry into the Journal.

SEXUAL HARASSMENT

20.01 Policy on Sexual Harassment. (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from sexual harassment. Sexual harassment in any manner will not be tolerated.

(2) Sexual harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and
- (g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes; Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Sexual Harassment for the purpose of deliberations regarding Sexual Harassment complaints only. The chairperson shall be a member of the majority party and the vice chairperson shall be a member of the minority party.

(6) The House shall provide education concerning sexual harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

67th OREGON LEGISLATIVE ASSEMBLY -

1993 Regular Session

Enrolled House Resolution 1

Introduced and printed pursuant to House Rule 13.01

Whereas the Oregon House of Representatives is committed to creating and maintaining a work environment in which House Members and House employees are free from sexual harassment and are treated respectfully; now, therefore,

Be It Resolved by the House of Representatives of the State of Oregon:

SECTION 1. (1) The policy of the House of Representatives as stated in the House Rules and this Resolution applies to House Members and to all regular, interim and session House employees, including all House committee staff, House caucus staff, House Members' assistants, interns and volunteers, and to all other categories of House employees.

(2) House Members and employees are expected to discourage sexual harassment in the workplace and at events, professional meetings, seminars or any activities that involve legislative business.

(3) All complaints of sexual harassment shall be promptly, thoroughly and respectfully resolved.

(4) The House policy for reporting and resolving sexual harassment complaints is intended to:

- (a) Encourage members and employees to report harassment;
- (b) Assure that any complaint and a resolution thereof are resolved as discreetly as possible; and
- (c) Guarantee that retaliation is not tolerated against any person who complains of or reports sexual harassment.

(5) When a determination is made that sexual harassment has occurred, appropriate disciplinary action shall follow. As a general rule, sanctions assessed shall be proportionate to the seriousness of the offense. For employees, sanctions may include reprimand, suspension or termination. For House Members, sanctions may include reprimand, censure or expulsion.

(6) A supervisor who does not take appropriate action when the supervisor knows or has reason to suspect that harassment is occurring shall face a similar array of sanctions proportionate to the seriousness of the offense.

SECTION 2. (1) The formal and informal procedures instituted pursuant to House Rules and this Resolution shall apply only to

allegations of sexual harassment brought against House Members or against House personal staff.

(2) House personal staff includes Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the House Members, including the Speaker's office and the Majority and Minority offices. House personal staff does not include committee staff and House staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(3) A person claiming to be aggrieved shall file a complaint to initiate the formal or informal procedures pursuant to House Rules and this Resolution no later than one year after the sexual harassment occurred.

SECTION 3. The following notice of the House policy shall be given to all House Members and House employees:

If you believe you have been sexually harassed, you have options. You can tell the offender about the offender's behavior, explain which action disturbed you and ask that the behavior stop. You can communicate with the offender in person or in writing. If you do not want to confront the offender directly, or if you have talked to the offender and the offensive behavior has not stopped, or if you believe your complaint has resulted in retaliation, you may use the informal or formal procedure established by the Rules of the House of Representatives and House Resolution 1 (1993) for pursuing your sexual harassment complaint.

In addition, you have the right to file a complaint with administrative agencies and in the judicial system.

SECTION 4. Many people who believe they have experienced sexual harassment simply want it to end; they do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address this need. However, a person making a complaint is not required to use this procedure as a prerequisite to proceeding with a formal House complaint or a complaint to an administrative agency or to the courts. The informal and formal procedures stated in this Resolution are optional. The informal complaint shall be handled as discreetly as possible. Every effort shall be made to maintain confidentiality. The informal procedure consists of the following steps:

(1)(a) The person making the complaint shall submit the complaint to an intermediary of the person's choice. The intermediary shall immediately take appropriate action to assure that the person making the complaint has a safe and nonhostile work environment. The Speaker or the Chief Clerk shall assist in making the appropriate arrangements upon notice from the intermediary. The intermediary shall notify the Majority and Minority Leaders and the supervisor of the person making the complaint that a complaint has been made. The Majority and Minority Leaders shall immediately notify the person who is the subject of the complaint of the fact that a complaint has been made, the name of the person making the complaint and the name of the intermediary.

(b) A reasonable number of House Members and staff of the House of Representatives, including the Chief Clerk, the Legislative Administrator and the Administrative Service Personnel Officer, shall be designated jointly by the Majority and Minority Leaders as intermediaries. A person designated as an intermediary shall receive special training in order to be prepared to assist the person making the complaint. Designated intermediaries shall be identified by name, with contact telephone number and office location. Copies of a list of the identification information on designated intermediaries shall be available in each House Member's office. While the intermediary is not an advocate, an intermediary, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to take disciplinary action. The intermediary's role is to listen, answer questions and explain options. The intermediary shall not serve as a counselor or psychologist but shall provide reference information about available human services resources. The role of an intermediary is to help the person making the complaint in determining who can best deal with the person's concerns and inform that person of available options.

(2) After meeting with an intermediary, the person making the complaint may decide that further action is necessary. If so, the person may request that the intermediary refer the matter to the Majority and Minority Leaders for informal remedial action or may institute formal complaint procedures.

(3) The informal procedure shall be kept confidential and any documentation related thereto shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502. Confidentiality shall

extend until such time as a formal written complaint, if any, is filed as provided in this Resolution with the House Judiciary Committee counsel.

(4) If the subject person is not the Speaker or Majority or Minority Leader, informal remedial action shall be determined by the Speaker of the House and the Majority and Minority Leaders after appropriate investigation and within 60 days of the making of the complaint. The person who is the subject of the complaint shall be advised of the action by the Leadership.

(5) If the subject person is the Speaker or Majority or Minority Leader, the complaint shall be referred to the Legislative Counsel for the purpose of appointing an outside investigator. The investigator's report shall be submitted to the Speaker and the chairperson and vice chairperson of the Committee on Sexual Harassment within 10 days of the appointment. The chairperson and vice chairperson shall take the action described in subsection (4) of this section.

SECTION 5. An aggrieved person may file a formal written complaint instead of participating in the informal complaint procedure described in section 4 of this Resolution, or may file a formal written complaint if, after participating in the informal procedure, the person is not satisfied with the resolution of the informal complaint. The formal complaint procedure shall consist of the following steps:

(1) A formal written complaint shall be filed with the Majority and Minority Leaders. Designated staff shall be made available to assist the person filing the complaint in development of the formal written complaint. If no work reassignment has occurred preceding the filing of the formal written complaint, the Majority or Minority Leader shall take immediate action to assure the person filing the complaint of a safe and nonhostile work environment, including reassigning the person to other duties. The Majority and Minority Leaders shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. With the consent of the person filing the complaint, the Majority and Minority Leaders may work to resolve the complaint. However, if there is no consent or no resolution, the formal written complaint shall be filed by the Majority and Minority Leaders with the House Judiciary Committee counsel within seven days of the determination that there is no consent or no resolution.

(2) After the filing of a formal written complaint with the House Judiciary Committee counsel, the Majority and Minority Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of sexual harassment. If the respondent is either the Majority or Minority Leader, or the Majority and Minority Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, the Legislative Counsel shall be notified and shall appoint an independent investigator within five days after receiving the notice.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Speaker and the Majority and Minority Leaders, the person filing the complaint, the person who is the subject of the complaint and members of the Committee on Sexual Harassment. If the investigator was appointed by the Legislative Counsel, the investigator shall also report to the Legislative Counsel.

SECTION 6. (1) At the convening of each Regular Session of the Legislative Assembly, the Speaker shall appoint an equal number of House Members of the majority and minority parties to the Committee on Sexual Harassment, which shall be established for purposes of resolving sexual harassment complaints under House Rules and this Resolution.

(2) Upon receipt of the formal written complaint and the investigator's report, the Committee on Sexual Harassment shall schedule a public hearing on the complaint. The committee shall notify the Majority and Minority Leaders, the Speaker, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with the House Judiciary Committee counsel.

(3) At the hearing, only the members of the committee shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the committee by requesting witnesses and documents to be presented to the committee and by requesting questions that the committee may address to the witnesses.

(4) Audio recordings of the committee hearing shall be made by committee staff and shall be made available on an expedited basis to the person filing the complaint and to the person who is the subject of the complaint. No television equipment or tape recording devices other than those used for official committee recording shall be permitted at the hearing.

(5) If the person filing the complaint or the person who is the subject of the complaint disagrees with the recommendations of the Committee on Sexual Harassment, either person may request that the committee review the recommendations. The request must be made in writing within 10 days after receiving written notice of the committee's action. The committee must complete the review not later than 10 days after receiving the request.

SECTION 7. (1) (a) If, at the conclusion of the hearing, the Committee on Sexual Harassment recommends any sanction, the sanction shall be proportionate to the seriousness of the offense.

(b) For House personal staff, recommended sanctions may include reprimand, suspension or termination. Any recommended sanction against a House personal staff member shall be imposed by the supervising House Member.

(c) For House Members, recommended sanctions may include reprimand, censure or expulsion. Any recommended sanction against a House Member shall be referred to the floor after the request for review time has passed or after the review is completed for approval by a two-thirds majority vote of the House before final action is taken against a House Member.

(2) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed.

(3) The person who filed the complaint may determine that no further action is necessary, but is not precluded from pursuing other appropriate remedies, including court action.

SECTION 8. (1) Each House employee shall be given a notice of the House policy on sexual harassment stated in section 3 of this Resolution. Formal education concerning sexual harassment shall be provided to all House employees by the staff of the Legislative Administration Committee. Participation in formal education is required as a condition of employment, internship or involvement as a volunteer during a Regular Session.

(2) Each House Member shall be given a notice of the House policy stated in section 3 of this Resolution and, in the respective caucuses, each House Member shall participate in education provided by the caucuses within 15 days after the convening of each Regular Session.

(3) Notice of the House policy shall be posted in work areas.

SECTION 9. In order to provide and maintain a workplace free from sexual harassment, the House may pursue an action against an alleged harasser without the complaint of an affected person. A complaint may be filed by either the Majority or Minority Leader with the House Judiciary Committee counsel. Such a complaint shall be subject to the same procedures as are followed when a formal written complaint is filed under section 5 of this Resolution with the House Judiciary Committee counsel.

SECTION 10. If it is determined, after a hearing before the Committee on Sexual Harassment, that a complaint of sexual harassment is malicious or frivolous in nature, the person filing the complaint shall be subject to appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

SECTION 11. Retaliatory action of any kind against any person who participates in any activity authorized or directed by House Rules on sexual harassment or this Resolution as a result of a person seeking redress under the procedures specified in House Rules and this Resolution is prohibited. Retaliation shall result in appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

Minnis moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Yeas, 47, Nays, 12 - Barnhart, Bates, Hansen, Hass, King, Leonard, Merkley, Nolan, Ringo, Rosenbaum, Tomei,

Wirth; Excused, 1 - Garrard. Second Special Session Rules adopted.

Speaker announced appointment of members to the following special committees:

SPECIAL SESSION COMMITTEE ON BUDGET - Westlund, Chair; Lee, Morgan, Schrader, Shetterly.

SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Wilson, Chair; Bates, Butler, Hayden, Johnson, King, Knopp, Kruse, March.

Verger moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Second Special Session of the Seventy-first Legislative Assembly. Motion carried on viva voce vote.

Minnis moved that in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Second Special Session Rules of the House of Representatives of the Seventy-first Legislative Assembly, the requirement that on its final passage each bill shall be read section by section, is suspended for the duration of the Second Special Session of the Seventy-first Legislative Assembly, and that all bills pending before the House for final passage during this Special Session be read by title only. Motion carried on viva voce vote.

House recessed until 10:45 a.m. on motion of Jenson.

House continued in recess until 11:30 a.m.

House reconvened at 11:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 - Garrard.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Governor.

HB 4012, 4015, 5070, 5071 (First Special Session, Seventy-first Legislative Assembly) - Message from the Governor announcing he vetoed on February 19, 2002.

Vetoed HB 4012 (First Special Session, Seventy-first Legislative Assembly) - The following message from the Governor was read:

February 19, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 4012 (2002 Special Session), unsigned and disapproved.

This bill would borrow \$120 million from the Common School Fund to pay for one year of operating costs for schools at a cost of \$135.5 million. It violates the 143-year old trust for our school children established by our pioneer ancestors. I do not believe that we should use a permanent trust fund and obligate ourselves to a long-term debt to deal with a short-term problem.

Furthermore, the specific Common School Fund moneys earmarked to be borrowed do not belong to the state. According

to current law, the money from unclaimed properties – such as payroll checks, utility deposit checks and safety deposit contents – are held by the state in trust for their rightful owners. A primary purpose of the unclaimed property program is to reunite these owners with their property. If claims for the unclaimed property process that are being borrowed exceed the amount remaining in the unclaimed property deposit liability fund, then the state could be subject to a lawsuit to recover those funds. At the very least the state would need to ensure that funds are available to pay the claims.

This bill is not a good investment for the Common School Fund. First, given current market conditions, the state will likely lose money on its investments which it liquidates holding in order to make the loan, unless there is a major turnaround in the stock market over the next year. Second, the interest rate being paid on all the money used, lost or diverted from the Common School Fund is less than the fund is projected to earn over the next five years. Proponents of the bill stated that the interest rate used to determine the debt service would be 7.3 percent, equivalent to the projected rate of return for the fund. This interest rate, however, appears to apply on to the \$100 million borrowed and not for additional monies diverted during the current biennium and for any investment losses. As a result, the actual interest rate that would be paid is less than half what the fund is forecast to receive.

This bill is not a good investment for our school children. It uses a permanent trust fund that already generates money for schools to meet a short-term need. It also will result in even greater cutbacks in the next biennium when the debt service is repaid using Lottery dollars – money that is already earmarked for school and economic development.

Finally HB 4012 jeopardizes the Division of State Lands' funding needed to manage the unclaimed property program in the next biennium. Since the program operations are currently funded through the earnings, and most of the principle would be diverted for a loan, the program would need to be funded through another source, such as the General Fund. During the 2003-05 biennium, a shortfall in the operating budget for this program (\$400,000-\$1,000,000 depending on market performance) will result.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 4015 (First Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

February 19, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 4015 (2002 Special Session), unsigned and disapproved.

The bill would make changes to the statutes governing the School Improvement Fund. The Fund was established during the 2011 legislative session as a means to focus additional recourse to K-12 schools on a menu for activities directly related to improvement in student performance. The statutes governing the Fund specify various accountability measures, including a requirement that the Department of Education evaluate the annual progress of school districts in meeting performance targets established by the Quality Education Commission and funded by the Legislature. They include a provision requiring the focus of improvement for these funds for the current and the next biennium on 3rd and 5th grade reading and math benchmarks.

HB 4015 repeals the sections of the law relating to the focus of the 2001-03 and 2003-05 grant funds. It also retrospectively

allows school district to use funds already received for the 2001-02 school year (a total of \$108 million in any way they wish).

HB 4015 is not needed. The provisions in the current statutes would not be in effect if the second year funding is not available for the School Improvement Fund, so there are not "Unfunded mandates" included in the statutes. Although this bill has been portrayed as providing schools flexibility, I find it curious that the Legislature is willing to send a message that schools do not need to be accountable in a clearly-focused way for the first-year funding of \$108 million. Although the current budget shortfall may require that we slow down our efforts in improving literacy for our youngest students, I continue to believe that future investments should be targeted on early literacy as the best means of gaining long-term improvements in student performance.

HB 4015 sends the wrong message to our schools and their students about accountability, and I am not willing to support that message.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 5070 (First Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

February 19, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill 5070, unsigned and disapproved.

This bill is a companion to Senate Bill 5574. It makes General Fund and Lottery Funds adjustment to state agency budgets based on final decision by the February 2002 Special Session.

While I agree with many of the proposed reductions contained in this bill, I disagree with the legislative process used to craft these reductions.

Prior to the Special Session, I outlined two principles for the Special Session to follow in crafting a solution to the current budget deficit:

- (1) Provide for a public process to debate proposed revenue and expenditure options during the Special Session. There was no such opportunity for Oregonians to debate the program reductions contained in House Bill 5070.
- (2) Include long-term structural change in any proposed solution to address the fact that the current budget is not sustainable into the future based on a projected revenue forecast. House Bill 5070 coupled with other legislation does not adequately address the long-term structural problem in state spending.

In addition, this bill requires the Executive Branch to take across-the-board cuts and restorations for every \$100 million change in future revenue forecasts. I fundamentally disagree with this approach to balancing budgets. It precludes any decision for choices based on program priorities and long-term investments.

Finally, there are technical questions about the legality of language in the bill related to the Medicaid Upper Payment Limit (MUPL) funds and the tobacco settlement fund. There is no language that transfer these funds to an account from which dollars can be expected.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 5071 (First Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

February 19, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill 5071, unsigned and disapproved.

This bill adjusts the allocation of Lottery Funds to agencies based on the December 2001 forecast of revenues.

Prior to the Special Session, I outlined two principles that I expected the Special Session to follow in crafting a solution to the current budget deficit:

- (1) Provide for a public process to debate proposed revenue and expenditure options during the Special Session. There was no such opportunity for Oregonians to debate the program reductions contained in House Bill 5071.
- (2) Include long-term structural change in any proposed solution to address the fact that the current budget is not sustainable into the future based on a projected revenue forecast. House Bill 5071 coupled with other legislation does not adequately address the long-term structural problem in state spending.

Finally, given Oregon's economy, I disagree with the level of program reductions made in Senate Bill 5574 with respect to the Economic and Community Development Department.

Sincerely,
John A. Kitzhaber, M.D.
Governor

HJR 75 – Introduced, read and referred to the Special Session Committee on Budget.

HJR 76 – Introduced, read and referred to the Special Session Committee on Budget.

HCR 16 – Introduced, read and referred to the Special Session Committee on Public Policy.

HCR 17 – Introduced, read and referred to the Special Session Committee on Public Policy.

HB 4012, 4015, 5070, 5071 (First Special Session of the Seventy-first Legislative Assembly) – Doyle moved bills, together with the Governor's veto messages, be tabled en bloc. Motion carried on viva voce vote. Vetoed bills together with Governor's veto messages tabled.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 5080 – Read first time and referred to the Special Session Committee on Budget.

HB 5081 – Read first time and referred to the Special Session Committee on Budget.

HB 5082 – Read first time and referred to the Special Session Committee on Budget.

HB 5083 – Read first time and referred to the Special Session Committee on Budget.

HB 5084 – Read first time and referred to the Special Session Committee on Budget.

HB 4025 – Read first time and referred to the Special Session Committee on Public Policy.

HB 4026 – Read first time and referred to the Special Session Committee on Public Policy.

HB 4027 – Read first time and referred to the Special Session Committee on Public Policy.

HB 4028 – Read first time and referred to the Special Session Committee on Budget.

HB 4029 – Read first time and referred to the Special Session Committee on Budget.

HB 4030 – Read first time and referred to the Special Session Committee on Budget.

HB 4031 – Read first time and referred to the Special Session Committee on Budget.

HB 4032 – Read first time and referred to the Special Session Committee on Budget.

HB 4033 – Read first time and referred to the Special Session Committee on Budget.

HB 4034 – Read first time and referred to the Special Session Committee on Budget.

HB 4035 – Read first time and referred to the Special Session Committee on Budget.

HB 4036 – Read first time and referred to the Special Session Committee on Budget.

House recessed until 3:00 p.m. on motion of Jenson.

Monday, February 25, 2002 – Afternoon Session

House reconvened at 3:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Garrard; Excused for business of the House, 9 – Bates, Butler, Hayden, Johnson, King, Knopp, Kruse, March, Wilson.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4027 – Report by Special Session Committee on Public Policy recommending passage.

House recessed for 15 minutes on motion of Kafoury.

House continued in recess until 5:00 p.m.

House reconvened at 5:00 p.m. Doyle in Chair. All present except: Excused, 1 – Garrard.

Wilson in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4025 – Report by Special Session Committee on Public Policy recommending passage.

HB 5081 – Report by Special Session Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HB 4026 – Report by Special Session Committee on Public Policy recommending passage with amendments and be printed A-Engrossed.

HB 4028 – Report by Special Session Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HB 4029 – Report by Special Session Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HB 4030 – Report by Special Session Committee on Budget recommending passage.

HB 4036 – Report by Special Session Committee on Budget recommending passage.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Second Special Session, Seventy-First Legislative Assembly, filed on February 25, 2002 by Mitch Greenlick, Dick Jones, Dayna K. Steringer and Greg Warnock, candidates for office of State Representative.

House adjourned until 9:00 a.m., Tuesday, February 26, 2002 on motion of Jenson.

Tuesday, February 26, 2002 – Morning Session

House convened at 9:00 a.m. Speaker in Chair. All present except: Excused, 1 – Garrard; Excused for business of the House, 1 – Westlund.

Speaker Pro Tempore in Chair.

Moment of silence observed.

Message from the Senate announcing the Senate has organized and is ready for the business of the Second Special Session of the Seventy-first Legislative Assembly.

HJR 77 – Introduced, read and passed to Speaker's desk for referral.

HJR 77 – Referred from Speaker's desk to the Special Session Committee on Public Policy.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4037 – Read first time and passed to Speaker's desk for referral.

HB 4037 – Referred from Speaker's desk to the Special Session Committee on Public Policy.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5081, 4025, 4026, 4027, 4028, 4029, 4030, 4036 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4026 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4026 (A-Engrossed) – Read third time. Carried by King. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Hayden; Absent, 2 – Beck, Close; Excused, 1 – Garrard. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“This bill will promote the development of a bio-science industry center. This center, or portions of it, could be located in the southern Willamette Valley and provide well paid jobs while promoting health and the development of scientific enterprise.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4028 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4028 (A-Engrossed) – Read third time. Carried by Lee. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Hayden; Absent, 2 – Beck, Close; Excused, 1 – Garrard. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for HB 4028 because:

“This bill will have little effect on actual sales, but would allow stores, which desire to be open, more flexibility. Many businesses in Oregon are open on Sundays already. This will simply bring the OLCC stores into compliance.

“This bill does not require, nor should it require, Sunday openings.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted against HB 4028A, which deletes the requirement that Oregon Liquor Control Commission (OLCC) stores close on Sunday because it would decrease revenue to local cities.

“Due to the change in the distribution formula, local cities would not benefit from the increased sales associated with this bill. Local governments have already experienced revenue shortfalls because of Measure 5 and the recession. They should not be penalized further.”

House recessed until 1:00 p.m. on motion of Jenson.

House continued in recess until 2:00 p.m.

Tuesday, February 26, 2002 - Afternoon Session

House reconvened at 2:00 p.m. Minnis in Chair. All present except: Excused, 1 - Garrard.

Kruse in Chair.

House recessed until 3:30 p.m. on motion of Jenson.

House continued in recess until 4:00 p.m.

House reconvened at 4:00 p.m. Kruse in Chair. All present except: Excused, 1 - Garrard.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

SB 5574, 1008 - Message from the Senate announcing the Senate has laid vetoed bills (2002 First Special Session) together with the Governor's messages on the table en bloc.

HB 4028 - Message from the Senate announcing passage.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4031 - Report by Special Session Committee on Budget recommending passage.

HB 4033 - Report by Special Session Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HJR 75 - Report by Special Session Committee on Budget recommending adoption.

HB 4037 - Report by Special Session Committee on Public Policy recommending passage.

HJR 77 - Report by Special Session Committee on Public Policy recommending adoption.

HB 4035 - Report by Special Session Committee on Budget recommending passage.

Speaker Pro Tempore in Chair.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4031, 4033, 4035 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4035 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4035 - Read third time. Carried by Westlund.

Call of the House demanded by Jenson, joined by Zauner, Backlund, Merkley, Kruse and Knopp. All present except: Excused (not subject to Call), 1 - Garrard; Excused for business of the House (subject to Call), 1 - Minnis.

By unanimous consent, on request of Jenson, rules suspended to dispense with further proceedings under the Call of the House.

HB 4035 - On passage of the bill the vote was: Yeas, 45; Nays, 13 - Ackerman, Beck, Beyer, Dingfelder, Kafoury, King, Lee, Leonard, Lowe, Nolan, Rosenbaum, Walker, V., Wirth; Excused, 1 - Garrard; Excused for business of the House, 1 - Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4035 because:

"This bill represents a General Fund re-balancing bill; it will reduce administrative costs. It also affects many other aspects of state government as is a necessary element of the rebalance."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against HB 4035, which allocates funding from the sale of state assets and other resources for budget reconciliation purposes, because the bill repeals appropriations made to the Emergency Board which may be required to support schools and other needed services. Instead funding is reallocated to other programs outside the education area. In addition, public hearings and comment were not received on these adjustments. The sale of state assets should be reserved for our highest priorities, such as K-12."

HB 4030 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4030 - Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 34; Nays, 20 - Barnhart, Beck, Beyer, Devlin, Dingfelder, Hansen, Johnson, King, Knopp, Lee, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Witt; Excused, 1 - Garrard; Excused for business of the House, 5 - Hass, Kafoury, Leonard, Minnis, Speaker Simmons. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted against HB 4030 because:

"I voted for HB 4020 when it seemed that there were excess funds in the 911 account. The Governor's veto message on that bill makes it clear that all but \$7 million of the funds are needed for 911 purposes. This bill removes \$14 million. I therefore cannot support it."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against HB 4030 as the bill takes \$14 million from 9-1-1 revenue from the wireless sub-account, and credits it to the General Fund.

"With the increasing use of cellular phones, these funds are vitally necessary to protect Oregonian's safety. While I was willing to support a withdrawal of \$7 million, which would not undermine safety, removing double that amount would have an impact on 9-1-1 call centers."

HB 4036 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4036 - Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Gardner, Backlund, Williams, Butler and Wilson. All present except: Excused (not subject to Call), 1 – Garrard.

HB 4036 – On passage of the bill the vote was: Yeas, 36; Nays, 23 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V.; Excused, 1 – Garrard. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 4036 because:

“This bill is unnecessary. If the School Improvement Fund is funded in the budget, the state should require that the provision of current law be followed. Current law already provides that the school districts do not need to meet the requirements of the law if the state fails to fund the School Improvement Fund.”

Lee requested the following explanation of her vote be entered in the Journal:

“I opposed HB 4036 as it removes accountability from the state's education program.

“Specifically, the bill removes the requirements on schools to improve 3rd and 5th grade math and reading performance.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted for HB 4036, which allows school districts to use grant funds received from the School Improvement Fund for any educational purpose, because I believe it gives flexibility to our schools in meeting educational performance targets.

“I am a firm believer in holding our schools accountable and in improving literacy and math skills among Oregon's students. However, I realize our schools cannot achieve education targets without sufficient resources, and that we must fund K-12 education adequately.”

HB 4029 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4029 (A-Engrossed) – Read third time. Carried by Hayden.

Potential conflict of interest declared by Hayden.

Call of the House demanded by Patridge, joined by Hansen, March, Witt, Smith, P. and Brown, A. All present except: Excused (not subject to Call), 1 – Garrard.

HB 4029 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 24 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Monnes Anderson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth; Excused, 1 – Garrard. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 4029 because:

“I support dental care for adults as provided by this bill but I do not support the legislature's involvement in establishing the medical procedures list for the Oregon Health Plan.”

Lee requested the following explanation of her vote be entered in the Journal:

“While I am in support of the existing adult dental plan, I voted no on HB 4029 as it significantly deters from the assigned requirements of the Oregon Health Plan. It puts the legislature in the position of changing the process for determining health care priorities.

“Further, the necessary federal waivers have not been received to make the program changes this bill requires.

“As a result, we are better served by keeping our existing dental plan in place.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 4029, which modifies dental services provided under medical assistance programs for selected groups of low income Oregonians, because it treats dental services differently than all other health care and preventive services prioritized by the Oregon Health Plan.

“We already have a process for this prioritization, which is managed by the Health Services Commission. The purpose of the Commission is to evaluate all health services and then purchase those services in priority order with the funds available. Treating dental care, or asthma or diabetes or any other health need differently, erodes the effectiveness of the priority-setting process. There are so many health services that need funding. To choose one over the other is up to the Health Services Commission.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4037 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4037 – Read second time and passed to third reading.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Second Special Session, Seventy-First Legislative Assembly, filed on February 26, 2002 by Marcia L. Thompson, candidate for office of State Representative.

House adjourned until 9:00 a.m., Wednesday, February 27, 2002 on motion of Jenson.

Wednesday, February 27, 2002 – Morning Session

House convened at 9:00 a.m. Speaker in Chair. All present except: Excused, 3 – Beck, Close, Garrard.

Moment of silence observed.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4025 – Read third time. Carried by Kruse.

Wilson in Chair.

Potential conflict of interest declared by Kropf.

Speaker Pro Tempore in Chair.

Call of the House demanded by Kruse, joined by Doyle, Merkley, Gardner, Nelson and Zauner. All present except: Excused (not subject to Call), 3 – Beck, Close, Garrard; Excused for business of the House (subject to Call), 1 – Kafoury.

By unanimous consent, on request of Kruse, rules suspended to dispense with further proceedings under the Call of the House.

HB 4025 – On passage of the bill the vote was: Yeas, 34; Nays, 22 – Ackerman, Barnhart, Bates, Beyer, Brown, A., Devlin, Dingfelder, Gardner, Hansen, Hass, Jenson, King, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth; Excused, 3 – Beck, Close, Garrard; Excused for business of the House, 1 – Kafoury. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 4025 because:

“This bill looks like an improvement for farmers and farm workers, but really is not. Farmers need the capacity to raise prices when costs increase. Farm workers need to have leverage to require adequate pay and good treatment. Most farmers care deeply about their workers. A few bad apples continue to give all black eyes. Good solutions require a conversation between leaders of both groups to get a collective bargaining law which adequately protects both sides. This bill does not do that.

“It is a great step forward. With some changes it will be a good way of protecting and regularizing the relationship between farm employers and farm employees. We should look at the special provisions for farms in California and Washington as we redraft this bill.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted yes on HB 4025 because it is the first step toward providing legal protections for agricultural workers to organize. This bill will impact farm workers in every corner of the state of Oregon and will provide a legal framework for all within the agricultural industry. That legal framework will be a set of laws that impacts large organizations, unions, small growers, associations of workers, and farm workers. All workers in Oregon, and all employers, should meet each other's issues under a framework of law. This bill provides a beginning for that framework.

“The real dilemma is how to encourage cooperation among growers, workers, and organizations in order to address the real threat of loss of market – and with it, loss of food production and jobs in the state. Finding a good process to address these issues will be difficult, but this is a start. This law would provide protections to all agricultural workers whether they want to be affiliated with one organization over another. It will begin the process of protecting farm workers, which all other workers in Oregon enjoy.”

Verger requested the following explanation of her vote be entered in the Journal:

“I voted for HB 4025 extending collective bargaining rights to farm workers to move the process forward and to give farm workers some mechanism whereby they can have a voice. I see this bill as one step forward in the gaining of rights for our farm workers and hopefully better communication with their employer. I have always supported collective bargaining where it was needed. It can be effective for all involved.”

HB 4027 – Read third time. Carried by Brown, A.

Kruse in Chair.

Speaker Pro Tempore in Chair.

Call of the House demanded by Brown, A., joined by Minnis, Merkley, Hansen, Backlund and Patridge. All present except: Excused (not subject to Call), 3 – Beck, Close, Garrard; Excused for business of the House (subject to Call), 3 – Johnson, Rosenbaum, Schrader.

By unanimous consent, on request of Brown, A., rules suspended to dispense with further proceedings under the Call of the House.

HB 4027 – On passage of the bill the vote was: Yeas, 36; Nays, 18 – Barnhart, Bates, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, March, Nolan, Ringo, Tomei, Wirth, Witt; Excused, 3 – Beck, Close, Garrard; Excused for business of the House, 3 – Johnson, Rosenbaum, Schrader. Bill passed.

Beyer requested the following explanation of her vote be entered in the Journal:

“I voted against HB 4027, which authorizes the Director of the Economic and Community Development Department to designate up to 5 additional enterprise zones. I support the use of enterprise zones for economic development, this has been an extremely useful tool for the City of Springfield to keep competitive in securing new, and expanding existing businesses.

“The reason I opposed this bill at this time was, in the 2001 Legislative Session the Legislature increased the number of enterprise zones by 4 to a total of 47. How many enterprise zones we should have in Oregon has been a controversial subject in each session since 1987 when these zones were first created. Personally, I would prefer permissive legislation that allowed each city to make this decision on their own. However, given the background on this issue, I believe it is inappropriate to take the matter up in Special Session without the benefit of full disclosure and discussion. Unfortunately, the issue handled in this matter appears more as election year favoritism.”

Lee requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 4027 today because the bill creates enterprise zones in limited areas, areas already considered by the Economic and Community Development Department and denied because they did not meet the criteria established by the local communities.

“Further, additional zones will negatively impact the ability of local governments, special districts, and school districts to collect their assessments. In counties where the compression formula limits assessments, the enterprise zone “privilege” to collect property tax ahead of special districts diminishes the capability of those districts to provide the needed services both for existing customers and those in the new zones.

“The establishment of these zones will also impact revenues by approximately \$3 million in the next biennium.

“Although I support enterprise zones when established under appropriate guidelines, the Legislature should not override that process to establish special zones by caveat, especially when the cost is passed on to schools statewide and impacts local government operations.”

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Second Special Session, Seventy-First Legislative Assembly, filed on February 27, 2002 by Charles Steringer, Marcia Thompson and Greg Warnock, candidates for office of State Representative.

House recessed until 3:00 p.m. on motion of Jenson.

Wednesday, February 27 – Afternoon Session

House reconvened at 3:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Beck.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on

request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4038 – Read first time and passed to Speaker's desk for referral.

HB 4038 – Referred from Speaker's desk to the Special Session Committee on Public Policy.

House recessed for 10 minutes on motion of Kafoury.

House reconvened at 3:45 p.m. Williams in Chair. All present except: Excused, 1 – Beck.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HJR 77 – Read. Carried by Bates, Kropf.

Previous question moved by Kruse, carried.

Call of the House demanded by Kropf, joined by Jenson, Zauner, Garrard, Tomei and Gardner. All present except: Excused (not subject to Call), 3 – Beck, Carlson, Garrard; Excused for business of the House (subject to Call), 3 – Johnson, Rosenbaum, Schrader.

Speaker Pro Tempore in Chair.

HJR 77 – On adoption of the resolution the vote was: Yeas, 31; Nays, 27 – Ackerman, Barnhart, Beyer, Butler, Close, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, Krummel, Lee, March, Merkley, Minnis, Monnes Anderson, Nolan, Patridge, Ringo, Rosenbaum, Shetterly, Smith, P., Starr, Verger, Walker, V.; Excused, 2 – Beck, Carlson. Resolution adopted.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted against HJR 77 because:

"I oppose term limits. Legislator's term limits are set in the Constitution already. These limits are called elections."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against HJR 77, proposing a referral to the voters for a term limits option, as there is already a proposed initiative that voters will be addressing in the November election. The voters should submit their own initiative, reflecting their position on term limits, and make their own decision on whether or not term limits are justified.

"This is a decision for voters, not the Legislature, as my vote asserts."

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4037 – Read third time. Carried by Bates.

Call of the House demanded by Simmons, joined by Witt, Hansen, Tomei, Williams and Krummel. All present except: Excused (not subject to Call), 2 – Beck, Carlson.

HB 4037 – On passage of the bill the vote was: Yeas, 37; Nays, 21 – Barnhart, Beyer, Butler, Devlin, Dingfelder, Hass, Johnson, Kafoury, Lee, March, Merkley, Monnes Anderson, Nolan, Patridge, Ringo, Rosenbaum, Shetterly, Smith, P., Verger, Walker, V., Witt; Excused, 2 – Beck, Carlson. Bill passed.

HB 5081 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Smith, P., Zauner, Williams, Witt and Gardner. All present except: Excused (not subject to Call), 2 – Beck, Carlson.

HB 5081 (A-Engrossed) – On passage of the bill the vote was: Yeas, 56; Nays, 2 – Johnson, Lee; Excused, 2 – Beck, Carlson. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 5081 because:

"This bill puts \$40 million into the State School Fund from funds raised by the State Lottery."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against HB 5081, which reallocates funding from the Administrative Services Economic Fund for budget reconciliation purposes, for two reasons.

"First, funding agricultural programs is significant to House District 51 as that is one of our major businesses and HB 5081 cuts the Department of Agriculture budget, removing support from our local industry.

"Second, while the bill appears to add funding to the K-12 budget for schools, in the bigger picture the bill merely backfills in a different bill and does not really result in adding any money or support to the education program."

Speaker announced appointment of members to the following special committee:

SPECIAL SESSION COMMITTEE ON TAXATION – Starr, Chair; Hass, Knopp, Krummel, Lee, Smith, T., Rosenbaum, Walker, V., Wilson, Winters.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4038 – Report by Special Session Committee on Public Policy recommending passage.

House recessed until 6:30 p.m. on motion of Jenson.

Wednesday, February 27 – Evening Session

House reconvened at 6:30 p.m. Speaker Pro Tempore in Chair. All present except: Absent, 4 – Hass, King, Ringo, Zauner; Excused, 2 – Carlson, Garrard.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4024 - Read first time and referred to Special Session Committee on Taxation.

HB 4039 - Read first time and referred to Special Session Committee on Taxation.

HB 4040 - Read first time and referred to Special Session Committee on Taxation.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4038 - By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4038 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily return to the order of business of Third Reading of House Bills.

HB 4038 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4038 - Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 54; Absent, 4 - Hass, King, Ringo, Zauner; Excused, 2 - Carlson, Garrard. Bill passed.

Speaker announced appointment of members to the following special committee:

Special Session Committee on Taxation - Krummel, Lee.

HB 4025 - By unanimous consent, on request of Kafoury, rules suspended and Close allowed to be recorded as voting "aye" on passage of bill.

HB 4027 - By unanimous consent, on request of Kafoury, rules suspended and Close allowed to be recorded as voting "aye" on passage of bill.

HB 5081 (A-Engrossed) - By unanimous consent, on request of Minnis, rules suspended to permit Beyer to change her vote from "aye" to "nay" on passage of bill.

HB 5081 (A-Engrossed) - By unanimous consent, on request of Minnis, rules suspended to permit Leonard to change his vote from "aye" to "nay" on passage of bill.

HB 5081 (A-Engrossed) - By unanimous consent, on request of Minnis, rules suspended to permit Johnson to change her vote from "aye" to "nay" on passage of bill.

HB 5081 (A-Engrossed) - By unanimous consent, on request of Minnis, rules suspended to permit Lowe to change her vote from "aye" to "nay" on passage of bill.

HB 4031, 4033 - By implied consent, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Thursday's, February 28, 2002 Calendar.

HJR 75 - By implied consent, rules suspended and resolution remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Thursday's, February 28, 2002 Calendar.

House adjourned until 11:00 a.m., Thursday, February 28, 2002 on motion of Jenson.

Thursday, February 28, 2002 - Morning Session

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 - Hass.

Opening Ceremony presented by Representative Bruce Starr, District 30, Aloha.

HB 4026 - Message from the Senate announcing passage.

HB 4024 - Report by Special Session Committee on Taxation without recommendation as to passage.

HB 4039 - Report by Special Session Committee on Taxation without recommendation as to passage, with amendments and be printed engrossed.

HB 4040 - Report by Special Session Committee on Taxation without recommendation as to passage.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4024, 4039, 4040 - Read second time and passed to third reading.

House recessed for 10 minutes on motion of Kafoury.

Thursday, February 28, 2002 - Afternoon Session

House reconvened at 12:20 p.m. Wilson in Chair. All present except: Excused, 1 - Hass.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

House stood at ease.

House called to order.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HJR 75 - Read. Carried by Shetterly.

Speaker in Chair.

Call of the House demanded by Shetterly, joined by Garrard, Nelson, Brown, A., Smith, P. and Walker, C. All present except: Absent (subject to Call), 1 - Ringo; Excused (not subject to Call), 2 - Gardner, Hass.

By unanimous consent, on request of Shetterly, rules suspended to dispense with further proceedings under the Call of the House.

Oral Roll Call demanded by Witt, joined by Patridge, Morgan, Zauner, Backlund and Butler.

HJR 75 - On adoption of the resolution the vote was: Yeas, 37; Nays, 20 - Barnhart, Bates, Beck, Beyer, Dingfelder, Hansen, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Nolan, Rosenbaum, Schrader, Tomei, Walker, V., Wirth; Absent, 1 - Ringo; Excused, 2 - Gardner, Hass. Resolution failed having not received the required two-thirds constitutional majority.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted in favor of House Joint Resolution 75 because I believe that this is the best solution this legislature will pass to close the gap in our general fund budget to fund our K-12 education system.

"I originally voted for SJR 50 in the first special session, because I strongly felt that the benefits for our schools outweighed any potential flaws in the resolution. HJR 75 was designed to address those flaws, by becoming a constitutional revision rather than a constitutional amendment. HJR 75 gave us a partial solution to school funding problems by establishing a "rainy day fund" for public education.

"I am disappointed that the House let this opportunity to stabilize K-12 funding slip by. I agree with the Democratic Caucus when this was proposed as part of the Democratic budget rebalance proposal, and I still agree with it today on the floor vote today."

Lee requested the following explanation of her vote be entered in the Journal:

"I voted against this resolution for 2 reasons. First, while I voted yes for SJR 50 with an \$120 million referral, the \$200 million referral in this resolution is simply too high without looking at the total budget package. If we put all \$200 million into the school fund now, there won't be any funding available from the Education Endowment/Stability Fund when we have a \$300+ million shortfall in the 2003-05 biennium.

"Second, the Attorney General's office says it is not clear that SJR 50 can be rescinded, which would leave 2 referrals on the ballot relating to the fund.

"We need to bring this referral back to the floor with the correct amount, as part of a complete budget package, in a form the AG supports as appropriate to make the referral."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted for HJR 75, which refers to the voters a mechanism to establish an Education Stability Fund by amending the Oregon Constitution, because it would have helped K-12 education. We must have a sustainable revenue source for primary and secondary education. This resolution would have provided the means to fund public education in a way in which we are unable to do at this time."

HB 4031, 4033 - By implied consent, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Friday's, March 1, 2002 Calendar.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Second Special Session, Seventy-First Legislative Assembly, filed on February 28, 2002 by Irv Blake, Mitch Greenlick, Dick Jones, Dennis Richardson and Greg Warnock, candidates for office of State Representative.

HB 4028 - Speaker signed.

House adjourned until 9:00 a.m., Friday, March 1, 2002 on motion of Jenson.

Friday, March 1, 2002 - Morning Session

House convened at 9:00 a.m.

House stood in recess until 1:30 p.m.

Friday, March 1, 2002 - Afternoon Session

House called to order at 1:30 p.m. Knopp in Chair. All present.

Speaker Pro Tempore in Chair.

Moment of silence observed.

SB 5575, HB 5081, 4029, 4030, 4036, 4038 - Message from the Senate announcing passage.

HB 4035 - Message from the Senate announcing passage as amended by the Senate.

HB 4025 - Message from the Senate announcing passage.

HB 4028 - Message from the Senate announcing President signed on February 28, 2002.

HB 4032 - Report by Special Session Committee on Budget recommending passage with amendments and be printed engrossed.

HB 4034 - Report by Special Session Committee on Budget recommending passage with amendments and be printed engrossed.

HJR 76 - Report by Special Session Committee on Budget recommending adoption.

House recessed until 3 p.m. on motion of Minnis.

House reconvened at 3:00 p.m. Wilson in Chair. All present.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4041 - Read first time and referred to Special Session Committee on Budget.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4024 - Read third time. Carried by Starr.

Call of the House demanded by Starr, joined by Winters, Rosenbaum, Garrard, Merkley and Dingfelder. All present.

HB 4024 - On passage of the bill the vote was: Yeas, 0; Nays, 60 - Ackerman, Backlund, Barnhart, Bates, Beck,

Beyer, Brown, A., Brown, R., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner, Speaker Simmons. Bill failed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against House Bill 4024 because I believe that this bill, as written, is flawed and ill conceived.

"I believe that the Speaker and the Majority Leadership introduced this bill in an attempt to embarrass the Governor, the Minority Leadership in both Legislative houses, and several members of the Senate. This bill was hastily put together and rushed in and out of committee during a late night session, without adequate notification to the public. Then, the Speaker and the Majority Party would not support it on a floor vote. Because of this, I believe that this bill was nothing more than a sham.

"Since the start of the current budget crisis, I have received telephone calls, letters and e-mail from a vast number of people from Eugene and Junction City. Almost all have been from parents and supporters of our local public schools in Eugene, Bethel and Junction City. Most have been from registered Republicans, although Democrats and Independents have also voiced their opinion.

"With one or two exceptions, every one of them has told me to raise taxes or delay tax cuts, just don't cut funding for our schools and our children. This includes delaying Measure 88, even though some would benefit from its implementation.

"Although I would prefer to wait and see if the revenue forecast for June 2002 confirmed a further downturn in state revenues, I am willing to support a delay in Measure 88 today as long as the Legislature establishes a credible public hearing process. However, because the Speaker and the House Majority Leadership refused to allow public participation in the drafting and discussion of this legislation, I could not support it at this time."

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted against HB 4024 because:

"This bill would postpone the implementation of Measure 88. It does not fit into the budget package. No tax should be adopted or retained unless it is clear where the money will be spent and how it fits into the budget."

HB 4039 (A-Engrossed) - Read third time. Carried by Starr.

Call of the House demanded by Starr, joined by Kruse, Kropf, Hass, Smith, T. and Brown, A. All present.

HB 4039 (A-Engrossed) - On passage of the bill the vote was: Yeas, 0; Nays, 60 - Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner, Speaker Simmons. Bill failed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against HB 4039 for the same reason I voted against HB 4024. I believe that the Speaker and the Majority Party introduced this purposely flawed bill in an attempt to embarrass the Governor, the Minority Leadership in both Legislative houses, and several members of the Senate.

"As in HB 4024, this bill was flawed and ill conceived. In addition to not allowing adequate time for public testimony, this bill would penalize county and city governments by removing their percentages from the increased revenues generated from the beer and wine tax increase. Furthermore, because consumption would likely decrease because of the increased taxes, counties and cities would see an actual reduction in current revenues from existing beer and wine tax levels.

"Again, the Speaker and the Majority Leadership introduced this flawed bill with the intent of not supporting it. Therefore, I could not support this bill in its current form."

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted against HB 4039 because:

"This bill would raise taxes on beer and wine. It does not fit into the budget package. No tax should be adopted or retained unless it is clear where the money will be spent and how it fits into the budget."

HB 4040 - Read third time. Carried by Starr.

Previous question moved by Ackerman, carried.

Call of the House demanded by Starr, joined by Zauner, Smith, P., Brown, A., Hass and Tomei. All present.

HB 4040 - On passage of the bill the vote was: Yeas, 30; Nays, 30 - Backlund, Brown, A., Brown, R., Butler, Carlson, Close, Doyle, Garrard, Hayden, Jenson, Knopp, Krieger, Kropf, Krummel, Kruse, Minnis, Morgan, Nelson, Patridge, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Walker, C., Westlund, Wilson, Winters, Zauner, Speaker Simmons. Bill failed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted in favor of House Bill 4040 because I believe that this bill was the only revenue bill that had any chance of passing.

"While I believe that a certain amount of the state budget can be balanced with one-time revenues, I do not believe, as the Speaker and the Majority Leadership does, that the rest of the state budget can be balanced by borrowing from funds that will have to be paid from future general fund revenues. This is similar to using a credit card to pay off another credit card. It does not work, and I find it fiscally irresponsible.

"I believe that a 50-cent per pack increase in the cigarette tax would fill the gap between modest cuts in the state budget and one-time revenue sources. I had hoped that the Speaker and the Majority Leadership would find the courage to either pass this revenue measure, or at least refer it to the voters for approval. Sadly, that did not happen.

"The decision to back the cigarette tax was an easy one for me. The choice was between our children and a pack of cigarettes. I voted in favor of House Bill 4040 because I believe that this bill was the only revenue bill that had any chance of passing."

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 4040 because:

"This revenue increase bill is strongly supported by Oregonians and could have been the piece that completed the budget for this special session. Its failure is a major blow for our school children and the ill, infirm and disabled."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted in favor of HB 4040, which raises cigarette taxes. I support this bill because I value education, services to seniors, and OHSU. The proposed budget has cuts to these programs that are unacceptable. This bill provides a source other than borrowing and one-time revenues. Oregon is in a budget crisis and this bill attempts to move toward filling the gap to solve the budget problems.

"I also support this bill because as a nurse that sees the health problems of people who smoke, I want to discourage the use of tobacco. It has been shown that increasing the cigarette tax decreases consumption particularly among the youth. Preventing youth from starting to smoke saves lives as well as health care costs."

Patridge requested the following explanation of his vote be entered in the Journal:

"Had House Bill 4040 been part of a negotiated package budget package or been a legislative referral to the people of the State of Oregon I would have been a yes vote. It is my belief that sufficient votes exist in the House of Representatives to pass a legislative referral of the tobacco tax to ask Oregon voters to help fill much needed holes in the budget rather than use onetime revenue. By failing to negotiate a budget package and refusing the place referral of HB 4040 before the House of Representatives legislative leaders risk placing Oregon at substantial financial risk. It is my belief that with a continuing decline in revenue the Oregon legislature will again face raising tobacco taxes in the near future."

Shetterly requested the following explanation of his vote be entered in the Journal:

"I voted against HB 4040 because the revenue shortfall necessary to rebalance the budget at this time, based on the \$68 million difference between the spending level in the bipartisan Senate disappropriations bill (SB 5575) and the House revenue package, can be made up using existing revenues.

"I had anticipated that I would support HB 4040 because I understood the gap between the spending level in SB 5575 and the House revenue package would be more than \$100 million. At that level, I was prepared to support HB 4040 because the existing revenues would not have been sufficient to close the gap. When I learned before the vote on HB 4040 that the gap was \$68 million, I determined that it was not yet time to resort to a tax increase.

"I am on record as being willing to support a tax increase if it is necessary to balance the budget. Based on where we stand as of *this* day in *this* special session, I am not persuaded that it is necessary *yet* to raise the tobacco tax. At such time as we need increased revenue to avoid deeper cuts to essential programs and services I will be willing to consider them. Until then, however, I believe the more responsible strategy is to utilize existing revenues."

Verger requested the following explanation of her vote be entered in the Journal:

"I was very disappointed when HJR 75 failed: a resolution that would have created 200 million dollars for K-12; created a stabilization (rainy day) fund with a dedication of 15% of lottery funds and also refer the decision to the ballot. It was then that I decided to try to bring some revenue from some place in order to help schools and to balance the budget before our State is put on "Credit Watch." That's why I voted for HB 4040."

Williams requested the following explanation of his vote be entered in the Journal:

"I supported HB 4040 when it came to the floor for a vote for three reasons:

1. Lowering the consumption of cigarettes particularly by Oregon's youth. The damage caused by tobacco and the use of cigarettes is undisputed. The toll in human lives and the costs associated with people's addiction to the product is incalculable. There is little question that there is a sensitivity on the products use as it relates to price. Were it not so, then the industry would not spend all the energy it has lobbying against any increase in the tax. While there is some evidence that there will be an increase in illegal activity an evasion as a result of increased taxes on the product, there is strong evidence to suggest that young people's access to and ability to purchase cigarettes is very sensitive to price. Increases in the price of fifty cents per pack will affect that consumption. Studies have long indicated that if a person has not taken

up smoking by the time they reach their late teens, there are unlikely to become an addicted smoker. Increasing the price will create a further deterrence for teen smokers. In addition, while Nevada and Idaho have lower cigarette taxes than Oregon, they are not located near significant population centers. Washington and California have a higher cigarette tax than Oregon. Thus, the non-organized evasion impacts will be only minimally felt with respect to teen smokers.

2. Recapturing the resources for state expenditures on Oregon health care costs. The state of Oregon and its taxpayers have, and will in the future, spend an enormous amount of money on low income health care related to the dilatory health effects of smoking. Even with the National Tobacco Settlement, these expenditures are not being recaptured. The fifty-cent per pack increase partially recaptures those revenues now and into the future. There have been arguments made in the chamber than since more low-income Oregonians use tobacco products, the tax is unduly regressive. While the tax is technically regressive, unlike many regressive taxes, a cigarette tax is a tax of choice. Thus, when you consider that a person is not required to pay the tax, the argument that it is regressive does not stand. Those who use the produce are much more likely over time to call on state resources for their health care costs. In that way the tax is more like a "user fee." It is completely consistent with my philosophy that people should contribute to the resources they use and there is sufficient nexus to increase the cigarette tax.

3. Compromise on the state budget. We are engaged in a special session because of an almost \$850 million dollar budget deficit. Without a balanced budget, on or about March 8, 2002, the State Treasurer will be required to take actions to allow Oregon to pay its debts that may have long-term negative effects on the state's credit rating. The cost to taxpayers for a downgraded credit rating could be in the hundreds of millions of dollars over the next decade. It has been, and it remains my position, that there are non-tax revenues and cuts to resolve this problem. I do not relish the idea of raising taxes. Unfortunately, both the Governor and the legislative leadership of both parties have behaved irresponsibly in trying to resolve this disagreement. The cuts to important social programs and services have been made, while many other cuts that might more appropriately be made with less impact on Oregonians have been offered protection by legislative leadership within the budget process. Similarly, the Governor has irresponsibly refused to consider certain one-time resources to alleviate this temporary budget problem. Recognizing this fact, I believed that to bring this session to a close and to achieve an honorable compromise would require some additional revenue. To the extent that the cigarette tax revenue would assist in supplanting funds for those health and human service programs and allow some lessening in the cut to K-12 education and other essential services, it was the appropriate and reasonable solution.

"A number of my colleagues who voted "no" on this bill have expressed support for a referral of this cigarette tax to the voters. In the end, if a referral comes to a vote, I will support that action. Nevertheless, I believe that this choice was one that the legislature should have made without referral."

House stood at ease.

House called to order.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 5575 - Read first time and referred to Special Session Committee on Budget.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4032, 4034 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HJR 76 - Read. Shetterly moved resolution be rereferred to Special Session Committee on Budget. Motion carried on viva voce vote. Resolution rereferred.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4034 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4034 - Read third time. Shetterly moved bill be rereferred to Special Session Committee on Budget. Motion carried on viva voce vote. Bill rereferred.

House stood at ease.

House called to order.

Speaker in Chair.

HB 4035 - Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4035 - Speaker appointed Representatives Westlund, Chair; Schrader and Morgan House conferees.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Second Special Session, Seventy-First Legislative Assembly, filed on March 1, 2002 by Mary Gallegos, Mitch Greenlick, Rick Henson, Charles Steringer and Marcia L. Thompson, candidates for office of State Representative.

HB 4031, 4033 - By implied consent, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Saturday's, March 2, 2002 Calendar.

House adjourned until 11:00 a.m., Saturday, March 2, 2002 on motion of Jenson.

Saturday, March 2, 2002 - Morning Session

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 - Hayden.

Moment of silence observed.

HB 4035 - Message from the Senate announcing Senators Hannon, Beyer and Courtney appointed Senate conferees.

SB 5575 - Report by Special Session Committee on Budget recommending passage with amendments and be printed engrossed.

HB 4035 (A-Engrossed) - Report by Conference Committee, signed by Representatives Westlund, Chair; Morgan, Schrader and Senators Hannon, Courtney and Beyer, recommending the House concur the in Senate

amendments dated February 28, 2002, and the bill be further amended and repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4042 - Read first time and referred to Special Session Committee on Budget.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 5575 - Read second time and passed to third reading.

House stood at ease.

Speaker in Chair.

House called to order.

HB 4026 - Speaker signed.

House recessed until 4:00 p.m. on motion of Gardner.

Saturday, March 2, 2002 - Afternoon Session

House reconvened at 4:00 p.m. Jenson in Chair. All present except: Excused, 1 - Hayden.

Kruse in Chair.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4043 - Read first time and referred to Special Session Committee on Budget.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4034 (A-Engrossed) - Report by Special Session Committee on Budget recommending passage with amendments and be printed engrossed.

HB 4041 - Report by Special Session Committee on Budget recommending passage with amendments and be printed engrossed.

HB 4042 - Report by Special Session Committee on Budget recommending passage with amendments and be printed engrossed.

HJR 76 - Report by Special Session Committee on Budget recommending adoption with amendments and be printed engrossed.

House recessed for 10 minutes on motion of Kafoury.

Saturday, March 2, 2002 – Evening Session

House reconvened at 5:00 p.m. Kruse in Chair. All present except: Excused, 1 – Hayden.

Having recessed under the order of business of Propositions and Motions, the House returned temporarily to the order of business of Messages from the Senate.

HB 4026 – Message from the Senate announcing President signed.

HB 4035 – Message from the Senate announcing Conference Committee Report adopted and bill repassed.

HB 4035 (A-Engrossed) – Schrader moved House adopt Conference Committee Report. Motion carried, the vote being: Yeas, 41; Nays, 18 – Ackerman, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Kafoury, King, Lee, Leonard, Lowe, March, Nolan, Rosenbaum, Tomei, Walker, V., Wirth; Excused, 1 – Hayden. Conference Committee Report adopted.

HB 4035 (A-Engrossed) – Schrader moved House repass bill. On repassage of the bill the vote was: Yeas, 41; Nays, 17 – Ackerman, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Kafoury, King, Lee, Leonard, Lowe, Nolan, Rosenbaum, Tomei, Walker, V., Wirth; Absent, 1 – Hopson; Excused, 1 – Hayden. Bill repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4041 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HJR 76 (A-Engrossed) – Read. Carried by Shetterly.

Zauner moved the previous question. Motion failed, the vote being: Yeas, 21; Nays, 38 – Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Carlson, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Krummel, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, P., Tomei, Verger, Walker, C., Walker, V., Williams, Wirth, Witt; Excused, 1 – Hayden. Debate continued.

Previous question moved by Jenson, carried.

Call of the House demanded by Shetterly, joined by Nelson, Smith, T., Backlund, Hansen and Patridge. All present.

HJR 76 (A-Engrossed) – On adoption of the resolution the vote was: Yeas, 37; Nays, 23 – Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth. Resolution adopted.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted against House Joint Resolution 76 because I believe that this proposal depletes the Education Endowment Fund to the point where significant reserves will not be viable for at least 10 years.

“I supported SJR 50 in the last special session, because I understood that only part of the money would be used for balancing the K-12 school budget, with the remaining used to establish a rainy day fund. I supported HJR 75 during this special session, even though the amount of the money taken out of the endowment fund was significantly higher, leaving less in funds available to convert to the school rainy day fund. However, this bill crosses the line. Too much money is being taken out of this fund in order for the Speaker and the Majority Leadership to duck out from the necessary need to look at revenue enhancements. This resolution is proof of the Majority Leadership's philosophy of “Borrow and Spend” during these tough economic times.

“This is nothing more than another “Enron Solution” that I will not support.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted “yes” on HJR 76-A, which refers to the voters a mechanism to establish an Education Stability Fund by amending the Oregon Constitution to help K-12 education. We must have a sustainable revenue source for primary and secondary schools. This resolution will provide the means to fund public education in a way in which we are unable to do at this time. A key solution to the educational budget crisis is to establish a sustainable revenue source and a “rainy day” fund.

“My “yes” vote was cast with the understanding that our legislative counsel's opinion is that this resolution is constitutional.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4032 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 38; Nays, 22 – Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth. Bill passed.

HB 4034 (B-Engrossed) – Read third time. Carried by Shetterly.

Previous question moved by Smith, T., carried.

Potential conflict of interest declared by King.

Call of the House demanded by Shetterly, joined by Gardner, Winters, Williams, Nelson and Zauner. All present.

HB 4034 (B-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 25 – Ackerman, Barnhart, Bates, Beck, Beyer, Butler, Close, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth. Bill passed.

HB 4041 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4041 (A-Engrossed) – Read third time. Carried by Shetterly.

Call of the House demanded by Shetterly, joined by Hayden, Backlund, Wilson, Knopp and Morgan. All present.

HB 4041 (A-Engrossed) - On passage of the bill the vote was: Yeas, 43; Nays, 17 - Barnhart, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Lee, Leonard, March, Rosenbaum, Tomei, Walker, V., Wirth. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4042 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4042 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4042 (A-Engrossed) - Read third time. Carried by Shetterly.

Potential conflict of interest declared by King.

Previous question moved by Starr, carried.

Call of the House demanded by Shetterly, joined by Winters, Morgan, Merkley, Barnhart and March. All present except: Absent (subject to Call), 2 - Bates, Witt; Excused (not subject to Call), 1 - Beck.

By unanimous consent, on request of Shetterly, rules suspended to dispense with further proceedings under the Call of the House.

HB 4042 (A-Engrossed) - On passage of the bill the vote was: Yeas, 39; Nays, 18 - Ackerman, Barnhart, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Nolan, Rosenbaum, Tomei, Walker, V.; Absent, 2 - Bates, Witt; Excused 1 - Beck. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4043 - Report by Special Session Committee on Budget recommending passage.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4042 - By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4042 - Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4042 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4043 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4043 (B-Engrossed) - Read third time. Carried by Shetterly.

Potential conflict of interest declared by King.

Previous question moved by Starr, carried.

Call of the House demanded by Shetterly, joined by Close, Smith, T., Brown, R., Morgan and Williams. All present except: Excused (not subject to Call), 1 - Beck.

HB 4043 (B-Engrossed) - On passage of the bill the vote was: Yeas, 35; Nays, 24 - Ackerman, Barnhart, Bates, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Nolan, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth; Excused 1 - Beck. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 5575 - By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 5575 (B-Engrossed) - Read third time. Carried by Westlund.

Starr in Chair.

Kruse in Chair.

Zauner moved the previous question.

Call of the House demanded by Zauner, joined by Nelson, Winters, Butler, Morgan and Wilson. All present except: Excused (not subject to Call), 1 - Beck.

Motion to close debate failed, the vote being: Yeas, 7; Nays, 52 - Ackerman, Backlund, Barnhart, Bates, Beyer, Brown, A., Brown, R., Butler, Carlson, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Johnson, Kafoury, King, Knopp, Krieger, Kropf, Krummel, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, V., Westlund, Williams, Winters, Wirth, Witt, Speaker Simmons; Excused, 1 - Beck. Debate continued.

Call of the House demanded by Westlund, joined by Winters, Knopp, Wilson, Jenson and Hayden. All present except: Excused (not subject to Call), 1 - Beck.

SB 5575 (B-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 27 – Ackerman, Barnhart, Bates, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Witt; Excused 1 – Beck. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“Senate Bill 5575 comes down to choices. Shall we work at funding the programs that Oregonians have come to need and expect, such as education, senior and disabled services, public safety, family services, and so on? Or shall we cut these programs, letting the bloody budget axe fall where it may?”

“Senate Bill 5575 can be boiled down to two choices: cuts or kids.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted “no” on SB 5575-B. I could not support this bill because the proposed budgets for K-12, community colleges, and higher education were unacceptable. A great state comes from an excellent educational system. Our youth must be adequately prepared to enter a knowledge-based workforce. To accomplish this, our children must be provided a learning environment that promotes a well-trained individual. The cuts to education were too deep in this bill. In order to be competitive in the job market and attract and keep businesses in Oregon that pays family wage jobs, we cannot continue to cut education.

“A key solution to the educational budget crisis is to establish a sustainable revenue source and a “rainy day” fund.”

House recessed until 9:00 p.m. on motion of Jensen.

House stood in recess until 10:00 p.m.

House reconvened at 10:00 p.m. Speaker in Chair.

Call of the House demanded by March, joined by Monnes Anderson, Tomei, Krieger, Rosenbaum and Smith, P. All present except: Absent (subject to Call), 2 – King, Zauner; Excused (not subject to Call), 4 – Beck, Garrard, Hansen, Lowe.

By unanimous consent, on request of March, rules suspended to dispense with further proceedings under the Call of the House.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

HJR 76 – Message from the Senate announcing adoption.

HB 4032 – Message from the Senate announcing passage as amended by the Senate.

SB 5575 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 4041, 4042 – Message from the Senate announcing passage.

SCR 14 – Message from the Senate announcing adoption.

HB 4032 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended

by the Senate. On repassage of the bill the vote was: Yeas, 36; Nays, 18 – Barnhart, Bates, Beyer, Dingfelder, Gardner, Hass, Hopson, Johnson, Kafoury, Lee, Leonard, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth; Absent, 2 – King, Zauner; Excused, 4 – Beck, Garrard, Hansen, Lowe. Bill repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily return to the order of business of First Reading of Memorials and Resolutions.

SCR 14 – Read first time and referred to Special Session Committee on Public Policy.

HB 4035 – By unanimous consent, on request of Minnis, rules suspended and Hopson allowed be recorded as voting “nay” on passage of bill.

SCR 14 – Report by Special Session Committee on Public Policy recommending adoption with amendments and be printed engrossed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

SCR 14 – By unanimous consent, on request of Chair, rules suspended to permit second reading and final consideration immediately.

SCR 14 (A-Engrossed) – Read. Carried by Wilson. On adoption of the resolution the vote was: Yeas, 51; Nays, 3 – Barnhart, King, Merkley; Absent, 1 – Nelson; Excused, 5 – Beck, Garrard, Hansen, Lowe, Zauner. Resolution adopted.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Second Special Session, Seventy-First Legislative Assembly, filed on March 1, 2002 by Mary Gallegos, Mitch Greenlick, Rick Henson, Charles Steringer and Marcia L. Thompson, candidates for office of State Representative.

House adjourned sine die at 10:00 p.m., Saturday, March 2, 2002.

SB 5575 – Message from the Senate announcing President signed on March 2, 2002.

HJR 76, HB 5081, 4025, 4029, 4030, 4032, 4035, 4036, 4038, 4041, 4042 – Speaker signed on March 5, 2002.

SCR 14, SB 5575 – Speaker signed on March 5, 2002.

SCR 14, HJR 76, HB 5081, 4025, 4029, 4030, 4032, 4035, 4036, 4038, 4041, 4042 – Message from the Senate announcing President signed on March 5, 2002.

HB 4028 – Message from the Governor announcing he returned, unsigned, with transmittal letter on March 12, 2002.

HB 5081, 4032, 4035, 4038 – Message from the Governor announcing he signed on March 12, 2002.

HB 4029, 4030, 4041, 4042 - Message from the Governor announcing he vetoed on March 12, 2002.

**SECOND
SPECIAL SESSION**

**HOUSE MEASURES
STATUS REPORT**



HOUSE BILLS

HB 4024 By HOUSE SPECIAL SESSION COMMITTEE ON TAXATION - Relating to taxation; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.

- 2-27(H) First reading. Referred to Speaker's desk.
Referred to Taxation.
Public Hearing and Work Session held.
- 2-28 Without recommendation as to passage.
Second reading.
- 3-1 Third reading. Carried by Starr. Failed.
Ayes, 0; Nays, 60 - Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Minnis, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner, Speaker Simmons.

Vote explanations(s) filed by Ackerman, Barnhart.

Reduces, for Oregon income tax purposes, amount that may be deducted for federal taxes paid for tax years beginning on or after January 1, 2002, and before January 1, 2004.

Takes effect on 91st day following adjournment sine die.

HB 4025 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Relating to labor relations; declaring an emergency.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
- 2-27 Third reading. Carried by Kruse. Passed.
Ayes, 35; Nays, 22 - Ackerman, Barnhart, Bates, Beyer, Brown, A., Devlin, Dingfelder, Gardner, Hansen, Hass, Jenson, King, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Excused, 2 - Beck, Garrard, Excused for business of the House, 1 - Kafoury.
Vote explanations(s) filed by Barnhart, Monnes Anderson, Verger.
- 2-27(S) First reading. Referred to President's desk.
Referred to Government Affairs.
Public Hearing and Work Session held.
- 2-28 Recommendation: Do pass.
Second reading.
- 3-1 Third Reading. Carried by Ferrioli, Atkinson. Passed.
Ayes, 17; Nays, 12 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Gordly, Hannon, Morrisette, Shields, Trow, Excused, 1 - Dukes.
Beyer, Nelson, George declared potential conflict of interest.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 4-11(H) Governor vetoed.

Removes persons employed in agricultural labor from employee exemption in labor disputes. Makes provisions operative through December 30, 2003.

Declares emergency, effective on passage.

HB 4026 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Relating to economic development; declaring an emergency.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing held.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by King.
Passed.
Ayes, 56; Nays, 1 - Hayden, Absent, 1 - Beck, Excused, 2 - Close, Garrard.
Vote explanations(s) filed by Barnhart.
- 2-26(S) First reading. Referred to President's desk.
Referred to Government Affairs.
- 2-27 Public Hearing and Work Session held.
- 2-28 Recommendation: Do pass the A-Eng. bill.
Second reading.
Rules suspended. Third Reading. Carried by Minnis.
Passed.
Ayes, 25; Nays, 3 - Corcoran, Hannon, Miller, Absent, 1 - George, Excused, 1 - Burdick.
- 3-2(H) Speaker signed.
- 3-2(S) President signed.
- 3-25(H) Governor signed.
(Chapter 7, 2002 Second Special Session Laws)
Effective date, March 25, 2002.

Requires Economic and Community Development Department to deliver plan for economic stimulus to Emergency Board by April 12, 2002.

Creates Bioscience Task Force to identify and study opportunities for promoting private development of bioscience industry within state. Authorizes task force to propose legislation. Specifies deadline for preparation of task force proposals.

Declares emergency, effective on passage.

HB 4027 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Relating to enterprise zones; prescribing an effective date.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
- 2-27 Third reading. Carried by Brown, A. Passed.
Ayes, 37; Nays, 18 - Barnhart, Bates, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, March, Nolan, Ringo, Tomei, Wirth, Witt, Excused, 2 - Beck, Garrard, Excused for business of the House, 3 - Johnson, Rosenbaum, Schrader.
Vote explanations(s) filed by Lee.
- 2-27(S) First reading. Referred to President's desk.
Referred to Government Affairs.
- 3-2 In committee upon adjournment.

Authorizes Director of Economic and Community Development Department to create up to five additional enterprise zones.

Takes effect on 91st day following adjournment sine die.

HB 4028 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to stores operated by Oregon Liquor Control Commission; declaring an emergency.

- 2-25(H) First reading. Referred to Speaker's desk.

- Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by Lee.
Passed.
Ayes, 42; Nays, 15, Backlund, Butler, Hansen, Kruse, Monnes Anderson, Merkley, Nelson, Nolan, Ringo, Smith, P., Verger, Williams, Wilson, Wirth, Zauner, Absent, 1 - Beck, Excused, 2 - Close, Garrard.
Vote explanations(s) filed by Barnhart, Monnes Anderson.
- 2-26(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 21; Nays, 6 - Carter, Castillo, Corcoran, Dukes, Shields, Yih, Attending Legislative Business, 3 - Beyer, Brown, Gordly.
- 2-28(H) Speaker signed.
- 2-28(S) President signed.
- 3-12(H) Filed with Secretary of State without Governor's signature.
(Chapter 1, 2002 Second Special Session Laws)
Effective date, March 12, 2002.
- Allows liquor stores operated by Oregon Liquor Control Commission to open for business on Sundays. Provides that first \$3 million in excess of \$185,213,000 collected in 2001-2003 biennium from revenues other than taxes be deposited in General Fund instead of being distributed pursuant to statutory formula.
Declares emergency, effective on passage.
- HB 4029 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to medical assistance; declaring an emergency.**
- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by Hayden.
Passed.
Ayes, 35; Nays, 24, Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth, Excused, 1-Garrard.
Vote explanations(s) filed by Barnhart, Lee, Monnes Anderson.
Potential conflict(s) of interest declared by Hayden.
- 2-26(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-28 Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 19; Nays, 10 - Carter, Castillo, Corcoran, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Yih, Excused, 1 - Burdick.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor vetoed.
Limits dental benefits provided under medical assistance program for certain individuals.
Declares emergency, effective on passage.
- HB 4030 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to 9-1-1 telecommunications tax; appropriating money; prescribing an effective date.**
- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by Patridge.
Passed.
Ayes, 34; Nays, 20 - Barnhart, Beck, Beyer, Devlin, Dingfelder, Hansen, Johnson, King, Knopp, Lee, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Witt, Excused, 1 - Garrard, Excused for business of the House, 5 - Hass, Kafoury, Leonard, Minnis, Speaker Simmons.
Vote explanations(s) filed by Barnhart, Lee.
- 2-26(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-28 Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Beyer.
Passed.
Ayes, 17; Nays, 12 - Carter, Castillo, Corcoran, Deckert, Dukes, George, Gordly, Metsger, Miller, Morrisette, Shields, Yih, Excused, 1 - Burdick.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor vetoed.
Expands purposes for which moneys in Emergency Communications Account and subaccounts may be used.
Takes effect on 91st day following adjournment sine die.
- HB 4031 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to elections; declaring an emergency.**
- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
- 2-27 Taken from today's Calendar and placed in proper order on Thursday, February 28 Calendar.
- 2-28 Rules suspended. Taken from today's Calendar and placed in proper order on Friday, March 1 Calendar.
- 3-1 Taken from today's Calendar and placed in proper order on Saturday, March 2 Calendar.
- 3-2 At Desk upon adjournment.
Sets procedures for preparation of ballot title, financial estimates and explanatory statement for House Joint Resolution 75 (2002 second special session).
Declares emergency, effective on passage.
- HB 4032 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to elections; declaring an emergency.**
- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
- 2-28 Public Hearing and Work Session held.

- 3-1 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
- 3-2 Third reading. Carried by Shetterly. Passed.
Ayes, 38; Nays, 22 - Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth.
- 3-2(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Beyer. Passed.
Ayes, 16; Nays, 13 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Excused, 1 - Yih.
- 3-2(H) House concurred in Senate amendments and repassed measure.
Ayes, 36; Nays, 18 - Barnhart, Bates, Beyer, Dingfelder, Gardner, Hass, Hopson, Johnson, Kafoury, Lee, Leonard, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth, Absent, 1 - King, Excused, 5 - Beck, Garrard, Hansen, Lowe, Zauner.
- 3-5 Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor signed.
(Chapter 3, 2002 Second Special Session Laws)
Effective date, March 12, 2002.

Sets procedures for preparation of ballot title, financial estimate and explanatory statement for House Joint Resolution 76 (2002 second special session).
Declares emergency, effective on passage.

HB 4033 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to revenue bonds for State School Fund; appropriating money; declaring an emergency.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
- 2-26 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
- 2-27 Taken from today's Calendar and placed in proper order on Thursday, February 28 Calendar.
- 2-28 Rules suspended. Taken from today's Calendar and placed in proper order on Friday, March 1 Calendar.
- 3-1 Taken from today's Calendar and placed in proper order on Saturday, March 2 Calendar.
- 3-2 At Desk upon adjournment.

Authorizes State Treasurer to issue revenue bonds to be paid from moneys received under tobacco Master Settlement Agreement. Specifies that bond proceeds are to be used for purposes for which moneys in State School Fund may be used. Authorizes transfer of net bond proceeds to State School Fund.
Repeals authority to issue revenue bonds if House Joint Resolution 75 (2002 second special session) is approved by people.
Declares emergency, effective on passage.

HB 4034 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to revenue bonds for State

- School Fund; appropriating money; declaring an emergency.**
- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
- 2-28 Public Hearing and Work Session held.
- 3-1 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading.
Motion to rerefer to Budget carried. Rereferred.
- 3-2 Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed B-Engrossed.
Read. Carried by Shetterly. Passed.
Ayes, 35; Nays, 25 - Ackerman, Barnhart, Bates, Beck, Beyer, Butler, Close, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth.
Potential conflict(s) of interest declared by King.
- 3-2(S) First reading. Referred to President's desk.
At Desk upon adjournment.

Authorizes State Treasurer to issue revenue bonds to be paid from moneys received under tobacco Master Settlement Agreement. Specifies that bond proceeds are to be used for purposes for which moneys in State School Fund may be used. Authorizes transfer of net bond proceeds to State School Fund.
Repeals authority to issue revenue bonds if House Joint Resolution 76 (2002 second special session) is approved by people.
Declares emergency, effective on passage.

HB 4035 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to state finance; declaring an emergency.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
- 2-26 Recommendation: Do pass.
Second reading.
Rules suspended. Third reading. Carried by Westlund. Passed.
Ayes, 45; Nays, 13 - Ackerman, Beck, Beyer, Dingfelder, Kafoury, King, Lee, Leonard, Lowe, Nolan, Rosenbaum, Walker, V., Wirth, Excused, 1 - Garrard, Excused for business of the House, 1 - Minnis.
Vote explanations(s) filed by Barnhart, Lee.
- 2-26(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-28 Public Hearing and Work Session held.
Recommendation: Do pass with amendments. (Printed A-Eng.)
(Amendments distributed.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Minnis. Passed.
Ayes, 21; Nays, 8, Carter, Castillo, Corcoran, Dukes, Gordly, Morrisette, Shields, Starr, Excused, 1 - Burdick.
- 3-1(H) House refused to concur in Senate amendments.
Representatives Westlund, Schrader, Morgan appointed House Conferees.
- 3-2(S) Senators Hannon, Beyer, Courtney appointed Senate conferees.
- 3-2(H) Conference Committee recommendation: The House concur in Senate amendments dated February 28 and bill be further amended and repassed.

- 3-2(S) Conference Committee Recommendation: House concur in Senate amendments dated 02-28 and A-Eng. bill be further amended and repassed.
(Amendments distributed.)
Senate adopted Conference Committee Report and repassed bill.
Ayes, 20; Nays, 4 - Burdick, Corcoran, Gordly, Shields, Excused, 6-Deckert, Dukes, George, Miller, Morrisette, Yih.
- 3-2(H) House adopted Conference Committee Report.
Ayes, 41; Nays, 18 - Ackerman, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Kafoury, King, Lee, Leonard, Lowe, March, Nolan, Rosenbaum, Tomei, Walker, V., Wirth, Excused, 1 - Hayden.
Repassed.
Ayes, 41; Nays, 18 - Ackerman, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Kafoury, King, Lee, Leonard, Lowe, Nolan, Rosenbaum, Tomei, Walker, V., Wirth, Excused, 1 - Hayden.
- 3-5 Speaker signed.
3-5(S) President signed.
3-12(H) Governor signed.
(Chapter 4, 2002 Second Special Session Laws)
Effective date, March 12, 2002.
- Reallocates net income and net proceeds from Space Age Industrial Park. Reduces maximum amount of allocation from Administrative Services Economic Development Fund to County Fair Account. Expands purposes for which moneys in Workers' Benefit Fund may be expended. [*Reduces maximum limit for transfer of moneys by*] **Requires** Oregon Department of Administrative Services **to transfer \$7.5 million from Medicaid Upper Payment Limit Account** to Oregon Rural Health Association. Transfers \$1 million from Law Enforcement Medical Liability Account to Department of Human Services Account. Transfers \$2.5 million from Oregon JOBS Individual Education Account to Department of Human Services Account. Repeals appropriation to Emergency Board for allocation to Secretary of State for development and implementation of centralized voter registration system. Reduces minimum level of expenditures on commuter rail project needed for Washington County to avoid refund of state funds. Transfers \$3 million from Housing Finance Fund to Emergency Housing Account in Oregon Housing Fund. Repeals appropriation to Office of Governor. Repeals appropriation to Emergency Board for allocation to Office of Governor for administration of Post-Secondary Education Opportunity Commission. Authorizes Department of Human Services to distribute up to \$1.1 million for workers' compensation self-insurance pool for rehabilitation facilities. Transfers \$1,221,428 from Department of Justice Operating Account to General Fund.
Declares emergency, effective on passage.
- HB 4036 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to School Improvement Fund; declaring an emergency.**
- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by Morgan.
Passed.
Ayes, 36; Nays, 23 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V.; Excused, 1 - Garrard.
Vote explanations(s) filed by Barnhart, Lee, Monnes Anderson.
- 2-26(S) First reading. Referred to President's desk.
- Referred to Budget and Finance.
2-28 Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Clarno.
Passed.
Ayes, 16; Nays, 13 - Brown, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Yih, Excused, 1 - Burdick.
- 3-5(H) Speaker signed.
3-5(S) President signed.
3-25(H) Governor vetoed.
- Allows school districts and programs that receive grant funds to use funds for any educational purpose.
Declares emergency, effective on passage.
- HB 4037 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Relating to elections; declaring an emergency.**
- 2-26(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
2-27 Third reading. Carried by Bates. Passed.
Ayes, 37; Nays, 21 - Barnhart, Beyer, Butler, Devlin, Dingfelder, Hass, Johnson, Kafoury, Lee, Monnes Anderson, March, Merkley, Nolan, Patridge, Ringo, Rosenbaum, Shetterly, Smith, P., Verger, Walker, V., Witt, Excused, 2 - Beck, Carlson.
- 2-28(S) First reading. Referred to President's desk.
3-2 At Desk upon adjournment.
- Specifies ballot title for House Joint Resolution 77 (2002 second special session).
Declares emergency, effective on passage.
- HB 4038 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Relating to elections; declaring an emergency.**
- 2-27(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Butler.
Passed.
Ayes, 54 -Absent, 4-Hass, King, Ringo, Zauner, Excused, 2-Carlson, Garrard.
- 2-28(S) First reading. Referred to President's desk.
Referred to Government Affairs.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Ferrioli.
Passed.
Ayes, 29 -Excused, 1-Burdick.
- 3-5(H) Speaker signed.
3-5(S) President signed.
3-12(H) Governor signed.
(Chapter 5, 2002 Second Special Session Laws)
Effective date, March 12, 2002.
- Specifies ballot title for Senate Joint Resolution 17 (2001).
Declares emergency, effective on passage.
- HB 4039 By HOUSE SPECIAL SESSION COMMITTEE ON TAXATION - Relating to taxation; prescribing an**

- effective date; providing for revenue raising that requires approval by a three-fifths majority.**
- 2-27(H) First reading. Referred to Speaker's desk.
Referred to Taxation.
Public Hearing and Work Session held.
- 2-28 Without recommendation as to passage, with amendments and be printed A-Engrossed.
Second reading.
- 3-1 Third reading. Carried by Starr. Failed.
Ayes, 0; Nays, 60 - Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Minnis, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner, Speaker Simmons.
Vote explanations(s) filed by Ackerman, Barnhart.
- Increases privilege tax on wines and malt beverages. Exempts small manufacturers of malt beverages from tax. Exempts manufacturers of cider from tax. Applies to tax reporting periods beginning on or after effective date of Act. Distributes tax moneys to General Fund.
Takes effect on 91st day following adjournment sine die.
- HB 4040 By HOUSE SPECIAL SESSION COMMITTEE ON TAXATION - Relating to cigarette taxes; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.**
- 2-27(H) First reading. Referred to Speaker's desk.
Referred to Taxation.
Public Hearing and Work Session held.
- 2-28 Without recommendation as to passage.
Second reading.
- 3-1 Third reading. Carried by Starr. Failed.
Ayes, 30; Nays, 30 - Backlund, Brown, A., Brown, R., Butler, Carlson, Close, Doyle, Garrard, Hayden, Jenson, Knopp, Krieger, Kropf, Krummel, Kruse, Minnis, Morgan, Nelson, Patridge, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Walker, C., Westlund, Wilson, Winters, Zauner, Speaker Simmons.
Vote explanations(s) filed by Ackerman, Barnhart, Monnes Anderson, Patridge, Shetterly, Verger, Williams.
- Increases cigarette tax. Applies increase to cigarettes distributed on or after June 1, 2002, and to existing inventories of cigarettes not yet acquired by consumers as of June 1, 2002. Credits new cigarette tax revenues to General Fund. Increases compensation paid to distributors for purchasing Oregon tax stamps.
Takes effect on 91st day following adjournment sine die.
- HB 4041 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to elections; declaring an emergency.**
- 3-1(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing held.
- 3-2 Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
- Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 43; Nays, 17 - Barnhart, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Lee, Leonard, March, Rosenbaum, Tomei, Walker, V., Wirth.
- 3-2(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 17; Nays, 12 - Brown, Burdick, Carter, Castillo, Corcoran, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Excused, 1 - Yih.
- 3-5(H) Speaker signed.
3-5(S) President signed.
3-12(H) Governor vetoed.
- Specifies ballot title for House Joint Resolution 76 (2002 second special session).
Declares emergency, effective on passage.
- HB 4042 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to elections; declaring an emergency.**
- 3-2(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 39; Nays, 18, Ackerman, Barnhart, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Nolan, Rosenbaum, Tomei, Walker, V., Absent, 2 - Bates, Witt, Excused, 1-Beck.
Potential conflict(s) of interest declared by King.
- 3-2(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 24; Nays, 5 - Carter, Corcoran, Gordly, Shields, Trow, Excused, 1 - Yih.
- 3-5(H) Speaker signed.
3-5(S) President signed.
3-12(H) Governor vetoed.
- Specifies ballot title for Senate Joint Resolution 50 (2002).
Declares emergency, effective on passage.
- HB 4043 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to revenue bonds for State School Fund; appropriating money; declaring an emergency.**
- 3-2(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.

Ayes, 35; Nays, 24 - Ackerman, Barnhart, Bates, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth, Excused, 1 - Beck.

Potential conflict(s) of interest declared by King.

3-2(S) First reading. Referred to President's desk.
At Desk upon adjournment.

Authorizes State Treasurer to issue revenue bonds to be paid from moneys received under tobacco Master Settlement Agreement. Specifies that bond proceeds are to be used for purposes for which moneys in State School Fund may be used. Authorizes transfer of net bond proceeds to State School Fund.

Repeals Enrolled House Bill 4034 (2002 second special session) if House Joint Resolution 76 (2002 second special session) is not approved by people and Senate Joint Resolution 50 (2002) is approved by the people.

Declares emergency, effective on passage.

HB 5080 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to state financial administration; appropriating money; declaring an emergency.

2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.

3-2 In committee upon adjournment.

Adjusts appropriations and expenditure limitations for state agencies.

Requires Oregon Department of Administrative Services to modify allotments under specified circumstances.

Declares emergency, effective on passage.

HB 5081 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to state financial administration; appropriating money; declaring an emergency.

2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.

2-26 Second reading.

2-27 Third reading. Carried by Morgan. Passed.
Ayes, 54; Nays, 4 - Beyer, Lee, Leonard, Lowe, Excused, 2 - Beck, Carlson.

Vote explanations(s) filed by Barnhart, Lee.
2-28(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Trow.
Passed.

Ayes, 28; Nays, 1 - Morrisette, Excused, 1 - Burdick.

3-5(H) Speaker signed.

3-5(S) President signed.

3-12(H) Governor signed.
(Chapter 6, 2002 Second Special Session Laws)
Effective date, March 12, 2002.

Adjusts allocations from Administrative Services Economic Development Fund to certain agencies for biennium ending June 30, 2003.

Adjusts authorized Administrative Services Economic Development Fund expenditure limitations for certain agencies for fiscal years beginning July 1, 2001, and July 1, 2002, and for biennium ending June 30, 2003.

Transfers moneys from Problem Gambling Treatment Fund to Administrative Services Economic Development Fund.

Subjects affected agencies to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5082 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to state financial administration; appropriating money; declaring an emergency.

2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.

3-2 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5083 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to state financial administration; appropriating money; declaring an emergency.

2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.

3-2 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HB 5084 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Relating to state financial administration; appropriating money; declaring an emergency.

2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.

3-2 In committee upon adjournment.

Appropriates moneys from General Fund to _____ for biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, excluding lottery funds and federal funds, collected or received by _____.

Limits biennial expenditures of _____ from federal funds.

Subjects _____ to Oregon Department of Administrative Services allotment process.

Declares emergency, effective on passage.

HOUSE CONCURRENT RESOLUTIONS

HCR 16 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Adjourning sine die second special session of Seventy-first Legislative Assembly.

2-25(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.

3-2 In committee upon adjournment.

Adjourns sine die second special session of Seventy-first Legislative Assembly.

HCR 17 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Recessing second special session of Seventy-first Legislative Assembly.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
- 3-2 In committee upon adjournment.
- Recesses second special session of Seventy-first Legislative Assembly.

Recommendation: Do adopt the A-Eng. Joint Resolution.

Rules suspended. Second reading.
Rules suspended. Final reading. Carried by Hannon.
Adopted.

Ayes, 16; Nays, 13 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Excused, 1 - Yih.

- 3-5(H) Speaker signed.
3-5(S) President signed.
3-5(H) Filed with Secretary of State.

Rescinds Senate Joint Resolution 50 (2002).

Proposes amendment to Oregon Constitution to change education endowment fund to education stability fund and specifies conditions under which moneys may be appropriated from principal of fund. Provides for transfer of [\$200] \$220 million from education stability fund to State School Fund.

Makes amendment operative on April 30, 2003.

Specifies that amendment proposed under House Joint Resolution 76 (2002 second special session) will be effective in lieu of amendment proposed under Senate Joint Resolution 50 (2002) if both proposed amendments are approved by people.

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary election.

HOUSE JOINT RESOLUTIONS

HJR 75 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Proposing revision to Oregon Constitution relating to education endowment fund.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
- 2-26 Recommendation: Be adopted.
- 2-27 Taken from today's Calendar and placed in proper order on Thursday, February 28 Calendar.
- 2-28 Read. Carried by Shetterly. Failed having not received the required two-thirds constitutional majority.
Ayes, 37; Nays, 20 - Barnhart, Bates, Beck, Beyer, Dingfelder, Hansen, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Nolan, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Absent, 1 - Ringo, Excused, 2 - Gardner, Hass.
Vote explanations(s) filed by Ackerman, Barnhart, Lee, Monnes Anderson.

Rescinds Senate Joint Resolution 50 (2002).

Proposes revision to Oregon Constitution to change education endowment fund to Education Stability Fund and specifies conditions under which moneys may be appropriated from principal of fund.

Makes revision operative on July 1, 2003.

Provides for transfer of \$200 million from education endowment fund to State School Fund on May 1, 2003.

Refers proposed revision to people for their approval or rejection at next primary election.

HJR 77 By HOUSE SPECIAL SESSION COMMITTEE ON PUBLIC POLICY - Proposing amendment to Oregon Constitution relating to term limits.

- 2-26(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing and Work Session held.
Recommendation: Be adopted.
- 2-27 Third reading. Carried by Bates. Passed.
Ayes, 31; Nays, 27 - Ackerman, Barnhart, Beyer, Butler, Close, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, Krummel, Lee, Monnes Anderson, March, Merkley, Minnis, Nolan, Patridge, Ringo, Rosenbaum, Shetterly, Smith, P., Starr, Verger, Walker, V., Excused, 2 - Beck, Carlson.
Vote explanation(s) filed by Lee.
- 2-28(S) First reading. Referred to President's desk.
- 3-2 At Desk upon adjournment.

Proposes amendment to Oregon Constitution to limit service in Legislative Assembly to 12 years in person's lifetime. Applies to terms of office beginning after effective date of amendment and to persons filling vacancies in office after effective date of amendment. Specifies that service to fill vacancy in legislative office counts for purposes of limits.

Refers proposed amendment to people for their approval or rejection at next general election.

HJR 76 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET - Proposing amendment to Oregon Constitution relating to education endowment fund.

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
- 2-28 Public Hearing and Work Session held.
- 3-1 Recommendation: Be adopted.
Read.
Motion to rerefer to Budget carried. Rereferred.
- 3-2 Public Hearing and Work Session held.
Recommendation: Be adopted with amendments and be printed A-Engrossed.
Read. Carried by Shetterly. Adopted.
Ayes, 37; Nays, 23 - Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Tomei, Walker, V., Wirth.
Vote explanations(s) filed by Ackerman, Monnes Anderson.
- 3-2(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing and Work Session held.

**SECOND
SPECIAL SESSION**

**SENATE MEASURES
STATUS REPORT**



SENATE BILLS

SB 5575 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS – Relating to state financial administration; appropriating money; declaring an emergency.

- 2-26(S) Introduction and first reading. Referred to President's desk.
Referred to Budget and Finance.
Public Hearing held.
- 2-28 Public Hearing and Work Session held.
Recommendation: Do pass with amendments. (Printed A-Eng.)
(Amendments distributed.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon. Passed.
Ayes, 16; Nays, 13 - Castillo, Corcoran, Duncan, Fisher, George, Gordly, Harper, Hartung, Metsger, Miller, Morrisette, Nelson, Starr, Excused, 1 - Burdick.
- 3-1(H) Yih entered vote explanation(s) into journal.
First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
- 3-2 Recommendation: Do pass with amendments and be printed B-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Westlund. Passed.
Ayes, 32; Nays, 27 - Ackerman, Barnhart, Bates, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Witt, Excused, 1 - Beck.
Vote explanation(s) filed by Ackerman, Monnes Anderson.
- 3-2(S) Rules suspended. Senate concurred in House amendments and repassed bill.
Ayes, 16; Nays, 12 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Absent, 1 - Deckert, Excused, 1 - Yih.
- 3-5 President signed.
- 3-5(H) Speaker signed.
- 3-12(S) Governor signed with line-item veto. (See message from Governor in Senate Journal March 12, 2002)
Chapter 2, 2002 Second Special Session Laws.
Effective date, March 12, 2002.

Adjusts appropriations and expenditure limitations for state agencies.
Declares emergency, effective on passage.

- 3-2 Referred to Government Affairs.
Work Session scheduled.
Recommendation: Be adopted with amendments. (Printed A-Eng.)
Rules Suspended. Resolution read in its entirety. Adopted.
Ayes, 16; Nays, 13 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Excused, 1 - Yih.
- 3-2(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Work Session held.
Recommendation: Be adopted with amendments and be printed A-Engrossed.
Read. Carried by Wilson. Adopted.
Ayes, 51; Nays, 3 - Barnhart, King, Merkley, Absent, 1 - Nelson, Excused, 5 - Beck, Garrard, Hansen, Lowe, Zauner.
- 3-5(S) President signed.
- 3-5(H) Speaker signed.
- 3-5(S) Filed With Secretary of State.

Adjourns second special session of Seventy-first Legislative Assembly.

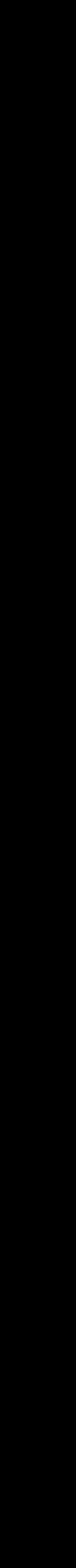
SENATE CONCURRENT RESOLUTIONS

SCR 14 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS – Adjourning second special session of Seventy-first Legislative Assembly.

- 2-26(S) Introduction and first reading. Referred to President's desk.

**VETOED
HOUSE BILLS
STATUS REPORT**

2002 First Special Session



HOUSE BILLS

Vetoed by Governor After Adjournment 2002 First Special Session

HB 4012 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state finance; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk. Referred to Budget Reconciliation. Work Session held. Recommendation: Do pass. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Shetterly. Passed.

Ayes, 33; Nays - 26, Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Verger, Walker, V., Wirth, Excused, 1 - Tomei.

Vote explanation(s) filed by Barnhart, Monnes Anderson, Verger entered in Journal.

2-8(S) First reading. Referred to President's desk. Referred to Budget and Finance.

2-10 Public Hearing and Work Session held. Work Session held. Recommendation: Do pass with amendments. (Printed A-Eng.) (Amendments distributed.) Rules suspended. Second reading. Rules suspended. Third Reading. Carried by Beyer. Passed.

Ayes, 20; Nays - 10, Burdick, Carter, Corcoran, Deckert, Dukes, Gordly, Miller, Shields, Trow, Yih.

2-10(H) House concurred in Senate amendments and repassed measure.

Ayes, 34; Nays - 26, Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth.

Vote explanation(s) filed by Barnhart, Monnes Anderson entered in Journal.

2-11 Speaker signed.

2-12(S) President signed.

2-19(H) Governor vetoed.

2-25 Governor's message read in House.

Motion to lay bill, together with Governor's veto message, on the table carried.

Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Requires State Treasurer to transfer \$100 million from specific moneys in Common School Fund to Distributable Income Account for distribution to schools. Provides for repayment, with interest, from lottery moneys. Requires proceeds of unclaimed property to be deposited into State School Fund until July 1, 2003.

Establishes Economic Security Fund. Requires transfer to Economic Security Fund of 25 percent of amount by which General Fund revenues for 2001-2003 biennium exceed November 2001 estimated General Fund revenues. Specifies conditions under which moneys may be appropriated from Economic Security Fund.

Becomes operative only if people do not approve Senate Joint Resolution 50 (2002) at special election held on same date as primary election.

Declares emergency, effective on passage.

HB 4014 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state finance; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

Work Session held.

2-9 Recommendation: Do pass with amendments and be printed A-Engrossed.

Second reading.

Rules suspended. Third reading. Carried by Westlund. Passed.

Ayes, 51; Nays - 8, Ackerman, Beck, Beyer, Dingfelder, Kafoury, Lee, Leonard, Lowe, Excused, 1 - Hayden.

Vote explanation(s) filed by Barnhart, Lee entered in Journal.

2-9(S) First reading. Referred to President's desk.

2-10 Referred to Budget and Finance.

Public Hearing and Work Session held.

Recommendation: Do pass the A-Eng. bill.

Rules suspended. Second reading.

Rules suspended. Third Reading. Carried by Hannon. Passed.

Ayes, 16; Nays - 14, Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Yih.

2-11(H) Speaker signed.

2-12(S) President signed.

2-26(H) Governor vetoed.

2-25 Governor's message read in House.

Motion to lay bill, together with Governor's veto message, on the table carried.

Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Reallocates net income and net proceeds from Space Age Industrial Park. Reduces maximum amount of allocation from Administrative Services Economic Development Fund to County Fair Account. Expands purposes for which moneys in Workers' Benefit Fund may be expended. Reduces maximum limit for transfer of moneys by Oregon Department of Administrative Services to Oregon Rural Health Association. Transfers \$1 million from Law Enforcement Medical Liability Account to Department of Human Services Account. Transfers \$2.5 million from Oregon JOBS Individual Education Account to Department of Human Services Account. Repeals appropriation to Emergency Board for allocation to Secretary of State for development and implementation of centralized voter registration system. **Reduces minimum level of expenditures on commuter rail project needed for Washington County to avoid refund of state funds. Transfers \$3 million from Housing Finance Fund to Emergency Housing Account in Oregon Housing Fund.** Repeals appropriation to Office of Governor. Repeals appropriation to Emergency Board for allocation to Office of Governor for administration of Post-Secondary Education Opportunity Commission. Authorizes Department of Human Services to distribute up to \$1.1 million for workers' compensation self-insurance pool for rehabilitation facilities.

Declares emergency, effective on passage.

HB 4015 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to School Improvement Fund; declaring an emergency.

2-8(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

- 2-9 Work Session held.
Recommendation: Do pass.
Second reading.
Rules suspended. Third reading.
Motion to rerefer to Budget Reconciliation carried.
Rereferred.
- 2-10 Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Read. Carried by Morgan. Passed.
Ayes, 35; Nays - 25, Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Witt.
Vote explanation(s) filed by Monnes Anderson entered in Journal.
- 2-10(S) Introduction and first reading. Referred to President's desk.
Referred to Budget and Finance.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Courtney. Passed.
Ayes, 19; Nays - 11, Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Gordly, Morrisette, Shields, Trow.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.
- 2-25 Governor's message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Allows school districts and programs that receive grant funds to use funds for any educational purpose.
[Repeals School Improvement Fund and related grant program on July 1, 2002.]
Declares emergency, effective on passage.

HB 4020 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to 9-1-1 telecommunications tax; appropriating money; prescribing an effective date.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass.
Second reading.
Rules suspended. Third reading. Carried by Hill. Passed.
Ayes, 52; Nays - 5, Johnson, Knopp, Lowe, Nolan, Witt, Excused, 1 - Hayden, Excused for business of the House, 2 - Minnis, Speaker Simmons.
Vote explanation(s) filed by Barnhart entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Beyer. Passed.
Ayes, 16; Nays - 14, Burdick, Carter, Castillo, Corcoran, Deckert, Dukes, George, Gordly, Metsger, Miller, Morrisette, Shields, Trow, Yih.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-26(H) Governor vetoed.

- 2-25 Governor's message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.
Expands purposes for which moneys in Emergency Communications Account and subaccounts may be used.
Takes effect on 91st day following adjournment sine die.

HB 5070 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Westlund. Passed.
Ayes, 32; Nays - 27, Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Patridge, Ringo, Rosenbaum, Walker, V., Wirth, Witt, Excused, 1 - Tomei.
Potential conflict(s) of interest declared by Lowe.
Vote explanation(s) filed by Barnhart, Lee, Monnes Anderson, Verger entered in Journal.
- 2-8(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-10 Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon. Passed.
Ayes, 16; Nays - 12, Brown, Burdick, Castillo, Corcoran, Courtney, Deckert, Dukes, Metsger, Morrisette, Shields, Trow, Yih, Excused, 2 - Carter, Gordly.
- 2-11(H) House concurred in Senate amendments and repassed measure.
Ayes, 34; Nays - 26, Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth.
Vote explanation(s) filed by Ackerman, Barnhart, Monnes Anderson entered in Journal.
Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.
- 2-25 Governor's message read in House.
Motion to lay bill, together with Governor's veto message, on the table carried.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.
Adjusts appropriations and expenditure limitations for state agencies.
Requires Oregon Department of Administrative Services to modify allotments under specified circumstances.
Declares emergency, effective on passage.

HB 5071 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state financial administration; appropriating money; declaring an emergency.

- 2-8(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 2-9 Recommendation: Do pass with amendments and be
printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Morgan.
Passed.
Ayes, 51; Nays - 7, Beck, Beyer, Dingfelder, Hansen,
Lee, Leonard, Lowe, Excused, 1 - Hayden, Excused
for business of the House, 1 - - Kafoury.
Vote explanation(s) filed by Barnhart, Lee, Monnes
Anderson entered in Journal.
- 2-9(S) First reading. Referred to President's desk.
- 2-10 Referred to Budget and Finance.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 23; Nays - 7, Brown, Burdick, Carter, Corcoran,
Gordly, Shields, Yih.
- 2-11(H) Speaker signed.
- 2-12(S) President signed.
- 2-19(H) Governor vetoed.
- 2-25 Governor's message read in House.
Motion to lay bill, together with Governor's veto
message, on the table carried.
Veto sustained in accordance with Article V, Section
15b, Oregon Constitution.

Adjusts allocations from Administrative Services Economic
Development Fund to certain agencies for biennium ending June
30, 2003.

Adjusts authorized Administrative Services Economic
Development Fund expenditure limitations for certain agencies for
fiscal years beginning July 1, 2001, and July 1, 2002, and for
biennium ending June 30, 2003.

**Transfers moneys from Problem Gambling Treatment
Fund to Administrative Services Economic Development
Fund.**

Subjects affected agencies to Oregon Department of
Administrative Services allotment process.

Declares emergency, effective on passage.

**SECOND
SPECIAL SESSION**

**GENERAL
LEGISLATIVE
SUMMARY**



RECAPITULATION OF HOUSE BILLS (February 25 – March 2, 2002)

Total House Bills Introduced	25
Passed both Houses and Approved by Governor	11
*Vetoed by Governor (HB 4025, 4029, 4030, 4041, 4042)	5
Filed without Governor’s signature (HB 4028).....	1
Measures failed in House.....	3
In House Committee upon adjournment.....	4
In Senate Committee upon adjournment.....	1
TOTAL.....	25

RECAPITULATION OF HOUSE MEASURES OTHER THAN BILLS

Total House Joint and Concurrent Resolutions and Memorials Introduced	5
Approved by both Houses and filed with Secretary of State	1
In House Committee upon adjournment.....	2
At Senate Desk upon adjournment	2
TOTAL.....	5
Total House Resolutions and Memorials Introduced.....	0
Approved by House	0
In House Committee upon adjournment.....	0
TOTAL.....	0

TOTAL HOUSE MEASURES INTRODUCED –	30
---	----

*Vetoed by Governor after adjournment sine die.

VETOED HOUSE BILLS

- | | | | |
|-----------|---|-----------|------------------------|
| * HB 4025 | Relating to labor relations. | * HB 4042 | Relating to elections. |
| * HB 4029 | Relating to medical assistance. | * | |
| * HB 4030 | Relating to 9-1-1 telecommunications tax. | | |
| * HB 4041 | Relating to elections. | | |

*Vetoed by Governor after adjournment sine die.

HOUSE BILLS FILED WITHOUT GOVERNOR'S SIGNATURE

- | | |
|---------|--|
| HB 4028 | Relating to stores operated by Oregon Liquor Control Commission. |
|---------|--|

**THIRD
SPECIAL SESSION**

**JUNE 12 – JUNE 30
2012**



House Journal and Status Reports of the House and Senate

THIRD SPECIAL SESSION

**Beginning June 12 and
ending June 30, 2002**



**SEVENTY-FIRST LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Published Under the Direction

of

MARK SIMMONS

Speaker of the House

**MEMBERSHIP
AND
COMMITTEES**



HOUSE STANDING COMMITTEE MEMBERSHIP

BUDGET RECONCILIATION—

Ben Westlund, Chair
Tom Butler
Gary Hansen
Betsy Johnson
Susan Morgan
Kurt Schrader
Lane Shetterly

BUDGET COMMITTEE ON PERS—

Tim Knopp, Chair (appointed 06/19/2002)
Ralph Brown (appointed 06/19/2002)
Betsy Close (appointed 06/19/2002)
Mark Hass (appointed 06/19/2002)
Elaine Hopson (appointed 06/19/2002)
Rob Patridge (appointed 06/19/2002)
Diane Rosenbaum (appointed 06/19/2002)
Tootie Smith (appointed 06/20/2002)
Vicki Walker (appointed 06/20/2002)

**THIRD
SPECIAL SESSION**

HOUSE JOURNAL



Wednesday, June 12, 2002 – Morning Session

House called to order in Special Session at 9:00 a.m., pursuant to the proclamation of Governor John Kitzhaber issued June 9, 2002.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: The State of Oregon faces a budget deficit, currently projected to be over \$870 million which must be rebalanced by budget reductions, one-time revenues and new revenues; and

WHEREAS: The State of Oregon needs to deliberate the opportunities for and the implications of economic stimulus initiatives; and

WHEREAS: The State of Oregon is still in need of a school stabilization fund to help tide our schools through economic downturns, and the state should continue to explore new ideas for a school stabilization fund; and

NOW,

THEREFORE, I, John A. Kitzhaber, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, hereby proclaim Wednesday, June 12, 2002 at 9:00 a.m. to be

THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY

for the purposes of rebalancing the budget, to further deliberate economic stimulus opportunities and to consider new school stabilization fund proposals.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, June 9, 2002.

John A. Kitzhaber M.D.
Governor
Paddy McGuire
Deputy Secretary of State

Speaker Pro Tempore in Chair.

Speaker in Chair. All present except: Excused, 5 – Garrard, Leonard, Smith, G., Walker, C., Wirth.

Opening ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

Speaker announced the following appointments to the Special Committee on Rules: Minnis, Chair; Shetterly, Kafoury.

House stood at ease.

House called to order.

The following report of the Special Committee on Rules was read:

REPORT BY COMMITTEE ON RULES

We, your Committee on Rules, recommend that the House of Representatives adopt the Third Special Session Rules of the Seventy-first Legislative Assembly as amended.

Karen Minnis, Chair
Lane Shetterly
Deborah Kafoury

SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

Seventy-first Legislative Assembly

June 12, 2002

DEFINITIONS

1.01 Definitions. (1) "Measure" means bill, resolution or memorial, but does not include amendments.

(2) "Member" means member of the House.

(3) "Printing" includes printing and other means of reproducing copy.

(4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.

(5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-first Legislative Assembly.

(6) "Special Session" means the special session of the Seventy-first Legislative Assembly convening June 12, 2002.

(7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

RULES

2.01 Use of Mason's Manual. Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House" ~~[referred to the Committee on Rules, Redistricting and Public Affairs by the Speaker, and if reported from the Committee on Rules, Redistricting and Public Affairs], and~~ allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules. (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the House. ~~[Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die.] The rules adopted for the special session are repealed upon the adjournment of the special session sine die.~~

CONVENING

3.01 Quorum. (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.03 Attendance. A member shall attend all sessions of the House unless excused by the Speaker, and all meetings of the committees of the House of which he or she is a member unless excused by the chairperson. No member shall be considered excused, however, unless the Speaker or chairperson has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

3.05 Session Hour. Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

3.07 Open Sessions. All deliberations and meetings of the House shall be open to the press and public.

~~— [3.08 Daily Session Length. (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, including time used in recess.]~~

~~— [(2) When the twelve-hour period described in subsection (1) of this rule has elapsed, the Speaker shall adjourn the House for a period of not less than eight hours. The convening of a session after adjournment constitutes the beginning of a new session day.]~~

VOTING

3.12 Electronic Roll Call System. The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

3.15 Roll Call. (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the role of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the Speaker shall be last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was in the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

3.20 Requirements for Voting. (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

3.21 Announcement of Conflict of Interest. (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting. The statement shall be

limited to the substance of the oral explanation given on the floor or in committee.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote or if all members have voted, the Speaker may direct the clerk to display the vote. After the individual votes have been displayed any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

3.28 Electronic Roll Call; Misuse, Penalties. No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

3.30 Voting by Presiding Officer. The Speaker shall vote whenever a roll call is required, the Speaker's name being called last on an oral roll call vote.

3.35 Explanation of Vote. (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next ~~session~~ business day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

3.50 Third Reading Requirement. (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

3.55 Call of the House. (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the north aisle, the room west of the north aisle, and the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the

report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

ORDER OF BUSINESS

4.01 Order of Business. (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message. At the opening session of the day only.
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- (h) ~~Reports from standing committees.~~
- (i) Reports from special committees.
- (j)(i) Propositions and motions.
- (k)(i) Introduction and first reading of House bills.
- (l)(k) Second reading of House bills.
- (m)(l) Consent Calendar.
- (n)(m) Third reading of House bills.
- (o)(n) Final reading of memorials and resolutions.
- (p)(o) Bills, reports and other business lying on the table.
- (q)(p) First reading of Senate bills.
- (r)(q) Second reading of Senate bills.
- (s)(r) Third reading of Senate bills.
- (t)(s) Other business of the House.
- (u)(t) Other business of the Senate.
- (v)(u) Announcements.
- (w)(v) Remonstrances.

(2) The presiding officer, under the order of business *Reports from Standing Committees and Reports from Special Committees*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the order of business of Opening Ceremony, prayer and/or inspirational message, courtesies and the order of business of Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

4.05 Consent Calendar. (1) **Each session day, a consent calendar of measures shall be presented for consideration**

and vote of the House. Copies of the consent calendar shall be printed and distributed to members prior to consideration.

(2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.

(b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.

(3) Any measure recommended for the consent calendar shall be placed on the calendar ~~but held at the Desk for two days after the day on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two-day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.~~

(4) ~~If no objections or an insufficient number are filed within the two-day period, the measure shall be placed in numerical order on the next consent calendar.~~ When the order of business "Consent Calendar" is reached, the Speaker shall announce the calendar **and ask for each measure listed whether there are objections to the measure being placed on the consent calendar. If five objections are raised the measure shall be removed from the consent calendar and placed on the third reading calendar. If there are not the sufficient number of objections,** ~~the~~ clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken. No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.

~~Notwithstanding the provisions of this rule if the Speaker has reasonable cause to believe that the session will adjourn sine die within three weeks after the time a measure is recommended for the consent calendar, the Speaker may order the measure to be placed in its proper order on the third reading calendar.~~

MOTIONS

5.01 Making Motion. (1) When a motion is made, it shall be stated by the presiding officer.

(2) A motion shall be reduced to writing upon a request of the presiding officer or of any member.

(3) No second to a motion is required.

5.05 Motion in Possession of the House. After a motion is stated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

5.10 Precedence of Motions. (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Nondebatable Motions. Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

5.20 Votes on Motions. If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

5.30 Division of the Question. Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

5.35 Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

5.37 Amendments to the Title of a Bill. No title (*“Relating to” clause*) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

5.40 Amendments from Floor. (1) No measure shall be amended upon the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Chief Clerk.

(2) In the absence of unanimous consent, if a majority of the members present desires a change in any measure, the measure shall be referred by the Speaker to committee in accordance with Rule 9.01(2).

DEBATE AND DECORUM

6.01 Decorum During Session and Committee Proceedings. (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

6.05 Use of Electronic Devices. (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

6.07 Recognition of Members. When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member’s desk.

(1) The device labeled “to speak” shall be used when a member seeks recognition for purposes of debate or making motions.

(2) The device labeled “personal privilege” shall be used only for purposes requiring immediate consideration by the House as described under Mason’s Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

6.10 Conduct in Debate. (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member’s vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member’s district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

6.20 Interrupting a Member. Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

6.25 Frequency with Which Member May Speak. (1) The author of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate. The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the chairperson of the committee that reports the measure or a member designated by the chairperson may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (2) of this rule to another member. However, no member may yield time to a member closing debate.

6.35 Call to Order. (1) The presiding officer shall call to order any member who violates the rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

6.40 Discipline. If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled “personal privilege.” The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

PRESIDING OFFICER

7.01 Election of Presiding Officer; Pro Tempore Presiding Officer. The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officer. (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker’s pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall

become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

7.10 Duties of Presiding Officer. (1) To enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

COMMITTEES

8.01 Names of Committees. ~~There shall be the following 15 standing committees to which shall be referred all measures relating to the subject matters described herein:~~

~~—(1) Advancing E-Government, relating generally to technology and utility regulation;~~

~~—(2) Agriculture and Forestry, relating generally to agriculture and forestry;~~

~~—(3) Business, Labor and Consumer Affairs, relating generally to business, labor and consumer affairs;~~

~~—(4) Government Efficiency, relating generally to government operations;~~

~~—(5) Health and Public Advocacy, relating generally to human resources and health care issues;~~

~~—(6) Judiciary, relating generally to civil and criminal law and administration of justice;~~

~~—(7) Land Use and Regulatory Fairness, relating generally to regulatory takings and property compensation;~~

~~—(8) Rules, Redistricting and Public Affairs, relating generally to the rules and operations of the House and the Legislative Assembly, elections, redistricting; and public affairs;~~

~~—(9) School Funding and Tax Fairness/Revenue, relating generally to taxation and the finance of elementary and secondary education;~~

~~—(10) Smart Growth and Commerce, relating generally to commerce and economic development.~~

~~—(11) Stream Restoration and Species Recovery, relating generally to stream restoration and species recovery;~~

~~—(12) Student Achievement and School Accountability, relating generally to all levels of education and their administration, but excluding finance of elementary and secondary education;~~

~~—(13) Transportation, relating generally to vehicles, mass transit, highways and other aspects of transportation;~~

~~—(14) Water and Environment, relating generally to water law, natural resources and the environment;~~

~~—(15) Ways and Means, relating generally to appropriations.~~

The Speaker may appoint special committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all ~~standing committees~~, statutory committees, special committees and task forces, and the chairpersons and vice-chairpersons thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all standing special committees and statutory

committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the ~~standing-special~~ committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any ~~standing-special~~ committee under which a subcommittee is created shall appoint the other members of the subcommittee.

~~(4) The Standing Committee on Ways and Means and committees established by the Oregon Constitution shall be exempt from provisions under subsection (2) of Rule 8.05.~~

8.10 Committee Quorum; Rules. (1) A majority of the members of a ~~standing-or~~ special committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all ~~standing and~~ special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

8.15 Committee Meetings. (1) All committees shall meet at the call of the chairperson, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

~~—(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 24 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.~~

~~—(5) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.~~

~~—(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If the House is in session, the Speaker shall announce the emergency and the reasons why it is declared to exist. If the House is not in session, the Speaker shall notify members that an emergency exists and the reasons therefor by distributing such information to the desks of the members. For any meeting called under this emergency provision, notice shall be posted outside the House chambers and any other suitable and conspicuous place. If the meeting scheduled is for the purpose of taking public testimony, at least 24 hours notice must be given by posting the notice outside the House chambers and any other suitable and conspicuous place. A majority of the members may invoke this subsection and notice shall be given as described in this subsection.~~

(6)(5) The chairperson or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public shall be given immediately upon call

~~of the meetings, and notice of the meeting shall be announced on the floor if the House is in session.~~ (7)(6) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(8)(7) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

- (a) Members present, excused or absent;
- (b) All motions and their disposition;
- (c) The results of all votes; and
- (d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9)(8) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10)(9) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11)(10) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the ~~Committee on Rules, Redistricting and Public Affairs~~ Speaker. The ~~committee~~ Speaker shall conduct a hearing on the matter and shall, if it ~~concludes~~ concluded that the complaint is justified, recommend to the House that censure or other action be taken.

(12)(11) As used in this rule:

(a) "Committee" includes ~~standing and~~ special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

8.20 Committee Action Required. (1) A chairperson shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the committee chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

~~(4) When the presiding officer determines that sine die adjournment may impinge on the operations of standing committees, the presiding officer shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the presiding officer.~~

(5)(4) Measures reported out by a committee shall be delivered to the Chief Clerk of the House ~~within three session days~~ no later than 12 noon of the session day after the committee action reporting the measure out.

8.22 Limitation on Committee Amendments. Whenever a measure has a subsequent referral to the Ways and Means Committee or the School Funding and Tax Fairness/Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to

~~which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.~~

8.25 Committee Actions to be Recorded and Reported. (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. (1) No motion to dissolve into the committee of the whole shall be allowed.

REFERRAL OF MEASURES; COMMITTEE REPORTS

9.01 Referral to Committee. (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than five session days following such referral, the measure shall be referred by the Speaker ~~in accordance with the provisions of subsections (2)–(3) of this rule.~~ Notice of referral shall be ~~in writing and to a special committee announced from the rostrum or a printed list~~ shall be distributed to the desks of the members.

~~(2) Referrals of measures shall be to the committee whose jurisdiction, as defined in Rule 8.01, most closely relates to the principal subject matter addressed by the measure.~~

~~(3) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means or the Committee on School Funding and Tax Fairness/Revenue effective after the measure is reported out of the committee to which it was initially referred.~~

~~(4) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.~~

~~(5) The chairperson of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the chairperson of any other standing or special committee to review the measure. Upon acceptance of the measure by the chairperson of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.~~

~~(6) When the Speaker determines that sine die adjournment is imminent and referral of measures to committees under Rule 8.01 will unnecessarily delay the orderly process of legislative business, the Speaker may refer a measure to an appropriate committee notwithstanding the subject matter designations described in Rule 8.01.~~

9.05 Committee Reports. After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chairperson of the committee.

9.10 Consideration of Committee Reports. ~~(1)~~ Reports from ~~standing~~ committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.

~~(2) Except for reports recommending do not pass or referral to another committee, or reports accompanied by a minority report, no motion is required to adopt a committee report.~~

~~**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar of the first session day after distribution of amendments, if any. No member may sign on to more than one report.~~

~~(2) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the~~

~~carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule 9.32(3) or, if other that a bill, as provided by Rule 9.35(3).~~

~~—(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.~~

~~—(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.~~

~~—(5) The minority report is subject to the requirements of House Rule 5.25.~~

9.30 Withdrawing Measure from Committee. A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

9.32 When a Bill Goes to Second Reading. (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar of the ~~following same~~ session day for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, ~~the report shall be filed and the bill placed on the calendar for second reading on the same session day as~~ the amendments ~~must be printed and are~~ distributed to the desks of the members ~~before the measure comes up for second reading.~~

~~(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the same session day on which the minority report was substituted or rejected.~~

~~(4)-(3) The Speaker may order a bill printed with amendments engrossed. If a bill is printed engrossed it shall not be considered placed on the calendar for second reading sooner than the same session day following distribution of the printed engrossed bill is distributed to desks of the members.~~

9.35 When a Measure Other Than a Bill Goes to Final Reading. (1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar of the same session day ~~next following receipt~~ for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for final reading. The measure other than a bill shall be placed on the calendar for final reading on the same session day ~~next following the day~~ of distribution of the printed amendments.

~~(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar for final reading on the session day next following the day on which the minority report was substituted or rejected.~~

~~(4)-(3) Upon the recommendation of the chairperson of the committee reporting a measure with amendments, or at the Speaker's discretion, the Speaker may order a measure printed with the amendments engrossed therein. If the measure other than a bill is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measures to the desks of the members.~~

9.37 When a Bill Goes to Third Reading. A bill shall be placed on the third reading calendar on the session day following its second reading.

RECONSIDERATION

10.01 Reconsideration. (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

~~(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.~~

~~(3)-(2) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.~~

~~(4)-(3) The motion to reconsider shall must be made voted on the first session day after that on which immediately after the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.~~

~~(5)-(4) Thirty-one votes are required to reconsider the final vote on a measure.~~

~~(6)-(5) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.~~

10.05 Transmitting Measures on Which Reconsideration Moved. When a member has ~~given notice of intention to moved~~ for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. ~~However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.~~

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately and without debate on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

CONCURRENCE; CONFERENCE

11.01 Vote to Concur in Amendments of Other House. (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall ~~not~~ be taken ~~sooner than the first session day immediately~~ after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. ~~(1)~~ When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

~~(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.~~

~~(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the differences between the House and Senate versions.~~

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose any amendments within the scope of the issue between the houses.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers, and notice of the meeting shall be announced on the floor if the House is in session.

11.15 Adoption of Conference Committee Report. (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall ~~not be made sooner than the first session day in order immediately~~ after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

11.20 Discharge of Conferees. (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

SPONSORSHIP

~~— **12.00 Pre-session Filing and Printing.** (1) Any member or member-elect of the House may, on or after November 18 of the even years to January 1 of the odd years, pre-file any measure with the Chief Clerk for introduction.~~

~~— (2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.~~

~~— (3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed pre-filed measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.~~

~~— (4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.~~

~~— (5) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.~~

~~— (6) Any measure pre-filed and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.~~

12.05 Pre-session Drafting Requests. Members, member-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.

12.10 Sponsorship. (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure, the committee shall become the sponsor of the measure.

12.20 Committee Sponsorship. (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chairperson shall sign the proposed measure for presentation at the desk.

INTRODUCTION OF MEASURES

13.01 Requirements of Presentation of Measures for Introduction. (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chairperson or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

13.05 Deadline on Introductions. No measure shall be accepted by the desk for introduction in the House ~~after 5 p.m. on the 50th calendar day of the session~~ except:

(1) Measures approved by the Speaker and so identified for introduction by a committee.

(2) ~~Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.~~

(3) ~~Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.~~

13.10 Legislative Counsel Drafting Services. ~~(1) Between 5 p.m. on the 29th calendar day and 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall only accept five non-transferable drafting requests from each member.~~

(2) ~~After 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall discontinue not accepting requests for drafting of all measures for introduction during special session except:~~

(a) ~~Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means.~~

(b) Committee proposals approved for drafting by the Speaker.

(c) ~~A proposal requested for drafting by a member under Rule 13.15.~~

~~13.15 Priority Drafting Requests. (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.~~

~~(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.~~

PUBLICATIONS

14.01 Journal; Status Report. (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

14.05 Other Legislative Publications. (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

14.10 Distribution of Legislative Publications. (1) There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the Administrative Services Department, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies, and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

14.15 Measure Summaries. (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The Speaker may order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

14.25 Financial and Revenue Impact Statements. (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure except appropriation measures which implement the Governor's printed budget recommendations, and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as a financial impact statement to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and the governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

14.30 Legislative Newsletters. (1) Each member may issue legislative newsletters or other informational material to their constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule "constituent" means an individual that lives within a member's legislative district.

PERSONNEL RULES AND PROCEDURES

15.01 Personnel Rules and Procedures. (1) Except as otherwise provided by law the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

OFFICERS; PERSONNEL; ALLOWANCES

15.05 Chief Clerk; Election and Duties. (1) There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House.

(a) The Chief Clerk shall perform the following duties:

(A) Appoint a Sergeant at Arms in consultation with the Speaker.

(B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.

(C) Serve as parliamentarian of the House.

(D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(E) Prepare all measures, histories, journals and related publications for printing.

(F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

(C) Execute all processes issued by authority of the House or any of its committees.

(D) Perform such other duties as the Chief Clerk or Speaker may direct.

15.10 Member's Personal Staff. (1) (a) A member may appoint personal staff for the special session or the interim or both, according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5025, (2001 Session Laws).

(b) A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the floor during sessions of the House.

(c) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

~~(e)-(d)~~ For purposes of computing fringe benefits, persons appointed under subsection (1)(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

~~—(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.~~

15.15 Leadership Office Personnel. (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

15.20 Other Personnel. (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each chairperson of a standing or special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives or designated to have access to the floor during the special session shall for the duration of such employment- the special session serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

15.25 Expense Allowance. (1) Each member has an allowance of \$26,083.00 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim or special session for expenses as described under subsection (1) of this rule.

15.50 Per Diem allowance during Special Session. Each member shall receive a per diem allowance for each session day, not each calendar day.

SERVICES AND SUPPLIES

16.01 Services and Supplies. (1) Each member shall have an individual services and supplies account. New members will receive a one time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual ~~services and supplies~~ expense account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.

- (f) Communications with constituents in compliance with H.R. 14.30.
- (g) Rental expenses incurred for a town hall meeting.
- (h) Establishment and maintenance of a district office.
- (i) Billings from state agencies for services and supplies.
- (j) Reasonable travel expenses incurred by members while on official legislative business. Does not include in-district travel.
- (k) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.
- (l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

16.05 Attorney General Opinions. (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. This rule takes precedence over ORS 180.060(2).

(2) The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

PRIVILEGES

17.01 Floor Privileges. (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.05 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; or persons authorized by the Speaker; and (d) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges. The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

17.10 Assembly Transition. Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

ACCREDITATION OF NEWS MEDIA

18.01 Accreditation of News Media. (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

LOBBYISTS

19.01 Regulation of Lobbyists. (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The ~~Committee on Rules, Redistricting and Public Affairs~~ Speaker may, and on the complaint of five members of the House shall, investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

19.10 Statement of Philosophy. The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

19.20 Campaign Contributions During Session. All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under the order of business of "Other Business of the House" announcing the entry into the Journal.

SEXUAL HARASSMENT

20.01 Policy on Sexual Harassment. (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from sexual harassment. Sexual harassment in any manner will not be tolerated.

(2) Sexual harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,

- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and
- (g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes; Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Sexual Harassment for the purpose of deliberations regarding Sexual Harassment complaints only. The chairperson shall be a member of the majority party and the vice chairperson shall be a member of the minority party.

(6) The House shall provide education concerning sexual harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

67th OREGON LEGISLATIVE ASSEMBLY –
1993 Regular Session

Enrolled
House Resolution 1

Introduced and printed pursuant to House Rule 13.01

Whereas the Oregon House of Representatives is committed to creating and maintaining a work environment in which House Members and House employees are free from sexual harassment and are treated respectfully; now, therefore,

Be It Resolved by the House of Representatives of the State of Oregon:

SECTION 1. (1) The policy of the House of Representatives as stated in the House Rules and this Resolution applies to House Members and to all regular, interim and session House employees, including all House committee staff, House caucus staff, House Members' assistants, interns and volunteers, and to all other categories of House employees.

(2) House Members and employees are expected to discourage sexual harassment in the workplace and at events, professional meetings, seminars or any activities that involve legislative business.

(3) All complaints of sexual harassment shall be promptly, thoroughly and respectfully resolved.

(4) The House policy for reporting and resolving sexual harassment complaints is intended to:

- (a) Encourage members and employees to report harassment;

(b) Assure that any complaint and a resolution thereof are resolved as discreetly as possible; and

(c) Guarantee that retaliation is not tolerated against any person who complains of or reports sexual harassment.

(5) When a determination is made that sexual harassment has occurred, appropriate disciplinary action shall follow. As a general rule, sanctions assessed shall be proportionate to the seriousness of the offense. For employees, sanctions may include reprimand, suspension or termination. For House Members, sanctions may include reprimand, censure or expulsion.

(6) A supervisor who does not take appropriate action when the supervisor knows or has reason to suspect that harassment is occurring shall face a similar array of sanctions proportionate to the seriousness of the offense.

SECTION 2. (1) The formal and informal procedures instituted pursuant to House Rules and this Resolution shall apply only to allegations of sexual harassment brought against House Members or against House personal staff.

(2) House personal staff includes Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the House Members, including the Speaker's office and the Majority and Minority offices. House personal staff does not include committee staff and House staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(3) A person claiming to be aggrieved shall file a complaint to initiate the formal or informal procedures pursuant to House Rules and this Resolution no later than one year after the sexual harassment occurred.

SECTION 3. The following notice of the House policy shall be given to all House Members and House employees:

If you believe you have been sexually harassed, you have options. You can tell the offender about the offender's behavior, explain which action disturbed you and ask that the behavior stop. You can communicate with the offender in person or in writing. If you do not want to confront the offender directly, or if you have talked to the offender and the offensive behavior has not stopped, or if you believe your complaint has resulted in retaliation, you may use the informal or formal procedure established by the Rules of the House of Representatives and House Resolution 1 (1993) for pursuing your sexual harassment complaint.

In addition, you have the right to file a complaint with administrative agencies and in the judicial system.

SECTION 4. Many people who believe they have experienced sexual harassment simply want it to end; they do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address this need. However, a person making a complaint is not required to use this procedure as a prerequisite to proceeding with a formal House complaint or a complaint to an administrative agency or to the courts. The informal and formal procedures stated in this Resolution are optional. The informal complaint shall be handled as discreetly as possible. Every effort shall be made to maintain confidentiality. The informal procedure consists of the following steps:

(1)(a) The person making the complaint shall submit the complaint to an intermediary of the person's choice. The intermediary shall immediately take appropriate action to assure that the person making the complaint has a safe and nonhostile work environment. The Speaker or the Chief Clerk shall assist in making the appropriate arrangements upon notice from the intermediary. The intermediary shall notify the Majority and Minority Leaders and the supervisor of the person making the complaint that a complaint has been made. The Majority and Minority Leaders shall immediately notify the person who is the subject of the complaint of the fact that a complaint has been made, the name of the person making the complaint and the name of the intermediary.

(b) A reasonable number of House Members and staff of the House of Representatives, including the Chief Clerk, the Legislative Administrator and the Administrative Service Personnel Officer, shall be designated jointly by the Majority and

Minority Leaders as intermediaries. A person designated as an intermediary shall receive special training in order to be prepared to assist the person making the complaint. Designated intermediaries shall be identified by name, with contact telephone number and office location. Copies of a list of the identification information on designated intermediaries shall be available in each House Member's office. While the intermediary is not an advocate, an intermediary, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to take disciplinary action. The intermediary's role is to listen, answer questions and explain options. The intermediary shall not serve as a counselor or psychologist but shall provide reference information about available human services resources. The role of an intermediary is to help the person making the complaint in determining who can best deal with the person's concerns and inform that person of available options.

(2) After meeting with an intermediary, the person making the complaint may decide that further action is necessary. If so, the person may request that the intermediary refer the matter to the Majority and Minority Leaders for informal remedial action or may institute formal complaint procedures.

(3) The informal procedure shall be kept confidential and any documentation related thereto shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502. Confidentiality shall extend until such time as a formal written complaint, if any, is filed as provided in this Resolution with the House Judiciary Committee counsel.

(4) If the subject person is not the Speaker or Majority or Minority Leader, informal remedial action shall be determined by the Speaker of the House and the Majority and Minority Leaders after appropriate investigation and within 60 days of the making of the complaint. The person who is the subject of the complaint shall be advised of the action by the Leadership.

(5) If the subject person is the Speaker or Majority or Minority Leader, the complaint shall be referred to the Legislative Counsel for the purpose of appointing an outside investigator. The investigator's report shall be submitted to the Speaker and the chairperson and vice chairperson of the Committee on Sexual Harassment within 10 days of the appointment. The chairperson and vice chairperson shall take the action described in subsection (4) of this section.

SECTION 5. An aggrieved person may file a formal written complaint instead of participating in the informal complaint procedure described in section 4 of this Resolution, or may file a formal written complaint if, after participating in the informal procedure, the person is not satisfied with the resolution of the informal complaint. The formal complaint procedure shall consist of the following steps:

(1) A formal written complaint shall be filed with the Majority and Minority Leaders. Designated staff shall be made available to assist the person filing the complaint in development of the formal written complaint. If no work reassignment has occurred preceding the filing of the formal written complaint, the Majority or Minority Leader shall take immediate action to assure the person filing the complaint of a safe and nonhostile work environment, including reassigning the person to other duties. The Majority and Minority Leaders shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. With the consent of the person filing the complaint, the Majority and Minority Leaders may work to resolve the complaint. However, if there is no consent or no resolution, the formal written complaint shall be filed by the Majority and Minority Leaders with the House Judiciary Committee counsel within seven days of the determination that there is no consent or no resolution.

(2) After the filing of a formal written complaint with the House Judiciary Committee counsel, the Majority and Minority Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of sexual harassment. If the respondent is either the Majority or Minority Leader, or the Majority and Minority Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, the Legislative Counsel shall be notified

and shall appoint an independent investigator within five days after receiving the notice.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Speaker and the Majority and Minority Leaders, the person filing the complaint, the person who is the subject of the complaint and members of the Committee on Sexual Harassment. If the investigator was appointed by the Legislative Counsel, the investigator shall also report to the Legislative Counsel.

SECTION 6. (1) At the convening of each Regular Session of the Legislative Assembly, the Speaker shall appoint an equal number of House Members of the majority and minority parties to the Committee on Sexual Harassment, which shall be established for purposes of resolving sexual harassment complaints under House Rules and this Resolution.

(2) Upon receipt of the formal written complaint and the investigator's report, the Committee on Sexual Harassment shall schedule a public hearing on the complaint. The committee shall notify the Majority and Minority Leaders, the Speaker, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with the House Judiciary Committee counsel.

(3) At the hearing, only the members of the committee shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the committee by requesting witnesses and documents to be presented to the committee and by requesting questions that the committee may address to the witnesses.

(4) Audio recordings of the committee hearing shall be made by committee staff and shall be made available on an expedited basis to the person filing the complaint and to the person who is the subject of the complaint. No television equipment or tape recording devices other than those used for official committee recording shall be permitted at the hearing.

(5) If the person filing the complaint or the person who is the subject of the complaint disagrees with the recommendations of the Committee on Sexual Harassment, either person may request that the committee review the recommendations. The request must be made in writing within 10 days after receiving written notice of the committee's action. The committee must complete the review not later than 10 days after receiving the request.

SECTION 7. (1)(a) If, at the conclusion of the hearing, the Committee on Sexual Harassment recommends any sanction, the sanction shall be proportionate to the seriousness of the offense.

(b) For House personal staff, recommended sanctions may include reprimand, suspension or termination. Any recommended sanction against a House personal staff member shall be imposed by the supervising House Member.

(c) For House Members, recommended sanctions may include reprimand, censure or expulsion. Any recommended sanction against a House Member shall be referred to the floor after the request for review time has passed or after the review is completed for approval by a two-thirds majority vote of the House before final action is taken against a House Member.

(2) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed.

(3) The person who filed the complaint may determine that no further action is necessary, but is not precluded from pursuing other appropriate remedies, including court action.

SECTION 8. (1) Each House employee shall be given a notice of the House policy on sexual harassment stated in section 3 of this Resolution. Formal education concerning sexual harassment shall be provided to all House employees by the staff of the Legislative Administration Committee. Participation in formal education is

required as a condition of employment, internship or involvement as a volunteer during a Regular Session.

(2) Each House Member shall be given a notice of the House policy stated in section 3 of this Resolution and, in the respective caucuses, each House Member shall participate in education provided by the caucuses within 15 days after the convening of each Regular Session.

(3) Notice of the House policy shall be posted in work areas.

SECTION 9. In order to provide and maintain a workplace free from sexual harassment, the House may pursue an action against an alleged harasser without the complaint of an affected person. A complaint may be filed by either the Majority or Minority Leader with the House Judiciary Committee counsel. Such a complaint shall be subject to the same procedures as are followed when a formal written complaint is filed under section 5 of this Resolution with the House Judiciary Committee counsel.

SECTION 10. If it is determined, after a hearing before the Committee on Sexual Harassment, that a complaint of sexual harassment is malicious or frivolous in nature, the person filing the complaint shall be subject to appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

SECTION 11. Retaliatory action of any kind against any person who participates in any activity authorized or directed by House Rules on sexual harassment or this Resolution as a result of a person seeking redress under the procedures specified in House Rules and this Resolution is prohibited. Retaliation shall result in appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

Minnis moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Yeas, 51; Nays, 4 – Ackerman, Merkley, Nolan, Tomei; Excused, 5 – Garrard, Leonard, Smith, G., Walker, C., Wirth. Special Session Rules adopted.

Speaker announced appointment of members to the following special committee:

SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Westlund, Chair; Butler, Hansen, Johnson, Morgan, Schrader, Shetterly.

Verger moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Third Special Session of the Seventy-first Legislative Assembly. Motion carried on viva voce vote.

Vetoed HB 4025 (Second Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

April 11, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill 4025, unsigned and disapproved. HB 4025 eliminates the exemption of agricultural employment from the collective bargaining laws. While I believe both agricultural and labor organizations must be held accountable for creating a process that is fair for farmers and farm workers, I cannot support HB 4025.

This important issue deserves much greater attention and scrutiny than it received during the special session. While doing

away with the exemption may appear as a viable approach to resolving farm labor disputes, it does not address the issues of how to effectively implement such legislation, and ignores other alternatives that also deserve attention.

Despite decades of disagreement, misunderstanding, and a lack of trust, I appreciate the recent efforts by labor and the agricultural industry to address these issues. Those groups have made progress by taking the time to gain an understanding of common interests and working together to develop a framework to resolve issues. Yet, HB 4025 threatens that process because it would immediately implement, through an emergency clause, collective bargaining provisions with no rules in place, nor the necessary resources and personnel to provide an effective process for farm workers and employers.

Farm worker representatives and employers are closer now than ever in working together to address those issues, but both sides must look beyond the history that has moved us to this point. At this time of great opportunity, I think it is vitally important that we have a law that is responsive to Oregon's needs, provides accountability, and enhances both the lives of farm workers and the agricultural industry. Although I am vetoing HB 4025, I will work with all of the interested parties to craft a bill for consideration by the upcoming special session in June. Any legislation, however, must go beyond the simple removal of the agricultural exemption to a more comprehensive and balanced solution.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 4029 (Second Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

March 12, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning House Bill 4029, unsigned and disapproved.

HB 4029 reduces the dental benefit for persons receiving coverage under the Oregon Health Plan. In doing so, it limits dental benefits in statute rather than using the normal process of prioritization through the Health Services Commission, funding by the legislature, and negotiations with the federal government.

Placing this language in law reduces the flexibility the state has to structure the dental benefit in ways that maintain and improve health to the greatest extent possible. HB 4029 treats dental care differently than all other health care services and begins to break down the discipline of the Oregon Health Plan benefit design process.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 4030 (Second Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

March 12, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith, Enrolled House Bill 4030 (2002 Second Special Session), unsigned and disapproved.

I restate my veto message of House Bill 4020 from the first 2002 Special Session. I continue to stand with Oregon's law, fire and emergency communications professionals that believe that an excessive depletion of these dedicated funds will significantly compromise major improvements in emergency communications.

Oregonians' telephone services are taxed to provide resources for 9-1-1 emergency services. This bill takes \$14 million in 9-1-1 tax revenue from the wireless subaccount and credits it to the General Fund. The 9-1-1 funds are critical to providing communication equipment and support systems for our public safety agencies and our emergency response networks. With the increasing use of cellular phones, these funds are vitally necessary to protect the safety of Oregonians.

It is irresponsible to transfer \$14 million of these funds to the General Fund because of the damage that will be caused to Enhanced 9-1-1 Wireless. Enhanced 9-1-1 Wireless will allow public safety officers to locate persons calling for assistance from a cellular phone. This capability will prove to be lifesaving – and Oregon cannot afford to neglect moving forward with this significant improvement to our overall public safety response capabilities.

Again, I am willing to support using only \$7 million of the 9-1-1 funds to help with our immediate budget shortfall, though I would prefer that alternative revenues are identified for the rebalance of General Fund programs.

It is critical that we move forward with at least a \$7 million investment in hardware, software, training, and installation of new Geographic Information System advancements for our call centers so they can make significant progress toward meeting Federal Communication Commission standards.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 4036 (Second Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

March 25, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97310-0722

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 4036 (2002 Second Special Session), unsigned and disapproved. This bill is identical to House Bill 4015 that I vetoed from the first Special Session.

The bill would make changes to the statutes governing the School Improvement Fund. The Fund was established during the 2001 legislative session as a means to focus additional resources to K-12 schools on a menu of activities directly related to improvement in student performance. The statutes governing the Fund specify various accountability measures, including a requirement that the Department of Education evaluate the annual progress of school districts in meeting performance targets established by the Quality Education Commission and funded by the Legislature. They include a provision requiring the focus of improvement for these funds for the current and the next biennium on 3rd and 5th grade reading and math benchmarks.

HB 4036 repeals the sections of the law relating to the focus of the 2001-03 and 2003-05 grant funds. It also retrospectively allows school districts to use funds already received for the 2001-02 school year (a total of \$108 million) in any way they wish.

HB 4036 is not needed. The provisions in the current statutes would not be in effect if the second year funding is not available for the School Improvement Fund, so there are no "unfunded mandates" included in the statutes. Although this bill has been portrayed as providing schools flexibility, I find it curious that the Legislature is willing to send a message that schools do not need to be accountable in a clearly-focused way for the first-year funding of \$108 million. Although the current budget shortfall may require that we slow down our efforts in improving literacy for our youngest students, I continue to believe that future investments should be targeted on early literacy as the best means of gaining long-term improvements in student performance.

HB 4036 sends the wrong message to our schools and their students about accountability, and I am not willing to support that message.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 4041 (Second Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

March 12, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill (HB) 4041, unsigned and disapproved. HB 4041 sets out the text of a ballot title for House Joint Resolution (HJR) 76. HJR 76 establishes an Education Stability Fund in the Oregon Constitution and appropriates \$220 million from the fund to a State School Fund in May 2003.

In the same legislative session the Legislature also passed HB 4032. That bill requires the Attorney General to draft a ballot title for HJR 76 and requires that ballot title to be placed on the ballot in the event HB 4041 does not become law.

Ballot titles are perhaps the single most important source of information for voters about the substance of the measure on which they are voting at the time that they cast their vote. Because of that, it is extremely important that the titles be drafted carefully to reflect accurately the substance and consequences of the measure.

I am vetoing HB 4041 because it is unnecessary and ambiguous. HB 4041 is unnecessary because HB 4032 already provides a process through which the Attorney General drafts a ballot title that is subject to comment by both proponents and opponents of the measure. HB 4022 is ambiguous because it does not accurately describe that HJR 76, if adopted, would allow the Legislature to distribute both earnings and principal from the Education Stability Fund. In addition, the ballot title in HB 4041 neither states that the \$220 million transfer will not occur until May Of 2003, nor does it explain that if both HJR 76 and Senate Joint Resolution (SJR) 50 (a similar constitutional amendment also appearing on the May ballot) are adopted, HJR 76 would repeal SJR 50.

In vetoing HB 4041 I am confident that the Attorney General, through the public comment process, will present Oregon voters with a more complete and accurate ballot title for HJR 76 on the May 2002 ballot, thereby giving Oregon voters an informed choice of whether to adopt the Education Stability Fund as structured under HJR 76.

Sincerely,
John A. Kitzhaber, M.D.
Governor

Vetoed HB 4042 (Second Special Session, Seventy-first Legislative Assembly) – The following message from the Governor was read:

March 12, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill (HB) 4042, unsigned and disapproved. HB 4042 sets out the text of a ballot title for Senate Joint Resolution (SJR) 50, which the legislature passed in the 2002 First Special Session. SJR 50 establishes an Education Stability Fund in the Oregon Constitution and transfers \$120 million from the fund to a State School Fund in May 2003.

Before passing HB 4042, the Legislature passed Senate Bill (SB) 1010 in the 2002 First Special Session. That bill required the Attorney General to draft a ballot title for SJR 50. HB 4042 states that, if enacted, the ballot title in that bill would replace the ballot title prepared by the Attorney General under SB 1010.

Ballot titles are perhaps the single most important source of information for voters about the substance of the measure on which they are voting at the time that they cast their vote. Because of that, it is extremely important that the titles be drafted carefully to reflect accurately the substance and consequences of the measure.

I am vetoing HB 4042 because it is unnecessary and ambiguous. HB 4042 is unnecessary because the Attorney General has already drafted a ballot title for SJR 50, which is subject to comment by both proponents and opponents of the measure. HB 4042 is ambiguous because it does not accurately describe that SJR 50, if adopted, would allow the Legislature to distribute both earnings and principal from the Education Stability Fund. In addition, the ballot title in HB 4042 does not mention that the \$120 million transfer will not occur until May of 2003.

In vetoing HB 4042 I am confident that the Attorney General, through the public comment process, will present Oregon voters with a more complete ballot title for SJR 50 on the May 2002 ballot, thereby giving Oregon voters an informed choice of whether to adopt the Education Stability Fund as structured under SJR 50.

Sincerely,
John A. Kitzhaber, M.D.
Governor

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Propositions and Motions.

Vetoed HB 4025, 4029, 4030, 4036, 4041, 4042 (2002 Second Special Session, Seventy-first Legislative Assembly) – Minnis moved bills, together with the Governor's veto messages, be tabled en bloc. Motion carried on viva voce vote. Vetoed bills together with Governor's veto messages tabled.

Message from the Senate announcing the Senate has organized and is ready for the business of the Third Special Session of the Seventy-first Legislative Assembly.

House recessed until 1:00 p.m. on motion of Jenson.

House continued in recess until 2:00 p.m.

Wednesday, June 12, 2002 – Afternoon Session

House reconvened at 2:00 p.m. Speaker in Chair. All present except: Excused, 5 – Garrard, Leonard, Smith, G., Walker, C., Wirth.

Having recessed under the order of business of Messages from the Senate, the House proceeded to the order of business of First Reading of Memorials and Resolutions.

HCR 20 – Introduced, read and referred to the Special Session Committee on Budget Reconciliation.

HJR 80 – Introduced, read and referred to the Special Session Committee on Budget Reconciliation.

HB 4050 – Read first time and referred to Speaker's desk for referral.

HB 4051, 4052 – Read first time and referred to the Special Session Committee on Budget Reconciliation.

House adjourned until 1:00 p.m., Thursday, June 13, 2002 on motion of Jenson.

Thursday, June 13, 2002 – Afternoon Session

House convened at 1:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Garrard, Walker, C.

Opening ceremony presented by Representative Donna Nelson, District 24, McMinnville.

HB 5090, 5091, 5092, 5093, 4053 – Read first time and referred to Special Session Committee on Budget Reconciliation.

HB 4050 – Referred from Speaker's desk to the Special Session Committee on Budget Reconciliation.

House adjourned until 1:00 p.m., Friday, June 14, 2002 on motion of Jenson.

Friday, June 14, 2002 – Afternoon Session

House convened at 1:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Walker, C.

Moment of silence observed.

SB 1022 – Message from the Senate announcing passage.

SR 4 – Message from the Senate announcing adoption.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4055, 4056 – Read first time and referred to Special Session Committee on Budget Reconciliation.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1022 – Read first time and referred to Special Session Committee on Budget Reconciliation.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 5090 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4050 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4053 – Report by Special Session Committee on Budget Reconciliation recommending passage.

House recessed until 3:00 p.m. on motion of Backlund.

House reconvened at 3:00 p.m. Wilson in Chair. All present except: Excused, 1 – Walker, C.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

Speaker Pro Tempore in Chair.

Wilson moved that, in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Third Special Session Rules of the House of Representatives of the Seventy-first Legislative Assembly, the requirement that on its final passage each bill shall be read section by section, is suspended for the duration of the Third Special Session of the Seventy-first Legislative Assembly, and that all bills pending before the House for final passage during this Special Session be read by title only. Motion carried on viva voce vote.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5090, 4050, 4053 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5090 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 5090 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote

was: Yeas, 52; Excused, 1 – Walker, C.; Excused for business of the House, 7 – Beck, Hass, Jenson, Kafoury, Minnis, Patridge, Smith, G. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal.

“I voted for HB 5090 because:

“This is a technical correction for action taken in the earlier special sessions. It does not change the action taken earlier.”

HB 4050 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4050 (A-Engrossed) – Read third time. Carried by Johnson.

Wilson in Chair.

HB 4050 (A-Engrossed) – On passage of the bill the vote was: Yeas, 49; Nays, 8 – Butler, Close, Garrard, Knopp, Kruse, Nelson, Witt, Zauner; Excused, 1 – Walker, C.; Excused for business of the House, 2 – Kafoury, Patridge. Bill passed having received the required 3/5 majority.

Barnhart requested the following explanation of his vote be entered in the Journal.

“I voted for HB 4050 because:

“This bill supports an important part of Oregon’s emergency response system. After September 11, the need for this system to be adequately funded is particularly clear.”

Nelson requested the following explanation of her vote be entered in the Journal:

“At this point there is no need to extend this deadline except for the Legislature’s taking of \$7 million in Third Special Session for filling of the deficit, such use I do not concur with, and which will subsequently be proposed through another House bill. This extends and does not reduce the charge to telephone rate payers nor does it exist extended for any specific purpose.”

HB 4053 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4053 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 43; Nays, 15 – Butler, Close, Doyle, Garrard, Jenson, Knopp, Kropf, Krummel, Kruse, Nelson, Smith, P., Smith, T., Wilson, Winters, Zauner; Excused, 1 – Walker, C.; Excused for business of the House, 1 – Patridge. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal.

“I voted for HB 4053 because:

“This is a housekeeping bill to decrease overhead expenses of preparing two budgets where one will do.”

House recessed until 4:30 p.m. on motion of Jenson.

House reconvened at 4:30 p.m. Wilson in Chair. All present except: Excused, 2 – Hayden, Walker, C.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4054 – Read first time and referred to Special Session Committee on Budget Reconciliation.

HB 4057 – Read first time and referred to Special Session Committee on Budget Reconciliation.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4055 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

SB 1022 (A-Engrossed) – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4052 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4056 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HJR 80 – Report by Special Session Committee on Budget Reconciliation recommending adoption with amendments and be printed engrossed.

House recessed until 7:00 p.m. on motion of Starr.

House continued in recess until 8:00 p.m.

Friday, June 14, 2002 – Evening Session

House reconvened at 8:00 p.m. Williams in Chair. All present except: Excused, 2 – Hayden, Walker, C.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4058 – Read first time and referred to Special Session Committee on Budget Reconciliation.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4055 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4055 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4055 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4055 (A-Engrossed) – Read third time. Carried by Schrader. On passage of the bill the vote was: Yeas, 32; Nays, 26 – Ackerman, Barnhart, Beck, Beyer, Close, Devlin, Dingfelder, Doyle, Gardner, Hass, Kropf, Kruse, Lee, Leonard, Merkley, Nelson, Nolan, Rosenbaum, Tomei, Verger, Walker, V., Wilson, Winters, Wirth, Witt, Zauner; Excused, 2 – Hayden, Walker, C. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1022 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 1022 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1022 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1022 (B-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 45; Nays, 13 – Ackerman, Barnhart, Beck, Dingfelder, Hass, Kafoury, Leonard, March, Nolan, Rosenbaum, Smith, G., Walker, V., Wirth; Excused, 2 – Hayden, Walker, C. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4052 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4052 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4052 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 51; Nays, 7 – Beck, Beyer, Devlin, Dingfelder, Kafoury, Nolan, Verger; Excused, 2 – Hayden, Walker, C. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HJR 80 – By unanimous consent, on request of Chair, rules suspended to permit second reading and final consideration immediately.

HJR 80 (A-Engrossed) – Read. Carried by Shetterly.

Jenson moved previous question. Motion carried on viva voce vote.

Call of the House demanded by Shetterly, joined by Nelson, Zauner, Carlson, Winters and Backlund. All present except: Excused (not subject to Call), 2 – Hayden, Walker, C.

HJR 80 (A-Engrossed) – On adoption of the resolution the vote was: Yeas, 48; Nays, 10 – Beck, Beyer, Devlin, Dingfelder, Jenson, Kafoury, Nolan, Smith, G., Verger, Walker, V.; Excused, 2 – Hayden, Walker, C. Resolution adopted.

Monnes Anderson requested the following explanation of her vote be entered in the Journal.

“I voted yes on HJR 80 which refers to the voters a mechanism to establish a rainy day fund for our schools. We must have a sustainable revenue source for our schools. This resolution will provide the means to fund public education now and in the future.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4056 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4056– Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4056 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4056 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 48; Nays, 10 – Ackerman, Barnhart, Beck, Dingfelder, Hass, Kafoury, March, Nolan, Rosenbaum, Wilson; Excused, 2 – Hayden, Walker, C. Bill passed.

House recessed until 10:30 p.m. on motion of Jenson.

House continued in recess until 12:30 a.m., Saturday, June, 15, 2003.

House reconvened at 12:30 a.m. Starr in Chair. All present except: Excused, 2 – Hayden, Walker, C.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4059 – Read first time and referred to Special Session Committee on Budget Reconciliation.

Speaker in Chair.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4058 – Report by Special Session Committee on Budget Reconciliation recommending passage.

HB 5091 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4051 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4054 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

HB 4059 – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

House recessed until 1:30 a.m. on motion of Jenson.

House reconvened at 1:30 a.m. Williams in Chair. All present except: Excused, 2 – Hayden, Walker, C.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4058 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4058 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4058 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4058 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 54; Nays, 1

– Dingfelder; Absent, 2 – Nelson, Zauner; Excused, 3 – Hayden, Smith, P., Walker, C. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4054 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4054 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4054 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4054 (A-Engrossed) – Read third time. Carried by Westlund.

Call of the House demanded by Minnis, joined by Wilson, Backlund, Morgan, Tomei and Barnhart. All present except: Absent (subject to Call), 2 – Nelson, Zauner; Excused (not subject to Call), 3 – Hayden, Smith, P., Walker, C.

By unanimous consent, on request of Minnis, rules suspended to dispense with further proceedings under the Call of the House.

HB 4054 (A-Engrossed) – On passage of the bill the vote was: Yeas, 39; Nays, 16 – Beyer, Brown, A., Butler, Close, Devlin, Doyle, Garrard, Knopp, Kropf, Kruse, Lee, Monnes Anderson, Smith, G., Starr, Wilson, Witt; Absent, 2 – Nelson, Zauner; Excused, 3 – Hayden, Smith, P., Walker, C. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 4054, which would delay a tax break for Oregonians which was approved in Ballot Measure 88. I believe that the cost of government must be fairly shared between businesses and individuals. This bill would put too much of the responsibility on individuals.

“Also, Measure 88 was approved by Oregon voters just 14 months ago. I strongly believe that BM 88 if allowed to go into effect will stimulate our economy by putting money in the hands of consumers.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5091 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 5091 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5091 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 5091 (A-Engrossed) – Read third time. Carried by Westlund.

Call of the House demanded by Westlund, joined by Garrard, Verger, Gardner, Minnis and Backlund. All present except: Absent (subject to Call), 2 – Nelson, Zauner; Excused (not subject to Call), 3 – Hayden, Smith, P., Walker, C.

HB 5091 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 21 – Ackerman, Barnhart, Beck, Beyer, Brown, A., Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, King, Lee, Leonard, Merkley, Monnes Anderson, Nolan, Ringo, Walker, V., Wirth, Witt; Absent, 1 – Zauner; Excused, 3 – Hayden, Smith, P., Walker, C. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 5091, which is the Budget Reconciliation bill. Although cuts are needed during this budget crisis, the cuts to public health, the Medicaid assistance program, the community colleges and our higher education system are unacceptable. The health and safety of our State depends on a good public health system that is able to respond to disease, bioterrorism, and health threats. This bill starts to erode the Oregon Health Plan, which is trying to take care of our most vulnerable citizens. In order to have an adequately trained workforce, we must invest in all levels of education, and the cuts to education in this bill were too deep.”

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4059 – Report by Committee on Budget and Reconciliation recommending passage with amendments and be printed engrossed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4051 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4051 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4051 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4051 (A-Engrossed) – Read third time. Carried by Schrader.

Call of the House demanded by Minnis, joined by Walker, V., Schrader, Wilson, Simmons and Brown, A. All present except: Absent (subject to Call), 1 – Zauner; Excused (not subject to Call), 3 – Hayden, Smith, P., Walker, C.

HB 4051 (A-Engrossed) – On passage of the bill the vote was: Yeas, 36; Nays, 20 – Brown, A., Butler, Close, Doyle, Garrard, Jenson, King, Knopp, Krieger, Kropf, Krummel, Kruse, Minnis, Nelson, Smith, G., Smith, T., Starr, Verger, Wilson, Winters; Absent, 1 – Zauner; Excused, 3 – Hayden, Smith, P., Walker, C. Bill passed, having received the required three-fifths majority.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted in favor of HB 4051 because this is a source of revenue to fund the key services that Oregonians have indicated they want. This bill provides a responsible source of revenue, rather than borrowing against our future, that will allow us to ‘pay as we go’ for state services. Oregon is in a budget crisis and this bill will help solve the budget problems.

“I also support this bill because as a nurse that sees the health problems of people who smoke, I want to discourage the use of tobacco. It has been shown that increasing the cigarette tax decreases consumption particularly among the youth. Preventing youth from starting to smoke saves lives as well as health care costs.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4059 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4059 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4059 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4059 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 52; Nays, 4 – Close, Devlin, Doyle, Kruse; Absent, 1 – Zauner; Excused, 3 – Hayden, Smith, P., Walker, C. Bill passed.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-First Legislative Assembly, filed on July 13, 2002 by:

Representatives Zauner, Krieger and Witt;

Avakian, Meyer, Hunt and Berger, candidates for office of State Representative.

HB 4058 – By unanimous consent, on request of Minnis, rules suspended to permit Dingfelder to change her vote from “nay” to “aye” on passage of bill.

HB 4054 – By unanimous consent, on request of Kafoury, rules suspended to allow Nelson to vote on passage of bill. Nelson voted “no.”

HB 4058 – By unanimous consent, on request of Kafoury, rules suspended to allow Nelson to vote on passage of bill. Nelson voted “aye.”

HB 4054 – By unanimous consent, on request of Kafoury, rules suspended to allow Minnis to change her vote from “aye” to “nay” on passage of bill.

House adjourned until 11:00 a.m., Monday, June 17, 2002 on motion of Jenson.

Monday, June 17, 2002 – Morning Session

House called to order at 11:00 a.m. Speaker in Chair.

In compliance with Special Session House Rule 15.50, Speaker announced that Monday, June 17, 2002 shall not be considered a session day. No per diem shall be allowed.

House continued in adjournment until 10:00 a.m., Tuesday, June 18, 2002 by order of the Speaker.

Tuesday, June 18, 2002 – Morning Session

House convened at 10:00 a.m. Speaker in Chair. All present except: Absent, 53 – Ackerman, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Carlson, Close, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, King, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner; Excused, 1 – Devlin.

Having not recorded the necessary 40 members present to meet constitutional quorum requirement, the House proceeded to adjournment.

In compliance with Oregon Constitution Article IV, Section 12, “two thirds of each house shall constitute a quorum to do business, but a smaller number may . . . adjourn from day to day.”

House adjourned until 11:00 a.m., Wednesday, June 19, 2002.

Wednesday, June 19, 2002 – Morning Session

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 4 – Hayden, King, Ringo, Smith, P.; Excused, 9 – Beck,

Devlin, Krummel, Lee, Leonard, Walker, C., Walker, V., Williams, Witt.

Speaker in Chair.

Moment of silence observed.

SB 1024, HB 5090 – Message from the Senate announcing passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1024 – Read first time and passed to Speaker's desk for referral.

House recessed until 1:30 p.m. on motion of Jensen.

House continued in recess until 3:00 p.m.

Wednesday, June 19, 2002 – Afternoon Session

House reconvened at 3:00 p.m. Speaker in Chair. All present except: Absent, 15 – Doyle, Hayden, King, Knopp, Krieger, Kruse, Merkley, Minnis, Ringo, Rosenbaum, Smith, P., Starr, Westlund, Winters, Wirth; Excused, 8 – Beck, Devlin, Krummel, Lee, Leonard, Walker, C., Williams, Witt.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 14, 2002 by:

State Representative Randy Leonard;

Brad Avakian, Mary Gallegos, Linda Flores, Mike Swaim, Greg Macpherson, Jay Bozievich, Dennis Richardson, and Pat Farr candidates for office of State Representative.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 17, 2002 by:

State Representatives Randy Leonard, Bill Witt and Wayne Krieger;

Araminta Hawkins, Norm Fox, Jeff Barker, Pat Farr, Brad Avakian and Dennis Richardson, candidates for office of State Representative.

Speaker announced appointment to the following committee:

Special Session Budget Committee on PERS – Knopp, Chair; Brown, R., Close, Hass, Hopson, Patridge, Rosenbaum.

House adjourned until 1:00 p.m., Thursday, June 20, 2002 on motion of Jensen.

Thursday, June 20, 2002 – Afternoon Session

House convened at 1:00 p.m. Wilson in Chair. All present except: Excused, 16 – Beck, Devlin, Dingfelder, Kropf, Krummel, Lee, Leonard, Nolan, Ringo, Smith, G., Smith, P., Starr, Walker, C., Walker, V., Williams, Witt.

Speaker in Chair.

Moment of silence observed.

HJR 80 – Message from the Senate announcing adoption as amended by the Senate.

SB 1022 – Message from the Senate announcing Senate refused to concur in House amendments. Conferees to be appointed.

SB 1025 – Message from the Senate announcing bill failed to pass.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 18, 2002 by:

State Representatives Randy Leonard and Bill Witt;

Jay Bozievich, Brad Avakian, Mark Swaim, Marcia L. Thompson, Betty Komp, Dave Hunt, Karole Stockton and Chuck Riley, candidates for office of State Representative.

Speaker announced appointment of members to the following committee:

Special Session Budget Committee on PERS – Patridge, Vice-Chair; Smith, T., Walker, V.

House recessed until 2:00 p.m. on motion of Jensen.

House adjourned until 11:00 a.m., Monday, June 24, 2002 by order of the Speaker.

Monday, June 24, 2002 – Morning Session

House convened at 11:00 a.m. Speaker in Chair. All present except: Absent, 58 – Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Winters, Wirth, Witt, Zauner.

Having not recorded the necessary 40 members present to meet constitutional quorum requirement, the House proceeded to adjournment.

In compliance with Oregon Constitution Article IV, Section 12, "two thirds of each house shall constitute a quorum to do business, but a smaller number may . . . adjourn from day to day."

House adjourned until 11:00 a.m., Tuesday, June 25, 2002.

Tuesday, June 25, 2002 – Morning Session

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 14 – Beck, Carlson, Gardner, Kropf, Krummel, Leonard, Merkley, Morgan, Schrader, Smith, G., Smith, T., Starr, Walker, V., Wirth.

Moment of silence observed.

HB 4050 – Message from the Senate announcing passage as amended by the Senate.

SB 1022 – Message from the Senate announcing Senators Ferrioli, Chair; Fisher and Dukes appointed Senate conferees.

House recessed until 2:30 p.m. on motion of Jensen.

Tuesday, June 25, 2002 – Afternoon Session

House reconvened at 2:30 p.m. Doyle in Chair. All present except: Excused, 10 – Beck, Carlson, King, Kropf, Merkley, Morgan, Schrader, Smith, T., Starr, Walker, V.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, the House proceeded to the next order of business.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 19, 2002 by:

State Representatives Jeff Kropf, Randy Leonard, Patti Smith, Cliff Zauner;

Mike Swaim, Brad Avakian, Jim Zupancic, Keith Parker, Marcia Thompson, Greg Macpherson and Aron Carleson, candidates for office of State Representative.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 20, 2002 by:

State Representatives Randy Leonard and Bill Witt;

Jay Bozievich, Billy Dalto, Araminta Hawkins, Joe Meyer, Pat Fahey, Dennis Richardson and Erik Hartung, candidates for office of State Representative.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 21, 2002 by:

State Representatives Susan Morgan, Charlie Ringo and Patti Smith;

Brad Avakian, Billy Dalto, George Gilman and Mitch Greenlick, candidates for office of State Representative.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 24, 2002 by:

State Representatives Tom Butler, Randy Leonard, Charlie Ringo, Patti Smith and Bill Witt;

Brad Avakian, Aaron Carleson, Araminta Hawkins, Derrick Kitts, Greg Macpherson, Mike Swaim, Marcia Thompson and Jim Zupancic, candidates for office of State Representative.

House adjourned until 10:00 a.m., Wednesday, June 26, 2002 on motion of Jensen.

Wednesday, June 26, 2002 – Morning Session

House convened at 10:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 17 – Beck, Devlin, Hass, Hayden, Kropf, Krummel, Lee, Leonard, Lowe, Nolan, Ringo, Schrader, Smith, P., Smith, T., Wirth, Witt, Zauner.

Moment of silence observed.

House recessed until 3:00 p.m. on motion of Jensen.

Wednesday, June 26, 2002 – Afternoon Session

House reconvened at 3:00 p.m. Speaker in Chair. All present except: Excused, 17 – Beck, Devlin, Doyle, King, Kropf, Krummel, Kruse, Leonard, Merkley, Monnes Anderson, Nolan, Ringo, Schrader, Smith, G., Smith, P., Smith, T., Wilson.

Having recessed under the order of business of Propositions and Motions, the House proceeded to the next order of business.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 25, 2002 by:

State Representative Charlie Ringo;

Brad Avakian, Mitch Greenlick, Dave Hunt, Derrick Kitts, John Mabrey and Marcia Thompson, candidates for office of State Representative.

SB 1022 – Speaker appointed Representatives Winters, Doyle, Hopson, Knopp and March House conferees.

HB 5090 – Speaker signed.

House adjourned until 10:00 a.m., Thursday, June 27, 2002 on motion of Jensen.

Thursday, June 27, 2002 – Morning Session

House convened at 10:00 a.m. Minnis in Chair. All present except: Excused, 17 – Barnhart, Beck, Devlin, Gardner, Hayden, King, Kropf, Lee, Leonard, Merkley, Ringo, Schrader, Smith, G., Smith, P., Smith, T., Walker, V., Wirth.

Speaker in Chair.

Moment of silence observed.

SR 5 – Message from the Senate announcing adoption.

HB 5090 – Message from the Senate announcing President signed on June 26, 2002.

House recessed until 2:30 p.m. on motion of Jensen.

House continued in recess until 4:30 p.m.

Thursday, June 27, 2002 – Afternoon Session

House reconvened at 4:30 p.m. Starr in Chair. All present except: Excused, 10 – Beck, Gardner, Kropf, Leonard, Morgan, Smith, G., Smith, P., Smith, T., Wirth, Speaker Simmons.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

HB 5091 – Message from the Senate announcing passage as amended by the Senate.

HB 4051 – Message from the Senate announcing passage as amended by the Senate.

HB 4052 – Message from the Senate announcing passage as amended by the Senate.

HB 4055 – Message from the Senate announcing passage as amended by the Senate.

HB 4059 – Message from the Senate announcing passage as amended by the Senate.

HB 4060, 4061, 4062, 4063 – Read first time and passed to Speaker's desk for referral.

House adjourned until 9:00 a.m., Friday, June 28, 2002 on motion of Jensen.

Friday, June 28, 2002 – Morning Session

House convened at 9:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 10 – Close, Devlin, Gardner, Knopp, Kropf, Leonard, Nolan, Patridge, Wilson, Wirth.

Moment of silence observed.

SJR 52 – Message from the Senate announcing adoption.

HB 4056 – Message from the Senate announcing passage as amended by the Senate.

SJR 52 – Read first time and passed to Speaker's desk for referral.

House recessed until 10:30 a.m. on motion of Backlund.

House continued in recess until 1:30 p.m.

House continued in recess until 3:00 p.m.

Friday, June 28, 2002 – Afternoon Session

House reconvened at 3:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Hopson, Kropf, Smith, G.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

House recessed for 10 minutes on motion of Kafoury.

House reconvened at 3:45 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 5 – Gardner, Hansen, Minnis, Smith, G., Starr.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 5091 – Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4050 – Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4051 – Westlund moved House not concur in Senate amendments and a Conference Committee be

appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4052 – Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4055 – Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4059 – Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HJR 80 – Westlund moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4060, 4061, 4062 – Referred from Speaker's desk to the Special Session Budget Committee on PERS.

HB 4055, 4059, 5091 – Speaker appointed Representatives Westlund, Chair; Close, Johnson, Morgan and Schrader House conferees.

HB 4050, 4051, 4052, HJR 80 – Speaker appointed Representatives Shetterly, Chair; Bates, Butler, Hass and Williams House conferees.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 26, 2002 by:

State Representatives Ralph Brown, Wayne Krieger, Randy Leonard and Bill Witt;

Brad Avakian, Pat Farr, Keith Parker and Dennis Richardson, candidates for office of State Representative.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Third Special Session, Seventy-first Legislative Assembly, filed on June 27, 2002 by:

State Representatives Richard Devlin, Randy Leonard, Kathy Lowe, Charlie Ringo and Bill Witt;

Bradley Avakian, Jeff Barker, Patrick Fahey, Mitch Greenlick, Araminta Hawkins, Cylvia Hayes, David Hunt, Keith Parker and Geoff Sinclair, candidates for office of State Representative.

House adjourned until 9:00 a.m., Saturday, June 29, 2002 on motion of Jenson.

Saturday, June 29, 2002 – Morning Session

House convened at 9:00 a.m. Doyle in Chair. All present except: Excused, 16 – Beck, Carlson, Gardner, Hayden, Kropf, Kruse, Merkley, Minnis, Monnes Anderson, Morgan, Nolan, Ringo, Rosenbaum, Starr, Westlund, Wirth.

Speaker Pro Tempore in Chair.

Doyle in Chair.

Moment of silence observed.

HB 5091 – Message from the Senate announcing Senators Hannon, Dukes and Courtney appointed Senate conferees.

HB 4050 – Message from the Senate announcing Senators Minnis, Duncan and Trow appointed Senate conferees.

HB 4051 – Message from the Senate announcing Senators Hannon and Courtney appointed Senate conferees.

HB 4052 – Message from the Senate announcing Senators Ferrioli, Starr and Trow appointed Senate conferees.

HB 4055 – Message from the Senate announcing Senators Hannon, Courtney and Duncan appointed Senate conferees.

HJR 80 – Message from the Senate announcing Senators Ferrioli, Starr and Castillo appointed Senate conferees.

SJR 52 – Referred from Speaker's desk to the Special Session Budget Committee on PERS.

House recessed until 10:30 a.m. on motion of Jenson.

House reconvened at 10:30 a.m. Wilson in Chair. All present except: Excused, 9 – Beck, Devlin, Gardner, Hayden, Kropf, Monnes Anderson, Ringo, Starr, Tomei; Excused for business of the House, 4 – Doyle, Hopson, Knopp, Winters.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4062 – Report by Special Session Budget Committee on PERS recommending passage as amended and be printed engrossed.

HB 4059 – Message from the Senate announcing Senators Hannon, Duncan and Courtney appointed Senate conferees.

HB 4064, 4065 – Read first time and referred to the Special Session Budget Committee on PERS.

HB 4063 – Referred from Speaker’s desk to the Special Session Budget Committee on PERS.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4062 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4062 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4062 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4062 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 46; Nays, 1 – Lowe; Excused, 9 – Beck, Devlin, Gardner, Hayden, Kropf, Monnes Anderson, Ringo, Starr, Tomei; Excused for business of the House, 4 – Doyle, Hopson, Knopp, Winters. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

SJR 52 – Report by Special Session Budget Committee on PERS recommending adoption.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

SJR 52 – Read. Carried by Smith, P. On adoption of the resolution the vote was: Yeas, 47; Excused, 9 – Beck, Devlin, Gardner, Hayden, Kropf, Monnes Anderson, Ringo, Starr, Tomei; Excused for business of the House, 4 – Doyle, Hopson, Knopp, Winters. Resolution adopted.

House recessed until 1:00 p.m. on motion of Jenson.

Saturday, June 29, 2002 – Afternoon Session

House reconvened at 1:00 p.m. Starr in Chair. All present except: Excused, 8 – Beck, Gardner, Hayden, Kropf, Monnes Anderson, Ringo, Starr, Tomei.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

SB 1022 (B-Engrossed) – Report by Conference Committee, signed by Senators Ferrioli, Dukes and

Representatives Winters, Doyle, Hopson, Knopp, March recommending Senate concur in House amendments dated June 14, 2002 and bill be further amended and repassed.

HB 4064 – Report by Special Session Budget Committee on PERS recommending passage with amendments and be printed engrossed.

HB 4065 – Report by Special Session Budget Committee on PERS recommending passage.

SJR 52 – By unanimous consent, on request of Kafoury, rules suspended to allow Knopp to vote on adoption of resolution. Knopp voted “aye.”

HB 4062 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to allow Knopp to vote on passage of bill. Knopp voted “aye.”

SJR 52 – By unanimous consent, on request of Kafoury, rules suspended to allow Winters to vote on adoption of resolution. Winters voted “aye.”

HB 4062 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to allow Winters to vote on passage of bill. Winters voted “aye.”

HB 4062 (A-Engrossed) – By unanimous consent, on request of Minnis, rules suspended to allow Devlin to vote on passage of bill. Devlin voted “aye.”

SJR 52 – By unanimous consent, on request of Minnis, rules suspended to allow Devlin to vote on adoption of resolution. Devlin voted “aye.”

SJR 52 – By unanimous consent, on request of Minnis, rules suspended to allow Hopson to vote on adoption of resolution. Hopson voted “aye.”

HB 4062 (A-Engrossed) – By unanimous consent, on request of Minnis, rules suspended to allow Hopson to vote on passage of bill. Hopson voted “no.”

House recessed until 3:30 p.m. on motion of Jenson.

House continued in recess until 4:00 p.m.

House reconvened at 4:00 p.m. Westlund in Chair. All present except: Excused, 2 – Hayden, Monnes Anderson.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4063 – Report by Special Session Budget Committee on PERS recommending passage with amendments and be printed engrossed.

SB 1022 – Message from the Senate announcing Conference Committee Report adopted and bill repassed.

SB 1022 (B-Engrossed) – Winters moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

SB 1022 (B-Engrossed) – Winters moved bill be repassed.

Call of the House demanded by Winters, joined by Brown, A., Williams, Garrard, Barnhart and Merkley. All present except: Excused (not subject to Call), 2 – Hayden, Monnes Anderson.

SB 1022 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 46; Nays, 12 – Barnhart, Beck, Dingfelder, Hass, Kafoury, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Wirth; Excused, 2 – Hayden, Monnes Anderson. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against SB 1022 because:

“This is a gimmick to force the next legislature to spend money we should raise now to support our schools. We should not use Eron-like accounting to pretend the state has more money than it actually has.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4063 – Read second time and passed to third reading.

HB 4064, 4065 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 4064, 4065 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4063 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4063 (A-Engrossed) – Read third time. Carried by Schrader. On passage of the bill the vote was: Yeas, 52; Nays, 4 – Beck, Smith, G., Smith, P., Zauner; Absent, 1 – Witt; Excused, 2 – Hayden, Monnes Anderson; Excused for business of the House, 1 – Close. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4063 because:

“Oregon desperately needs a good, adoptable plan for adequate long-term revenue for the state and for our schools. This bill will help us find and promote such a plan.”

HB 4064 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4064 (A-Engrossed) – Read third time. Carried by Patridge.

Call of the House demanded by Patridge, joined by Backlund, Merkley, Krieger, Starr and Smith, P. All present except: Excused (not subject to Call), 2 – Hayden, Monnes Anderson.

HB 4064 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Butler, Devlin, Dingfelder, Hansen, Hass, Hopson, Kafoury, King, Krummel, Lee, Leonard, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth, Zauner; Excused, 2 – Hayden, Monnes Anderson. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 4064 because:

“The cigarette tax should be a permanent, not a temporary, tax. High cigarette prices improve public health by reducing consumption and the tax provides needed revenue to reduce the health care subsidy for smokers.”

HB 4065 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 4065 – Read third time. Carried by Patridge.

Call of the House demanded by Westlund, joined by Hansen, Schrader, Brown, A., Backlund and Walker, C. All present except: Excused (not subject to Call), 2 – Hayden, Monnes Anderson.

HB 4065 – On passage of the bill the vote was: Yeas, 33; Nays, 25 – Beck, Beyer, Butler, Close, Devlin, Dingfelder, Garrard, Hass, Kropf, Krummel, Leonard, Lowe, March, Merkley, Nelson, Nolan, Rosenbaum, Smith, G., Tomei, Verger, Walker, C., Walker, V., Wilson, Wirth, Zauner; Excused, 2 – Hayden, Monnes Anderson. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4065 because:

“If the tax were referred by petition, as appeared likely, the tax would be in abeyance until after the November 2004 election. An earlier vote could be set for January 3, 2003 at the earliest. Several months' revenue would be lost. This bill gets the tax into effect as quickly as possible.”

SB 1027, 4062 – Message from the Senate announcing passage.

HB 4053 – Message from the Senate announcing passage as amended by the Senate.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1027 – Read first time and referred to the Special Session Budget Committee on PERS.

HB 4062 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to allow Starr to vote on passage of bill. Starr voted “aye.”

House recessed until 6:30 p.m. on motion of Jenson.

House continued in recess until 8:00 p.m.

Saturday, June 29, 2002 – Evening Session

House reconvened at 8:00 p.m. Smith, P. in Chair. All present except: Excused, 2 – Hayden, Monnes Anderson.

Williams in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HJR 80 (B-Engrossed) – Report by Conference Committee, signed by Representatives Shetterly, Bates, Butler, Hass, Williams and Senators Ferrioli, Castillo, Starr recommending House concur in Senate amendments dated June 18, 2002 and bill be further amended and repassed.

HB 4052 (C-Engrossed) – Report by Conference Committee, signed by Representatives Shetterly, Bates, Butler, Hass, Williams and Senators Ferrioli, Starr, Castillo recommending House concur in Senate amendments dated June 19, 2002 and June 26, 2002 and bill be further amended and repassed.

SB 1027 (A-Engrossed) – Report by Special Session Budget Committee on PERS recommending passage.

HJR 80 (B-Engrossed) – Shetterly moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HJR 80 (B-Engrossed) – Shetterly moved resolution be readopted. On readoption of the resolution the vote was: Yeas, 52; Nays, 5 – Beck, Beyer, Close, Jenson, Wirth; Absent, 1 – Lowe; Excused, 2 – Hayden, Monnes Anderson. Resolution readopted.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for HJR 80 because:

“This is a dangerous measure without a fall-back position to protect schools. But the rainy day fund aspect of this proposal is significantly better than Measure 13. The fund fills faster and funds become available for school buildings in the future. Also, the amount taken from the fund is much smaller with this measure than with Measure 13.

Unfortunately, this measure may lead to a fourth special session.”

HB 4052 (C-Engrossed) – Shetterly moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 4052 (C-Engrossed) – Shetterly moved bill be repassed. On repassage of the bill the vote was: Yeas, 53; Nays, 4 – Beyer, Kafoury, Nolan, Wirth; Absent, 1 – Lowe; Excused, 2 – Hayden, Monnes Anderson. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4052 because:

“This is a technical statute necessary to implement HJR 80. It only becomes effective if HJR 80 passes a vote of the people.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1027 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 1027 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1027 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 1027 (A-Engrossed) – Read third time. Carried by Brown, R. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Witt; Excused, 2 – Hayden, Monnes Anderson. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of SB 1027 because:

“This is a technical change to allow lump sum payments of accrued unfunded liabilities for PERS in order to correctly account for those payments. It allows funding employers to get credit for their payments against their own liabilities and encourages payment to be made now rather than later.”

HB 4056 (C-Engrossed) – Shetterly moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 4056 – Speaker appointed Shetterly, Chair; Bates, Butler, Hass and Williams House conferees.

House recessed until 9:00 p.m. on motion of Jenson.

House continued in recess until 10:20 p.m.

House reconvened at 10:20 p.m. Speaker in Chair. All present except: Excused, 1 – Monnes Anderson.

Having recessed under the order of business of Propositions and Motions, the House returned to the order of business of Messages from the Senate.

HB 4064, 4065 – Message from the Senate announcing passage.

HB 4056 – Message from the Senate announcing Senators Hannon and Courtney appointed Senate conferees.

HJR 80 – Message from the Senate announcing Senate adopted Conference Committee Report and readopted resolution.

HB 4052 – Message from the Senate announcing Senate adopted Conference Committee Report and repassed bill.

SB 1024 – Bill referred from Speaker's desk to the Special Session Budget Committee on PERS.

House recessed for 10 minutes on motion of Minnis.

House reconvened at 11:00 p.m. Hayden in Chair. All present except: Excused, 1 – Monnes Anderson.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4050 (B-Engrossed) – Report by Conference Committee, signed by Representatives Shetterly, Bates, Butler, Hass and Williams and Senators Minnis, Duncan and Trow, recommending House concur in Senate amendments dated June 19, 2002 and bill be repassed.

HB 4051 (C-Engrossed) – Report by Conference Committee, signed by Representatives Shetterly, Bates, Butler, Hass and Williams and Senators Hannon, Courtney, recommending House concur in Senate amendments dated June 26, 2002 and June 27, 2002 and bill be repassed.

HB 4056 (C-Engrossed) – Report by Conference Committee, signed by Representatives Shetterly, Bates, Butler, Hass and Williams and Senators Hannon, Courtney, recommending House concur in Senate amendments dated June 26, 2002 and June 27, 2002 and bill be repassed.

Williams in Chair.

HB 4050 (B-Engrossed) – Shetterly moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 4050 (B-Engrossed) – Shetterly moved bill be repassed.

Call of the House demanded by Shetterly, joined by Minnis, Patridge, Winters, Backlund and Brown,

A. All present except: Excused (not subject to Call), 1 – Monnes Anderson.

HB 4050 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 44; Nays, 15 – Butler, Close, Doyle, Garrard, Jenson, Knopp, Kruse, Lowe, Merkley, Nelson, Smith, G., Walker, C., Wilson, Witt, Zauner; Excused, 1 – Monnes Anderson. Bill repassed, having received the required three-fifths Constitutional majority.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted in favor of HB 4050 because:

"This amends the sunset date for 911 tax. This tax is needed to complete phase II of 911 in nine counties in Oregon."

HB 4051 (C-Engrossed) – Shetterly moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 4051 (C-Engrossed) – Shetterly moved bill be repassed.

Call of the House demanded by Shetterly, joined by Minnis, Brown, R., Morgan, Backlund and Zauner. All present except: Excused (not subject to Call), 1 – Monnes Anderson.

HB 4051 (C-Engrossed) – On repassage of the bill the vote was: Yeas, 37; Nays, 22 – Brown, A., Butler, Close, Doyle, Garrard, Jenson, Knopp, Krieger, Kropf, Krummel, Kruse, Minnis, Morgan, Nelson, Smith, P., Smith, T., Starr, Verger, Walker, C., Wilson, Winters, Zauner; Excused, 1 – Monnes Anderson. Bill repassed, having received the required three-fifths Constitutional majority.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted in favor of HB 4051 because:

"This bill allows for a 60-cent per pack cigarette tax to raise funds needed to fund the Oregon Health Plan."

HB 4056 (C-Engrossed) – Bates moved Conference Committee Report be adopted.

Call of the House demanded by Shetterly, joined by Patridge, Devlin, Bates, Barnhart and Brown, A. All present except: Excused (not subject to Call), 1 – Monnes Anderson.

HB 4056 (C-Engrossed) – Motion to adopt Conference Committee report carried, the vote being: Yeas, 32; Nays, 27 – Ackerman, Beck, Beyer, Butler, Dingfelder, Gardner, Hass, Hopson, Jenson, Kafoury, King, Kropf, Krummel, Lee, Leonard, Lowe, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wilson, Wirth, Zauner; Excused, 1 – Monnes Anderson. Conference Committee Report adopted.

HB 4056 (C-Engrossed) – Bates moved bill be repassed.

Potential conflict of interest declared by King.

Call of the House demanded by Patridge, joined by Brown, A., Backlund, Nelson, Minnis and Brown R. All present except: Excused (not subject to Call), 1 – Monnes Anderson.

HB 4056 (C-Engrossed) – On repassage of the bill the vote was: Yeas, 32; Nays, 27 – Ackerman, Beck, Beyer, Close, Dingfelder, Gardner, Hass, Hopson, Kafoury, King, Kropf, Krummel, Lee, Leonard, Lowe, March, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wilson, Wirth, Zauner; Excused, 1 – Monnes Anderson. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4056 because:

“This is a difficult vote for one who objects to bonding for current operations. I support the measure because it is necessary to support schools this coming school year. The new revenue which is bonded will be available unencumbered in later years to assist in the ongoing operations of the state. The income necessary to support the repayment is only a portion of the amount to be generated by the tax.”

House recessed until 3:15 a.m. on motion of Jensen.

House reconvened at 3:15 a.m., Sunday, June 30, 2002. Knopp in Chair. All present except: Excused, 1 – Monnes Anderson.

Speaker Pro Tempore in Chair

Having recessed under the order of business of Propositions and Motions, the House returned temporarily to the order of business of Messages from the Senate.

HB 4054 – Message from the Senate announcing passage as amended by the Senate.

HB 4056 – Message from the Senate announcing Senate adopted Conference Committee report and repassed bill.

HB 4063 – Message from Senate announcing passage.

SB 1023 – Message from Senate announcing bill failed to pass.

HB 4054 – Letter from Legislative Counsel read into the record.

“The text of C-engrossed House Bill 4054, which the Senate passed, is identical to the text of A-engrossed House Bill 4054, which the House of Representatives passed. There are no changes to the bill in which the House could concur or not concur. The change in the bill’s designation from A-Engrossed to C-engrossed does not cause the need for a vote on concurrence.”

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4059 (B-Engrossed) – Report by Conference Committee signed by Representatives Westlund,

Close, Johnson, Morgan and Schrader and Senators Hannon, Duncan, Courtney, recommending House concur in Senate amendments dated June 26, 2002 and bill be further amended and repassed.

HB 4055 (C-Engrossed) – Report by Conference Committee signed by Representatives Westlund, Close, Johnson, Morgan and Schrader and Senators Hannon, Courtney, Duncan, recommending House concur in Senate amendments dated June 26, 2002 and June 27, 2002 and bill be further amended and repassed.

HB 5091 (D-Engrossed) – Report by Conference Committee signed by Representatives Westlund, Close, Johnson, Morgan, Schrader and Senators Hannon, Dukes, Courtney, recommending House concur in Senate amendments dated June 25, 2002, June 26, 2002 and June 27, 2002 and bill be further amended and repassed.

HB 4053 (A-Engrossed) – Westlund moved House concur in Senate amendments and repass bill as amended by the Senate.

HB 4053 (A-Engrossed) – By unanimous consent, on request of Chair, rules suspended and consideration of Senate amendments made Special Order of Business immediately following consideration of HB 4059.

HB 4059 (B-Engrossed) – Johnson moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 4059 (B-Engrossed) – Johnson moved bill be repassed. On repassage of the bill the vote was: Yeas, 49; Nays, 5 – Garrard, Kruse, Lowe, Smith, G., Zauner; Absent, 2 – Ringo, Witt; Excused, 2 – Monnes Anderson, Smith, P.; Excused for business of the House, 2 – Krummel, Wilson. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4059 because:

“This bill establishes the September 17, 2002 election necessary for the cigarette tax and the rainy day fund vote of the people. It is a technical bill only.”

HB 4053 (A-Engrossed) – Westlund moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 46; Nays, 9 – Close, Garrard, Kruse, Nolan, Smith, T., Starr, Wilson, Wirth, Zauner; Absent, 2 – Ringo, Witt; Excused, 2 – Monnes Anderson, Smith, P.; Excused for business of the House, 1 – Krummel. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4053 because:

“This bill represents a concurrence with virtually no difference from the earlier vote on the bill.”

HB 4055 (C-Engrossed) – Westlund moved Conference Committee Report be adopted.

Potential conflict of interest declared by Lowe.

HB 4055 (C-Engrossed) – Motion to adopt Conference Committee Report carried on viva voce vote. Conference Committee Report adopted.

HB 4055 (C-Engrossed) – Westlund moved bill be repassed.

Previous question moved by Knopp, carried.

Call of the House demanded by Westlund, joined by Barnhart, March, Close, Williams and Carlson. All present except: Absent (not subject to Call), 2 – Ringo, Witt; Excused (not subject to Call), 2 – Monnes Anderson, Smith, P.

HB 4055 (C-Engrossed) – On repassage of the bill the vote was: Yeas, 33; Nays, 23 – Beck, Beyer, Butler, Close, Dingfelder, Doyle, Garrard, Kropf, Kruse, Lowe, Merkley, Nelson, Nolan, Rosenbaum, Smith, G., Smith, T., Starr, Tomei, Verger, Walker, V., Wilson, Wirth, Zauner; Absent, 2 – Ringo, Witt; Excused, 2 – Monnes Anderson, Smith, P. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted in favor of HB 4055-C because:

“This bill adds monies for schools and improves the library at Southern Oregon University. I do not support diversion from the 911 fund but on balance the bill requires a ‘yes’ vote.”

HB 5091 (D-Engrossed) – Westlund moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 5091 (D-Engrossed) – Westlund moved bill be repassed.

Call of the House demanded by Westlund, joined by Brown, R., Minnis, Morgan, Hass and Merkley. All present except: Absent (not subject to Call), 2 – Ringo, Witt; Excused (not subject to Call), 2 – Monnes Anderson, Smith, P.

HB 5091 (D-Engrossed) – On repassage of the bill the vote was: Yeas, 32; Nays, 24 – Ackerman, Barnhart, Beck, Beyer, Butler, Devlin, Dingfelder, Gardner, Garrard, King, Kruse, Lee, Leonard, Lowe, Merkley, Nelson, Nolan, Rosenbaum, Starr, Tomei, Walker, V., Wilson, Wirth, Zauner; Absent, 2 – Ringo, Witt; Excused, 2 – Monnes Anderson, Smith, P. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 5091-D because:

“Many serious cuts significantly affecting important services. The state should raise sufficient revenue to support its schools and colleges, the old and the infirm. The people should be given a

chance to raise the revenue needed rather than cut an already strained budget further. This bill should not be enacted.”

HJR 80 (C-Engrossed) – By unanimous consent, on request of Minnis, rules suspended to allow Lowe to vote on readoption of resolution. Lowe voted “nay.”

HB 4052 (C-Engrossed) – By unanimous consent, on request of Minnis, rules suspended to allow Lowe to vote on repassage of bill. Lowe voted “nay.”

HB 4051 (C-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Smith, G. to change his vote from “aye” to “nay” on repassage of bill.

HJR 80 (C-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Close to change her vote from “nay” to “aye” on readoption of resolution.

SCR 16 – Message from the Senate announcing adoption.

HB 4055, 5091 – Message from the Senate announcing Conference Committee Report adopted and bills repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

SCR 16 (A-Engrossed) – By unanimous consent, on request of Chair, rules suspended to permit final consideration immediately.

SCR 16 (A-Engrossed) – Read in its entirety. Resolution adopted on viva voce vote.

House adjourned sine die at 5:00 a.m., Sunday, June 30, 2002.

HB 4059 – Message from Senate announcing Conference Committee Report adopted and bill repassed.

SJR 52 – Message from the Senate announcing President signed.

SJR 52 – Speaker signed on June 30, 2002.

HB 4051, 4059, 4065; HJR 80 – Speaker signed on July 2, 2002.

HB 4051, 4059, 4065; HJR 80, SB 1022, 1027; SCR 16 – Message from the Senate announcing President signed on July 3, 2002.

HB 4051, 4059, 4065 – Message from the Governor announcing he signed on July 3, 2002.

SB 1022, 1027, SCR 16 – Speaker signed on July 10, 2002.

HB 5091, 4050, 4052, 4053, 4054, 4055, 4056, 4062, 4063, 4064 – Speaker signed on July 10, 2002.

HB 5091, 4050, 4052, 4053, 4054, 4055, 4056, 4062, 4063, 4064 – Message from the Senate announcing the President signed on July 10, 2002.

HB 4050 – Message from the Governor announcing he signed on July 29, 2002.

HB 4052 – Message from the Governor announcing bill referred to the people for approval on July 10, 2002.

HB 4053, 4054, 4062, 4063, 5090 – Message from the Governor announcing he signed on July 29, 2002.

HB 4064 – Message from the Governor announcing he vetoed on August 6, 2002.

HB 4056 – Message from the Governor announcing he vetoed on August 7, 2002.

HB 4055, 5091 – Message from the Governor announcing bills allowed to become law without his signature on August 8, 2002.

**THIRD
SPECIAL SESSION**

**HOUSE MEASURES
STATUS REPORT**



HOUSE BILLS

HB 4050 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to taxation; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.

6-12(H) First reading. Referred to Speaker's desk.
 6-13 Referred to Budget Reconciliation. Public Hearing and Work Session held.
 6-14 Recommendation: Do pass with amendments and be printed A-Engrossed. Second reading. Rules suspended. Third reading. Carried by Johnson. Passed. Ayes, 49; Nays, 8 - Butler, Close, Garrard, Knopp, Kruse, Nelson, Witt, Zauner, Excused, 1 - Walker, C., Excused for business of the House, 2 - Kafoury, Patridge. Vote explanation(s) filed by Barnhart, Nelson.
 6-15(S) First reading. Referred to President's desk. Referred to Revenue.
 6-17 Public Hearing held.
 6-19 Work Session held. Recommendation: Do pass the A-Eng. bill. Second reading. Motion to rerefer to Revenue carried on voice vote. Work Session held. Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.) (Amendments distributed 06-19.)
 6-20 Third reading. Carried by Minnis. Carried over to 06-21 by implied consent.
 6-21 Bill read. Bill Passed. Ayes, 27; Nays, 2 - Carter, Yih, Absent, 1 - Corcoran.
 6-28(H) House refused to concur in Senate amendments. Representatives Shetterly, Bates, Butler, Hass, Williams appointed House Conferees.
 6-28(S) Senators Minnis, Duncan, Trow appointed Senate conferees.
 6-29 Work Session held.
 6-29(H) Conference Committee recommendation: The House concur in Senate amendments dated June 19 and bill be repassed.
 6-29(S) Conference Committee Report read in Senate. (No Senate action required.)
 6-29(H) House adopted Conference Committee Report. Repassed. Ayes, 44; Nays, 15 - Butler, Close, Doyle, Garrard, Jenson, Knopp, Kruse, Lowe, Merkley, Nelson, Smith, G., Walker, C., Wilson, Witt, Zauner, Excused, 1; Monnes Anderson. Vote explanation(s) filed by Barnhart.
 7-10 Speaker signed.
 7-10(S) President signed.
 7-29(H) Governor signed. (Chapter 04, 2002 Third Special Session Laws) Effective date: September 29, 2002.

HB 4051 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to taxation; appropriating money; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.

6-12(H) First reading. Referred to Speaker's desk. Referred to Budget Reconciliation.

Public Hearing held.
 6-13 Work Session held.
 6-14 Work Session held. Recommendation: Do pass with amendments and be printed A-Engrossed.
 6-15 Second reading. Rules suspended. Third reading. Carried by Schrader. Passed. Ayes, 36; Nays, 20 - Brown, A., Butler, Close, Doyle, Garrard, Jenson, King, Knopp, Krieger, Kropf, Krummel, Kruse, Minnis, Nelson, Smith, G., Smith, T., Starr, Verger, Wilson, Winters, Absent, 1 - Zauner, Excused, 3 - Hayden, Smith, P., Walker, C.. Vote explanation(s) filed by Monnes Anderson.
 6-15(S) First reading. Referred to President's desk. Referred to Revenue. Public Hearing held.
 6-25 Work Session held.
 6-26 Recommendation: Without recommendation as to passage and be referred to Budget. Referred to Budget by order of the President. Public Hearing and Work Session held. Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.) (Amendments distributed 06-26.)
 6-27 Second reading. Motion to rerefer to Budget carried by unanimous consent. Public Hearing and Work Session held. Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.) (Amendments distributed 06-27.) Rules suspended. Third Reading. Carried by Hannon. Passed. Ayes, 18; Nays, 12 - Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Miller, Nelson, Starr, Yih.
 6-28(H) House refused to concur in Senate amendments. Representatives Shetterly, Bates, Butler, Hass, Williams appointed House Conferees.
 6-28(S) Senators Hannon, Courtney appointed Senate conferees.
 6-29 Work Session held.
 6-29(H) House concur in Senate amendments dated 06-26 and 06-27 and bill be repassed.
 6-29(S) Conference Committee Report read in Senate. (No Senate action required.)
 6-29(H) House adopted Conference Committee Report. Repassed. Ayes, 36; Nays, 23 - Brown, A., Butler, Close, Doyle, Garrard, Jenson, Knopp, Krieger, Kropf, Krummel, Kruse, Minnis, Morgan, Nelson, Smith, G., Smith, P., Smith, T., Starr, Verger, Walker, C., Wilson, Winters, Zauner, Excused, 1 - Monnes Anderson. Vote explanation(s) filed by Barnhart.
 7-2 Speaker signed.
 7-3(S) President signed.
 7-3(H) Governor signed. (Chapter 02, 2002 Third Special Session Laws) Effective date: September 29, 2002.

HB 4052 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to Education Stability Fund; prescribing an effective date.

6-12(H) First reading. Referred to Speaker's desk. Referred to Budget Reconciliation. Public Hearing held.
 6-14 Public Hearing and Work Session held.

- Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 51; Nays, 7 - Beck, Beyer, Devlin, Dingfelder, Kafoury, Nolan, Verger, Excused, 2 - Hayden, Walker, C..
- 6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
- 6-17 Public Hearing held.
- 6-19 Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 06-19.)
Second reading.
- 6-20 Carried over to 06-21 by implied consent.
- 6-21 Motion to rerefer to Revenue carried on voice vote.
- 6-25 Work Session held.
- 6-26 Recommendation: Without recommendation as to passage and be referred to Budget.
Referred to Budget by order of the President.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 06-26.)
- 6-27 Motion to rerefer to Budget carried by unanimous consent.
Public Hearing and Work Session held.
Recommendation: Do pass the C-Eng. bill.
(Amendments distributed 06-27.)
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 22; Nays, 8 - Carter, Corcoran, Dukes, George, Morrisette, Shields, Trow, Yih.
- 6-28(H) House refused to concur in Senate amendments.
Representatives Shetterly, Bates, Butler, Hass, Williams appointed House Conferees.
- 6-28(S) Senators Ferrioli, Starr, Trow appointed Senate conferees.
- 6-29 Work Session held.
- 6-29(H) House concur in Senate amendments dated 06-19 and 06-26 and bill be further amended and repassed.
- 6-29(S) Conference Committee Report read in Senate.
(Amendments distributed 06-29.)
- 6-29(H) House adopted Conference Committee Report.
Repassed.
Ayes, 53; Nays, 5 - Beyer, Kafoury, Lowe, Nolan, Wirth, Excused, 2 - Hayden, Monnes Anderson.
Vote explanation(s) filed by Barnhart.
- 6-29(S) Senate adopted Conference Committee Report and repassed bill.
Ayes, 18; Nays, 10 - Atkinson, Beyer, Carter, Clarno, Corcoran, Dukes, George, Miller, Shields, Yih, Excused, 1 - Fisher, Attending Legislative Business, 1 - Minnis.
- 7-10(H) Speaker signed.
- 7-10(S) President signed.
- 7-10(H) Referred to the people for approval.
- HB 4053 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to Hearing Officer Panel; declaring an emergency.**
- 6-13(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
- 6-14 Public Hearing and Work Session held.
Recommendation: Do pass.
Second reading.
- Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 43; Nays, 15 - Butler, Close, Doyle, Garrard, Jenson, Knopp, Kropf, Krummel, Kruse, Nelson, Smith, P., Smith, T., Wilson, Winters, Zauner, Excused, 1 - Walker, C., Excused for business of the House, 1 - Patridge.
Vote explanation(s) filed by Barnhart.
- 6-15(S) First reading. Referred to President's desk.
- 6-29 Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments. (Printed A-Eng.)
(Amendments distributed 06-29.)
Second reading.
Rules suspended. Third Reading. Carried by Minnis.
Passed.
Ayes, 23; Nays, 2 - Atkinson, Ferrioli, Absent, 3 - Carter, George, Miller, Excused, 1 - Fisher, Attending Legislative Business, 1 - Beyer.
- 6-30(H) House concurred in Senate amendments and repassed measure.
Ayes, 46; Nays, 9 - Close, Garrard, Kruse, Nolan, Smith, T., Starr, Wilson, Wirth, Zauner, Absent, 2 - Ringo, Witt, Excused, 2 - Monnes Anderson, Smith, P., Excused for business of the House, 1 - Krummel.
Vote explanation(s) filed by Barnhart.
- 7-10 Speaker signed.
- 7-10(S) President signed.
- 7-29(H) Governor signed.
(Chapter 07, 2002 Third Special Session Laws)
Effective date: July 29, 2002.
- HB 4054 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to taxation; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.**
- 6-14(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
- 6-15 Second reading.
Rules suspended. Third reading. Carried by Westlund.
Passed.
Ayes, 38; Nays, 18 - Beyer, Brown, A., Butler, Close, Devlin, Doyle, Garrard, Knopp, Kropf, Kruse, Lee, Monnes Anderson, Minnis, Nelson, Smith, G., Starr, Wilson, Witt, Absent, 1 - Zauner, Excused, 3 - Hayden, Smith, P., Walker, C..
Vote explanation(s) filed by Monnes Anderson.
- 6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
Public Hearing held.
- 6-19 Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 06-19.)
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Trow.
Failed.
Ayes, 17; Nays, 13 - Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Miller, Minnis, Nelson, Starr, Yih.
Hannon declared potential conflict of interest.
Beyer served notice of possible reconsideration and moved for immediate reconsideration.

- Motion to reconsider carried on voice vote.
Motion to rerefer to Revenue carried on voice vote.
- 6-25 Work Session held.
- 6-26 Recommendation: Without recommendation as to passage and be referred to Budget.
Referred to Budget by order of the President.
Public Hearing and Work Session held.
Tabled in committee.
- 6-29 Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 06-29.)
- 6-30 Rules suspended. Bill read. Carried by Hannon.
Passed.
Ayes, 18; Nays, 10 - Atkinson, Beyer, Clarno, Ferrioli, Fisher, Harper, Messerle, Nelson, Starr, Yih, Absent, 2 - George, Miller.
- 6-30(H) No House action required. Senate version identical to previous House version.
- 7-10 Speaker signed.
- 7-10(S) President signed.
- 7-29(H) Governor signed.
(Chapter 08, 2002 Third Special Session Laws)
Effective date: September 29, 2002.
- HB 4055 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to state finance; declaring an emergency.**
- 6-14(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Schrader.
Passed.
Ayes, 32; Nays, 26 - Ackerman, Barnhart, Beck, Beyer, Close, Devlin, Dingfelder, Doyle, Gardner, Hass, Kropf, Kruse, Lee, Leonard, Merkley, Nelson, Nolan, Rosenbaum, Tomei, Verger, Walker, V., Wilson, Winters, Wirth, Witt, Zauner, Excused, 2 - Hayden, Walker, C..
- 6-15(S) First reading. Referred to President's desk.
Referred to Budget.
Public Hearing held.
- 6-26 Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 06-26.)
- 6-27 Second reading.
Motion to rerefer to Budget carried by unanimous consent.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 06-27.)
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 18; Nays, 12 - Burdick, Carter, Castillo, Clarno, Corcoran, Deckert, Dukes, George, Harper, Metsger, Morrisette, Yih.
Castillo declared potential conflict of interest.
- 6-28(H) House refused to concur in Senate amendments.
Representatives Westlund, Close, Johnson, Morgan, Schrader appointed House Conferees.
- 6-28(S) Senators Hannon, Courtney, Duncan appointed Senate conferees.
- 6-29(H) Conference Committee recommendation: House concur in Senate amendments dated 06-26 and 06-27 and bill be further amended and repassed.
- 6-30(S) Work Session held.
Conference Committee Report read in Senate.
(Amendments distributed 06-30.)
Senate adopted Conference Committee Report and repassed bill.
Ayes, 16; Nays, 12 - Atkinson, Beyer, Burdick, Clarno, Corcoran, Dukes, Ferrioli, Fisher, Messerle, Morrisette, Starr, Yih, Absent, 2 - George, Miller.
- 6-30(H) House adopted Conference Committee Report.
Repassed.
Ayes, 33; Nays, 23 - Beck, Beyer, Butler, Close, Dingfelder, Doyle, Garrard, Kropf, Kruse, Lowe, Merkley, Nelson, Nolan, Rosenbaum, Smith, G., Smith, T., Starr, Tomei, Verger, Walker, V., Wilson, Wirth, Zauner, Absent, 2 - Ringo, Witt, Excused, 2 - Monnes Anderson, Smith, P..
Potential conflict of interest declared by Lowe.
Vote explanation(s) filed by Barnhart.
- 7-10 Speaker signed.
- 7-10(S) President signed.
- 8-8(H) Filed with Secretary of State without Governor's signature.
(Chapter 12, 2002 Third Special Session Laws)
Effective date: August 08, 2002.
- HB 4056 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to revenue bonds for State School Fund; appropriating money; declaring an emergency.**
- 6-14(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 48; Nays, 10 - Ackerman, Barnhart, Beck, Dingfelder, Hass, Kafoury, March, Nolan, Rosenbaum, Wilson, Excused, 2 - Hayden, Walker, C..
Potential conflict(s) of interest declared by King.
- 6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
- 6-17 Public Hearing held.
- 6-19 Work Session held.
- 6-25 Work Session held.
- 6-26 Recommendation: Without recommendation as to passage and be referred to Budget.
Referred to Budget by order of the President.
Public Hearing and Work Session held.
Recommendation: Without recommendation as to passage, but with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 06-26.)
- 6-27 Second reading.
Motion to rerefer to Budget carried by unanimous consent.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 06-27.)
Rules suspended. Third Reading. Carried by Minnis.
Passed.

- Ayes, 17; Nays, 12 – Atkinson, Beyer, Carter, Clarno, Deckert, Ferrioli, Fisher, Miller, Shields, Starr, Trow, Yih, Excused, 1 – George.
- 6-29 Senators Hannon, Courtney appointed Senate conferees.
- 6-29(H) Representatives Shetterly, Bates, Butler, Hass, Williams appointed House Conferees.
Work Session held.
Conference Committee recommendation: House concur in the Senate amendments dated 06-26 and 06-27 and bill be further amended and repassed.
- 6-29(S) Conference Committee Report read in Senate. (Amendments distributed 06-29.)
- 6-29(H) House adopted Conference Committee Report.
Ayes, 32; Nays, 27 – Ackerman, Beck, Beyer, Butler, Dingfelder, Gardner, Hass, Hopson, Jenson, Kafoury, King, Kropf, Krummel, Lee, Leonard, Lowe, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wilson, Wirth, Zauner, Excused, 1 – Monnes Anderson.
Repassed.
Ayes, 32; Nays, 27 – Ackerman, Beck, Beyer, Close, Dingfelder, Gardner, Hass, Hopson, Kafoury, King, Kropf, Krummel, Lee, Leonard, Lowe, March, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wilson, Wirth, Zauner, Excused, 1 – Monnes Anderson.
Potential conflict(S) of interest declared by King.
Vote explanation(s) filed by Barnhart.
- 6-30(S) Senate adopted Conference Committee Report and repassed bill.
Ayes, 16; Nays, 12 – Atkinson, Beyer, Clarno, Dukes, Ferrioli, Fisher, Harper, Messerle, Nelson, Shields, Starr, Yih, Absent, 2 – George, Miller.
- 7-10(H) Speaker signed.
- 7-10(S) President signed.
- 8-7(H) Governor vetoed.
- HB 4057 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to public employee retirement; declaring an emergency.**
- 6-14(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing and Work Session held.
- 6-30 In committee upon adjournment.
- HB 4058 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to Common School Fund; declaring an emergency.**
- 6-14(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 6-15 Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Shetterly.
Passed.
Ayes, 56; Absent, 1 – Zauner, Excused, 3 – Hayden, Smith, P., Walker, C..
- 6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
Public Hearing held.
- 6-30 In committee upon adjournment.
- HB 4059 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to a special election; appropriating money; declaring an emergency.**
- 6-15(H) First reading. Referred to Speaker's desk.
- Referred to Budget Reconciliation.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Butler.
Passed.
Ayes, 52; Nays, 4 – Close, Devlin, Doyle, Kruse, Absent, 1 – Zauner, Excused, 3 – Hayden, Smith, P., Walker, C..
- 6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
- 6-17 Public Hearing held.
- 6-25 Work Session held.
- 6-26 Recommendation: Without recommendation as to passage and be referred to Budget.
Referred to Budget by order of the President.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 06-26.)
- 6-27 Second reading.
Motion to refer to Budget carried by unanimous consent.
Public Hearing and Work Session held.
Recommendation: Do pass the B-Eng. bill.
Motion to refer to Budget failed.
Ayes, 12; Nays, 18 – Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Hannon, Hartung, Metsger, Minnis, Morrisette, Shields, Trow, Yih.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 17; Nays, 13 – Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Metsger, Miller, Morrisette, Nelson, Yih.
- 6-28(H) House refused to concur in Senate amendments.
Representatives Westlund, Close, Johnson, Morgan, Schrader appointed House Conferees.
- 6-29(S) Senators Hannon, Duncan, Courtney appointed Senate conferees.
- 6-29(H) Conference Committee recommendation: The House concur in Senate amendments dated June 26 and bill be further amended and repassed.
- 6-30(S) Work Session held.
Conference Committee Report read in Senate. (Amendments distributed 06-30.)
- 6-30(H) House adopted Conference Committee Report.
Repassed.
Ayes, 49; Nays, 5 – Garrard, Kruse, Lowe, Smith, G., Zauner, Absent, 2 – Ringo, Witt, Excused, 2 – Monnes Anderson, Smith, P., Excused for business of the House, 2 – Krummel, Wilson.
Vote explanation(s) filed by Barnhart.
- 6-30(S) Senate adopted Conference Committee Report and repassed bill.
Ayes, 19; Nays, 8 – Clarno, Corcoran, Dukes, Ferrioli, Messerle, Morrisette, Shields, Yih, Absent, 3 – Beyer, George, Miller.
- 7-2(H) Speaker signed.
- 7-3(S) President signed.
- 7-3(H) Governor signed.
(Chapter 01, 2002 Third Special Session Laws)
Effective date: July 03, 2002.
- HB 4060 By HOUSE SPECIAL SESSION BUDGET COMMITTEE ON PERS – Relating to public employee retirement; declaring an emergency.**

- 6-27(H) First reading. Referred to Speaker's desk.
6-28 Referred to Budget Committee on PERS.
Public Hearing held.
6-30 In committee upon adjournment.
- HB 4061 By HOUSE SPECIAL SESSION BUDGET COMMITTEE ON PERS - Relating to retirement of members of the Legislative Assembly; declaring an emergency.**
- 6-27(H) First reading. Referred to Speaker's desk.
6-28 Referred to Budget Committee on PERS.
Public Hearing held.
6-30 In committee upon adjournment.
- HB 4062 By HOUSE SPECIAL SESSION BUDGET COMMITTEE ON PERS - Relating to judicial review of certain rules of the Public Employees Retirement Board; declaring an emergency.**
- 6-27(H) First reading. Referred to Speaker's desk.
6-28 Referred to Budget Committee on PERS.
Public Hearing and Work Session held.
6-29 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Patridge.
Passed.
Ayes, 49; Nays, 2 - Hopson, Lowe, Excused, 8 - Beck, Gardner, Hayden, Kropf, Monnes Anderson, Ringo, Starr, Tomei, Excused for business of the House, 1 - Doyle.
6-29(S) First reading. Referred to President's desk.
Referred to Revenue.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
(Amendments distributed 06-29.)
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Dukes.
Passed.
Ayes, 25; Absent, 3 - Carter, George, Miller, Excused, 1 - Fisher, Attending Legislative Business, 1 - Beyer.
7-10(H) Speaker signed.
7-10(S) President signed.
7-29(H) Governor signed.
(Chapter 09, 2002 Third Special Session Laws)
Effective date: July 29, 2002.
- HB 4063 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION - Relating to study of revenue options; appropriating money; declaring an emergency.**
- 6-27(H) First reading. Referred to Speaker's desk.
6-29 Referred to Budget Committee on PERS.
Work Session held.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Schrader.
Passed.
Ayes, 52; Nays, 4 - Beck, Smith, G., Smith, P., Zauner, Absent, 1 - Witt, Excused, 2 - Hayden, Monnes Anderson, Excused for business of the House, 1 - Close.
Vote explanation(s) filed by Barnhart.
6-29(S) First reading. Referred to President's desk.
6-30 Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
- (Amendments distributed 06-30.)
Second reading.
Rules suspended. Third Reading. Carried by Minnis.
Passed.
Ayes, 16; Nays, 11 - Atkinson, Beyer, Clarno, Ferrioli, Fisher, Harper, Messerle, Nelson, Starr, Yih, President Derfler, Absent, 3 - Deckert, George, Miller.
7-10(H) Speaker signed.
7-10(S) President signed.
7-29(H) Governor signed.
(Chapter 10, 2002 Third Special Session Laws)
Effective date: July 29, 2002.
- HB 4064 By HOUSE SPECIAL SESSION BUDGET COMMITTEE ON PERS - Relating to taxation; prescribing an effective date.**
- 6-29(H) First reading. Referred to Speaker's desk.
Referred to Budget Committee on PERS.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Patridge.
Passed.
Ayes, 32; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Beyer, Butler, Devlin, Dingfelder, Hansen, Hass, Hopson, Kafoury, King, Krummel, Lee, Leonard, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth, Zauner, Excused, 2 - Hayden, Monnes Anderson.
Vote explanation(s) filed by Barnhart.
6-29(S) First reading. Referred to President's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 23; Nays, 5 - Burdick, Deckert, Dukes, Shields, Yih, Excused, 1 - Fisher, Attending Legislative Business, 1 - Minnis.
7-10(H) Speaker signed.
7-10(S) President signed.
8-6(H) Governor vetoed.
- HB 4065 By HOUSE SPECIAL SESSION BUDGET COMMITTEE ON PERS - Relating to elections; declaring an emergency.**
- 6-29(H) Public Hearing and Work Session held.
First reading. Referred to Speaker's desk.
Referred to Budget Committee on PERS.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Patridge.
Passed.
Ayes, 33; Nays, 25 - Beck, Beyer, Butler, Close, Devlin, Dingfelder, Garrard, Hass, Kropf, Krummel, Leonard, Lowe, March, Merkley, Nelson, Nolan, Rosenbaum, Smith, G., Tomei, Verger, Walker, C., Walker, V., Wilson, Wirth, Zauner, Excused, 2 - Hayden, Monnes Anderson.
Vote explanation(s) filed by Barnhart.
6-29(S) First reading. Referred to President's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.

- Rules suspended. Third Reading. Carried by Courtney.
Passed.
- Ayes, 17; Nays, 12 – Atkinson, Beyer, Clarno, Deckert, Dukes, Ferrioli, George, Harper, Miller, Shields, Starr, Yih, Excused, 1 – Fisher.
- 7-2(H) Speaker signed.
- 7-3(S) President signed.
- 7-3(H) Governor signed.
(Chapter 3, 2002 Third Special Session Laws) Effective date: July 03, 2002.
- HB 5090 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state financial administration; appropriating money; declaring an emergency.**
- 6-13(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Work Session held.
- 6-14 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Morgan.
Passed.
Ayes, 52; Excused, 1 – Walker, C., Excused for business of the House, 7 – Beck, Hass, Jenson, Kafoury, Minnis, Patridge, Smith, G..
Vote explanation(s) filed by Barnhart.
- 6-15(S) First reading. Referred to President's desk.
Referred to Budget.
Public Hearing held.
- 6-17 Work Session held.
Recommendation: Do pass the A-Eng. bill.
Second reading.
Rules suspended. Third Reading. Carried by Courtney.
Passed.
Ayes, 28; Excused, 2 – Carter, Hartung.
- 6-26(H) Speaker signed.
- 6-26(S) President signed.
- 7-29(H) Governor signed.
(Chapter 11, 2002 Third Special Session Laws) Effective date: July 29, 2002.
- HB 5091 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state financial administration; appropriating money; declaring an emergency.**
- 6-13(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
- 6-14 Recommendation: Do pass with amendments and be printed A-Engrossed.
- 6-15 Second reading.
Rules suspended. Third reading. Carried by Westlund.
Passed.
Ayes, 35; Nays, 21 – Ackerman, Barnhart, Beck, Beyer, Brown, A., Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, King, Lee, Leonard, Monnes Anderson, Merkley, Nolan, Ringo, Walker, V., Wirth, Witt, Absent, 1 – Zauner, Excused, 3 – Hayden, Smith, P., Walker, C..
Vote explanation(s) filed by Monnes Anderson.
- 6-15(S) First reading. Referred to President's desk.
Referred to Budget.
Public Hearing held.
- 6-20 Work Session held.
- 6-21 Work Session held.
- 6-24 Public Hearing held.
- 6-25 Work Session held.
- Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 06-25.)
Second reading.
Rules suspended. Third reading. Carried by Harper.
Failed.
Ayes, 14; Nays, 16 – Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Hannon, Metsger, Morrisette, Nelson, Shields, Trow.
Nelson changed vote from “aye” to “nay” and moved for immediate reconsideration.
Motion to reconsider carried on voice vote.
Motion to rerefer to Budget carried on voice vote.
Shields declared potential conflict of interest.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 06-26.)
6-27 Motion to rerefer to Budget carried by unanimous consent.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the C-Eng. bill. (Printed D-Eng.)
(Amendments distributed 06-27.)
Rules suspended. Bill read. Carried by Hannon.
Passed.
Ayes, 18; Nays, 12 – Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Miller, Morrisette, Starr, Yih.
- 6-28(H) House refused to concur in Senate amendments.
Representatives Westlund, Close, Johnson, Morgan, Schrader appointed House Conferees.
- 6-28(S) Senators Hannon, Dukes, Courtney appointed Senate conferees.
- 6-29(H) Conference Committee recommendation: House concur in Senate amendments dated 06-25, 06-26 and 06-27 and bill be further amended and repassed.
- 6-30(S) Work Session held.
Conference Committee Report read in Senate.
(Amendments distributed 06-30.)
Senate adopted Conference Committee Report and repassed bill.
Ayes, 16; Nays, 12 – Atkinson, Beyer, Clarno, Corcoran, Dukes, Ferrioli, Fisher, Harper, Messerle, Morrisette, Starr, Yih, Absent, 2 – George, Miller.
- 6-30(H) House adopted Conference Committee Report.
Repassed.
Ayes, 32; Nays, 24 – Ackerman, Barnhart, Beck, Beyer, Butler, Devlin, Dingfelder, Gardner, Garrard, King, Kruse, Lee, Leonard, Lowe, Merkley, Nelson, Nolan, Rosenbaum, Starr, Tomei, Walker, V., Wilson, Wirth, Zauner, Absent, 2 – Ringo, Witt, Excused, 2 – Monnes Anderson, Smith, P..
Vote explanation(s) filed by Barnhart.
- 7-10 Speaker signed.
- 7-10(S) President signed.
- 8-7(H) Filed with Secretary of State without Governor's signature.
- HB 5092 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state financial administration; appropriating money; declaring an emergency.**
- 6-13(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
- 6-30 In committee upon adjournment.

HB 5093 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Relating to state financial administration; appropriating money; declaring an emergency.

6-13(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
6-30 In committee upon adjournment.

HOUSE CONCURRENT RESOLUTIONS

HCR 20 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Adjourning third special session of Seventy-first Legislative Assembly.

6-12(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
6-30 In committee upon adjournment.

HOUSE JOINT RESOLUTIONS

HJR 80 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RECONCILIATION – Proposing amendment to Oregon Constitution relating to education stability fund.

6-12(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing held.

6-14 Public Hearing and Work Session held.
Recommendation: Be adopted with amendments and be printed A-Engrossed.
Read. Carried by Shetterly. Passed.
Ayes, 48; Nays, 10 – Beck, Beyer, Devlin, Dingfelder, Jenson, Kafoury, Nolan, Smith, G., Verger, Walker, V., Excused, 2 – Hayden, Walker, C..
Vote explanation(s) filed by Monnes Anderson.

6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
Public Hearing held.

6-18 Work Session held.
Work Session held.
Recommendation: Be adopted with amendments to the A-Eng. Joint Resolution. (Printed B-Eng.)

6-19 Second reading.
Rules suspended. Final reading. Carried by Ferrioli.
Adopted.
Ayes, 18; Nays, 10 – Burdick, Castillo, Courtney, Deckert, Dukes, Gordly, Hannon, Metsger, Shields, Yih, Absent, 1 – Corcoran, Excused, 1 – Carter.

6-28(H) House refused to concur in Senate amendments.
Representatives Shetterly, Bates, Butler, Hass, Williams appointed House Conferees.

6-28(S) Senators Ferrioli, Starr, Castillo appointed Senate conferees.

6-29 Work Session held.

6-29(H) Conference Committee Recommendation: The House concur in Senate amendments dated Tuesday, June 18 and bill be further amended and repassed.

6-29(S) Conference Committee Report read in Senate.
(Amendments distributed 06-29.)

6-29(H) House adopted Conference Committee Report.
Readopted.

Ayes, 53; Nays, 5 – Beck, Beyer, Jenson, Lowe, Wirth, Excused, 2 – Hayden, Monnes Anderson.

Vote explanation(s) filed by Barnhart.

6-29(S) Senate adopted Conference Committee Report and repassed bill.

Ayes, 17; Nays, 10 – Atkinson, Beyer, Carter, Clarno, Dukes, George, Miller, Morrisette, Shields, Yih, Absent, 2 – Corcoran, Nelson, Excused, 1 – Fisher.

7-2(H) Speaker signed.

7-3(S) President signed.

7-3(H) Filed with Secretary of State.

**THIRD
SPECIAL SESSION**

**SENATE MEASURES
STATUS REPORT**



SENATE BILLS

SB 1020 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

6-12(S) Introduction and first reading. Referred to President's desk.

6-30 At President's desk upon adjournment.

Provides that appropriation is direction to spend amounts appropriated in budget unless agency can fulfill responsibilities with less moneys.

Requires that reductions in allotments to reduce deficit be made according to legislative priorities, with presumption that all General Fund appropriations have equal priority and allotments should be reduced by equal percentage.

Declares emergency, effective on passage.

SB 1021 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to public employee retirement; declaring an emergency.

6-12(S) Introduction and first reading. Referred to President's desk.

Referred to Revenue.

Public Hearing held.

6-13 Public Hearing and Work Session held.

6-15 Work Session held.

6-17 Work Session held.

6-30 In committee upon adjournment.

Requires that Public Employees Retirement Board establish mortality tables, based on best available actuarial information, for purpose of computing benefits of members and beneficiaries of members. Provides that mortality tables become effective on January 1 of each calendar year, beginning January 1, 2003. Specifies method of calculating benefits upon change of mortality tables.

Directs Public Employees Retirement Board to establish mortality tables, based on best available actuarial information, for purpose of computing benefits of members who have effective date of retirement that is 60 days or more after effective date of Act and before January 1, 2003. Specifies method of calculating benefits upon change of mortality tables.

Provides for direct petition to Supreme Court for judicial challenges to constitutionality of Act.

Declares emergency, effective on passage.

SB 1022 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to school finance; declaring an emergency.

6-12(S) Introduction and first reading. Referred to President's desk.

Referred to Revenue.

Public Hearing and Work Session held.

6-13 Recommendation: Do pass with amendments. (Printed A-Eng.)

(Amendments distributed 06-14.)

Second reading.

6-14 Rules suspended. Third Reading. Carried by Ferrioli. Passed.

Ayes, 21; Nays, 9 - Burdick, Carter, Corcoran, Dukes, Hannon, Metsger, Shields, Trow, Yih.

6-14(H) First reading. Referred to Speaker's desk.

Referred to Budget Reconciliation.

Public Hearing and Work Session held.

Recommendation: Do pass with amendments and be printed B-Engrossed.

Rules suspended. Second reading.

Rules suspended. Third reading. Carried by Shetterly.

Passed.

Ayes, 45; Nays, 13 - Ackerman, Barnhart, Beck, Dingfelder, Hass, Kafoury, Leonard, March, Nolan, Rosenbaum, Smith, G., Walker, V., Wirth, Excused, 2 - Hayden, Walker, C..

Vote explanation(s) filed by Barnhart.

6-19(S) Senate refused to concur in House amendments on voice vote.

6-25 Senators Ferrioli, Fisher, Dukes appointed Senate conferees.

6-26(H) Representatives Winters, Doyle, Hopson, Knopp, March appointed House Conferees.

6-29 Work Session held.

6-29(S) Conference Committee Recommendation: Senate concur in House amendments dated 06-14 and B-Engrossed bill be further amended and repassed.

(Amendments distributed 06-29.)

Senate adopted Conference Committee Report and repassed bill.

Ayes, 18; Nays, 3 - Corcoran, Deckert, Dukes, Absent, 8 - Atkinson, Burdick, Carter, Ferrioli, George, Miller, Shields, Yih, Excused, 1 - Fisher.

6-29(H) Conference Committee report read in House.

House adopted Conference Committee Report.

Repassed.

Ayes, 46; Nays, 12 - Barnhart, Beck, Dingfelder, Hass, Kafoury, Leonard, Lowe, March, Merkley, Nolan, Rosenbaum, Wirth, Excused, 2 - Hayden, Monnes Anderson.

7-3(S) President signed.

7-10(H) Speaker signed.

8-7(S) Governor vetoed.

Changes payment schedule for apportionments from State School Fund to school districts and education service districts starting with payments after July 1, 2003. **Specifies payment schedule for community college districts and community college service districts for 2002-2003 fiscal year.**

Allows school districts and education service districts to issue obligations that are in anticipation of revenues with longer maturity dates.

Allows school districts [and], education service districts, **community college districts and community college service districts** to accrue limited amount of revenues from next fiscal year to current fiscal year. Temporarily allows certain school districts and education service districts to show limited negative ending fund balance.

Declares emergency, effective on passage.

SB 1023 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

6-14(S) Introduction and first reading. Referred to President's desk.

Referred to Budget.

6-29 Public Hearing and Work Session held.

6-30 Recommendation: Do pass with amendments. (Printed A-Eng.)

(Amendments distributed 06-30.)

Second reading.

Rules suspended. Third reading. Carried by Dukes. Failed.

Ayes, 9; Nays, 19 - Atkinson, Beyer, Burdick, Carter, Castillo, Clarno, Corcoran, Deckert, Duncan, Ferrioli, Fisher, Harper, Hartung, Messerle, Minnis, Morrisette, Nelson, Starr, Trow, Absent, 2 - George, Miller.

[Reduces amounts transferred from State School Fund for certain grants. Changes method of calculating amount of grants to education service districts.]

[Transfers moneys from Supplemental Employment Department Administration Fund to General Fund.]

Removes scheduled increase in judges' salaries.

[Expands purposes for which moneys in Emergency Communications Account and subaccounts may be used.]

Declares emergency, effective [July 1, 2002] on passage.

SB 1024 By Senator HANNON - Relating to Southern Oregon University library; declaring an emergency.

6-15(S) Introduction and first reading. Referred to President's desk.

Referred to Budget.

Public Hearing and Work Session held.

6-17 Recommendation: Do pass.

Second reading.

Rules suspended. Third Reading. Carried by Hannon.

Passed.

Ayes, 28; Excused, 2 - Hartung, Yih.

6-19(H) First reading. Referred to Speaker's desk.

6-29 Referred to Budget Committee on PERS.

6-30 In committee upon adjournment.

Adds proceeds from certificates of participation to types of funds that may be used for Southern Oregon University library. Increases expenditure limitation of State Board of Higher Education relating to library.

Declares emergency, effective on passage.

SB 1025 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to education; declaring an emergency.

6-17(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

Public Hearing held.

6-19 Work Session held.

Recommendation: Do pass.

Second reading.

6-20 Third reading. Carried by Starr, Miller. Failed.

Ayes, 14; Nays, 13 - Brown, Burdick, Carter, Castillo, Courtney, Dukes, Duncan, Ferrioli, Gordly, Hannon, Morrisette, Shields, Trow, Excused, 3 - Corcoran, Deckert, Metsger.

Requires Department of Education to adopt and administer norm-referenced academic achievement testing in Oregon public schools. Makes implementation by school district of Certificate of Initial Mastery, Certificate of Advanced Mastery and state assessment system optional.

Declares emergency, effective upon passage.

SB 1026 By SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to unemployment insurance during December 2002 through first calendar quarter of 2003; declaring an emergency.

6-17(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

Public Hearing held.

6-30 In committee upon adjournment.

Increases benefits to eligible individuals by \$13 per week for first quarter of 2003. Reduces unemployment insurance tax for first quarter of 2003.

Declares emergency, effective on passage.

SB 1027 By SENATE SPECIAL COMMITTEE ON REVENUE - Relating to public employee retirement; declaring an emergency.

6-21(S) Introduction and first reading. Referred to President's desk.

6-29 Referred to Revenue.

Public Hearing and Work Session held.

Recommendation: Do pass with amendments. (Printed A-Eng.)

(Amendments distributed 06-29.)

Second reading.

Rules suspended. Third Reading. Carried by Dukes.

Passed.

Ayes, 25; Absent, 3 - Carter, George, Miller, Excused, 1 - Fisher, Attending Legislative Business, 1 - Beyer.

Minnis declared potential conflict of interest.

6-29(H) First reading. Referred to Speaker's desk.

Referred to Budget Committee on PERS.

Public Hearing and Work Session held.

Recommendation: Do pass.

Rules suspended. Second reading.

Rules suspended. Third reading. Carried by Brown, R..

Passed.

Ayes, 57; Absent, 1 - Witt, Excused, 2 - Hayden, Monnes Anderson.

Vote explanation(s) filed by Barnhart.

7-3(S) President signed.

7-10(H) Speaker signed.

7-29(S) Governor signed.

Chapter 005, 2002 Third Special Session Laws.

Effective date, July 29, 2002.

Provides that Public Employees Retirement Board must establish separate account within Public Employees Retirement Fund for each lump sum payment made against accrued unfunded liabilities attributable to employees of certain public employers. Requires that board credit to each [payment] account all [gains and losses on payment] interest and other income received from investment of account funds, less amounts withheld from earnings for administrative expenses or paid into contingency reserve account.

Declares emergency, effective on passage.

SB 5583 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; appropriating money; declaring an emergency.

6-14(S) Introduction and first reading. Referred to President's desk.

Referred to Budget.

6-30 In committee upon adjournment.

Makes technical changes to chapter 2, Oregon Laws 2002 (second special session).

Declares emergency, effective on passage.

SENATE CONCURRENT RESOLUTIONS

SCR 16 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Adjourning third special session of Seventy-first Legislative Assembly.

6-12(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

6-27 Work Session held.

6-28 Recommendation: Be adopted with amendments. (Printed A-Eng.)

(Amendments distributed 06-28.)

Second reading.

- 6-30 Motion to rerefer to Government Affairs carried by unanimous consent.
Recommendation: Be adopted with amendments to the A-Eng. Concurrent Resolution. (Printed B-Eng.)
Work Session held.
Rules Suspended. Resolution read in its entirety. Adopted.
Ayes, 22; Nays, 1 - Minnis, Absent, 7 - Corcoran, Deckert, Fisher, George, Hartung, Messerle, Miller.
- 6-30(H) First reading.
Rules suspended. Resolution read in its entirety. Adopted by viva voce vote.
- 7-3(S) President signed.
- 7-10(H) Speaker signed.

Adjourns third special session of Seventy-first Legislative Assembly.

SENATE JOINT RESOLUTIONS

SJR 51 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Creating interim task force to study school funding.

- 6-17(S) Introduction and first reading. Referred to President's desk.
Referred to Revenue.
- 6-30 In committee upon adjournment.

Creates interim task force to study long-term solutions to school funding outside current state operating budget.

SJR 52 By SENATE SPECIAL COMMITTEE ON BUDGET - Granting legislative approval for Columbia Gorge Community College District annexation.

- 6-26(S) Introduction and first reading. Referred to President's desk.
Referred to Budget.
- 6-27 Public Hearing and Work Session held.
Recommendation: Be adopted.
Rules suspended. Second reading.
Rules suspended. Final reading. Carried by Ferrioli. Adopted.
Ayes, 27; Excused, 3 - Atkinson, Burdick, George.
- 6-28(H) First reading. Referred to Speaker's desk.
- 6-29 Referred to Budget Committee on PERS.
Work Session scheduled.
Public Hearing and Work Session held.
Recommendation: Be adopted.
Read. Carried by Smith, P.. Passed.
Ayes, 51; Excused, 8 - Beck, Gardner, Hayden, Kropf, Monnes Anderson, Ringo, Starr, Tomei, Excused for business of the House, 1 - Doyle.
- 6-29(S) President signed.
- 7-2 Filed With Secretary of State.

Grants legislative approval of order of State Board of Education to expand boundaries of Columbia Gorge Community College District to include portion of Hood River County.

SENATE RESOLUTIONS

SR 4 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Urging Economic and Community Development Department to improve efficiency.

- 6-13(S) Introduction and first reading. Referred to President's desk.

- Referred to Government Affairs.
- 6-14 Public Hearing and Work Session held.
Recommendation: Be adopted.
Second reading.
Final reading. Carried by Yih. Adopted.
Ayes, 18; Nays, 12 - Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Ferrioli, Gordly, Hannon, Metsger, Shields, Trow.
- 6-17 President signed.
- 6-19 Filed With Secretary of State.

Urges Economic and Community Development Department to provide certain information and reports to Legislative Assembly and public within three months. Urges department to improve efficiency and productivity and to request legislation.

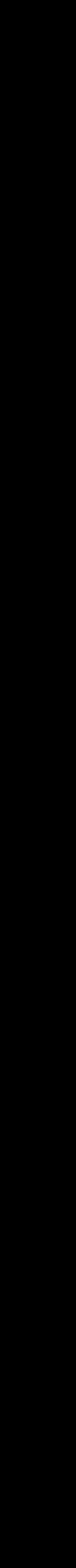
SR 5 By Senator CARTER - Honoring and commending Clay Myers for extraordinary public and community service.

- 6-26(S) Introduction and first reading. Referred to President's desk.
Referred to Government Affairs.
Public Hearing and Work Session held.
Recommendation: Be adopted.
Second reading.
Final reading. Carried by Carter. Adopted.
Ayes, 23; Absent, 7 - Atkinson, Beyer, Corcoran, Ferrioli, Fisher, George, Miller.
- 6-28 President signed.
Filed With Secretary of State.

Honors and commends Clay Myers for extraordinary public and community service.

**VETOED
HOUSE BILLS
STATUS REPORT**

2002 Second Special Session



HOUSE BILLS

Vetoed by Governor After Adjournment 2002 Second Special Session

**HB 4025 By HOUSE SPECIAL SESSION COMMITTEE
ON PUBLIC POLICY – Relating to labor
relations; declaring an emergency.**

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Public Policy.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
- 2-27 Third reading. Carried by Kruse. Passed.
Ayes, 35; Nays, 22 - Ackerman, Barnhart, Bates,
Beyer, Brown, A., Devlin, Dingfelder, Gardner,
Hansen, Hass, Jenson, King, Leonard, Lowe,
March, Merkley, Nolan, Ringo, Rosenbaum,
Tomei, Walker, V., Wirth, Excused, 2 - Beck,
Garrard, Excused for business of the House, 1 -
Kafoury.
- 2-27(S) First reading. Referred to President's desk.
Referred to Government Affairs.
Public Hearing and Work Session held.
- 2-28 Recommendation: Do pass.
Second reading.
- 3-1 Third Reading. Carried by Ferrioli, Atkinson.
Passed.
Ayes, 17; Nays, 12 - Brown, Burdick, Carter,
Castillo, Corcoran, Courtney, Deckert, Gordly,
Hannon, Morrisette, Shields, Trow, Excused, 1 -
Dukes.
Beyer, Nelson, George declared potential conflict
of interest.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 4-11(H) Governor vetoed.
- 6-12 (H) Governor's veto message read in House. Bill
together with the Governor's message tabled.
Veto sustained in accordance with Article V,
Section 15b, Oregon Construction.
- Removes persons employed in agricultural labor from
employee exemption in labor disputes. Makes provisions
operative through December 30, 2003.
Declares emergency, effective on passage.

**HB 4029 By HOUSE SPECIAL SESSION COMMITTEE
ON BUDGET – Relating to medical
assistance; declaring an emergency.**

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and
be printed A-Engrossed.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by
Hayden. Passed.
Ayes, 35; Nays, 24 - Ackerman, Barnhart, Bates,
Beck, Beyer, Devlin, Dingfelder, Gardner, Hass,
Hopson, Kafoury, King, Lee, Leonard, Lowe,

Monnes Anderson, March, Nolan, Ringo,
Rosenbaum, Tomei, Verger, Walker, V., Wirth,
Excused, 1 - Garrard.

Potential conflict(s) of interest declared by
Hayden.

- 2-26(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-28 Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by
Courtney. Passed.
Ayes, 19; Nays, 10 - Carter, Castillo, Corcoran,
Dukes, Gordly, Metsger, Morrisette, Shields,
Trow, Yih, Excused, 1 - Burdick.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor vetoed.
- 6-12 (H) Governor's veto message read in House. Bill
together with the Governor's message tabled.
Veto sustained in accordance with Article V,
Section 15b, Oregon Construction.

Limits dental benefits provided under medical
assistance program for certain individuals.
Declares emergency, effective on passage.

**HB 4030 By HOUSE SPECIAL SESSION COMMITTEE
ON BUDGET – Relating to 9-1-1
telecommunications tax; appropriating
money; prescribing an effective date.**

- 2-25(H) First reading. Referred to Speaker's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass.
- 2-26 Second reading.
Rules suspended. Third reading. Carried by
Patridge. Passed.
Ayes, 34; Nays, 20 - Barnhart, Beck, Beyer,
Devlin, Dingfelder, Hansen, Johnson, King,
Knopp, Lee, Lowe, March, Merkley, Nolan,
Ringo, Rosenbaum, Tomei, Walker, V., Wirth,
Witt, Excused; 1 - Garrard, Excused for
business of the House; 5 - Hass, Kafoury,
Leonard, Minnis, Speaker Simmons.
- 2-26(S) First reading. Referred to President's desk.
Referred to Budget and Finance.
- 2-28 Public Hearing and Work Session held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by
Beyer. Passed.
Ayes, 17; Nays, 12, Carter, Castillo, Corcoran,
Deckert, Dukes, George, Gordly, Metsger,
Miller, Morrisette, Shields, Yih, Excused, 1--
Burdick.

- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor vetoed.
- 6-12 (H) Governor's veto message read in House. Bill together with the Governor's message tabled. Veto sustained in accordance with Article V, Section 15b, Oregon Construction.

Expands purposes for which moneys in Emergency Communications Account and subaccounts may be used.
Takes effect on 91st day following adjournment sine die.

HB 4036 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET -- Relating to School Improvement Fund; declaring an emergency.

- 2-25(H) First reading. Referred to Speaker's desk. Referred to Budget. Public Hearing and Work Session held. Recommendation: Do pass.
- 2-26 Second reading. Rules suspended. Third reading. Carried by Morgan. Passed. Ayes, 36; Nays, 23 - Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Excused, 1 - Garrard.
- 2-26(S) First reading. Referred to President's desk. Referred to Budget and Finance.
- 2-28 Public Hearing and Work Session held. Recommendation: Do pass. Rules suspended. Second reading. Rules suspended. Third Reading. Carried by Clarno. Passed. Ayes, 16; Nays, 13 - Brown, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Yih, Excused, 1 - Burdick.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-25(H) Governor vetoed.
- 6-12 (H) Governor's veto message read in House. Bill together with the Governor's message tabled. Veto sustained in accordance with Article V, Section 15b, Oregon Construction.

Allows school districts and programs that receive grant funds to use funds for any educational purpose.
Declares emergency, effective on passage.

HB 4041 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET -- Relating to elections; declaring an emergency.

- 3-1(H) First reading. Referred to Speaker's desk. Referred to Budget. Public Hearing held.
- 3-2 Public Hearing and Work Session held. Recommendation: Do pass with amendments and be printed A-Engrossed. Second reading. Rules suspended. Third reading. Carried by Shetterly. Passed.

- Ayes, 43; Nays, 17 - Barnhart, Beck, Beyer, Dingfelder, Gardner, Hansen, Hopson, Johnson, Kafoury, King, Lee, Leonard, March, Rosenbaum, Tomei, Walker, V., Wirth.
- 3-2(S) First reading. Referred to President's desk. Referred to Budget and Finance. Public Hearing and Work Session held. Recommendation: Do pass the A-Eng. bill. Rules suspended. Second reading. Rules suspended. Third Reading. Carried by Courtney. Passed. Ayes, 17; Nays, 12 - Brown, Burdick, Carter, Castillo, Corcoran, Deckert, Dukes, Gordly, Metsger, Morrisette, Shields, Trow, Excused, 1 - Yih.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor vetoed.
- 6-12 (H) Governor's veto message read in House. Bill together with the Governor's message tabled. Veto sustained in accordance with Article V, Section 15b, Oregon Construction.

Specifies ballot title for House Joint Resolution 76 (2002 second special session).
Declares emergency, effective on passage.

HB 4042 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET -- Relating to elections; declaring an emergency.

- 3-2(H) First reading. Referred to Speaker's desk. Referred to Budget. Public Hearing and Work Session held. Recommendation: Do pass with amendments and be printed A-Engrossed. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Shetterly. Passed. Ayes, 39; Nays, 18 - Ackerman, Barnhart, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Johnson, Kafoury, King, Leonard, Lowe, March, Nolan, Rosenbaum, Tomei, Walker, V., Absent, 2 - Bates, Witt, Excused, 1 - Beck. Potential conflict(s) of interest declared by King.
- 3-2(S) First reading. Referred to President's desk. Referred to Budget and Finance. Public Hearing and Work Session held. Recommendation: Do pass the A-Eng. bill. Rules suspended. Second reading. Rules suspended. Third Reading. Carried by Courtney. Passed. Ayes, 24; Nays, 5 - Carter, Corcoran, Gordly, Shields, Trow, Excused, 1 - Yih.
- 3-5(H) Speaker signed.
- 3-5(S) President signed.
- 3-12(H) Governor vetoed.
- 6-12 (H) Governor's veto message read in House. Bill together with the Governor's message tabled. Veto sustained in accordance with Article V, Section 15b, Oregon Construction.

Specifies ballot title for Senate Joint Resolution 50 (2002).
Declares emergency, effective on passage.

**THIRD
SPECIAL SESSION**

**GENERAL
LEGISLATIVE
SUMMARY**



RECAPITULATION OF HOUSE BILLS (June 12-30, 2002)

Total House Bills Introduced	20
Passed both Houses and Approved by Governor	9
Vetoed by Governor (HB 4056, 4064)	2
Filed without Governor’s signature (HB 4055, 5091)	2
Referred to the people for approval HB 4052).....	1
In House Committee upon adjournment.....	6
In Senate Committee upon adjournment.....	0
TOTAL.....	20

RECAPITULATION OF HOUSE MEASURES OTHER THAN BILLS

Total House Joint and Concurrent Resolutions and Memorials Introduced	2
Approved by both Houses.....	1
Failed in House.....	0
In House Committee upon adjournment.....	1
In Senate Committee upon adjournment.....	0
TOTAL.....	2
Total House Resolutions and Memorials Introduced.....	0
Approved by House.....	0
In House Committee upon adjournment.....	0
TOTAL.....	0

TOTAL HOUSE MEASURES INTRODUCED –	22
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HOUSE VETOED BILLS

- *HB 4056 Relating to revenue bonds for State School Fund.
- *HB 4064 Relating to taxation.

* Governor vetoed after adjournment sine die.

HOUSE MEASURES REFERRED TO PEOPLE

- HB 4052 Relating to Education Stability Fund.

**FOURTH
SPECIAL SESSION**

**AUGUST 16 –
AUGUST 20, 2002**



House Journal and Status Reports of the House and Senate

FOURTH SPECIAL SESSION

**Beginning August 16 and
ending August 20, 2002**



**SEVENTY-FIRST LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Published Under the Direction

of

MARK SIMMONS

Speaker of the House

**MEMBERSHIP
AND
COMMITTEES**



HOUSE STANDING COMMITTEE MEMBERSHIP

HOUSE SPECIAL SESSION COMMITTEE—

Carl Wilson, Chair
Deborah Kafoury
Karen Minnis

**FOURTH
SPECIAL SESSION**

HOUSE JOURNAL



Friday, August 16, 2002 – Morning Session

House called to order in Special Session at 9:00 a.m., pursuant to the proclamation of Governor John Kitzhaber issued August 7, 2002.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: I, John A. Kitzhaber, Governor of the State of Oregon, have exercised my constitutional prerogative to veto Senate Bill 1022, House Bill 4056, and House Bill 4064, which were passed by the Legislative Assembly in the 2002 Third Special Session; and

WHEREAS: Under Article V, section 15b, of the Oregon Constitution, both chambers of the Legislative Assembly constitutionally may override my veto of those bills with a two-thirds vote of the members present; and

WHEREAS: A full and beneficial debate about balancing the state budget with sustainable revenue for operations of public schools cannot realistically occur until the Legislative Assembly has had the opportunity to consider and take action on the vetoes;

NOW,

THEREFORE, I, John A. Kitzhaber, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, hereby proclaim Friday, August 16, 2002 at 9 a.m. to be

THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY

for the purposes of considering whether to override the veto of Senate Bill 1022, House Bill 4056, and House Bill 4064.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, August 7, 2002.

John A. Kitzhaber
Governor
Bill Bradbury
Secretary of State

Speaker in Chair. All present except: Excused, 3 – Dingfelder, Kropf, Schrader.

Moment of silence observed.

Speaker announced the following appointments to the Special Committee on Rules: Minnis, Chair; Shetterly, Kafoury.

The following report of the Special Committee on Rules was read:

REPORT BY COMMITTEE ON RULES

We, your Committee on Rules, recommend that the House of Representatives adopt the Fourth Special Session Rules of the Seventy-first Legislative Assembly as amended.

Karen Minnis, Chair
Lane Shetterly
Deborah Kafoury

SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

Seventy-first Legislative Assembly
August 16, 2002

DEFINITIONS

1.01 Definitions. (1) "Measure" means bill, resolution or memorial, but does not include amendments.

(2) "Member" means member of the House.

(3) "Printing" includes printing and other means of reproducing copy.

(4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.

(5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-first Legislative Assembly.

(6) "Special Session" means the special session of the Seventy-first Legislative Assembly convening August 16, 2002.

(7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

RULES

2.01 Use of Mason's Manual. Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House" ~~referred to the Committee on Rules, Redistricting and Public Affairs by the Speaker, and if reported from the Committee on Rules, Redistricting and Public Affairs, and~~ allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules. (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the House. ~~Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die. The rules adopted for the special session are repealed upon the adjournment of the special session sine die.~~

CONVENING

3.01 Quorum. (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.03 Attendance. A member shall attend all sessions of the House unless excused by the Speaker, and all meetings of the committees of the House of which he or she is a member unless excused by the chairperson. No member shall be considered excused, however, unless the Speaker or chairperson has announced the excuse at the opening of the House session or committee meeting, or at

the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

3.05 Session Hour. Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

3.07 Open Sessions. All deliberations and meetings of the House shall be open to the press and public.

~~**3.08 Daily Session Length.** (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, including time used in recess.~~

~~—(2) When the twelve hour period described in subsection (1) of this rule has elapsed, the Speaker shall adjourn the House for a period of not less than eight hours. The convening of a session after adjournment constitutes the beginning of a new session day.~~

VOTING

3.12 Electronic Roll Call System. The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

3.15 Roll Call. (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the role of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the Speaker shall be last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was in the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

3.20 Requirements for Voting. (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was

called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

3.21 Announcement of Conflict of Interest. (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting. The statement shall be limited to the substance of the oral explanation given on the floor or in committee.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote or if all members have voted, the Speaker may direct the clerk to display the vote. After the individual votes have been displayed any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

3.28 Electronic Roll Call; Misuse, Penalties. No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

3.30 Voting by Presiding Officer. The Speaker shall vote whenever a roll call is required, the Speaker's name being called last on an oral roll call vote.

3.35 Explanation of Vote. (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next ~~session~~ business day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

3.50 Third Reading Requirement. (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

3.55 Call of the House. (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No

other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the north aisle, the room west of the north aisle, and the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

ORDER OF BUSINESS

4.01 Order of Business. (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message. At the opening session of the day only.
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- ~~(h) Reports from standing committees.~~
- ~~(i) Reports from special committees.~~
- ~~(j)(i) Propositions and motions.~~
- ~~(k)(j) Introduction and first reading of House bills.~~
- ~~(l)(k) Second reading of House bills.~~
- ~~(m)(l) Consent Calendar.~~
- ~~(n)(m) Third reading of House bills.~~
- ~~(o)(n) Final reading of memorials and resolutions.~~
- ~~(p)(o) Bills, reports and other business lying on the table.~~
- ~~(q)(p) First reading of Senate bills.~~
- ~~(r)(q) Second reading of Senate bills.~~
- ~~(s)(r) Third reading of Senate bills.~~
- ~~(t)(s) Other business of the House.~~
- ~~(u)(t) Other business of the Senate.~~
- ~~(v)(u) Announcements.~~

~~(w)(v) Remonstrances.~~

(2) The presiding officer, under the order of business *Reports from ~~Standing Committees and Reports from Special Committees~~*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the order of business of Opening Ceremony, prayer and/or inspirational message, courtesies and the order of business of Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

4.05 Consent Calendar. (1) Each session day, a consent calendar of measures shall be presented for consideration and vote of the House. Copies of the consent calendar shall be printed and distributed to members prior to consideration.

(2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.

(b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.

(3) Any measure recommended for the consent calendar shall be placed on the calendar. ~~but held at the Desk for two days after the date on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.~~

~~If no objections or an insufficient number are filed within the two day period, the measure shall be placed in numerical order on the next consent calendar.~~ When the order of business "Consent Calendar" is reached, the Speaker shall announce the calendar and ask for each measure listed whether there are objections to the measure being placed on the consent calendar. If five objections are raised the measure shall be removed from the consent calendar and placed on the third reading calendar. If there are not the sufficient number of objections, the clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken. No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.

~~Notwithstanding the provisions of this rule if the Speaker has reasonable cause to believe that the session will adjourn sine die within three weeks after the time a measure is recommended for the consent calendar, the~~

~~Speaker may order the measure to be placed in its proper order on the third reading calendar.~~

MOTIONS

5.01 Making Motion. (1) When a motion is made, it shall be stated by the presiding officer.

(2) A motion shall be reduced to writing upon a request of the presiding officer or of any member.

(3) No second to a motion is required.

5.05 Motion in Possession of the House. After a motion is stated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

5.10 Precedence of Motions. (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Nondebatable Motions. Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

5.20 Votes on Motions. If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

5.30 Division of the Question. Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

5.35 Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

5.37 Amendments to the Title of a Bill. No title ("*Relating to*" clause) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

5.40 Amendments from Floor. (1) No measure shall be amended upon the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Chief Clerk.

(2) In the absence of unanimous consent, if a majority of the members present desires a change in any measure, the measure shall be referred by the Speaker to committee in accordance with Rule 9.01(2).

DEBATE AND DECORUM

6.01 Decorum During Session and Committee Proceedings. (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

6.05 Use of Electronic Devices. (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

6.07 Recognition of Members. When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member's desk.

The device labeled "to speak" shall be used when a member seeks recognition for purposes of debate or making motions.

The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under Mason's Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

6.10 Conduct in Debate. (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

6.20 Interrupting a Member. Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

6.25 Frequency with Which Member May Speak. (1) The author of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate. The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the chairperson of the committee that reports the measure or a member designated by the chairperson may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (2) of this rule to another member. However, no member may yield time to a member closing debate.

6.35 Call to Order. (1) The presiding officer shall call to order any member who violates the rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

6.40 Discipline. If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

PRESIDING OFFICER

7.01 Election of Presiding Officer; Pro Tempore Presiding Officer. The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officer. (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

7.10 Duties of Presiding Officer. (1) To enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

COMMITTEES

8.01 Names of Committees. ~~There shall be the following 15 standing committees to which shall be referred all measures relating to the subject matters described herein:~~

~~—(1) Advancing E Governments, relating generally to technology and utility regulations;~~

~~—(2) Agriculture and Forestry, relating generally to agriculture and forestry;~~

~~—(3) Business, Labor and Consumer Affairs, relating generally to business, labor and consumer affairs;~~

~~—(4) Government Efficiency, relating generally to government operations;~~

~~—(5) Health and Public Advocacy, relating generally to human resources and health care issues;~~

~~—(6) Judiciary, relating generally to civil and criminal law and administration of justice;~~

~~—(7) Land Use and Regulatory Fairness, relating generally to regulatory takings and property compensation;~~

~~—(8) Rules, Redistricting and Public Affairs, relating generally to the rules and operations of the House and the Legislative Assembly, elections, redistricting, and public affairs;~~

~~—(9) School Funding and Tax Fairness/Revenue, relating generally to taxation and the finance of elementary and secondary education;~~

~~—(10) Smart Growth and Commerce, relating generally to commerce and economic development;~~

~~—(11) Stream Restoration and Species Recovery, relating generally to stream restoration and species recovery;~~

~~—(12) Student Achievement and Schools Accountability, relating generally to all levels of education and their administration, but excluding finance of elementary and secondary education;~~

~~—(13) Transportation, relating generally to vehicles, mass transit, highways and other aspects of transportation;~~

~~—(14) Water and Environment, relating generally to water law, natural resources and the environment;~~

~~—(15) Ways and Means, relating generally to appropriations.~~

The Speaker may appoint special committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all ~~standing committees~~, statutory committees, special committees and task forces, and the chairpersons and vice-chairpersons thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all ~~standing~~ special committees and statutory committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the ~~standing~~ special committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any ~~standing~~ special committee under which a subcommittee is created shall appoint the other members of the subcommittee.

8.10 Committee Quorum; Rules. (1) A majority of the members of a ~~standing or~~ special committee shall constitute a quorum for the transaction of business before the committee;

provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all ~~standing and~~ special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

8.15 Committee Meetings. (1) All committees shall meet at the call of the chairperson, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

~~(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 24 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.~~

~~(5) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.~~

~~(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If the House is in session, the Speaker shall announce the emergency and the reasons why it is declared to exist. If the House is not in session, the Speaker shall notify members that an emergency exists and the reasons therefor by distributing such information to the desks of the members. For any meeting called under the emergency provision, not shall be posted outside the House chambers and any other suitable and conspicuous place. If the meeting scheduled is for the purpose of taking public testimony, at least 24 hours notice must be given by posting the notice outside the House chambers and any other suitable and conspicuous place. A majority of the members may invoke this subsection and notice shall be given as described in this subsection.~~

~~(6) The chairperson or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public shall be given immediately upon call of the meetings, and notice of the meeting shall be announced on the floor if the House is in session.~~

(7) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(8) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

- (a) Members present, excused or absent;
- (b) All motions and their disposition;
- (c) The results of all votes; and
- (d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the ~~Committee on Rules, Redistricting and Public Affairs~~ Speaker. The ~~committee~~ Speaker shall conduct a hearing on the matter and shall, if ~~it concludes~~ concluded that the complaint is justified, recommend to the House that censure or other action be taken.

(12) As used in this rule:

(a) "Committee" includes ~~standing and~~ special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

8.20 Committee Action Required. (1) A chairperson shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the committee chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

~~(4) When the presiding officer determines that sine die adjournment may impinge on the operations of standing committees, the presiding officer shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the presiding officer.~~

~~(5)(4) Measures reported out by a committee shall be delivered to the Chief Clerk of the House within three session days no later than 12 noon of the session day after the committee action reporting the measure out.~~

~~**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or the School Funding and Tax Fairness/Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The~~

~~proposed amendment must be consistent with House Rule 5.35~~

8.25 Committee Actions to be Recorded and Reported.

(1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. (1) No motion to dissolve into the committee of the whole shall be allowed.

REFERRAL OF MEASURES; COMMITTEE REPORTS

9.01 Referral to Committee. (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than five session days following such referral, the measure shall be referred by the Speaker ~~in accordance with the provisions of subsections (2) (3) of this rule.~~ Notice of referral shall be ~~in writing and to a special committee announced from the rostrum or a printed list~~ shall be distributed to the desks of the members.

~~(2) Referrals of measures shall be to the committee whose jurisdiction, as defines in Rule 8.01, most closely relates to the principal subject matter addressed by the measure.~~

~~(3) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means or the Committee on School Funding and Tax Fairness/Revenue effective after the measure is reported out of the committee to which it was initially referred.~~

~~(4) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.~~

~~(5) The chairperson of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the chairperson of any other standing or special committee to review the measure. Upon acceptance of the measure by the chairperson of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.~~

~~(6) When the Speaker determines that sine die adjournment is imminent and referral of measures to committees under Rule 8.01 will unnecessarily delay the orderly process of legislative business, the Speaker may refer a measure to an appropriate committee notwithstanding the subject matter designations described in Rule 8.01.~~

9.05 Committee Reports. After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chairperson of the committee.

9.10 Consideration of Committee Reports. (1) Reports from ~~standing~~ committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.

(2) Except for reports recommending do not pass or referral to another committee, or reports accompanied by a

minority report, no motions is required to adopt a committee report.

9.15 Minority Reports; Dissents. (1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar of the first session day after distribution of amendments, if any. No member may sign on to more than one report.

~~(2) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule 9.32(3) or, if other than a bill, as provided by Rule 9.35(3).~~

~~(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.~~

~~(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.~~

~~(5) The minority report is subject to the requirements of House Rule 5.35.~~

9.30 Withdrawing Measure from Committee. A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

9.32 When a Bill Goes to Second Reading. (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar ~~of~~ the following same session day for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, the report shall be filed and the bill placed on the calendar for second reading on the same session day as the amendments ~~must be printed and~~ are distributed to the desks of the members ~~before the measure comes up for second reading.~~

~~(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the same session day on which the minority report was substituted or rejected.~~

~~(4)(3)~~ The Speaker may order a bill printed with amendments engrossed. If a bill is printed engrossed it shall ~~not be considered~~ placed on the calendar for second reading ~~sooner than~~ the same session day ~~following distribution of~~ the printed engrossed bill is distributed to desks of the members.

9.35 When a Measure Other Than a Bill Goes to Final Reading. (1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar of the same session ~~next following receipt~~ day for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for final reading. The measure other than a bill shall be placed on the calendar for final reading on the same session day ~~next following the day~~ of distribution of the printed amendments.

~~(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar for final reading on the session day next following the day on which the minority report was substituted or rejected.~~

(4) (3) Upon the recommendation of the chairperson of the committee reporting a measure with amendments, or at the Speaker's discretion, the Speaker may order a measure printed with the amendments engrossed therein. If the measure other than a bill is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measures to the desks of the members.

9.37 When a Bill Goes to Third Reading. A bill shall be placed on the third reading calendar on the session day following its second reading.

RECONSIDERATION

10.01 Reconsideration. (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

~~(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.~~

(3)(2) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.

~~(4)(3) The motion to reconsider shall must be made voted on the first session day after that on which immediately after the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.~~

(5)(4) Thirty-one votes are required to reconsider the final vote on a measure.

(6)(5) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.

10.05 Transmitting Measures on Which Reconsideration Moved. When a member has ~~given notice of intention to~~ moved for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. ~~However, if the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.~~

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately and without debate on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

CONCURRENCE; CONFERENCE

11.01 Vote to Concur in Amendments of Other House. (1) Upon the return to the House of a House

measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall ~~not~~ be taken ~~sooner than the first session day~~ immediately after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. (4) When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

~~(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.~~

~~(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the difference between the House and Senate versions.~~

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose any amendments within the scope of the issue between the houses.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers, and notice of the meeting shall be announced on the floor if the House is in session.

11.15 Adoption of Conference Committee Report. (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolve the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall ~~not~~ be ~~made sooner than the first session day~~ in order immediately after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

11.20 Discharge of Conferees. (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

SPONSORSHIP

~~12.00 Pre-session Filing and Printing. (1) Any member or member elect of the House may, on or after November 18 of the even years to January 1 of the odd years, prefile any measure with the Chief Clerk for introduction.~~

~~(2) Every measure so pre filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.~~

~~(3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed pre filed measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.~~

~~(4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.~~

~~(5) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.~~

~~(6) Any measure prefiled and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.~~

12.05 Pre-session Drafting Requests. Members, member-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.

12.10 Sponsorship. (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure, the committee shall become the sponsor of the measure.

12.20 Committee Sponsorship. (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chairperson shall sign the proposed measure for presentation at the desk.

INTRODUCTION OF MEASURES

13.01 Requirements of Presentation of Measures for Introduction. (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chairperson or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

13.05 Deadline on Introductions. No measure shall be accepted by the desk for introduction in the House ~~after 5 p.m. on the 50th calendar day of the session~~ except:

(1) Measures approved by the Speaker and so identified for introduction by a committee.

~~(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.~~

~~(3) Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.~~

13.10 Legislative Counsel Drafting Services. (1) Between 5 p.m. on the 29th calendar day of the session and 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall only accept five nontransferable drafting requests from each member.

(2) ~~After 5 p.m. on the 36th calendar day of the session,~~ the Legislative Counsel shall ~~discontinue not accepting~~ requests for drafting of ~~all~~ measures ~~for introduction during special session~~ except:

~~(a) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means.~~

~~(b) Committee proposals approved for drafting by the Speaker.~~

~~(c) A proposal requested for drafting by a member under Rule 13.15.~~

~~13.15 Priority Drafting Requests. (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.~~

~~(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.~~

PUBLICATIONS

14.01 Journal; Status Report. (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

14.05 Other Legislative Publications. (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

14.10 Distribution of Legislative Publications. (1)

There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the Administrative Services Department, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies, and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

14.15 Measure Summaries. (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The

Speaker may order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

14.25 Financial and Revenue Impact Statements.

(1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure except appropriation measures which implement the Governor's printed budget recommendations, and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as a financial impact statement to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and the governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

14.30 Legislative Newsletters. (1) Each member may issue legislative newsletters or other informational material to their constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule "constituent" means an individual that lives within a member's legislative district.

PERSONNEL RULES AND PROCEDURES

15.01 Personnel Rules and Procedures. (1) Except as otherwise provided by law the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

OFFICERS; PERSONNEL; ALLOWANCES

15.05 Chief Clerk; Election and Duties. (1) There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House.

(a) The Chief Clerk shall perform the following duties:

(A) Appoint a Sergeant at Arms in consultation with the Speaker.

(B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.

(C) Serve as parliamentarian of the House.

(D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(E) Prepare all measures, histories, journals and related publications for printing.

(F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

Execute all processes issued by authority of the House or any of its committees.

Perform such other duties as the Chief Clerk or Speaker may direct.

15.10 Member's Personal Staff. (1) (a) A member may appoint personal staff for the special session or the interim or both, according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5025, (2001 Session Laws).

(b) A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the floor during sessions of the House.

(c) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

~~(e)~~(d) For purposes of computing fringe benefits, persons appointed under subsection (1)(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits.

A member shall not appoint more than two persons eligible for fringe benefits in any month.

~~(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.~~

15.15 Leadership Office Personnel. (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

15.20 Other Personnel. (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each chairperson of a standing or special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives or designated to have access to the floor during the special session shall for the duration of such employment the special session serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

15.25 Expense Allowance. (1) Each member has an allowance of \$26,083.00 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim or special session for expenses as described under subsection (1) of this rule.

15.50 Per Diem allowance during Special Session. Each member shall receive a per diem allowance for each session day, not each calendar day.

SERVICES AND SUPPLIES

16.01 Services and Supplies. (1) Each member shall have an individual services and supplies account. New members will receive a one-time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual ~~services and supplies expense~~ account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.
- (f) Communications with constituents in compliance with H.R. 14.30.
- (g) Rental expenses incurred for a town hall meeting.

- (h) Establishment and maintenance of a district office.
- (i) Billings from state agencies for services and supplies.
- (j) Reasonable travel expenses incurred by members while on official legislative business. Does not include in-district travel.
- (k) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

(l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

16.05 Attorney General Opinions. (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. This rule takes precedence over ORS 180.060(2).

The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

PRIVILEGES

17.01 Floor Privileges. (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.05 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; or persons authorized by the Speaker; and (d) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges. The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

17.10 Assembly Transition. Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

ACCREDITATION OF NEWS MEDIA

18.01 Accreditation of News Media. (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

LOBBYISTS

19.01 Regulation of Lobbyists. (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) ~~The Committee on Rules, Redistricting and Public Affairs Speaker~~ may, and on the complaint of five members of the House shall, investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

19.10 Statement of Philosophy. The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

19.20 Campaign Contributions During Session. All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under

the order of business of "Other Business of the House" announcing the entry into the Journal.

SEXUAL HARASSMENT

20.01 Policy on Sexual Harassment. (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from sexual harassment. Sexual harassment in any manner will not be tolerated.

(2) Sexual harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and
- (g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes; Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Sexual Harassment for the purpose of deliberations regarding Sexual Harassment complaints only. The chairperson shall be a member of the majority party and the vice chairperson shall be a member of the minority party.

(6) The House shall provide education concerning sexual harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

67th OREGON LEGISLATIVE ASSEMBLY -- 1993 Regular Session

Enrolled

House Resolution 1

Introduced and printed pursuant to House Rule 13.01

Whereas the Oregon House of Representatives is committed to creating and maintaining a work environment in which House Members and House employees are free

from sexual harassment and are treated respectfully; now, therefore,

Be It Resolved by the House of Representatives of the State of Oregon:

SECTION 1. (1) The policy of the House of Representatives as stated in the House Rules and this Resolution applies to House Members and to all regular, interim and session House employees, including all House committee staff, House caucus staff, House Members' assistants, interns and volunteers, and to all other categories of House employees.

(2) House Members and employees are expected to discourage sexual harassment in the workplace and at events, professional meetings, seminars or any activities that involve legislative business.

(3) All complaints of sexual harassment shall be promptly, thoroughly and respectfully resolved.

(4) The House policy for reporting and resolving sexual harassment complaints is intended to:

- (a) Encourage members and employees to report harassment;
- (b) Assure that any complaint and a resolution thereof are resolved as discreetly as possible; and
- (c) Guarantee that retaliation is not tolerated against any person who complains of or reports sexual harassment.

(5) When a determination is made that sexual harassment has occurred, appropriate disciplinary action shall follow. As a general rule, sanctions assessed shall be proportionate to the seriousness of the offense. For employees, sanctions may include reprimand, suspension or termination. For House Members, sanctions may include reprimand, censure or expulsion.

(6) A supervisor who does not take appropriate action when the supervisor knows or has reason to suspect that harassment is occurring shall face a similar array of sanctions proportionate to the seriousness of the offense.

SECTION 2. (1) The formal and informal procedures instituted pursuant to House Rules and this Resolution shall apply only to allegations of sexual harassment brought against House Members or against House personal staff.

(2) House personal staff includes Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the House Members, including the Speaker's office and the Majority and Minority offices. House personal staff does not include committee staff and House staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(3) A person claiming to be aggrieved shall file a complaint to initiate the formal or informal procedures pursuant to House Rules and this Resolution no later than one year after the sexual harassment occurred.

SECTION 3. The following notice of the House policy shall be given to all House Members and House employees:

If you believe you have been sexually harassed, you have options. You can tell the offender about the offender's behavior, explain which action disturbed you and ask that the behavior stop. You can communicate with the offender in person or in writing. If you do not want to confront the offender directly, or if you have talked to the offender and the offensive behavior has not stopped, or if you believe your complaint has resulted in retaliation, you may use the informal or formal procedure established by the Rules of the House of Representatives and House Resolution 1 (1993) for pursuing your sexual harassment complaint.

In addition, you have the right to file a complaint with administrative agencies and in the judicial system.

SECTION 4. Many people who believe they have experienced sexual harassment simply want it to end; they do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address this need. However, a person making a complaint is not required to use this procedure as a prerequisite to proceeding with a formal House complaint or a complaint to an administrative agency or to the courts. The informal and formal procedures stated in this Resolution are optional. The informal complaint shall be handled as discreetly as possible. Every effort shall be made to maintain confidentiality. The informal procedure consists of the following steps:

(1)(a) The person making the complaint shall submit the complaint to an intermediary of the person's choice. The intermediary shall immediately take appropriate action to assure that the person making the complaint has a safe and nonhostile work environment. The Speaker or the Chief Clerk shall assist in making the appropriate arrangements upon notice from the intermediary. The intermediary shall notify the Majority and Minority Leaders and the supervisor of the person making the complaint that a complaint has been made. The Majority and Minority Leaders shall immediately notify the person who is the subject of the complaint of the fact that a complaint has been made, the name of the person making the complaint and the name of the intermediary.

(b) A reasonable number of House Members and staff of the House of Representatives, including the Chief Clerk, the Legislative Administrator and the Administrative Service Personnel Officer, shall be designated jointly by the Majority and Minority Leaders as intermediaries. A person designated as an intermediary shall receive special training in order to be prepared to assist the person making the complaint. Designated intermediaries shall be identified by name, with contact telephone number and office location. Copies of a list of the identification information on designated intermediaries shall be available in each House Member's office. While the intermediary is not an advocate, an intermediary, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to take disciplinary action. The intermediary's role is to listen, answer questions and explain options. The intermediary shall not serve as a counselor or psychologist but shall provide reference information about available human services resources. The role of an intermediary is to help the person making the complaint in determining who can best deal with the person's concerns and inform that person of available options.

(2) After meeting with an intermediary, the person making the complaint may decide that further action is necessary. If so, the person may request that the intermediary refer the matter to the Majority and Minority Leaders for informal remedial action or may institute formal complaint procedures.

(3) The informal procedure shall be kept confidential and any documentation related thereto shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502. Confidentiality shall extend until such time as a formal written complaint, if any, is filed as provided in this Resolution with the House Judiciary Committee counsel.

(4) If the subject person is not the Speaker or Majority or Minority Leader, informal remedial action shall be determined by the Speaker of the House and the Majority and Minority Leaders after appropriate investigation and within 60 days of the making of the complaint. The person who is the subject of the complaint shall be advised of the action by the Leadership.

(5) If the subject person is the Speaker or Majority or Minority Leader, the complaint shall be referred to the Legislative Counsel for the purpose of appointing an outside

investigator. The investigator's report shall be submitted to the Speaker and the chairperson and vice chairperson of the Committee on Sexual Harassment within 10 days of the appointment. The chairperson and vice chairperson shall take the action described in subsection (4) of this section.

SECTION 5. An aggrieved person may file a formal written complaint instead of participating in the informal complaint procedure described in section 4 of this Resolution, or may file a formal written complaint if, after participating in the informal procedure, the person is not satisfied with the resolution of the informal complaint. The formal complaint procedure shall consist of the following steps:

(1) A formal written complaint shall be filed with the Majority and Minority Leaders. Designated staff shall be made available to assist the person filing the complaint in development of the formal written complaint. If no work reassignment has occurred preceding the filing of the formal written complaint, the Majority or Minority Leader shall take immediate action to assure the person filing the complaint of a safe and nonhostile work environment, including reassigning the person to other duties. The Majority and Minority Leaders shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. With the consent of the person filing the complaint, the Majority and Minority Leaders may work to resolve the complaint. However, if there is no consent or no resolution, the formal written complaint shall be filed by the Majority and Minority Leaders with the House Judiciary Committee counsel within seven days of the determination that there is no consent or no resolution.

(2) After the filing of a formal written complaint with the House Judiciary Committee counsel, the Majority and Minority Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of sexual harassment. If the respondent is either the Majority or Minority Leader, or the Majority and Minority Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, the Legislative Counsel shall be notified and shall appoint an independent investigator within five days after receiving the notice.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Speaker and the Majority and Minority Leaders, the person filing the complaint, the person who is the subject of the complaint and members of the Committee on Sexual Harassment. If the investigator was appointed by the Legislative Counsel, the investigator shall also report to the Legislative Counsel.

SECTION 6. (1) At the convening of each Regular Session of the Legislative Assembly, the Speaker shall appoint an equal number of House Members of the majority and minority parties to the Committee on Sexual Harassment, which shall be established for purposes of resolving sexual harassment complaints under House Rules and this Resolution.

(2) Upon receipt of the formal written complaint and the investigator's report, the Committee on Sexual Harassment shall schedule a public hearing on the complaint. The committee shall notify the Majority and Minority Leaders, the Speaker, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with the House Judiciary Committee counsel.

(3) At the hearing, only the members of the committee shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the

complaint, or a representative of either of them, shall be allowed to present evidence to the committee by requesting witnesses and documents to be presented to the committee and by requesting questions that the committee may address to the witnesses.

(4) Audio recordings of the committee hearing shall be made by committee staff and shall be made available on an expedited basis to the person filing the complaint and to the person who is the subject of the complaint. No television equipment or tape recording devices other than those used for official committee recording shall be permitted at the hearing.

(5) If the person filing the complaint or the person who is the subject of the complaint disagrees with the recommendations of the Committee on Sexual Harassment, either person may request that the committee review the recommendations. The request must be made in writing within 10 days after receiving written notice of the committee's action. The committee must complete the review not later than 10 days after receiving the request.

SECTION 7. (1)(a) If, at the conclusion of the hearing, the Committee on Sexual Harassment recommends any sanction, the sanction shall be proportionate to the seriousness of the offense.

(b) For House personal staff, recommended sanctions may include reprimand, suspension or termination. Any recommended sanction against a House personal staff member shall be imposed by the supervising House Member.

(c) For House Members, recommended sanctions may include reprimand, censure or expulsion. Any recommended sanction against a House Member shall be referred to the floor after the request for review time has passed or after the review is completed for approval by a two-thirds majority vote of the House before final action is taken against a House Member.

(2) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed.

(3) The person who filed the complaint may determine that no further action is necessary, but is not precluded from pursuing other appropriate remedies, including court action.

SECTION 8. (1) Each House employee shall be given a notice of the House policy on sexual harassment stated in section 3 of this Resolution. Formal education concerning sexual harassment shall be provided to all House employees by the staff of the Legislative Administration Committee. Participation in formal education is required as a condition of employment, internship or involvement as a volunteer during a Regular Session.

(2) Each House Member shall be given a notice of the House policy stated in section 3 of this Resolution and, in the respective caucuses, each House Member shall participate in education provided by the caucuses within 15 days after the convening of each Regular Session.

(3) Notice of the House policy shall be posted in work areas.

SECTION 9. In order to provide and maintain a workplace free from sexual harassment, the House may pursue an action against an alleged harasser without the complaint of an affected person. A complaint may be filed by either the Majority or Minority Leader with the House Judiciary Committee counsel. Such a complaint shall be subject to the same procedures as are followed when a formal written complaint is filed under section 5 of this Resolution with the House Judiciary Committee counsel.

SECTION 10. If it is determined, after a hearing before the Committee on Sexual Harassment, that a complaint of sexual harassment is malicious or frivolous in

nature, the person filing the complaint shall be subject to appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

SECTION 11. Retaliatory action of any kind against any person who participates in any activity authorized or directed by House Rules on sexual harassment or this Resolution as a result of a person seeking redress under the procedures specified in House Rules and this Resolution is prohibited. Retaliation shall result in appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

Minnis moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Yeas, 54; Nays, 2 – Merkley, Nolan; Excused, 4 – Dingfelder, Kropf, Schrader, Winters. Fourth Special Session Rules of the House adopted.

Speaker announced appointment of members to the following Special Session committee:

SPECIAL SESSION COMMITTEE – Wilson, Chair; Kafoury, Minnis.

Verges moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Fourth Special Session of the Seventy-first Legislative Assembly. Motion carried on viva voce vote.

House recessed for 5 minutes on motion of Minnis.

House reconvened at 10:50 a.m. Speaker in Chair. All present except: Excused, 3 – Dingfelder, Kropf, Schrader.

Having recessed under the order of business of Messages from the Senate the House continued under that order of business.

Message from the Senate announcing the Senate has organized and is ready for the business of the Fourth Special Session of the Seventy-first Legislative Assembly.

HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Message from the Governor announcing he vetoed on August 7, 2002.

August 7, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 4056, unsigned and disapproved.

HB 4056 authorizes Oregon to borrow \$50 million for primary and secondary education with bonds that are to be repaid with revenue from the current cigarette tax. In addition, the bill authorizes up to an additional \$175 million to be borrowed – again backed by the cigarette tax – if the September 2002 revenue forecast has a shortfall greater than \$50 million. Finally, Oregon is obligated to

repay these bonds regardless of whether the voters adopt the increase in the cigarette tax contained in HB 4051.

Simply stated, HB 4056 directs us to educate our children today by borrowing from their schools tomorrow. Furthermore, this bill would allow the Oregon Legislative Assembly to abrogate its constitutional duty to balance the state's budget and push the burden of doing so onto the children of tomorrow.

For these reasons, I am returning HB 4056 unsigned and disapproved.

Sincerely,
John A. Kitzhaber, MD
Governor

HB 4064 (Third Special Session, Seventy-first Legislative Assembly) – Message from the Governor announcing he vetoed on August 6, 2002.

August 6, 2002

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled House Bill 4064 (2002 Special Session), unsigned and disapproved.

The bill would sunset the cigarette tax contained in House Bill 4051 on July 1, 2009. House Bill 4051, which I have signed, is a permanent tax increase of \$.60 per pack of cigarettes distributed on or after October 1, 2002. I believe we continue to need additional revenue, and I believe that revenue must be permanent.

Oregon's current budget shortfall has illustrated a serious long-term challenge: a structural budget deficit that preceded the recession and which will continue beyond it. Our current level of state programs and services is not sustainable into the future, based on the projected revenue forecast – even when the economy has fully recovered. The fact is that we are not going to grow our way out of this problem.

Over the course of three special sessions the legislature was unable to reduce the level of state programs and services beyond about \$450 million. The budget was cut as deeply as it could be cut – not only from the standpoint of good public policy, but from a political standpoint as well.

The only option left is to add permanent new revenue to fund important and needed services. By the time the sunset contained in House Bill 4064 would occur, the state will be receiving \$220 million per biennium from this revenue source – funds primarily dedicated to the Oregon Health Plan.

There is no evidence to support the assumption that Oregon will grow our way out of the current budget deficit. HB 4064 – if it became law – would result in the reduction of \$220 million in permanent revenue, and as a result would only worsen the budget problems we continue to face.

Sincerely,
John A. Kitzhaber, MD
Governor

Vetoed HB 4056 (Third Special Session of the Seventy-first Legislative Assembly) – Williams moved bill be repassed notwithstanding the Governor's veto.

Call of the House demanded by Morgan, joined by Gardner, Nolan, Shetterly, Zauner and Williams. All

present except: Excused (not subject to Call), 3 – Dingfelder, Kropf, Schrader.

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Motion to repass bill notwithstanding the Governor's veto, having not received the required two-thirds Constitutional majority, failed, the vote being: Yeas, 37; Nays, 21 – Ackerman, Barnhart, Bates, Beck, Beyer, Gardner, Hass, Kafoury, King, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Rosenbaum, Tomei, Verger, Walker V., Williams, Wirth; Excused, 2 – Dingfelder, Schrader.

Williams changed his vote from "aye" to "nay" and served notice of possible reconsideration.

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Veto sustained.

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Leonard moved for immediate reconsideration of vote by which House failed to repass bill notwithstanding Governor's veto.

Call of the House demanded by Beck, joined by Ringo, Gardner, Hass, Nolan and King. All present except: Excused (not subject to Call), 2 – Dingfelder, Schrader.

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Williams moved House reconsider the vote by which motion to repass bill notwithstanding the Governor's veto failed, the vote being: Yeas, 35; Nays, 23 – Ackerman, Barnhart, Bates, Beck, Beyer, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Rosenbaum, Tomei, Verger, Walker V., Wirth; Excused, 2 – Dingfelder, Schrader. Vote reconsidered.

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Williams moved bill be made a Special Order of Business immediately following consideration of Vetoed SB 1022 (Third Special Session, Seventy-first Legislative Assembly). Motion carried, the vote being: Yeas, 36; Nays, 22 – Ackerman, Barnhart, Bates, Beck, Beyer, Gardner, Hansen, Hass, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Rosenbaum, Tomei, Verger, Walker V., Wirth; Excused, 2 – Dingfelder, Schrader. Motion carried. Bill made Special Order of Business.

Vetoed SB 1022 (Third Special Session, Seventy-first Legislative Assembly) – Message from the Senate announcing bill repassed, notwithstanding the Governor's veto.

Vetoed SB 1022 (Third Special Session, Seventy-first Legislative Assembly) – Shetterly moved bill be repassed notwithstanding the Governor's veto.

Wilson in Chair.

Call of the House demanded by Leonard, joined by Barnhart, March, Tomei, Walker, V. and Ackerman. All present except: Excused (not subject to the Call), 2 – Dingfelder, Schrader.

By unanimous consent, on request of Nelson, rules suspended to permit use of visual aid during debate on bill.

Previous question moved by Butler, carried.

Speaker in Chair.

By unanimous consent, on request of Speaker, House adjourned until 9:00 a.m., Tuesday, August 20, 2002.

Tuesday, August 20, 2002 – Morning Session

House convened at 9:00 a.m. Speaker in Chair. All present except: Excused, 1 – Dingfelder.

Moment of silence observed.

SCR 18 – Message from the Senate announcing adoption.

HCR 25 – Introduced, read and referred to the Special Session Committee.

SCR 18 – Read first time and referred to the Special Session Committee.

Speaker announced the following with regard to protocol during debate:

“In discussion on the floor there is a cherished tradition of not referring to another member or members by name. This tradition is reflected in our House Rules under Section 6.10.

“In speaking on the floor, a member must “confine discussion to the question under debate, avoid personalities, and not impugn the motives of another member's vote or argument.”

“In addition, Mason's Manual of Legislative Procedure, Section 124 states that “it is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, or group of members, but the nature or consequences of a measure may be condemned in strong terms.”

“As presiding officer, and in compliance with House Rule 7.10 and Mason's Manual of Legislative Procedure, Section 575 subsection 1, I will preserve the order and decorum of this body and restrain the members when engaged in debate within the rules of order.

“I remind you, it is not the person or group of persons but the measure that is the subject of debate.”

Vetoed SB 1022 (Third Special Session, Seventy-first Legislative Assembly) – Shetterly moved bill be repassed notwithstanding the Governor's veto.

Call of the House demanded by Minnis, joined by Rosenbaum, Hass, Garrard, Witt and Nelson. All present except: Excused, 1 (not subject to Call) – Dingfelder.

Vetoed SB 1022 (Third Special Session, Seventy-first Legislative Assembly) – Motion to repass bill notwithstanding the Governor's veto, having received the required two-thirds Constitutional majority, carried, the vote being: Yeas, 46; Nays, 13 – Barnhart, Bates, Beck, Gardner, Hass, Kafoury, King, Leonard, Lowe, Nolan, Rosenbaum, Tomei, Walker, V.; Excused, 1 – Dingfelder. Bill repassed.

Beyer requested the following explanation of her vote be entered in the Journal:

“During the three prior special sessions I have consistently voted against funding operations with borrowed money. In our third Special Session I reluctantly supported shifting the final school payments from June 2003 to July because it presented a minor accounting adjustment that seemed to address ... however poorly ... the fiscal crisis that is facing us as Oregonians today. Clearly this is not good long-term fiscal policy. But these are not normal times.

“I find myself torn today. Torn between adopting good financial policy as requested by our Governor and making a short-term decision that will keep schools open for our children and community college programs in place to help lead us out of this recession and build for the future.

“If I thought that this Legislature under the current leadership could resolve the funding issue today or in a week or even a month, there would be no question in my mind how to vote. However, having participated in the discussions during the past three special sessions it is clear to me that there is little hope of resolving the issue before a new Legislature is seated in January. That brings me to my responsibility of providing public education for Oregon's children. For these young people, there isn't an opportunity to wait it out for another year. At this stage in their life, they deserve the best we can give them.

“Today I am voting to support Oregon's children. I am voting to override the Governor's veto of SB 1022. I am supporting the existing legislative plan with the full intent of fighting hard during the 2003 session to get this matter resolved. Doing otherwise, I fear, will simply mean that the Legislature will walk away from the problem and force the Governor to make across-the-board cuts (he has no other option). And those cuts will hit education the hardest.

“I find today's votes truly frustrating. I wish that we could, all 90 legislators, put partisan politics aside and work toward what is best for Oregon! But that will not be the result today. Clearly we need to face up to the need for finding a long-term permanent funding strategy for education in Oregon. Let us hope that those who return in January find the courage to face up to this problem.”

Walker, V. requested the following explanation of her vote be entered in the Journal:

“I voted to sustain the governor's veto on SB 1022 because I believe it is irresponsible for state government to engage in accounting maneuvers that do not solve our deficit but rather gives Oregonians an inaccurate picture of our state finances as it relates to funding schools. We're deferring payments to local school districts to the next biennium which forces those same districts to go out and borrow against that future payment. In other words, if Junction City School District borrows the \$700,000 they will need for next year, it will cost them \$30,000 to do so. This scheme would even make loan sharks blush!

“We face a Hobbesian choice: we can deal with the crisis today, or we can become indebted to the payday lender tomorrow. I made a commitment to the residents of my district and all Oregonians to fund education to the standards our children deserve and that Oregonians demand. That commitment is not built upon accounting gimmicks, duct tape or Band-Aids. That commitment is built upon sound fiscal policy that shows responsibility and accountability to the taxpayers of the state of Oregon.”

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Williams moved bill be repassed notwithstanding the Governor's veto.

Previous question moved by Smith, G., carried.

Call of the House demanded by Williams, joined by Rosenbaum, Hass, Witt, Brown A. and Zauner. All present except: Excused, 1 (not subject to Call) – Dingfelder.

Vetoed HB 4056 (Third Special Session, Seventy-first Legislative Assembly) – Motion to repass bill notwithstanding the Governor's veto, having not received the required two-thirds Constitutional majority, failed, the vote being: Yeas, 38; Nays, 21 – Ackerman, Barnhart, Bates, Beck, Beyer, Gardner, Hass, Kafoury, King, Leonard, Lowe, Nolan, Rosenbaum, Tomei, Walker V.; Excused, 1 – Dingfelder. Veto sustained.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 4056 because:

“It would put us further in debt at a time when we need bonding capacity for many serious capital costs such as repair and replacement of bridges which are deteriorating and cannot handle the loads demanded of them.

“We are living beyond our means. This measure is not just a response to a serious recession which will soon be over. We have reduced revenues for a decade and have a structural permanent disconnect between revenues and expenditures for programs Oregonians want. We must make the hard choices of cutting programs, raising revenue, or both. This bill postpones the problem while making the long term situation worse.

“This bill is not a way to protect our children who need their schools long term not just this year.”

Beyer requested the following explanation of her vote be entered in the Journal:

“I voted today to sustain the Governor's veto of HB 4056 because it is bad fiscal policy. Simply, it makes no sense to borrow almost one-quarter of a billion dollars to finance one-year of operations and then have to pay it back over six years. It's like buying tonight's groceries on the MasterCard. Such credit card borrowing is not in the best interest of Oregon taxpayers when other options are available.

“During the last three special sessions I have consistently voted against funding operations with borrowed money. Clearly we need to face up to the long-term permanent funding needs of educating Oregon's children. HB 4056 doesn't do this and in fact takes us in the wrong direction. HB 4056 actually enlarges the \$1 Billion plus deficit that the Legislature will face in 2003. We can and should do better!

“I am willing to spend whatever time it takes to get educational funding moving in the right direction. I am willing to make the hard and politically perilous votes necessary to do the right thing. But HB 4056 wasn't the right thing. It is just wrong for Oregon's children.

“This Legislature doesn't lack reasonable financial options to solve the education funding problem. What it lacks is the will to tackle the issue.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted in opposition of the motion to override the governor's veto of HB 4056, a bill to bond future cigarette tax revenues to help pay for today's school costs. My vote to sustain the governor's veto of this bill was not a vote to cut education, but rather a vote to provide responsible funding for our schools. I had three reasons for my vote. First, I believe that the government must spend within its means and should not budget on credit cards and debt financing. Second, I have fought for our schools since I was on the Gresham-Barlow School District and I believe it is past time

that we provide our schools with stable funding instead of short-term Band-Aids. Third, I wish to respect the opinions of the constituents who sent me to Salem to represent their views. Responses from my constituents were three to one in favor of sustaining the vetoes. I hope that this sustained veto will lead to a more responsible funding solution for our schools.”

Walker, V. requested the following explanation of her vote be entered in the Journal:

“I voted to sustain the Governor's veto on HB 4056 because I believe it is irresponsible for state government to indebt itself in the future to pay for services today. What is even more troubling is that we are bonding revenues from a tax that has yet to be voted on by the people! The proposed increase in the cigarette tax is not scheduled for a special election until September.

“I believe Oregonians want accountability and responsibility from their government. They want an answer as to how we are going to adequately fund schools and other state services. I think they deserve that answer. I further believe that we need to ask ourselves what services we want state government to provide to our citizens, and at what level are we willing to fund them. If we are unable to fund the services at the level we demand, then we should cut those services from the budget rather than indebt ourselves by using something akin to credit cards and payday loans.”

House recessed until 12:00 p.m. on motion of Jensen.

Tuesday, August 20, 2002 – Afternoon Session

House reconvened at 12:00 p.m. Speaker in Chair. All present except: Excused, 1 – Dingfelder.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HCR 25 – Report by the Special Session Committee recommending adoption with amendments and be printed engrossed.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HCR 25 (A-Engrossed) – Read. Carried by Wilson. On adoption of the resolution the vote was: Yeas, 59; Excused, 1 – Dingfelder. Resolution adopted.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Fourth Special Session, Seventy-first Legislative Assembly, filed on August 19, 2002 by Representatives Bill Witt and Jackie Winters.

House adjourned sine die at 6:15 p.m. on Tuesday, August 20, 2002.

HCR 25 (A-Engrossed) – Message from the Senate announcing adoption.

HCR 25 – Speaker signed on August 29, 2002.

HCR 25 – Message from the Senate announcing President signed on August 30, 2002.

**FOURTH
SPECIAL SESSION**

**HOUSE MEASURES
STATUS REPORT**



HOUSE CONCURRENT RESOLUTIONS

**HCR 25 By HOUSE SPECIAL SESSION COMMITTEE -
Adjourning sine die fourth special session of
Seventy-first Legislative Assembly.**

- 8-20(H) First reading. Referred to Speaker's desk.
Referred to Special Session Committee.
Recommendation: Be adopted with amendments and
be printed A-Engrossed.
Read. Carried by Wilson. Adopted.
Ayes, 59; Excused, 1 - Dingfelder.
- 8-20(S) First reading. Referred to President's desk.
Rules suspended. Final reading. Carried by President
Derfler. Adopted.
Ayes, 20; Nays, 1 - Gordly, Excused, 9 - Corcoran,
Dukes, Hannon, Harper, Messerle, Metsger, Nelson,
Shields, Starr.

Adjourns sine die fourth special session of Seventy-first
Legislative Assembly.

**FOURTH
SPECIAL SESSION**

**SENATE MEASURES
STATUS REPORT**



SENATE CONCURRENT RESOLUTIONS

SCR 18 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS – **Adjourning sine die fourth special session of Seventy-first Legislative Assembly.**

8-16(S) Introduction and first reading. Referred to President's desk.
Referred to Government Affairs.
Work Session held.
Recommendation: Be adopted with amendments.
(Printed A-Eng.)
Rules Suspended. Resolution read in its entirety.
Adopted.

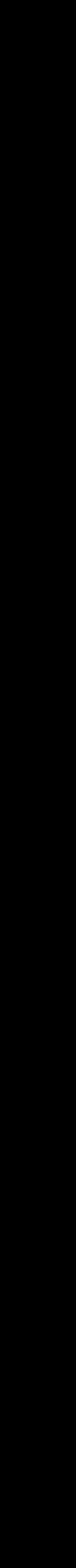
Ayes, 27; Excused, 3 – Beyer, Gordly, Nelson.

8-20(H) First reading. Referred to Speaker's desk.
Referred to Special Session Committee.
In committee upon adjournment.

Adjourns sine die fourth special session of Seventy-first Legislative Assembly.

**VETOED
HOUSE BILLS
STATUS REPORT**

**2002 Third Special
Session**



HOUSE BILLS

Vetoed by Governor after Adjournment 2002 Third Special Session

**HB 4056 By HOUSE SPECIAL SESSION
COMMITTEE ON BUDGET
RECONCILIATION – Relating to revenue
bonds for State School Fund; appropriating
money; declaring an emergency.**

- 6-14(H) First reading. Referred to Speaker's desk.
Referred to Budget Reconciliation.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments
and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by
Shetterly.
Passed.
Ayes, 48; Nays, 10 - Ackerman, Barnhart, Beck,
Dingfelder, Hass, Kafoury, March, Nolan,
Rosenbaum, Wilson, Excused, 2 - Hayden,
Walker, C..
- 6-15(S) First reading. Referred to President's desk.
Referred to Revenue.
- 6-17 Public Hearing held.
- 6-19 Work Session held.
- 6-25 Work Session held.
- 6-26 Recommendation: Without recommendation as
to passage and be referred to Budget.
Referred to Budget by order of the President.
Public Hearing and Work Session held.
Recommendation: Without recommendation as to
passage, but with amendments to the A-Eng.
bill. (Printed B-Eng.)
(Amendments distributed 06-26.)
- 6-27 Second reading.
Motion to rerefer to Budget carried by
unanimous consent.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments to
the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 06-27.)
Rules suspended. Third Reading. Carried by
Minnis.
Passed.
Ayes, 17; Nays, 12 - Atkinson, Beyer, Carter,
Clarno, Deckert, Ferrioli, Fisher, Miller,
Shields, Starr, Trow, Yih, Excused, 1 - George.
- 6-29 Senators Hannon, Courtney appointed Senate
conferees.
- 6-29(H) Representatives Shetterly, Bates, Butler, Hass,
Williams appointed House Conferees.
Work Session scheduled.
Conference Committee recommendation: House
concur in the Senate amendments dated 06-26
and 06-27 and bill be further amended and
repassed.
- 6-29(S) Conference Committee Report read in Senate.
(Amendments distributed 06-29.)
- 6-29(H) House adopted Conference Committee Report.

Ayes, 32; Nays, 27 - Ackerman, Beck, Beyer,
Butler, Dingfelder, Gardner, Hass, Hopson,
Jenson, Kafoury, King, Kropf, Krummel, Lee,
Leonard, Lowe, Merkley, Nelson, Nolan, Ringo,
Rosenbaum, Tomei, Verger, Walker, V.,
Wilson, Wirth, Zauner, Excused, 1 - Monnes
Anderson.

Repassed.

Ayes, 32; Nays, 27 - Ackerman, Beck, Beyer,
Close, Dingfelder, Gardner, Hass, Hopson,
Kafoury, King, Kropf, Krummel, Lee, Leonard,
Lowe, March, Merkley, Nelson, Nolan, Ringo,
Rosenbaum, Tomei, Verger, Walker, V.,
Wilson, Wirth, Zauner, Excused, 1 - Monnes
Anderson.

Potential conflict(s) of interest declared by King.

6-30(S) Senate adopted Conference Committee Report
and repassed bill.

Ayes, 16; Nays, 12 - Atkinson, Beyer, Clarno,
Dukes, Ferrioli, Fisher, Harper, Messerle,
Nelson, Shields, Starr, Yih, Absent, 2 - George,
Miller.

7-10(H) Speaker signed.

7-10(S) President signed.

8-7(H) Governor vetoed.

8-16 (H) Governor's veto message read in House.

Motion to repass bill notwithstanding the
Governor's veto failed.

Yeas, 37; Nays, 21 – Ackerman, Barnhart, Bates,
Beck, Beyer, Gardner, Hass, Kafoury, King,
Leonard, Lowe, March, Merkley, Monnes
Anderson, Nolan, Rosenbaum, Tomei, Verger,
Walker V., Williams, Wirth; Excused, 2 –
Dingfelder, Schrader.

Williams changed vote from “aye” to “nay” and
served notice of reconsideration.

Vote reconsideration carried.

Yeas, 35; Nays, 23 – Ackerman, Barnhart, Bates,
Beck, Beyer, Gardner, Hansen, Hass, Hopson,
Kafoury, King, Lee, Leonard, Lowe, March,
Merkley, Monnes Anderson, Nolan,
Rosenbaum, Tomei, Verger, Walker V., Wirth;
Excused, 2 – Dingfelder, Schrader.

Made a Special Order of Business.

Yeas, 36; Nays, 22 – Ackerman, Barnhart, Bates,
Beck, Beyer, Gardner, Hansen, Hass, Kafoury,
King, Lee, Leonard, Lowe, March, Merkley,
Monnes Anderson, Nolan, Rosenbaum, Tomei,
Verger, Walker V., Wirth; Excused, 2 –
Dingfelder, Schrader.

8-20 Motion to repass bill notwithstanding the
Governor's veto failed.

Yeas, 38; Nays, 21 – Barnhart, Bates, Beck,
Gardner, Hass, Kafoury, King, Leonard, Lowe,
Nolan, Rosenbaum, Tomei, Walker V.;
Excused, 1 – Dingfelder.

Vote explanation(s) filed by Barnhart, Beyer, Monnes Anderson, Walker V,
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Authorizes State Treasurer to issue revenue bonds [under specified circumstances] to be paid from cigarette tax revenues. Specifies that bond proceeds are to be used for purposes for which moneys in State School Fund may be used. Authorizes transfer of net bond proceeds to State School Fund.

Declares emergency, effective on passage.

HB 4064 By HOUSE SPECIAL SESSION BUDGET COMMITTEE ON PERS - Relating to taxation; prescribing an effective date.

- 6-29(H) First reading. Referred to Speaker's desk.
Referred to Budget Committee on PERS.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Patridge.
Passed.
Ayes, 32; Nays, 26 - Ackerman, Barnhart, Bates, Beck, Beyer, Butler, Devlin, Dingfelder, Hansen, Hass, Hopson, Kafoury, King, Krummel, Lee, Leonard, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth, Zauner, Excused, 2 - Hayden, Monnes Anderson.
- 6-29(S) First reading. Referred to President's desk.
Referred to Budget.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third Reading. Carried by Hannon.
Passed.
Ayes, 23; Nays, 5 - Burdick, Deckert, Dukes, Shields, Yih, Excused, 1 - Fisher, Attending Legislative Business, 1 - Minnis.
- 7-10(H) Speaker signed.
- 7-10(S) President signed.
- 8-6(H) Governor vetoed.
- 8-16 (H) Governor's veto message read in House.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Sunsets cigarette tax increase, if increase becomes law.
Takes effect on 91st day following adjournment sine die.

**FOURTH
SPECIAL SESSION**

**GENERAL
LEGISLATIVE
SUMMARY**



RECAPITULATION OF HOUSE BILLS (August 16-20, 2002)

Total House Bills Introduced 0
TOTAL.....0

RECAPITULATION OF HOUSE MEASURES OTHER THAN BILLS

Total House Joint and Concurrent Resolutions and Memorials Introduced 1
Approved by both Houses.....1
TOTAL.....1
Total House Resolutions and Memorials Introduced..... 0
TOTAL.....0

TOTAL HOUSE MEASURES INTRODUCED – 1

**FIFTH
SPECIAL SESSION**

**SEPTEMBER 1 –
SEPTEMBER 18, 2002**



House Journal and Status Reports of the House and Senate

FIFTH SPECIAL SESSION

**Beginning September 1 and
ending September 18, 2002**



**SEVENTY-FIRST LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Published Under the Direction

of

MARK SIMMONS

Speaker of the House

**MEMBERSHIP
AND
COMMITTEES**



HOUSE STANDING COMMITTEE MEMBERSHIP

BUDGET RESTORATION—

Ben Westlund, Chair
Susan Morgan
Betsy Johnson
Cedric Hayden
Richard Devlin

PERS—

Carl Wilson, Chair
Tom Butler
Mark Hass
Jeff Kruse
Jan Lee
Laurie Monnes Anderson
Tootie Smith

RULES—

Lane Shetterly, Chair
Tim Knopp
Deborah Kafoury

**ECONOMIC GROWTH AND JOB
DEVELOPMENT__**

Jeff Kropf, Chair
Alan Brown
Dan Doyle
Elaine Hopson
Al King
Jerry Krummel
Kathy Lowe

**FIFTH
SPECIAL SESSION**

**HOUSE
JOURNAL**



Sunday, September 1, 2002 – Evening Session

In compliance with Article IV, Section 10a, as requested by a majority of the members of each House of the Seventy-first Legislative Assembly the House convened in Special Session this 1st day of September, 2002.

House called to order in Special Session at 7:00 p.m., pursuant to the proclamation of Gene Derfler, President of the Senate and Mark Simmons, Speaker of the House, Seventy-First Legislative Assembly of the State of Oregon issued August 30, 2002.

Speaker in Chair.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: The State of Oregon has a projected shortfall in revenue collections for the last quarter of the 2001 biennium; and

WHEREAS: Governor John Kitzhaber has announced that he is initiating across the board cuts to state agencies totaling approximately \$480 million to resolve that shortfall; and

WHEREAS: The cuts initiated by Governor John Kitzhaber represent devastating cuts in funding for Oregon K-12 public schools, community colleges and universities, public safety, senior services and other vital state programs; and

WHEREAS: Oregon's K-12 public schools, community colleges and universities represent a vital investment in the Oregon economy; and

WHEREAS: Public safety is an essential role of state government protecting our citizens from harm; and

WHEREAS: Oregon's seniors deserve our continued commitment to ensure their well-being; and

NOW,

THEREFORE, we, Gene Derfler, President of the Senate, and Mark Simmons, Speaker of the House, pursuant to Article IV, section 10a, of the Oregon Constitution, have received the requisite number of requests from Senate and House members and hereby proclaim Sunday, September 1, 2002 at 7 p.m. to be

THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY

for the purpose of offering Oregon voters an opportunity to protect the state's K-12 public schools, colleges and universities, and other vital state programs and services from the devastating cuts in funding initiated by Governor John Kitzhaber.

IN WITNESS WHEREOF, we sign this proclamation. Done at the Capitol in the City of Salem in the State of Oregon on this day, August 30, 2002.

Gene Derfler, President of the Senate
Mark Simmons, Speaker of the House

All present except: Excused, 14 – Ackerman, Beck, Dingfelder, King, Lee, Leonard, Merkley, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth.

Opening Ceremony presented by Representative Tom Butler, District 60, Ontario.

Speaker announced the following appointments to the Special Committee on Rules: Shetterly, Chair; Knopp, Kafoury.

The following report of the Special Committee on Rules was read:

REPORT BY COMMITTEE ON RULES

We, your Committee on Rules, recommend that the House of Representatives adopt the Fifth Special Session Rules of the Seventy-first Legislative Assembly as amended.

Lane Shetterly, Chair
Tim Knopp
Deborah Kafoury

SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

Seventy-first Legislative Assembly
September 1, 2002

DEFINITIONS

1.01 Definitions. (1) "Measure" means bill, resolution or memorial, but does not include amendments.

(2) "Member" means member of the House.

(3) "Printing" includes printing and other means of reproducing copy.

(4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.

(5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-first Legislative Assembly.

(6) "Special Session" means the special session of the Seventy-first Legislative Assembly convening September 1, 2002.

(7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

RULES

2.01 Use of Mason's Manual. Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House" ~~referred to the Committee on Rules, Redistricting and Public Affairs by the Speaker, and if reported from the Committee on Rules, Redistricting and Public Affairs, and~~ allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules. (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the House. ~~Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die. The rules adopted for the special session are repealed upon the adjournment of the special session sine die.~~

CONVENING

3.01 Quorum. (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.03 Attendance. A member shall attend all sessions of the House unless excused by the Speaker, and all meetings of the committees of the House of which he or she is a member unless excused by the chairperson. No member shall be considered excused, however, unless the Speaker or chairperson has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

3.05 Session Hour. Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

3.07 Open Sessions. All deliberations and meetings of the House shall be open to the press and public.

~~**3.08 Daily Session Length.** (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, including time used in recess.~~

~~(2) When the twelve-hour period described in subsection (1) of this rule has elapsed, the Speaker shall adjourn the House for a period of not less than eight hours. The convening of a session after adjournment constitutes the beginning of a new session day.~~

VOTING

3.12 Electronic Roll Call System. The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

3.15 Roll Call. (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the role of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the Speaker shall be last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was in the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

3.20 Requirements for Voting. (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

3.21 Announcement of Conflict of Interest. (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting. The statement shall be limited to the substance of the oral explanation given on the floor or in committee.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote or if all members have voted, the Speaker may direct the clerk to display the vote. After the individual votes have been displayed any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

3.28 Electronic Roll Call; Misuse, Penalties. No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

3.30 Voting by Presiding Officer. The Speaker shall vote whenever a roll call is required, the Speaker's name being called last on an oral roll call vote.

3.35 Explanation of Vote. (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next ~~session~~ **business** day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

3.50 Third Reading Requirement. (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

3.55 Call of the House. (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms

shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the north aisle, the room west of the north aisle, and the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

ORDER OF BUSINESS

4.01 Order of Business. (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message. At the opening session of the day only.
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
 - ~~(h)~~ Reports from standing committees.
 - ~~(h)~~ Reports from special committees.
 - ~~(i)~~ Propositions and motions.
 - ~~(k)-(j)~~ Introduction and first reading of House bills.
 - ~~(k)~~ Second reading of House bills.
 - ~~(m)~~ Consent Calendar.
 - ~~(n)~~ Third reading of House bills.
 - ~~(n)~~ Final reading of memorials and resolutions.
 - ~~(o)~~ Bills, reports and other business lying on the table.
 - ~~(p)~~ First reading of Senate bills.
 - ~~(q)~~ Second reading of Senate bills.
 - ~~(r)~~ Third reading of Senate bills.
 - ~~(s)~~ Other business of the House.
 - ~~(t)~~ Other business of the Senate.
 - ~~(u)~~ Announcements.
 - ~~(v)~~ Remonstrances.

(2) The presiding officer, under the order of business *Reports from Standing Committees and Reports from Special Committees*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the order of business of Opening Ceremony, prayer and/or inspirational message, courtesies and the order of business of Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

4.05 Consent Calendar. (1) Each session day, a consent calendar of measures shall be presented for consideration and vote of the House. Copies of the consent calendar shall be printed and distributed to members prior to consideration.

(2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.

(b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.

(3) Any measure recommended for the consent calendar shall be placed on the calendar ~~but held at the Desk for two days after the day on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two-day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.~~

~~If no objections or an insufficient number are filed within the two-day period, the measure shall be placed in numerical order on the next consent calendar. When the order of business "Consent Calendar" is reached, the Speaker shall announce the calendar and ask for each measure listed whether there are objections to the measure being placed on the consent calendar. If five objections are raised the measure shall be removed from the consent calendar and placed on the third reading calendar. If there are not the sufficient number of objections, the clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken. No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.~~

~~Notwithstanding the provisions of this rule if the Speaker has reasonable cause to believe that the session will adjourn sine die within three weeks after the time a measure is recommended for the consent calendar, the Speaker may order the measure to be placed in its proper order on the third reading calendar.~~

MOTIONS

5.01 Making Motion. (1) When a motion is made, it shall be stated by the presiding officer.

(2) A motion shall be reduced to writing upon a request of the presiding officer or of any member.

(3) No second to a motion is required.

5.05 Motion in Possession of the House. After a motion is stated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

5.10 Precedence of Motions. (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Nondebatable Motions. Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

5.20 Votes on Motions. If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

5.30 Division of the Question. Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

5.35 Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

5.37 Amendments to the Title of a Bill. No title ("*Relating to*" clause) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

5.40 Amendments from Floor. (1) No measure shall be amended upon the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Chief Clerk.

(2) In the absence of unanimous consent, if a majority of the members present desires a change in any measure, the measure shall be referred by the Speaker to committee in accordance with Rule 9.01(2).

DEBATE AND DECORUM

6.01 Decorum During Session and Committee Proceedings. (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

6.05 Use of Electronic Devices. (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

6.07 Recognition of Members. When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member's desk.

(1) The device labeled "to speak" shall be used when a member seeks recognition for purposes of debate or making motions.

(2) The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under Mason's Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

6.10 Conduct in Debate. (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat,

unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

6.20 Interrupting a Member. Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

6.25 Frequency with Which Member May Speak. (1) The author of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate. The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the chairperson of the committee that reports the measure or a member designated by the chairperson may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (2) of this rule to another member. However, no member may yield time to a member closing debate.

6.35 Call to Order. (1) The presiding officer shall call to order any member who violates the rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

6.40 Discipline. If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

PRESIDING OFFICER

7.01 Election of Presiding Officer; Pro Tempore Presiding Officer. The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro*

Tempore of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officer. (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

7.10 Duties of Presiding Officer. (1) To enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

COMMITTEES

8.01 Names of Committees. ~~There shall be the following 15 standing committees to which shall be referred all measures relating to the subject matters described herein:~~

~~(1) Advancing E-Government, relating generally to technology and utility regulation;~~

~~(2) Agriculture and Forestry, relating generally to agriculture and forestry;~~

~~(3) Business, Labor and Consumer Affairs, relating generally to business, labor and consumer affairs;~~

~~(4) Government Efficiency, relating generally to government operations;~~

~~(5) Health and Public Advocacy, relating generally to human resources and health care issues;~~

~~(6) Judiciary, relating generally to civil and criminal law and administration of justice;~~

~~(7) Land Use and Regulatory Fairness, relating generally to regulatory takings and property compensation;~~

~~(8) Rules, Redistricting and Public Affairs, relating generally to the rules and operations of the House and the Legislative Assembly, elections, redistricting; and public affairs;~~

~~(9) School Funding and Tax Fairness/Revenue, relating generally to taxation and the finance of elementary and secondary education;~~

~~(10) Smart Growth and Commerce, relating generally to commerce and economic development.~~

~~(11) Stream Restoration and Species Recovery, relating generally to stream restoration and species recovery;~~

~~(12) Student Achievement and School Accountability, relating generally to all levels of education and their administration, but excluding finance of elementary and secondary education;~~

~~(13) Transportation, relating generally to vehicles, mass transit, highways and other aspects of transportation;~~

~~(14) Water and Environment, relating generally to water law, natural resources and the environment;~~

~~(15) Ways and Means, relating generally to appropriations.~~

The Speaker may appoint special committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all ~~standing committees~~, statutory committees, special committees and task forces, and the chairpersons and vice-chairpersons thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all ~~standing~~ special committees and statutory committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the standing special committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any standing special committee under which a subcommittee is created shall appoint the other members of the subcommittee.

~~(4) The Standing Committee on Ways and Means and committees established by the Oregon Constitution shall be exempt from provisions under subsection (2) of Rule 8.05.~~

8.10 Committee Quorum; Rules. (1) A majority of the members of a ~~standing or~~ special committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all ~~standing and~~ special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

8.15 Committee Meetings. (1) All committees shall meet at the call of the chairperson, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

~~(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 24 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.~~

~~(5) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.~~

~~(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If the House is in session, the Speaker shall announce the emergency and the reasons why it is declared to exist. If the House is not in session, the Speaker shall notify members that an emergency exists and the reasons therefor by distributing such information to the desks of the members. For any meeting called under this emergency provision, notice shall be posted outside the~~

~~House chambers and any other suitable and conspicuous place. If the meeting scheduled is for the purpose of taking public testimony, at least 24 hours notice must be given by posting the notice outside the House chambers and any other suitable and conspicuous place. A majority of the members may invoke this subsection and notice shall be given as described in this subsection.~~

~~(6) The chairperson or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public shall be given immediately upon call of the meetings, and notice of the meeting shall be announced on the floor if the House is in session.~~

(7) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(8) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

- (a) Members present, excused or absent;
- (b) All motions and their disposition;
- (c) The results of all votes; and

(d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the ~~Committee on Rules, Redistricting and Public Affairs Speaker~~. The ~~committee Speaker~~ shall conduct a hearing on the matter and shall, if it ~~concludes concluded~~ that the complaint is justified, recommend to the House that censure or other action be taken.

(12) As used in this rule:

(a) "Committee" includes ~~standing and~~ special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

8.20 Committee Action Required. (1) A chairperson shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the committee chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

~~(4) When the presiding officer determines that sine die adjournment may impinge on the operations of standing committees, the presiding officer shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the presiding officer.~~

~~(5) (4) Measures reported out by a committee shall be delivered to the Chief Clerk of the House within three session days no later than 12 noon of the session day after the committee action reporting the measure out.~~

~~**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or the School Funding and Tax Fairness/Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.~~

8.25 Committee Actions to be Recorded and Reported. (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. (1) No motion to dissolve into the committee of the whole shall be allowed.

REFERRAL OF MEASURES; COMMITTEE REPORTS

9.01 Referral to Committee. (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than five session days following such referral, the measure shall be referred by the Speaker ~~in accordance with the provisions of subsections (2)–(3) of this rule~~. Notice of referral shall ~~be in writing and to a special committee announced from the rostrum or a printed list~~ shall be distributed to the desks of the members.

~~(2) Referrals of measures shall be to the committee whose jurisdiction, as defined in Rule 8.01, most closely relates to the principal subject matter addressed by the measure.~~

~~(3) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means or the Committee on School Funding and Tax Fairness/Revenue effective after the measure is reported out of the committee to which it was initially referred.~~

~~(4) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.~~

~~(5) The chairperson of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the chairperson of any other standing or special committee to review the measure. Upon acceptance of the measure by the chairperson of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.~~

~~(6) When the Speaker determines that sine die adjournment is imminent and referral of measures to committees under Rule 8.01 will unnecessarily delay the orderly process of legislative business, the Speaker may refer a measure to an appropriate committee notwithstanding the subject matter designations described in Rule 8.01.~~

9.05 Committee Reports. After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chairperson of the committee.

9.10 Consideration of Committee Reports. (1) Reports from ~~standing~~ committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.

~~(2) Except for reports recommending do not pass or referral to another committee, or reports accompanied by a minority report, no motion is required to adopt a committee report.~~

9.15 Minority Reports; Dissents.—(1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar of the first session day after distribution of amendments, if any. No member may sign on to more than one report.

~~(2) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule 9.32(3) or, if other that a bill, as provided by Rule 9.35(3).~~

~~(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.~~

~~(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.~~

~~(5) The minority report is subject to the requirements of House Rule 5.35.~~

9.30 Withdrawing Measure from Committee. A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

9.32 When a Bill Goes to Second Reading. (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar of the following same session day for second reading. No motion affecting the status of the bill will be in order.

~~(2) When a bill is reported favorably with amendments, the report shall be filed and the bill placed on the calendar for second reading on the same session day as the amendments must be printed and arc distributed to the desks of the members before the measure comes up for second reading.~~

~~(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the same session day on which the minority report was substituted or rejected.~~

~~(4)(3) The Speaker may order a bill printed with amendments engrossed. If a bill is printed engrossed it shall not be considered placed on the calendar for second reading sooner than the same session day following distribution of the printed engrossed bill is distributed to desks of the members.~~

9.35 When a Measure Other Than a Bill Goes to Final Reading. (1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar of the same session day next following receipt for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for final reading. The measure other than a bill shall be placed on the calendar for final reading on the same session day next following the day of distribution of the printed amendments.

~~(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar for final reading on the session day next following the day on which the minority report was substituted or rejected.~~

(4) (3) Upon the recommendation of the chairperson of the committee reporting a measure with amendments, or at the Speaker's discretion, the Speaker may order a measure printed with the amendments engrossed therein. If the measure other than a bill is printed engrossed, it shall not be considered for final reading

sooner than the session day following distribution of the printed engrossed measures to the desks of the members.

9.37 When a Bill Goes to Third Reading. A bill shall be placed on the third reading calendar on the session day following its second reading.

RECONSIDERATION

10.01 Reconsideration. (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

~~(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.~~

~~(3) (2) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.~~

~~(4)(3) The motion to reconsider shall must be made voted on the first session day after that on which immediately after the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.~~

~~(5)(4) Thirty-one votes are required to reconsider the final vote on a measure.~~

~~(6)(5) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.~~

10.05 Transmitting Measures on Which Reconsideration Moved. When a member has given notice of intention to moved for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. ~~However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.~~

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately and without debate on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

CONCURRENCE; CONFERENCE

11.01 Vote to Concur in Amendments of Other House. (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall not be taken sooner than the first session day immediately after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. ~~(1)~~ When the House fails to concur in an amendment made to one of its measures by the Senate,

or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

~~(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.~~

~~—(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the differences between the House and Senate versions.~~

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose any amendments within the scope of the issue between the houses.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers, and notice of the meeting shall be announced on the floor if the House is in session.

11.15 Adoption of Conference Committee Report. (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report ~~shall not be made sooner than the first session day in order immediately~~ after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

11.20 Discharge of Conferees. (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

SPONSORSHIP

~~—12.00 Pre-session Filing and Printing. (1) Any member or member-elect of the House may, on or after November 18 of the even years to January 1 of the odd years, pre-file any measure with the Chief Clerk for introduction.~~

~~—(2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.~~

~~—(3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed pre-filed measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.~~

~~—(4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.~~

~~—(5) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.~~

~~—(6) Any measure pre-filed and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.~~

12.05 Pre-session Drafting Requests. Members, member-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.

12.10 Sponsorship. (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure, the committee shall become the sponsor of the measure.

12.20 Committee Sponsorship. (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chairperson shall sign the proposed measure for presentation at the desk.

INTRODUCTION OF MEASURES

13.01 Requirements of Presentation of Measures for Introduction. (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chairperson or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

13.05 Deadline on Introductions. No measure shall be accepted by the desk for introduction in the ~~House after 5 p.m. on the 50th calendar day of the session~~ except:

(1) Measures approved by the Speaker and so identified for introduction by a committee.

(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.

(3) Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.

13.10 Legislative Counsel Drafting Services. ~~(1) Between 5 p.m. on the 29th calendar day and 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall only accept five non-transferable drafting requests from each member.~~

~~—(2) After 5 p.m. on the 36th calendar day of the session, the Legislative Counsel shall discontinue not accepting requests for~~

drafting of ~~all~~ measures for introduction during special session except:

~~(a) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means.~~

(b) Committee proposals approved for drafting by the Speaker.

~~(c) A proposal requested for drafting by a member under Rule 13.15.~~

~~**13.15 Priority Drafting Requests.** (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.~~

~~(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.~~

PUBLICATIONS

14.01 Journal; Status Report. (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

14.05 Other Legislative Publications. (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

14.10 Distribution of Legislative Publications. (1) There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the

Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the Administrative Services Department, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies, and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

14.15 Measure Summaries. (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The Speaker may order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

14.25 Financial and Revenue Impact Statements. (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure except appropriation measures which implement the Governor's printed budget recommendations, and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as a financial impact statement to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and the governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

14.30 Legislative Newsletters. (1) Each member may issue legislative newsletters or other informational material to their constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be

distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule "constituent" means an individual that lives within a member's legislative district.

PERSONNEL RULES AND PROCEDURES

15.01 Personnel Rules and Procedures. (1) Except as otherwise provided by law the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

OFFICERS; PERSONNEL; ALLOWANCES

15.05 Chief Clerk; Election and Duties. (1) There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House.

(a) The Chief Clerk shall perform the following duties:

- (A) Appoint a Sergeant at Arms in consultation with the Speaker.
- (B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.
- (C) Serve as parliamentarian of the House.
- (D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.
- (E) Prepare all measures, histories, journals and related publications for printing.
- (F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.
- (G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

Execute all processes issued by authority of the House or any of its committees.

Perform such other duties as the Chief Clerk or Speaker may direct.

15.10 Member's Personal Staff. (1) (a) A member may appoint personal staff for the special session or the interim or both, according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5025, (2001 Session Laws).

(b) A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the floor during sessions of the House.

(c) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

(e)(d) For purposes of computing fringe benefits, persons appointed under subsection (1)(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

~~(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.~~

15.15 Leadership Office Personnel. (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

15.20 Other Personnel. (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each chairperson of a standing or special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives or designated to have access to the floor during the special session shall for the duration of such employment the special session serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

15.25 Expense Allowance. (1) Each member has an allowance of \$26,083.00 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim or special session for expenses as described under subsection (1) of this rule.

15.50 Per Diem allowance during Special Session. (a) Each member shall receive a per diem allowance for each session day, not calendar day.

(b) If the House of Representatives does not convene into session for any given day, members serving on an official special session committee shall receive per diem allowance for each day the committee meets.

SERVICES AND SUPPLIES

16.01 Services and Supplies. (1) Each member shall have an individual services and supplies account. New members will receive a one time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual ~~services and supplies~~ expense account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.
- (f) Communications with constituents in compliance with H.R. 14.30.
- (g) Rental expenses incurred for a town hall meeting.
- (h) Establishment and maintenance of a district office.
- (i) Billings from state agencies for services and supplies.
- (j) Reasonable travel expenses incurred by members while on official legislative business. Does not include in-district travel.

(k) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

- (l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

16.05 Attorney General Opinions. (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. This rule takes precedence over ORS 180.060(2).

The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

PRIVILEGES

17.01 Floor Privileges. (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.05 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; or persons authorized by the Speaker; and (d) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges. The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

17.10 Assembly Transition. Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

ACCREDITATION OF NEWS MEDIA

18.01 Accreditation of News Media. (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

LOBBYISTS

19.01 Regulation of Lobbyists. (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The ~~Committee on Rules, Redistricting and Public Affairs~~ Speaker may, and on the complaint of five members of the House shall, investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

19.10 Statement of Philosophy. The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

19.20 Campaign Contributions During Session. All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under the order of business of "Other Business of the House" announcing the entry into the Journal.

SEXUAL HARASSMENT

20.01 Policy on Sexual Harassment. (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from sexual harassment. Sexual harassment in any manner will not be tolerated.

(2) Sexual harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and
- (g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes; Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Sexual Harassment for the purpose of deliberations regarding Sexual Harassment complaints only. The chairperson shall be a member of the majority party and the vice chairperson shall be a member of the minority party.

(6) The House shall provide education concerning sexual harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

Shetterly moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Yeas, 42; Nays, 4 – Barnhart, Beyer, March, Nolan; Excused, 14 – Ackerman, Beck, Dingfelder, King, Lee, Leonard, Merkley, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth. Fifth Special Session Rules of the House adopted.

Speaker announced appointment of members to the following special committee:

SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Westlund, Chair; Devlin, Hayden, Johnson, Morgan.

Hopson moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Fifth Special Session of the Seventy-first Legislative Assembly. Motion carried on viva voce vote.

Without objection, the House stood in recess until 8:15 p.m. on motion of Jenson.

House continued in recess until 8:40 p.m.

House reconvened at 8:40 p.m. Speaker in Chair. All present except: Excused, 13 – Ackerman, Beck, Dingfelder, King, Lee, Merkley, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth.

Having recessed under the order of business of Courtesies, the House proceeded to the order of business of First Reading of Memorials and Resolutions.

HCR 30 – Introduced, read and referred to Special Session Committee on Budget Restoration.

HB 4070 – Read first time and referred to Special Session Committee on Budget Restoration.

HB 4071 – Read first time and referred to Special Session Committee on Budget Restoration.

House adjourned until 5:00 p.m., Monday, September 2, 2002 on motion of Jenson.

Monday, September 2, 2002 – Evening Session

House convened at 5:00 p.m. Speaker in Chair. All present except: Excused, 8 – Beck, Gardner, King, Lee, Leonard, Lowe, Schrader, Wirth.

Moment of silence observed.

House recessed until 8:00 p.m. on motion of Jenson.

House reconvened at 8:00 p.m. Starr in Chair. All present except: Excused, 9 – Beck, Gardner, King, Krieger, Lee, Leonard, Lowe, Schrader, Wirth; Excused for Business of the House, 6 - Bates, Garrard, Kropf, Minnis, Wilson, Speaker Simmons.

House recessed until 8:30 p.m. on motion of Kafoury.

House reconvened at 8:30 p.m. Speaker in Chair. All present except: Excused, 9 – Beck, Gardner, King, Krieger, Lee, Leonard, Lowe, Schrader, Wirth.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4070 – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

HB 4071 – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

HB 4070, 4071 – Read second time and passed to third reading.

House adjourned until 11:00 a.m., Tuesday, September 3, 2002 on motion of Jenson.

Tuesday, September 3, 2002 – Morning Session

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 6 – Knopp, Kropf, Lee, Schrader, Starr, Wirth.

Moment of silence observed.

House recessed until 1:00 p.m. on motion of Jenson.

House continued in recess until 2:30 p.m.

House continued in recess until 4:30 p.m.

Tuesday, September 3, 2002 – Afternoon Session

House reconvened at 4:30 p.m. Speaker in Chair. All present except: Excused, 5 – Hopson, Lee, Nolan, Schrader, Wirth.

Message from the Senate announcing the Senate has organized and is ready for the business of the Fifth Special Session, Seventy-first Legislative Assembly.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Wednesday's, September 4, 2002 Calendar.

Speaker announced appointment of members to the following special committee:

SPECIAL SESSION COMMITTEE ON ECONOMIC GROWTH AND JOB DEVELOPMENT – Kropf, Chair; Brown, A., Hopson, King, Knopp, Lowe, Smith, G.

House adjourned until 11:00 a.m., Wednesday, September 4, 2002 on motion of Jenson.

Wednesday, September 4, 2002 – Morning Session

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 17 – Beck, Beyer, Butler, Devlin, Doyle, Hansen, Knopp, Lee, Leonard, Monnes Anderson, Patridge, Ringo, Schrader, Starr, Walker, V., Westlund, Wirth.

Minnis in Chair.

Moment of silence observed.

HB 4072 – Read first time and referred to Special Session Committee on Economic Growth and Job Development.

HB 4070, 4071 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over

and placed in their proper order on Thursday's, September 5, 2002 Calendar.

House adjourned until 11:00 a.m., Thursday, September 5, 2002 on motion of Jenson.

Thursday, September 5, 2002 – Morning Session

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 16 – Beck, Carlson, Close, Devlin, Dingfelder, Hass, Johnson, Lee, Monnes Anderson, Nelson, Nolan, Ringo, Tomei, Winters, Wirth, Speaker Simmons.

Moment of silence observed.

HB 4070, 4071 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Friday's, September 6, 2002 Calendar.

House adjourned until 4:00 p.m., Friday, September 6, 2002 on motion of Jenson.

Friday, September 6, 2002 – Afternoon Session

House convened at 4:00 p.m. Speaker in Chair. All present except: Excused, 20 – Beck, Brown, A., Brown, R., Carlson, Close, Garrard, Krummel, Lee, Leonard, Nelson, Ringo, Schrader, Smith, G., Smith, P., Smith, T., Starr, Walker, C., Wirth, Witt, Zauner.

Moment of silence observed.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Saturday's, September 7, 2002 Calendar.

House adjourned until 11:00 a.m., Saturday, September 7, 2002 on motion of Jenson.

Saturday, September 7, 2002 – Morning Session

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 20 – Ackerman, Dingfelder, Gardner, Hass, Hayden, Johnson, King, Knopp, Krieger, Kropf, Lee, Leonard, Lowe, Ringo, Schrader, Smith, G., Walker, C., Williams, Wilson, Wirth.

Moment of silence observed.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, September 9, 2002 Calendar.

Speaker announced appointment of members to the following special committee:

HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Bates, Shetterly.

House adjourned until 11:00 a.m., Monday, September 9, 2002 on motion of Jenson.

Monday, September 9, 2002 – Morning Session

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 12 – Ackerman, Beck, Garrard, Kropf, Leonard, Patridge, Ringo, Schrader, Smith, G., Walker, C., Wirth, Witt.

Moment of silence observed.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, September 10, 2002 Calendar.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Fifth Special Session, Seventy-first Legislative Assembly, filed on September 9, 2002, by Billy Dalto, candidate for office of State Representative.

House adjourned until 11:00 a.m., Tuesday, September 10, 2002 on motion of Jenson.

Tuesday, September 10, 2002 – Morning Session

House convened at 11:00 a.m. Wilson in Chair. All present except: Excused, 14 – Barnhart, Bates, Beck, Gardner, Knopp, Krummel, Schrader, Shetterly, Smith, G., Walker, V., Westlund, Wirth, Witt, Speaker Simmons.

Moment of silence observed.

SB 1028 – Message from the Senate announcing passage.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 5100, 4073, 4074, 4075, 4076, 4078 – Read first time and referred to Special Session Committee on Budget Restoration.

House recessed until 2:00 p.m. on motion of Jenson.

House continued in recess until 4:30 p.m.

House continued in recess until 7:00 p.m.

Tuesday, September 10, 2002 – Evening Session

House reconvened at 7:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Kropf, Leonard, Nolan.

Speaker in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4074 – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

HB 4076 – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

HB 4078 – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

Minnis moved that in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Fifth Special Session Rules of the House of Representatives of the Seventy-first Legislative Assembly, the requirement that on its final passage each bill shall be read section by section, be suspended for the duration of this Fifth Special Session of the Seventy-first Legislative Assembly, and that all bills pending before the House for final passage during this Fifth Special Session be read by title only. Motion carried on viva voce vote.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4076, 4078 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

HB 4076, 4078 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4078, 4076 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4078 (A-Engrossed) – Read third time. Carried by Bates.

HB 4078 (A-Engrossed) – Witt moved bill be rereferred to Special Session Committee on Budget Restoration.

Call of the House demanded by Minnis, joined by Butler, Krieger, Smith, P., Starr and Walker, C. All

present except: Absent (subject to Call), 3 – Kropf, Leonard, Patridge.

By unanimous consent, on request of Minnis, rules suspended to dispense with further proceedings under the Call of the House.

HB 4078 (A-Engrossed) – Motion to rerefer bill to Special Session Committee on Budget Restoration failed, the vote being: Yeas, 1 – Witt; Nays, 56 – Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Krummel, Kruse, Lee, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Zauner, Speaker Simmons; Absent, 3 – Kropf, Leonard, Patridge. Motion failed.

Call of the House demanded by Bates, joined by Krieger, Tomei, Garrard, Backlund and King. All present except: Absent (subject to Call), 2 – Kropf, Leonard.

By unanimous consent, on request of Bates, rules suspended to dispense with further proceedings under the Call of the House.

HB 4078 (A-Engrossed) – On passage of the bill the vote was: Yeas, 25; Nays, 33 – Backlund, Bates, Brown, A., Butler, Carlson, Close, Doyle, Garrard, Hayden, Knopp, Krieger, Krummel, Kruse, Lee, Minnis, Morgan, Nelson, Patridge, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Verger, Walker, C., Westlund, Williams, Wilson, Winters, Witt, Zauner, Speaker Simmons; Absent, 2 – Kropf, Leonard.

Bates changed his vote from “yea” to “nay” and served notice of possible reconsideration.

HB 4078 (A-Engrossed) – Bill failed.

HB 4078 (A-Engrossed) – Bates moved House reconsider vote by which bill failed to pass. Motion failed, the vote being: Yeas, 28; Nays, 30 – Backlund, Brown, A., Brown, R., Butler, Carlson, Close, Doyle, Garrard, Hayden, Jenson, Knopp, Krieger, Krummel, Kruse, Minnis, Morgan, Nelson, Patridge, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Walker, C., Westlund, Williams, Wilson, Winters, Zauner, Speaker Simmons; Absent, 2 – Kropf, Leonard. Motion failed.

HB 4076 (A-Engrossed) – Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 1; Nays, 57 – Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Krummel,

Kruse, Lee, Lowe, March, Merkley, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner, Speaker Simmons; Absent, 2 – Kropf, Leonard.

Westlund changed his vote from “yea” to “nay” and served notice of possible reconsideration.

HB 4076 (A-Engrossed) – Bill failed.

HB 4076 (A-Engrossed) – Westlund moved House reconsider vote by which bill failed to pass. Motion carried, the vote being: Yeas, 48; Nays, 11 – Beck, Close, Garrard, Hass, Kruse, Nelson, Nolan, Schrader, Smith G., Verger, Wilson; Absent, 1 – Leonard. Vote reconsidered.

HB 4076 – Westlund moved bill be rereferred to Special Session Committee on Budget Restoration. Motion carried on viva voce vote. Bill rereferred.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Wednesday's, September 11, 2002 Calendar.

SB 1028 – Read first time and passed to Speaker's desk for referral.

House adjourned until 10:00 a.m., Wednesday, September 11, 2002 on motion of Jenson.

Wednesday, September 11, 2002 – Morning Session

In compliance with House Rule 3.05, the House continued adjourned until 4:00 p.m., Wednesday, September 11, 2002.

Wednesday, September 11, 2002 – Afternoon Session

House convened at 4:00 p.m. Speaker in Chair. All present except: Excused, 14 – Beck, King, Knopp, Lee, Merkley, Monnes Anderson, Ringo, Schrader, Smith, G., Smith, P., Smith, T., Starr, Walker, V., Wirth.

Moment of silence observed.

HM 5 – Introduced, read first time and passed to Speaker's desk for referral.

HB 4074 – Read second time and passed to third reading.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Thursday's, September 12, 2002 Calendar.

Speaker announced appointment of members to the following special committee:

SPECIAL SESSION COMMITTEE ON ECONOMIC GROWTH AND JOB DEVELOPMENT – Knopp, Smith, G. discharged. Doyle, Krummel appointed.

Speaker announced appointment of members to the following special committee:

SPECIAL SESSION COMMITTEE ON PERS – Wilson, Chair; Butler, Hass, Kruse, Lee, Monnes Anderson, Smith, T.

SB 1028 – Referred from Speaker's desk to the Special Session Committee on PERS.

House adjourned until 10:00 a.m., Thursday, September 12, 2002 on motion of Jenson.

Thursday, September 12, 2002 – Morning Session

House convened at 10:00 a.m. Speaker in Chair. All present except: Absent, 2 – King, Walker, V.; Excused, 1 – Devlin.

Moment of silence observed.

House recessed until 11:30 a.m. on motion of Minnis.

House continued in recess until 1:00 p.m.

House continued in recess until 2:00 p.m.

Thursday, September 12, 2002 – Afternoon Session

House reconvened at 2:00 p.m. Speaker in Chair. All present except: Absent, 2 – King, Walker, V.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HM 5 – Report by Special Session Committee on Economic Growth and Job Development recommending adoption.

HB 4076 (A-Engrossed) – Report by Special Session Committee on Budget Reconciliation recommending passage with amendments and be printed engrossed.

House recessed until 2:30 p.m. on motion of Kafoury.

House reconvened at 2:30 p.m. Doyle in Chair. All present except: Absent, 2 – King, Walker, V.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

HM 5 – Read. Carried by Kropf.

Speaker in Chair.

HM 5 – On adoption of the memorial the vote was: Yeas, 57; Nays, 1 – Dingfelder; Absent, 2 – King, Walker, V. Memorial adopted.

HB 4076 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4076 (B-Engrossed) – Read third time. Carried by Shetterly.

Call of the House demanded by Shetterly, joined by Verger, Schrader, Brown, R., Williams and Smith, T. All present except: Absent (not subject to Call), 2 – King, Walker, V.

HB 4076 (B-Engrossed) – On passage of the bill the vote was: Yeas, 17; Nays, 41 – Barnhart, Bates, Beck, Beyer, Butler, Close, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Johnson, Kafoury, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, March, Merkley, Minnis, Morgan, Nelson, Nolan, Rosenbaum, Schrader, Smith, G., Smith, T., Tomei, Westlund, Wilson, Winters, Wirth, Zauner, Speaker Simmons; Absent, 2 – King, Walker, V. Bill failed.

House stood at ease.

House called to order.

HB 4074 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4074 (A-Engrossed) – Read third time. Westlund moved bill be rereferred to Special Session Committee on Budget Restoration. Motion carried on viva voce vote. Bill rereferred.

House recessed until 6:30 p.m. on motion of Hayden.

Thursday, September 12, 2002 – Evening Session

House reconvened at 6:30 p.m. Speaker in Chair. All present except: Absent, 2 – King, Walker, V.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4074 (A-Engrossed) – Report by Special Session Committee on Budget Restoration recommending passage with amendments and printed B-Eng.

HB 5100 – Report by Special Session Committee on Budget Restoration, recommending passage with amendments and printed A-Eng.

HB 4077 – Read first time and referred to Special Session Committee on Budget Restoration.

HB 5100, 4073 – Read second time and passed to third reading.

HB 4070, 4071, 4074 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Friday's, September 13, 2002 Calendar.

House adjourned until 10:00 a.m., Friday, September 13, 2002 on motion of Jenson.

Friday, September 13, 2002 – Morning Session

House convened at 10:00 a.m. Wilson in Chair. All present except: Excused, 2 – Gardner, Wirth.

Moment of silence observed.

Speaker in Chair.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4073 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4073 (A-Engrossed) – Read third time. Carried by Westlund.

By unanimous consent, on request of Nolan, rules suspended to permit use of visual aid during debate on bill.

Smith, T. moved the previous question. Motion carried, the vote being: Yeas, 30; Nays 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Rosenbaum, Tomei, Verger, Walker, V., Westlund, Witt; Absent, 4 – Carlson, Gardner, Jenson, Smith, G. Debate closed.

Call of the House demanded by Westlund, joined by Krieger, Garrard, March, Wilson and Backlund. All present except: Absent (not subject to Call), 1 – Gardner.

HB 4073 (A-Engrossed) – On passage of the bill the vote was: Yeas, 33; Nays 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Schrader. Tomei, Verger, Walker, V., Wirth; Absent, 1 – Gardner. Bill passed.

HB 4072 – Report by Special Session Committee on Economic Growth & Job Development recommending do pass with amendments & be printed A-Eng.

House recessed until 1:30 p.m. on motion of Jenson.

House continued in recess until 2:15 p.m.

Friday, September 13, 2002 – Afternoon Session

House reconvened at 2:15 p.m. Speaker in Chair. All present except: Excused, 9 – Ackerman, Carlson, Close, Gardner, Hopson, Kruse, Leonard, Patridge, Schrader.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4072 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5100 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 5100 (A-Engrossed) – Read third time. Carried by Westlund.

Call of the House demanded by Starr, joined by Backlund, Hanson, Kruse, Doyle and Morgan. All present except: Absent (not subject to Call), 3 – Gardner, Leonard, Schrader; Excused (not subject to Call), 1 – Ackerman.

HB 5100 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 25 – Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Lowe, March, Merkley, Monnes Anderson, Nelson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth; Absent, 3 – Gardner, Leonard, Schrader; Excused, 1 – Ackerman. Bill passed.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Sunday's, September 15, 2002 Calendar.

HB 4074 (B-Engrossed) – Read third time. Carried by Hayden.

Call of the House demanded by Starr, joined by Morgan, Verger, Kruse, Brown, R. and Williams. All present except: Absent (not subject to Call), 3 – Gardner, Leonard, Schrader; Excused (not subject to Call), 1 – Ackerman.

HB 4074 (B-Engrossed) – On passage of the bill the vote was: Yeas, 34; Nays, 23 – Barnhart, Bates,

Beck, Beyer, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, Lee, Leonard, Lowe, March, Merkley, Monnes Anderson, Nolan, Ringo, Rosenbaum, Tomei, Walker V., Wirth; Absent, 2 – Gardner, Schrader; Excused, 1 – Ackerman. Bill passed.

HB 4072 (A-Engrossed) – Read third time. Carried by Kropf.

Call of the House demanded by Kropf, joined by Lowe, March, Zauner, Brown, A. and Backlund. All present except: Absent (not subject to Call), 2 – Gardner, Schrader; Excused (not subject to Call), 1 – Ackerman.

HB 4072 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 13 – Beck, Dingfelder, Jenson, Johnson, King, Leonard, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Wirth, Witt; Absent, 2 – Gardner, Schrader; Excused, 1 – Ackerman. Bill passed.

HB 4074 (B-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Nelson to change her vote from “nay” to “aye” on passage of bill.

HB 4074 (B-Engrossed) – By unanimous consent, on request of Minnis, rules suspended to permit Leonard to vote on passage of bill. Leonard votes “nay”.

House recessed until 3:30 p.m. on motion of Jenson.

House continued in recess until 4:30 p.m.

House continued in recess until 9:30 p.m.

House adjourned until 1:00 p.m., Sunday, September 15, 2002 on motion of Jenson.

Sunday, September 15, 2002 – Afternoon Session

House convened at 1:00 p.m. Morgan in Chair. All present except: Excused, 3 – Butler, Garrard, Tomei.

Moment of silence observed.

SB 1028 (B-Engrossed) – Report by Special Session Committee on PERS recommending passage.

House recessed until 4:00 p.m. on motion of Brown, A.

House reconvened at 4:35 p.m. Speaker in Chair. All present except: Excused, 8 – Backlund, Garrard, Kropf, Nolan, Schrader, Tomei, Winters, Wirth.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1028 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

SB 1028 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

SB 1028 (B-Engrossed) – Read third time. Wilson moved bill be rereferred to Special Session Committee on PERS. Motion carried on viva voce vote. Bill rereferred.

House recessed until 6:15 p.m. on motion of Jenson.

House continued in recess until 9:30 by order of the Speaker.

Sunday, September 15, 2002 – Evening Session

House reconvened at 9:30 p.m. Speaker in Chair. All present except: Excused, 6 – Carlson, Gardner, Garrard, Kruse, Schrader, Winters.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 4073 – Message from the Senate announcing passage as amended by the Senate.

HB 4073 (A-Engrossed) – Westlund moved the House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 4079 – Read first time and referred to Special Session Committee on Budget Restoration.

HB 4073 – Speaker appointed Representatives Westlund, Chair; Bates, Johnson, Morgan and Shetterly House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4079 (A-Engrossed) – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

Krummel moved House recess until 11:00 p.m.

Call of the House demanded by Starr, joined by Nelson, Krieger, Zauner, Smith, G. and Backlund. All

present except: Excused (not subject to Call), 6 – Carlson, Gardner, Garrard, Schrader, Tomei, Winters.

By unanimous consent, on request of Starr, rules suspended to dispense with further proceedings under the Call of the House.

Motion to recess carried, the vote being: Yeas, 31; Nays, 23 – Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Hansen, Hass, Hopson, Kafoury, King, Lee, Leonard, Lowe, March, Monnes Anderson, Nolan, Ringo, Rosenbaum, Verger, Walker, V., Wirth, Witt; Excused, 6 – Carlson, Gardner, Garrard, Schrader; Tomei, Winters. Motion carried.

House recessed until 11:00 p.m. on motion of Krummel.

House reconvened at 11:00 p.m. Speaker in Chair. All present except: Excused, 18 – Backlund, Beyer, Close, Doyle, Hopson, King, Kruse, Lee, Merkley, Ringo, Schrader, Tomei, Verger, Walker, V., Williams, Wilson, Wirth, Zauner.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

By implied consent, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 4075 – Report by Special Session Committee on Budget Restoration recommending passage with amendments and be printed engrossed.

HB 4077 – Report by Special Session Committee on Budget Restoration recommending passage.

HB 4079 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

HB 4079 – Read second time and passed to third reading.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, September 16, 2002 Calendar.

House adjourned until 10:00 a.m., Monday, September 16, 2002 on motion of Jenson.

Monday, September 16, 2002 – Morning Session

House convened at 11:30 a.m. Speaker in Chair. All present.

Moment of silence observed.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 4075, 4077 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 4077 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4077 – Read third time. Carried by Shetterly.

House stood at ease.

House called to order.

Previous question moved by Walker, C., carried.

Potential conflict of interest declared by Beck.

Potential conflict of interest declared by Kropf.

Call of the House demanded by Shetterly, joined by Merkley, Gardner, Brown, A; Backlund and Verger. All present except: Absent (not subject to Call), 2 – Schrader, Tomei; Excused (not subject to Call), 1 – Johnson.

HB 4077 – On passage of the bill the vote was: Yeas, 36; Nays, 21 – Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Walker, V., Wirth; Absent, 2 – Schrader, Tomei; Excused, 1 – Johnson. Bill passed.

HB 4070, 4071 – By unanimous consent, on request of Speaker, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Tuesday's, September 17, 2002 Calendar.

HB 4079 (A-Engrossed) – Read third time. Carried by Westlund.

Previous question moved by Smith, P., carried.

Call of the House demanded by Westlund, joined by Verger, Ackerman, Walker, V., Backlund and Starr. All present except: Absent (not subject to Call), 2 – Schrader, Tomei; Excused (not subject to Call), 1 – Johnson.

HB 4079 (A-Engrossed) – On passage of the bill the vote was: Yeas, 36; Nays, 21 – Barnhart, Beck, Beyer, Butler, Close, Dingfelder, Gardner, Garrard, Hayden, Knopp, Kropf, Kruse, Lee, March, Merkley, Morgan, Nelson, Rosenbaum, Walker, V., Wilson, Wirth; Absent, 2 – Schrader, Tomei; Excused, 1 – Johnson. Bill passed.

HB 4075 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4075 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 43; Nays, 14 – Barnhart, Beck, Beyer, Dingfelder, Gardner, Hayden, Kruse, Lee, March, Merkley, Nolan, Rosenbaum, Walker, V., Wilson; Absent, 2 – Schrader, Tomei; Excused, 1 – Johnson. Bill passed.

House recessed until 4:00 p.m. on motion of Jenson.

Monday, September 16, 2002 – Afternoon Session

House reconvened at 6:30 p.m. Kruse in Chair. All present.

Speaker in Chair.

Having recessed under the order of business of Propositions & Motions the House continued under that order of business.

House adjourned until 1:00 p.m., Tuesday, September 17, 2002 on motion of Jenson.

Tuesday, September 17, 2002 – Afternoon Session

House convened at 1:00 p.m. Minnis in Chair. All present.

Moment of silence observed.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Fifth Special Session, Seventy-first Legislative Assembly, filed on September 17, 2002, by Brad Avakian, Jeff Baker, Vicki Berger, Pat Farr, Mary Gallegos, Greg Macpherson, Randy Miller and Chuck Riley.

House recessed until 6:00 p.m. on motion of Jenson.

House continued in recess until 8:00 p.m.

Tuesday, September 17, 2002 – Evening Session

House reconvened at 9:00 p.m. Speaker in Chair. All present, except Excused 1, Leonard.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

House recessed until 9:45 p.m. on motion of Gardner.

House reconvened at 10:45 p.m. Speaker in Chair. All present, except Excused 1, Leonard.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

House recessed until 11:15 p.m. on motion of Gardner.

House reconvened at 11:15 p.m. Zauner in Chair. All present, except Excused 1, Leonard.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

Gardner in Chair.

Call of the House demanded by Walker, V., joined by Rosenbaum, Tomei, Wilson, Brown, R. and Winters. All present except: Excused, 1 – Leonard.

By unanimous consent, on request of Walker, V., rules suspended to dispense with further proceedings under the Call of the House.

HB 4077 – Message from the Senate announcing passage.

HB 4074 – Message from the Senate announcing passage as amended by the Senate.

HB 4075 – Message from the Senate announcing passage as amended by the Senate.

HB 4073 – Message from the Senate announcing Beyer, Clarno and Deckert appointed Senate conferees.

HB 4079, 5100 – Message from the Senate announcing passage as amended by the Senate.

SCR 19 – Message from the Senate announcing adoption.

HB 4075 (C-Engrossed) – Westlund moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 43; Nays, 16 – Beck, Beyer, Close, Dingfelder, Hass, Hayden, Knopp, Kruse, Lee, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Wirth; Excused, 1 – Leonard Bill repassed.

HB 5100 (C-Engrossed) – Westlund moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Minnis, joined by Gardner, Garrard, Verger, Barnhart and Merkley. All present except: Excused (not subject to Call); 1 - Leonard

HB 5100 (C-Engrossed) – On repassage of the bill the vote was: Yeas, 33; Nays, 26 – Ackerman, Barnhart, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hayden, Hopson, Johnson, King, Lee, Lowe, March, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker V., Wirth, Witt; Excused, 1 – Leonard. Bill repassed.

HB 4079 (D-Engrossed) – Westlund moved House concur in Senate amendments and repass bill as amended by the Senate.

Previous question moved by Close, carried.

Call of the House demanded by Minnis, joined by Barnhart, March, Merkley, Walker, V. and Brown, A. All present except: Excused (not subject to Call); 1 – Leonard.

HB 4079 (D-Engrossed) – On repassage of the bill the vote was: Yeas, 36; Nays, 23 – Beyer, Butler, Close, Dingfelder, Doyle, Garrard, Hayden, Knopp, Krieger, Kropf, Kruse, Lee, March, Morgan, Nelson, Rosenbaum, Schrader, Smith G., Tomei, Wilson, Wirth, Zauner, Mr. Speaker; Excused, 1 – Leonard. Bill repassed, having received the required three-fifths Constitutional majority.

HB 4073 (B-Engrossed) – Westlund moved Conference Committee Report be adopted.

Previous question moved by Barnhart, carried.

HB 4073 (B-Engrossed) – Motion to adopt Conference Committee Report carried, the vote being: Ayes, 32; Nays, 27 – Ackerman, Barnhart, Bates, Beck, Beyer, Brown, A., Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Lowe, Monnes Anderson, March, Merkley, Nolan, Rosenbaum, Schrader, Smith, G., Tomei, Verger, Walker, V., Wirth, Witt, Excused, 1 -- Leonard. Conference Committee Report adopted.

HB 4073 (B-Engrossed) – Westlund moved bill be repassed. Ayes, 31; Nays, 28 – Ackerman, Barnhart, Bates, Beck, Beyer, Brown, A., Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Lowe, Monnes Anderson, March, Merkley, Nolan, Rosenbaum, Schrader, Smith, G., Smith, P., Tomei, Verger, Walker, V., Wirth, Witt, Excused, 1 -- Leonard.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of First Reading of Memorials and Resolutions.

SCR 19 – Read first time and referred to the Special Session Committee on Budget Restoration.

House recessed for 15 minutes on motion of Minnis.

Wednesday, September 18, 2002 – Morning Session

House reconvened at 12:50 a.m. Speaker in Chair. All present except: Excused, 1 – Leonard.

SCR 19 – Simmons moved resolution be adopted. Yeas, 30; Nays, 24 – Barnhart, Bates, Beyer, Butler, Dingfelder, Hansen, Hass, Kafoury, King, Lowe, March, Merkley, Monnes Anderson, Nelson, Nolan, Ringo, Rosenbaum, Smith T., Tomei, Verger, Walker V., Westlund, Wirth, Witt; Absent, 5 – Ackerman, Brown A., Kropf, Lee, Zauner; Excused, 1 – Leonard.

Message from Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution

received during Fifth Special Session, Seventy-first Legislative Assembly, filed on September 18, 2002, by Alan Brown, Janet Carlson, Wayne Krieger, Randy Leonard, Susan Morgan, Rob Patridge, Charlie Ringo, Bill Witt and Brad Avakian, Pat Farr, Mitch Greenlick, Derrick Kitts, John Mabrey and Dennis Richardson, candidates for office of State Representatives.

House adjourned sine die on September 18, 2002, at 1:00 a.m.

HB 4073 – Message from the Senate announcing passage as amended on September 15, 2002.

HB 4079, 4077, 4075, 4073, 5100 – Message from the Senate announcing President signed on October 8, 2002.

SCR 19 – Speaker signed on October 8, 2002.

HB 5100, 4073, 4075, 4077, 4079 – Speaker signed on October 8, 2002.

HB 5100 – Message from the Governor announcing that he line item vetoed on October 15, 2002.

HB 4075 – Message from the Governor announcing bill allowed to become law without his signature but not disapproved on October 24, 2002.

HB 4077 – Message from the Governor announcing he vetoed on October 25, 2002.

**FIFTH
SPECIAL SESSION**

**HOUSE MEASURES
STATUS REPORT**



HOUSE BILLS

HB 4070 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to revenue bonds for state finance; appropriating money.

- 9-1(H) First reading. Referred to Speaker's desk. Referred to Budget Restoration.
- 9-2 Recommendation: Do pass with amendments and be printed A-Engrossed. Second reading.
- 9-3 Rules suspended. Taken from today's Calendar and placed in proper order on Wednesday, September 4 Calendar.
- 9-4 Rules suspended. Taken from today's Calendar and placed in proper order on Thursday, September 5 Calendar.
- 9-5 Rules suspended. Taken from today's Calendar and placed in proper order on Friday, September 6 Calendar.
- 9-6 Rules suspended. Taken from today's Calendar and placed in proper order on Saturday, September 7 Calendar.
- 9-7 Rules suspended. Taken from today's Calendar and placed in proper order on Monday, September 9 Calendar.
- 9-9 Rules suspended. Taken from today's Calendar and placed in proper order on Tuesday, September 10 Calendar.
- 9-10 Rules suspended. Taken from today's Calendar and placed in proper order on Wednesday, September 11 Calendar.
- 9-11 Rules suspended. Taken from today's Calendar and placed in proper order on Thursday, September 12 Calendar.
- 9-12 Taken from today's Calendar and placed in proper order on Friday, September 13 Calendar.
- 9-13 Rules suspended. Taken from today's Calendar and placed in proper order on Sunday, September 15 Calendar.
- 9-15 Rules suspended. Taken from today's Calendar and placed in proper order on Monday, September 16 Calendar.
- 9-16 Rules suspended. Taken from today's Calendar and placed in proper order on Tuesday, September 17 Calendar.
- 9-18 At Desk upon adjournment.

Authorizes State Treasurer to issue revenue bonds to be paid from cigarette tax revenues. Specifies that bond proceeds are to be used to fund certain activities of specified state agencies. Authorizes transfer of net bond proceeds to specified state agencies.

Provides ballot title, financial impact estimate and explanatory statement for measure.

Refers Act to people for their approval or rejection at next regular general election.

HB 4071 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to elections; declaring an emergency.

- 9-1(H) First reading. Referred to Speaker's desk. Referred to Budget Restoration.
- 9-2 Recommendation: Do pass with amendments and be printed A-Engrossed. Second reading.
- 9-3 Rules suspended. Taken from today's Calendar and placed in proper order on Wednesday, September 4 Calendar.
- 9-4 Rules suspended. Taken from today's Calendar and placed in proper order on Thursday, September 5 Calendar.
- 9-5 Rules suspended. Taken from today's Calendar and placed in proper order on Friday, September 6 Calendar.

- 9-6 Rules suspended. Taken from today's Calendar and placed in proper order on Saturday, September 7 Calendar.
- 9-7 Rules suspended. Taken from today's Calendar and placed in proper order on Monday, September 9 Calendar.
- 9-9 Rules suspended. Taken from today's Calendar and placed in proper order on Tuesday, September 10 Calendar.
- 9-10 Rules suspended. Taken from today's Calendar and placed in proper order on Wednesday, September 11 Calendar.
- 9-11 Rules suspended. Taken from today's Calendar and placed in proper order on Thursday, September 12 Calendar.
- 9-12 Taken from today's Calendar and placed in proper order on Friday, September 13 Calendar.
- 9-13 Rules suspended. Taken from today's Calendar and placed in proper order on Sunday, September 15 Calendar.
- 9-15 Rules suspended. Taken from today's Calendar and placed in proper order on Monday, September 16 Calendar.
- 9-16 Rules suspended. Taken from today's Calendar and placed in proper order on Tuesday, September 17 Calendar.
- 9-18 At Desk upon adjournment.

Provides ballot title, financial impact estimate and explanatory statement for election on House Bill 4070 (2002 fifth special session).

Declares emergency, effective on passage.

HB 4072 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC GROWTH AND JOB DEVELOPMENT – Relating to taxation; providing for revenue raising that requires approval by a three-fifths majority.

- 9-4(H) First reading. Referred to Speaker's desk. Referred to Economic Growth and Job Development.
- 9-13 Recommendation: Do pass with amendments and be printed A-Engrossed. Second reading. Rules suspended. Third reading. Carried by Kropf. Passed. Ayes, 44; Nays, 13 – Beck, Dingfelder, Jenson, Johnson, King, Leonard, Merkle, Nolan, Ringo, Rosenbaum, Tomei, Wirth, Witt, Absent, 2 – Gardner, Schrader, Excused, 1 – Ackerman.
- 9-13(S) First reading. Referred to President's desk.
- 9-14 Referred to Budget Solutions.
- 9-15 Public Hearing and Work Session held. Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.) (Amendments distributed 09-15.) Motion to take from 09-15 Calendar and be rereferred to Budget Solutions by voice vote. Public Hearing and Work Session held. Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.) (Amendments distributed 09-15.) Second reading. Carried over to 09-17 by implied consent.
- 9-18 At Desk upon adjournment.

Increases personal income and corporate excise or income tax rates. Applies increases to tax years beginning on or after January 1, 2002, and before January 1, 2005.

[Establishes dates on which Oregon inheritance tax laws adopt provisions of federal estate tax law. Adopts increases in federal exclusion amounts from estate and inheritance tax, up to \$1.5 million. Makes adjustments to inheritance tax to eliminate phaseout of federal death tax credit on which amount of inheritance tax is based. Eliminates tax for decedents dying on or after January 1, 2005.]

Refers Act to people for their approval or rejection at special election on January 28, 2003.

HB 4073 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to state finance; appropriating money; declaring an emergency.

- 9-10(H) First reading. Referred to Speaker's desk.
Referred to Budget Restoration.
- 9-11 Public Hearing and Work Session held.
- 9-12 Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
- 9-13 Third reading. Carried by Westlund. Passed.
Ayes, 33; Nays, 26 – Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Verger, Walker, V., Wirth, Absent, 1 – Gardner.
- 9-13(S) First reading. Referred to President's desk.
Referred to Budget Solutions.
Public Hearing and Work Session held.
Recommendation: Do pass the A-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Messerle.
Failed.
Ayes, 12; Nays, 18 – Brown, Burdick, Carter, Castillo, Clarno, Corcoran, Courtney, Deckert, Dukes, Ferrioli, Gordly, Hannon, Messerle, Metsger, Morrisette, Shields, Trow, Yih.
Messerle changed from aye to nay, served notice of possible reconsideration and moved for immediate reconsideration.
Motion to reconsider carried on voice vote.
Motion to rerefer to Budget Solutions carried on voice vote.
- 9-14 Public Hearing and Work Session held.
- 9-15 Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 09-15.)
Rules suspended. Bill read. Carried by Courtney.
Passed.
Ayes, 21; Nays, 5 – Burdick, Corcoran, Metsger, Morrisette, Yih, Absent, 3–Deckert, George, Miller, Excused, 1 – Fisher.
- 9-15(H) House refused to concur in Senate amendments.
Representatives Westlund, Bates, Johnson, Morgan, Shetterly appointed House Conferees.
- 9-17(S) Senators Beyer, Clarno, Deckert appointed Senate conferees.
- 9-17(H) Conference Committee recommendation: The House concur in Senate amendments dated September 15 and bill be repassed.
- 9-17(S) Conference Committee Report read in Senate. (No Senate action required.)
- 9-18(H) House adopted Conference Committee Report.
Ayes, 32; Nays, 27 – Ackerman, Barnhart, Bates, Beck, Beyer, Brown, A., Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Lowe, Monnes Anderson, March, Merkley, Nolan, Rosenbaum, Schrader, Smith, G., Tomei, Verger, Walker, V., Wirth, Witt, Excused, 1 – Leonard.
Repassed.
Ayes, 31; Nays, 28 – Ackerman, Barnhart, Bates, Beck, Beyer, Brown, A., Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Lee, Lowe, Monnes Anderson, March, Merkley, Nolan, Rosenbaum, Schrader, Smith, G., Smith, P., Tomei, Verger, Walker, V., Wirth, Witt, Excused, 1 – Leonard.
- 10-8 Speaker signed.
- 10-8(S) President signed.
- 10-22(H) Filed with Secretary of State without Governor's signature.
(Chapter 2, 2002 Fifth Special Session Laws)
Effective date, October 22, 2002.

Department of Administrative Services to sell portion of payments under Master Settlement Agreement to corporation.

Authorizes corporation to issue negotiable securities to raise purchase price.

Declares emergency, effective on passage.

HB 4074 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to state finance; declaring an emergency.

- 9-10(H) First reading. Referred to Speaker's desk.
Referred to Budget Restoration.
Public Hearing and Work Session held.
Recommendation: Do pass with amendments and be printed A-Engrossed.
- 9-11 Second reading.
- 9-12 Third reading.
Motion to rerefer to Budget Restoration carried.
Rereferred.
Work Session held.
Recommendation: Do pass with amendments and be printed B-Engrossed.
Taken from today's Calendar and placed in proper order on Friday, September 13 Calendar.
- 9-13 Read. Carried by Hayden. Passed.
Ayes, 34; Nays, 23 – Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, Lee, Leonard, Lowe, Monnes Anderson, March, Merkley, Nolan, Ringo, Rosenbaum, Tomei, Walker, V., Wirth, Absent, 2 – Gardner, Schrader, Excused, 1 – Ackerman.
- 9-13(S) First reading. Referred to President's desk.
Referred to Budget Solutions.
Public Hearing and Work Session held.
Recommendation: Do pass the B-Eng. bill.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Messerle.
Motion to rerefer to Budget Solutions carried on voice vote.
- 9-14 Public Hearing and Work Session held.
- 9-15 Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 09-15.)
- 9-16 Motion to rerefer to Budget Solutions carried on voice vote.
- 9-17 Work Session held.
Public Hearing and Work Session held.
Recommendation: Do pass the C-Eng. bill.
Rules suspended. Bill read. Carried by Hannon. Passed.
Ayes, 28; Excused, 2 – Harper, Miller.
- 9-18(H) At Desk upon adjournment.
- Reallocates net income and net proceeds from Space Age Industrial Park.
Transfers moneys from Department of Justice Operating Account to General Fund.
Directs Trust for Cultural Development Board to appoint additional members to board. Allows Indian tribes to receive Cultural Development Grants.
[Requires Department of Human Services to distribute \$1.2 million to certain safety net clinics.]
Declares emergency, effective on passage.
- HB 4075 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to elections; declaring an emergency.**
- 9-10(H) First reading. Referred to Speaker's desk.
Referred to Budget Restoration.
- 9-11 Public Hearing and Work Session held.
- 9-15 Public Hearing and Work Session held.
- 9-16 Recommendation: Do pass with amendments and be printed A-Engrossed.
Second reading.
Rules suspended. Third reading. Carried by Morgan.
Passed.

Establishes semi-independent public corporation known as Master Settlement Asset Corporation. Authorizes Oregon

- Ayes, 43; Nays, 14 – Barnhart, Beck, Beyer, Dingfelder, Gardner, Hayden, Kruse, Lee, March, Merkley, Nolan, Rosenbaum, Walker, V., Wilson, Absent, 2 – Schrader, Tomei, Excused, 1 – Johnson.
- 9-16(S) First reading. Referred to President's desk. Referred to Budget Solutions. Public Hearing and Work Session held. Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.) (Amendments distributed 09-16.) Rules suspended. Second reading. Motion to rerefer to Budget Solutions carried on voice vote.
- 9-17 Work Session held. Public Hearing and Work Session held. Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.) (Amendments distributed 09-17.) Rules suspended. Third Reading. Carried by Courtney. Passed.
- Ayes, 23; Nays, 5 – Clarno, Corcoran, Ferrioli, George, Yih, Excused, 2 – Harper, Miller.
- 9-17(H) House concurred in Senate amendments and repassed measure.
- Ayes, 43; Nays, 16 – Beck, Beyer, Close, Dingfelder, Hass, Hayden, Knopp, Kruse, Lee, March, Merkley, Nolan, Rosenbaum, Schrader, Tomei, Wirth, Excused, 1 – Leonard.
- 10-8 Speaker signed.
- 10-8(S) President signed.
- 10-24 (H) Filed with Secretary of State without Governor's signature. (Chapter 3, 2002 Fifth Special Session Laws) Effective date, October 24, 2002.
- Provides ballot title, financial impact estimate and explanatory statement for election on House Bill 4079 (2002 fifth special session). Declares emergency, effective on passage.
- HB 4076 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to taxation; providing for revenue raising that requires approval by a three-fifths majority.**
- 9-10(H) First reading. Referred to Speaker's desk. Referred to Budget Restoration. Public Hearing and Work Session held. Recommendation: Do pass with amendments and be printed A-Engrossed. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Westlund. Failed.
- Ayes, 1; Nays, 57 – Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Butler, Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Krummel, Kruse, Lee, Lowe, Monnes Anderson, March, Merkley, Minnis, Morgan, Nelson, Nolan, Patridge, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Witt, Zauner, Speaker Simmons, Absent, 2–Kropf, Leonard.
- Westlund served notice of possible reconsideration. Vote reconsideration carried.
- Ayes, 48 – Nays, 11, Beck, Close, Garrard, Hass, Kruse, Nelson, Nolan, Schrader, Smith, G., Verger, Wilson, Absent, 1–Leonard.
- Motion to rerefer to Budget Restoration carried. Rereferred.
- 9-11 Public Hearing and Work Session held.
- 9-12 Public Hearing and Work Session held. Recommendation: Do pass with amendments and be printed B-Engrossed. Read. Carried by Shetterly. Failed.

- Ayes, 17 – Nays, 41, Barnhart, Bates, Beck, Beyer, Butler, Close, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Johnson, Kafoury, Knopp, Krieger, Kropf, Krummel, Kruse, Lee, Leonard, Lowe, March, Merkley, Minnis, Morgan, Nelson, Nolan, Rosenbaum, Schrader, Smith, G., Smith, T., Tomei, Westlund, Wilson, Winters, Wirth, Zauner, Speaker Simmons, Absent, 2–King, Walker, V..
- Failed.

Increases rates of tax imposed on personal income taxpayers and corporate income and excise taxpayers.

Applies increase to tax years beginning on or after January 1, 2002, and before January 1, 2005.

Refers Act to people for their approval or rejection at [next regular general] **special** election.

HB 4077 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to inheritance taxation; prescribing an effective date.

- 9-12(H) First reading. Referred to Speaker's desk. Referred to Budget Restoration. Public Hearing and Work Session held.
- 9-15 Public Hearing and Work Session held.
- 9-16 Recommendation: Do pass. Second reading. Rules suspended. Third reading. Carried by Shetterly. Passed.
- Ayes, 36 – Nays, 21, Ackerman, Barnhart, Bates, Beck, Beyer, Dingfelder, Gardner, Hansen, Hass, Hopson, Kafoury, King, Leonard, Lowe, March, Merkley, Nolan, Ringo, Rosenbaum, Walker, V., Wirth, Absent, 2–Schrader, Tomei, Excused, 1–Johnson.
- 9-16(S) First reading. Referred to President's desk. Referred to Budget Solutions. Public Hearing and Work Session held. Recommendation: Do pass. Rules suspended. Second reading. Motion to rerefer to Budget Solutions carried on voice vote.
- 9-17 Work Session held. Public Hearing and Work Session held. Recommendation: Do pass. Rules suspended. Third Reading. Carried by Hannon. Passed.
- Ayes, 17 – Nays, 11, Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Gordly, Morrisette, Shields, Trow, Excused, 2–Harper, Miller.
- 10-8(H) Speaker signed.
- 10-8(S) President signed.
- 10-25(H) Governor vetoed.

Establishes dates on which Oregon inheritance tax laws adopt terms and provisions of federal Internal Revenue Code. Disconnects from increases in federal exclusion amounts in excess of \$1.5 million. Makes adjustments to tax to eliminate phase-out of federal death tax credit on which amount of tax is based. Eliminates tax for decedents dying on or after January 1, 2005. Takes effect on 91st day following adjournment sine die.

HB 4078 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to taxation; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.

- 9-10(H) First reading. Referred to Speaker's desk. Referred to Budget Restoration. Public Hearing and Work Session held. Recommendation: Do pass with amendments and be printed A-Engrossed. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Bates. Motion to rerefer to Budget Restoration failed.
- Ayes, 1; Nays, 56 – Ackerman, Backlund, Barnhart, Bates, Beck, Beyer, Brown, A., Brown, R., Butler,

- Carlson, Close, Devlin, Dingfelder, Doyle, Gardner, Garrard, Hansen, Hass, Hayden, Hopson, Jenson, Johnson, Kafoury, King, Knopp, Krieger, Krummel, Kruse, Lee, Lowe, Monnes Anderson, March, Merkley, Minnis, Morgan, Nelson, Nolan, Ringo, Rosenbaum, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Tomei, Verger, Walker, C., Walker, V., Westlund, Williams, Wilson, Winters, Wirth, Zauner, Speaker Simmons, Absent, 3-Kropf, Leonard, Patridge.
- Failed.
- Ayes, 25 – Nays, 33, Backlund, Bates, Brown, A., Butler, Carlson, Close, Doyle, Garrard, Hayden, Knopp, Krieger, Krummel, Kruse, Lee, Minnis, Morgan, Nelson, Patridge, Schrader, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Verger, Walker, C., Westlund, Williams, Wilson, Winters, Witt, Zauner, Speaker Simmons, Absent, 2-Kropf, Leonard.
- Bates changed vote from 'aye' to 'nay' and served notice of possible reconsideration.
- Vote reconsideration failed.
- Ayes, 28 – Nays, 30, Backlund, Brown, A., Brown, R., Butler, Carlson, Close, Doyle, Garrard, Hayden, Jenson, Knopp, Krieger, Krummel, Kruse, Minnis, Morgan, Nelson, Patridge, Shetterly, Smith, G., Smith, P., Smith, T., Starr, Walker, C., Westlund, Williams, Wilson, Winters, Zauner, Speaker Simmons, Absent, 2-Kropf, Leonard.
- Failed.
- Increases rates of tax imposed on personal income taxpayers **and corporate income and excise taxpayers.**
[Imposes surtax on corporate income and excise taxpayers.]
 Applies increase *[and surtax]* to tax years beginning on or after January 1, 2002, and before January 1, 2005.
 Takes effect on 91st day following adjournment sine die.
- HB 4079 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to taxation; providing for revenue raising that requires approval by a three-fifths majority; and providing that this Act shall be referred to the people for their approval or rejection.**
- 9-15(H) First reading. Referred to Speaker's desk.
 Referred to Budget Restoration.
 Public Hearing and Work Session held.
 Recommendation: Do pass with amendments and be printed A-Engrossed.
- 9-16 Rules suspended. Second reading.
 Rules suspended. Third reading. Carried by Westlund.
 Passed.
 Ayes, 36; Nays, 21 – Barnhart, Beck, Beyer, Butler, Close, Dingfelder, Gardner, Garrard, Hayden, Knopp, Kropf, Kruse, Lee, March, Merkley, Morgan, Nelson, Rosenbaum, Walker, V., Wilson, Wirth, Absent, 2 – Schrader, Tomei, Excused, 1 – Johnson.
- 9-16(S) First reading. Referred to President's desk.
 Referred to Budget Solutions.
 Public Hearing and Work Session held.
 Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
 (Amendments distributed 09-16.)
 Rules suspended. Second reading.
 Rules suspended. Third reading. Carried by Courtney.
 Failed.
 Ayes, 14; Nays, 15 – Atkinson, Beyer, Clarno, Corcoran, Dukes, Ferrioli, Fisher, George, Hannon, Metsger, Miller, Minnis, Starr, Yih, President Derfler, Excused, 1 – Messerle.
 Hannon changed from aye to nay, served notice of possible reconsideration and moved for immediate reconsideration.
 Motion to reconsider carried on voice vote.
 Motion to rerefer to Budget Solutions carried on voice vote.
- 9-17 Work Session held.
- Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
 (Amendments distributed 09-17.)
 Motion to rerefer to Budget Solutions carried on voice vote.
 Public Hearing and Work Session held.
 Recommendation: Do pass with amendments to the C-Eng. bill. (Printed D-Eng.)
 (Amendments distributed 09-17.)
 Rules suspended. Bill read. Carried by Hannon. Passed.
 Ayes, 18; Nays, 10 – Atkinson, Beyer, Clarno, Corcoran, Ferrioli, Fisher, George, Shields, Starr, Yih, Excused, 2 – Harper, Miller.
- 9-17(H) House concurred in Senate amendments and repassed measure.
 Ayes, 36; Nays, 23 – Beyer, Butler, Close, Dingfelder, Doyle, Garrard, Hayden, Knopp, Krieger, Kropf, Kruse, Lee, March, Morgan, Nelson, Rosenbaum, Schrader, Smith, G., Tomei, Wilson, Wirth, Zauner, Speaker Simmons, Excused, 1 – Leonard.
- 10-8 Speaker signed.
 10-8(S) President signed.
 10-8 (H) Filed with Secretary of State.
 Referral to people at Special Election, January 28, 2003.
- Increases personal income and corporate excise or income tax rates. Applies increases to tax years beginning on or after January 1, 2002, and before January 1, [2003] **2005.**
[Takes effect on 91st day following adjournment sine die.]
Refers Act to people for their approval or rejection at special election on January 28, 2003.
- HB 5100 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION – Relating to state financial administration; appropriating money; declaring an emergency.**
- 9-10(H) Public Hearing and Work Session held.
 First reading. Referred to Speaker's desk.
 Referred to Budget Restoration.
- 9-11 Public Hearing and Work Session held.
- 9-12 Work Session held.
 Recommendation: Do pass with amendments and be printed A-Engrossed.
 Second reading.
- 9-13 Third reading. Carried by Westlund. Passed.
 Ayes, 31; Nays, 25 – Barnhart, Bates, Beck, Beyer, Devlin, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, King, Lee, Lowe, Monnes Anderson, March, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Tomei, Verger, Walker, V., Wirth, Absent, 3-Gardner, Leonard, Schrader, Excused, 1 – Ackerman.
- 9-13(S) First reading. Referred to President's desk.
 Referred to Budget Solutions.
 Public Hearing and Work Session held.
 Recommendation: Do pass the A-Eng. bill.
 Rules suspended. Second reading.
 Rules suspended. Third reading. Carried by Harper.
 Failed.
 Ayes, 12; Nays, 17 – Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Hannon, Harper, Metsger, Minnis, Morrisette, Trow, Yih, Excused, 1 – Shields.
 Harper changed from aye to nay, served notice of possible reconsideration and moved for immediate reconsideration.
 Motion to reconsider carried on voice vote.
 Motion to rerefer to Budget Solutions carried on voice vote.
- 9-14 Yih entered vote explanation(s) into journal.
 Public Hearing and Work Session held.
- 9-15 Public Hearing and Work Session held.
 Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
 (Amendments distributed 09-15.)
- 9-16 Motion to rerefer to Budget Solutions carried on voice vote.

- 9-17 Work Session held.
Public Hearing and Work Session held.
Work Session held.
Recommendation: Do pass with amendments to the B-Eng. bill. (Printed C-Eng.)
(Amendments distributed 09-17.)
Rules suspended. Bill read. Carried by Hannon. Passed.
Ayes, 16; Nays, 11 - Burdick, Castillo, Corcoran, Deckert, Dukes, Ferrioli, George, Gordly, Metsger, Morrisette, Yih, Absent, 1 - Shields, Excused, 2 - Harper, Miller.
- 9-17(H) House concurred in Senate amendments and repassed measure.
Ayes, 33; Nays, 26 - Ackerman, Barnhart, Beck, Beyer, Devlin, Dingfelder, Gardner, Hansen, Hass, Hayden, Hopson, Johnson, King, Lee, Lowe, March, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Schrader, Tomei, Walker, V., Wirth, Witt, Excused, 1 - Leonard.
- 10-8 Speaker signed.
- 10-8(S) President signed.
- 10-15(H) Governor signed with two line-item vetoes.
(Chapter 1, 2002 Fifth Special Session Laws)
Effective date, October 15, 2002.

Adjusts appropriations and expenditure limitations for state agencies.
Declares emergency, effective on passage.

HOUSE CONCURRENT RESOLUTIONS

HCR 30 By HOUSE SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION - *Adjourning sine die fifth special session of Seventy-first Legislative Assembly.*

- 9-1(H) First reading. Referred to Speaker's desk.
Referred to Budget Restoration.

Adjourns sine die fifth special session of Seventy-first Legislative Assembly.

HOUSE MEMORIALS

HM 5 By HOUSE SPECIAL SESSION COMMITTEE ON ECONOMIC GROWTH AND DEVELOPMENT - *Urging Congress to enact emergency hazardous fuels reduction plan.*

- 9-11(H) First reading. Referred to Speaker's desk.
Referred to Economic Growth and Job Development.
- 9-12 Recommendation: Be adopted.
Read. Carried by Kropf. Adopted.
Ayes, 57; Nays, 1 - Dingfelder, Absent, 2 - King, Walker, V.
- 9-30 Filed with Secretary of State.

Urges Congress of United States to enact emergency hazardous fuels reduction plan.

**FIFTH
SPECIAL SESSION**

**SENATE MEASURES
STATUS REPORT**



SENATE BILLS

SB 1028 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to public employee retirement; declaring an emergency.

- 9-3(S) Introduction and first reading. Referred to President's desk.
Referred to PERS Stabilization.
- 9-4 Public Hearing and Work Session held.
Recommendation: Do pass with amendments. (Printed A-Eng.)
(Amendments distributed 09-04.)
Second reading.
- 9-5 Third reading. Carried by Beyer. Failed.
Ayes, 14; Nays, 16 - Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Hannon, Metsger, Morrisette, Nelson, Shields, Trow.
Nelson changed from aye to nay, served notice of possible reconsideration and moved for immediate reconsideration.
Motion to reconsider carried on voice vote.
Motion to refer to PERS Stabilization carried on voice vote.
Hannon declared potential conflict of interest.
- 9-6 Public Hearing held.
- 9-7 Public Hearing held.
- 9-9 Public Hearing and Work Session held.
Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
(Amendments distributed 09-09.)
- 9-10 Bill read. Carried by Beyer. Passed.
Ayes, 16; Nays, 13 - Brown, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Hannon, Metsger, Morrisette, Shields, Trow, Excused, 1 - Burdick.
- 9-10(H) First reading. Referred to Speaker's desk.
- 9-11 Referred to PERS.
- 9-13 Public Hearing held.
- 9-15 Work Session held.
Recommendation: Do pass.
Second reading.
Rules suspended. Third reading.
Motion to rerefer to PERS carried. Rereferred.
In committee upon adjournment.

[Prohibits active membership in Public Employees Retirement System on and after January 1, 2004. Provides that person who is active member of system on December 31, 2003, be treated in manner provided by law for inactive members.]

[Directs Public Employees Retirement Board to continue to administer system for benefit of inactive and retired members.]

[Provides for direct petition to Supreme Court for review of constitutionality of Act.]

[Directs Seventy-second Legislative Assembly to enact successor retirement plan for public employees.]

Prohibits person from establishing membership in Public Employees Retirement System on or after January 1, 2004. Directs Seventy-second Legislative Assembly to enact third-tier successor retirement plan for public employees.

Provides that Tier One member accounts may not be credited with more than assumed interest rate until reserve account for payment of guaranteed rate is fully funded.

Directs Legislative Administration Committee to establish retirement plan for persons who commence term of office in Legislative Assembly on or after July 1, 2003, or who are appointed to Legislative Assembly on or after July 1, 2003. Prohibits creditable service in Public Employees Retirement System by member of Legislative Assembly for any term of office commenced on or after July 1, 2003, or by reason of appointment to Legislative Assembly if person takes office on or after July 1, 2003.

Directs Oregon Department of Administrative Services to establish retirement plan for persons who commence term

of office as Governor on or after July 1, 2003. Prohibits creditable service in Public Employees Retirement System by Governor for any term of office commenced on or after July 1, 2003.

Provides for direct petition to Supreme Court for review of constitutionality of Act.

Declares emergency, effective on passage.

SB 1029 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to judges' retirement; declaring an emergency.

- 9-3(S) Introduction and first reading. Referred to President's desk.
Referred to PERS Stabilization.
- 9-4 Public Hearing held.
- 9-18 In committee upon adjournment.

Directs Chief Justice to prepare legislation implementing retirement plan for persons who commence term of office as judge on or after July 1, 2003, or who are appointed as judge on or after July 1, 2003.

Prohibits creditable service in Public Employees Retirement System by judges for any term of office commenced on or after July 1, 2003, or by reason of appointment as judge if person takes office on or after July 1, 2003.

Applies to judges of Supreme Court, Court of Appeals, Oregon Tax Court and circuit courts.

Confers jurisdiction on Supreme Court to review petition of any person aggrieved by Act.

Declares emergency, effective on passage.

SB 1030 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to retirement of members of the Legislative Assembly; declaring an emergency.

- 9-3(S) Introduction and first reading. Referred to President's desk.
Referred to PERS Stabilization.
- 9-4 Public Hearing held.
- 9-18 In committee upon adjournment.

Directs Legislative Administration Committee to prepare legislation implementing retirement plan for persons who commence term of office in Legislative Assembly on or after July 1, 2003, or who are appointed to Legislative Assembly on or after July 1, 2003.

Prohibits creditable service in Public Employees Retirement System by member of Legislative Assembly for any term of office commenced on or after July 1, 2003, or by reason of appointment to Legislative Assembly if person takes office on or after July 1, 2003.

Confers jurisdiction on Supreme Court to review petition of any person aggrieved by Act.

Declares emergency, effective on passage.

SB 1031 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

- 9-12(S) Introduction and first reading. Referred to President's desk.
Referred to Budget Solutions.
- 9-18 In committee upon adjournment.

Establishes semi-independent public corporation known as Master Settlement Asset Corporation. Authorizes Oregon Department of Administrative Services to sell portion of payments under Master Settlement Agreement to corporation.

Authorizes corporation to issue negotiable securities to raise purchase price.

Declares emergency, effective on passage.

SB 1032 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state

financial administration; appropriating money; declaring an emergency.

9-12(S) Introduction and first reading. Referred to President's desk.

Referred to Budget Solutions.

9-18 In committee upon adjournment.

Adjusts appropriations and expenditure limitations for state agencies.

Provides that certain adjustments are repealed if House Bill 4076 becomes law.

Declares emergency, effective on passage.

SB 1033 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Relating to state finance; declaring an emergency.

9-12(S) Introduction and first reading. Referred to President's desk.

Referred to Budget Solutions.

9-18 In committee upon adjournment.

Reallocates net income and net proceeds from Space Age Industrial Park.

Transfers moneys from Department of Justice Operating Account to General Fund.

Directs Trust for Cultural Development Board to appoint additional members to board. Allows Indian tribes to receive Cultural Development Grants.

Reduces maximum annual allocation to County Fair Account.

Declares emergency, effective on passage.

SB 1034 By SENATE SPECIAL COMMITTEE ON BUDGET SOLUTIONS - Relating to elections; declaring an emergency.

9-15(S) Introduction and first reading. Referred to President's desk.

Referred to Budget Solutions.

9-16 Public Hearing and Work Session scheduled.

Recommendation: Do pass with amendments. (Printed A-Eng.)

(Amendments distributed 09-16.)

Second reading.

9-18 At Desk upon adjournment.

Sets procedure for January 28, 2003, statewide special election on House Bill 4072 (2002 fifth special session). Specifies ballot title, financial estimate and explanatory statement for House Bill 4072 (2002 fifth special session). Requires voters' pamphlet.

Declares emergency, effective on passage.

Rules suspended. Read.

Ayes, 30; Nays, 24 - Barnhart, Bates, Beyer, Butler, Dingfelder, Hansen, Hass, Kafoury, King, Lowe, Monnes Anderson, March, Merkley, Nelson, Nolan, Ringo, Rosenbaum, Smith, T., Tomei, Verger, Walker, V., Westlund, Wirth, Witt, Absent, 5 - Ackerman, Brown, A., Kropf, Lee, Zauner, Excused, 1 - Leonard.

10-8(S) President signed.

10-8(H) Speaker signed.

10-10(S) Filed With Secretary of State.

Adjourns sine die fifth special session of Seventy-first Legislative Assembly.

SCR 21 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Recessing fifth special session of Seventy-first Legislative Assembly.

9-15(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

9-18 In committee upon adjournment.

Recesses fifth special session of Seventy-first Legislative Assembly.

SENATE MEMORIALS**SM 4 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Urging Congress to enact emergency hazardous fuels reduction plan.**

9-13(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

9-14 Public Hearing and Work Session held.

Recommendation: Be adopted.

9-15 Final reading. Carried by Ferrioli, Atkinson. Adopted.

Ayes, 22; Nays, 2 - Morrisette, Trow, Absent, 4 - Castillo, Deckert, George, Miller, Excused, 2 - Burdick, Fisher.

President signed.

9-16 Filed With Secretary of State.

Urges Congress of United States to enact emergency hazardous fuels reduction plan.

SENATE CONCURRENT RESOLUTIONS**SCR 19 By SENATE SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS - Adjourning sine die fifth special session of Seventy-first Legislative Assembly.**

9-3(S) Introduction and first reading. Referred to President's desk.

Referred to Government Affairs.

9-17 Work Session scheduled.

Recommendation: Be adopted with amendments. (Printed A-Eng.)

Rules Suspended. Resolution read in its entirety. Adopted.

Ayes, 24; Nays, 3 - Gordly, Minnis, Shields, Absent, 1 - Corcoran, Excused, 2 - Harper, Miller.

9-18(H) First reading. Referred to Speaker's desk.

Referred to Budget Restoration.

Recommendation: Be adopted.

**FIFTH
SPECIAL SESSION**

**GENERAL
LEGISLATIVE
SUMMARY**



RECAPITULATION OF HOUSE BILLS (September 1-18, 2002)

Total House Bills Introduced 11

 Referred to the People at Special Election, January 28, 2003 (HB 4079) 1

 Vetoed by Governor (HB 4077) 1

 Filed without Governor’s signature (HB 4073, 4075) 2

 Signed by Governor with line-item veto (HB 5100) 1

 Measures failed in House (HB 4076, 4078)..... 2

 At Desk upon adjournment (4070, 4071) 2

 At Senate Desk upon adjournment (4072, 4074)..... 2

 TOTAL..... 11

RECAPITULATION OF HOUSE MEASURES OTHER THAN BILLS

Total House Joint and Concurrent Resolutions and Memorials Introduced 1

 In House Committee upon adjournment..... 1

 TOTAL..... 1

Total House Resolutions and Memorials Introduced..... 1

 Approved by House..... 1

 In House Committee upon adjournment..... 0

 TOTAL..... 1

TOTAL HOUSE MEASURES INTRODUCED – 13

HOUSE VETOED BILLS

- HB 4077 Relating to inheritance taxation.
- **HB 5100 Relating to state financial administration.

- Governor vetoed after adjournment sine die.
 - **Governor signed with line item veto
-

HOUSE MEASURES REFERRED TO PEOPLE

- * HB 4079 Increases personal income and corporate excise or income tax rates. Relating to taxation.

- * Special Election January 28, 2003.

**JOURNAL RECORD
of PROCEEDINGS**

**LEGISLATURE'S
CALL for
SPECIAL SESSION
in 2004**

Out of the 2003 Regular Session of the 72nd Legislative Assembly, a joint resolution was adopted setting a requirement for the members of the legislature to exercise their authority of the Oregon Constitution, Article IV, section 10a. and thereby calling itself into special session during the interim period of 2004 to address tax reform. The following is a compilation of the records that the House used in its process for determination of the Legislature convening itself into a special session in June 2004.

Ramona Kenady
Chief Clerk of the House

The following resolution was adopted by the House and Senate and filed with the Secretary of State on September 12, 2003:

72nd OREGON LEGISLATIVE ASSEMBLY

2003 Regular Session

Enrolled House Joint Resolution 42

Sponsored by Representative PATRIDGE,
Senators DEVLIN, SCHRADER

Whereas section 10a, Article IV of the Oregon Constitution, authorized the Legislative Assembly in the event of an emergency to convene in special session; and

Whereas the loss of Oregonians’ jobs and reduction in revenues available to adequately fund vital public services, such as education, health care and public safety, constitute an emergency; and

Whereas the state’s resilience on revenues from income taxes exacerbates reductions in state revenues during periods of economic decline; and

Whereas section 2, Article IX of the Oregon Constitution, requires the Legislative Assembly to provide for the raising of revenue sufficient to defray the expenses of the state; and

Whereas this state’s current tax structure impedes job creation and business investment and could be restructured to improve Oregon’s economic future and still produce adequate and stable revenues to support essential state services; and

Whereas section 10a, Article IV of the Oregon Constitution requires the presiding officers to convene the Legislative Assembly in special session within five days after receipt of a written request for the session by a majority of the members of each chamber; and

Whereas section 11, Article IV of the Oregon Constitution, authorizes the Legislative Assembly to determine rules of proceeding; and

Whereas the Legislative Assembly may prescribe procedures for the Legislative Assembly’s operation that differ from procedures prescribed by law; and

Whereas the requirement in section 10a, Article IV of the Oregon Constitution, of a written request for the

convening of a special session serves as a means of verifying a member’s intent; and

Whereas a member’s public vote in favor of this joint resolution, when recorded in the journal of the chamber constitutes the member’s written request for the convening of a special session and

Whereas the work of the Legislative Assembly in special session will be advanced by the consideration of tax reform proposals by a joint interim committee; now, therefore,

Be it Resolved by the Legislative Assembly of the State of Oregon:

- (1) There is created the Joint Interim Committee on Tax Reform, consisting of 12 members of the House of Representatives appointed by the Speaker of the House of Representatives and eight members of the Senate appointed by the President of the Senate.
- (2) The purpose of the committee is to study and make recommendations on improvements to the state’s tax system.
- (3) By May 31, 2004, the committee shall develop legislation for recommendation to the Seventy-second Legislative Assembly. The committee may introduce proposed measures in a special session of the Seventy-second Legislative Assembly and presession file proposed measures for consideration by the Seventy-third Legislative Assembly in the manner provided in ORS 171.130 for interim committees. A proposed measure recommended by official action of the committee must indicate the proposed measure is introduced at the request of the committee.
- (4) The committee may take action only by the affirmative vote of a majority of members of each chamber on the committee.
- (5) To the extent that there is a conflict between the provisions of this joint resolution and ORS 171.605 to 171.635, the provisions of this joint resolution supersede ORS 171.605 to 171.635.
- (6) The Legislative Revenue Office shall provide staff support to the committee.
- (7) This joint resolution prescribes an alternative procedure to ORS 171.015 for the Seventy-second Legislative Assembly’s convening in special session.
- (8) When the presiding officers have signed this joint resolution, the Chief Clerk of the House of Representatives shall provide the Legislative Administrator with two true copies of the joint resolution.
- (9) The Legislative Administrator shall deliver the true copies of the joint resolution to the chief legislative officers on May 31, 2004. Delivery to the chief legislative officers constitutes delivery to the presiding officers.
- (10) Within five days after receiving the true copies of the joint resolution through the chief legislative officers, the presiding officers shall convene the Seventy-second Legislative Assembly in special session.

The House vote for HJR 42:

Ayes, 39; Nays, 19 – Anderson, Butler, Close, Doyle, Flores, Hansen, Kafoury, Kitts, Kropf, Kruse, March, Merkley, Miller, Nelson, Nolan, Richardson, Rosenbaum, Tomei, Verger; Absent, 1 – Zauner.

Speaker of the House Karen Minnis sent the following letter to all members of the House by certified mail dated May 11, 2004:

Dear Representative _____:

In response to the high priority Oregonians have consistently placed on tax reform, our 72nd Legislative Assembly enacted HJR 42. This measure was adopted, signed by the Speaker and the Senate President and filed with the Secretary of State. As a result, our Legislative Assembly has a duty to convene in special session in early June. We still need tax reform – to help our economy, to help create jobs and to stabilize our state budget. The Oregon House of Representatives is not going to walk away from its duty and responsibility to meet.

Therefore, in compliance with Enrolled House Joint Resolution 42 (2003 Regular Session) and as directed by the Oregon Constitution, I will be convening the Oregon House of Representatives in special session on June 1, 2004 at 9:00 a.m.

Following are details regarding the administrative support that will be available to you during the special session.

Unless otherwise noted, the services below are consistent with other special sessions.

Floor Secretaries/Legislative Assistants

Secretaries or legislative assistants will not be provided at Assembly expense. If you have unused funds in your legislative account, these funds may be used during the special session to pay for secretarial or legislative assistant services. You may, however, designate a secretary for purposes of floor privileges whether that person is paid from your legislative account or works without pay.

Pages

There will be no honorary pages during the special session. Interim legislative employees will provide regular page service.

Postage/Printing/Office Supplies

Any special session printing or office supplies ordered by a member and postage used by a member will be charged to your individual Services and Supplies account.

Capitol Office Telephones

As a cost reduction measure, only your inner office and district telephone numbers remain active during the

interim. Fax machines are available in the reception areas on the 2nd and 3rd floors.

Copy Machines

The copy machines formerly available on each floor in the wings have been removed for the interim. The copy machines in the caucus offices are available as is the copy machine located in the Chief Clerk’s Copy Room, H-272. The Chief Clerk’s machine will activate by entering your assigned account code. Copy machine usage will be charged to your individual Services and Supplies account.

Parking

Parking for members will be provided in the underground garage. Please park in the space assigned to you during the regular session. The security measures implemented for the interim will be the same and your identification card will be necessary to access the underground parking. Underground elevators will be open at 6:00 a.m.

Lounge

The lounge will be open during the special session, however, no food service will be provided.

Campaign Contributions

Enrolled SB 215 (2001 Regular Session) requires that campaign contributions received during a legislative session must be reported. In compliance with House Rule 19.20, all statements received by the Chief Clerk from the Secretary of State shall be available for review by any member or persons of the public and entered in the Journal.

I hope this information is helpful. If you have any further questions, please feel free to contact Gary Wilhelms in my office (503-986-1200) or the Chief Clerk’s office (503-986-1870).

Sincerely,
Karen Minnis
Speaker of the House

Sample form to Representatives who wish to withdraw their requests:

I requested the convening of an emergency session of the Legislative Assembly by voting in favor of House Joint Resolution 42. I am by this letter withdrawing my request for the emergency session.

Please record this action in the journal at the earliest appropriate opportunity.

Signature

Date

Speaker Minnis’ letter and form also included this opinion from the Legislative Counsel:

Representative Jeff Merkley
House Democratic Leader
900 Court Street NE, H496
Salem, Oregon 97301

Re: Withdrawal of Requests for Special Session

Dear Representative Merkley:

This letter responds to your request for our views on whether a member of the House of Representatives who requested the special session by voting in favor of House Joint Resolution 42 (2003) may, by submitting a written notice to the Chief Clerk or the Speaker of the House, withdraw the member’s request for the special session.

We think so, yes.

1. Summary

There is no clear answer to the question, but we conclude that, more likely than not, a member who requested the special session by voting in favor of HJR 42 may withdraw the member’s request. If, on May 31, 2004, fewer than 31 members have requested the special session, then the House cannot convene.

The only person who could sue to get a court to force the House to convene would be a member who had voted for HJR 42 and had not withdrawn the request. The member would more likely than not lose the lawsuit; the court should find the withdrawals effective and not order the House to convene.

2. Discussion

A general legal principle is that a person may withdraw a document that makes a request of someone else (an application, an offer, a declaration of candidacy, etc.) before the other person takes action on the request. The Legislative Assembly, however, may change that general principle. In the statutory balloting procedure for legislators to call a special session, ORS 171.015 (4), the Legislative Assembly made a member’s written request “irrevocable” when delivered.

Unlike the provisions in ORS 171.015, there is nothing in HJR 42 that alters the general principle. Because the presiding officers will not receive the requests under HJR 42 until May 31, 2004, a member ought to be able to withdraw the member’s request by that date; conversely, a member who originally voted against HJR 42 ought to be able to make a request for the June special session.

(By member, we mean the representative of a House district, not the particular person who held the seat when the House voted on HJR 42. In other words, Representative Jim Thompson counts as Representative Lane Shetterly; Representative Phil Yount counts as Representative Max Williams. This does not mean, however, that a new member

generally has the authority to change a predecessor’s vote.)

The principal concern we have with members’ changing requests is that the House has adopted rules that govern when a member may change the member’s vote and when the House may reconsider the House vote, and members’ withdrawing (or making) the request contained in HJR 42 would not follow these rules. On balance, we believe that withdrawing (or making) a request would not be the same kind of action as changing or reconsidering a vote. In stating that “a member’s public vote in favor of this joint resolution ... constitutes the member’s written request,” HJR 42 equated the vote with the requirement in section 10a, Article IV of the Oregon Constitution for a “written request.”

Please let us know if you need additional information.

The opinions written by the Legislative counsel and the staff of the Legislative Counsel’s office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel’s office have no authority to provide legal advice to any other person, group or entity. For this reason this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

Gregory A. Chaimov
Legislative Counsel

As required by HJR 42, a true copy of the resolution was presented to the Chief Clerk of the House on May 31, 2004:

The Honorable Karen Minnis
Speaker of the House
269 State Capitol
Salem, OR 97301

Dear Speaker Minnis:

By this letter, I am notifying you that the House of Representatives is in receipt of Enrolled House Joint Resolution 42 (2003 Regular Session) a prescribed by the resolution. I accepted the resolution today from the Legislative Administrator, Dave Henderson, on behalf of the House.

Ramona Kenady
Chief Clerk of the House

On May 20, 2004, the following letter was transmitted to the Speaker of the House by the House Democratic Leader Jeff Merkley certifying the results of the polling process:

The Honorable Karen Minnis
Speaker of the House
900 Court Street NE, 269
Salem, OR 97301

Dear Madam Speaker:

Pursuant to your letter to all House members dated May 11, 2004 in which you asked each member to clarify his/her own intent on the subject of the legislature calling itself into a special session in June 2004, I am forwarding the results of that polling.

I hereby certify that I am in receipt of letters signed by the following members of the House of Representatives officially withdrawing their request for a special session as called for under Enrolled House Joint Resolution 42 (2003 Regular Session) and in accordance with Legislative Counsel opinion dated May 19, 2004:

Rep. Bob Ackerman	Rep. Mark Hass
Rep. Brad Avakian	Rep. Pau Holvey
Rep. Phil Barnhart	Rep. Elaine Hopson
Rep. Alan Bates	Rep. Dave Hunt
Rep. Terry Beyer	Rep. Betsy Johnson
Rep. Jackie Dingfelder	Rep. Greg Macpherson
Rep. Mitch Greenlick	Rep. Kelley Wirth

Original copies have been delivered to the Chief Clerk of the House.

Sincerely,

Jeff Merkley

House Democratic Leader

**Journal
of the
House of Representatives**

SPECIAL SESSION

**Beginning April 20 and
ending April 20, 2006**

1 Calendar Day



**SEVENTY-THIRD LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

**Published Under the Direction
of
KAREN MINNIS
Speaker of the House**

HOUSE OF REPRESENTATIVES

HOUSE OFFICERS

KAREN MINNIS, Speaker

DENNIS RICHARDSON, Speaker Pro Tempore

RAMONA KENADY, Chief Clerk

HOUSE CAUCUS LEADERS

WAYNE SCOTT, Majority Leader

DERRICK KITTS, Majority Whip

VICKI BERGER, Assistant Majority Leader

BILLY DALTO, Assistant Majority Leader

DEBI FARR, Assistant Majority Leader

LINDA FLORES, Assistant Majority Leader

SAL ESQUIVEL, Assistant Majority Leader

BRUCE HANNA, Assistant Majority Leader

JEFF MERKLEY, Democratic Leader

PHIL BARNHART, Assistant Democratic Leader

PETER BUCKLEY, Assistant Democratic Leader

DAVE HUNT, Assistant Democratic Leader

ARNIE ROBLAN, Assistant Democratic Leader

DIANE ROSENBAUM, Assistant Democratic Leader

CHIP SHIELDS, Assistant Democratic Leader

HOUSE DESK AND FLOOR SESSION PERSONNEL

CATHY FERGUSON, Assistant Chief Clerk

OBIE RUTLEDGE, Reading Clerk

DEE DEE OVERHOLSER, Publications Coordinator

TOM MATTHEWS, Sergeant at Arms

REPRESENTATIVES' ADDRESSES

Representative	Address	Party	Dist#
Ackerman, Robert	PO Box 41749, Eugene, OR 97404	D	13
Anderson, Gordon	PO Box 1389, Grants Pass, OR 97526	R	3
Avakian, Brad	17915 NW Lonerock Dr., Portland, OR 97229	D	34
Barker, Jeff	PO Box 6751, Aloha, OR 97007	D	28
Barnhart, Phil	PO Box 71188, Eugene, OR 97401	D	11
Berger, Vicki	900 Court St NE, H-488, Salem, OR 97301	R	20
Beyer, Elizabeth Terry	PO Box 131, Springfield, OR 97477	D	12
Boone, Deborah	PO Box 637, Cannon Beach, OR 97110	D	32
Boquist, Brian	17080 Butler Hill Road, Dallas, OR 97338	R	23
Brown, Alan	1155 SW Coast Hwy, Newport, OR 97365	R	10
Bruun, Scott	2020 8th Ave., PMB 160, West Linn, OR 97068	R	37
Buckley, Peter	71 Dewey St., Ashland, OR 97520	D	5
Burley, Charles	PO Box 9424, Bend, OR 97708	R	54
Butler, R. Thomas (Tom)	PO Box E, Ontario, OR 97914-0106	R	60
Cameron, Kevin	900 Court St. NE H-495, Salem, OR 97301	R	19
Dallum, John	1900 W 13th St., The Dalles, OR 97058	R	59
Dalto, Billy	PO Box 943, Salem, OR 97308	R	21
Dingfelder, Jackie	PO Box 13432, Portland, OR 97213	D	45
Esquivel, Sal	711 Medford Center #178, Medford, OR 97504	R	6
Farr, Debi	4257 Barger Dr. #272, Eugene, OR 97402	R	14
Flores, Linda	PO Box 55, Clackamas, OR 97015	R	51
Galizio, Larry	PO Box 231161, Tigard, OR 97281	D	35
Garrard, Bill	1420 California Ave., Klamath Falls, OR 97601	R	56
Gelser, Sara A.	900 Court St. NE, Salem, OR 97301	D	16
Gilman, George	3695 Dodson Drive, Medford, OR 97504	R	55
Greenlick, Mitch	712 NW Spring Avenue, Portland, OR 97229	D	33
Hanna, Bruce	612 NW Cecil Ave., Roseburg, OR 97470	R	7
Hansen, Gary	628 N. Tomahawk Isl. Dr., Portland, OR 97217	D	44
Hass, Mark	6505 SW 90th Avenue, Portland, OR 97223	D	27
Holvey, Paul	PO Box 51048, Eugene, OR 97405	D	8
Hunt, Dave	PO Box 67190, Oak Grove, OR 97268	D	40
Jenson, Bob	2126 NW Despain Ave., Pendleton, OR 97801	R	58
Kitts, Derrick	PO Box 1946, Hillsboro, OR 97123	R	30
Komp, Betty	885 Garfield St., Woodburn, OR 97071	D	22
Krieger, Wayne	95702 Skyview Ranch Rd., Gold Beach, OR 97444	R	1
Kropf, Jeff	PO Box 130, Sublimity, OR 97385	R	17
Krummel, Jerry	7544 SW Roanoke Drive, Wilsonville, OR 97070	R	26
Lim, John	PO Box 1616, Gresham, OR 97030	R	50
Macpherson, Greg	322 2nd Street, Lake Oswego, OR 97034	D	38
March, Steve	842 NE 44th Avenue, Portland, OR 97213	D	46
Merkley, Jeff	PO Box 33167, Portland, OR 97292	D	47
Minnis, Karen	900 Court St NE, Rm 269, Salem, OR 97301	R	49
Morgan, Susan	PO Box 2223, Myrtle Creek, OR 97457	R	2
Nelson, Donna	2150 St. Andrews Dr. NW, McMinnville, OR 97128	R	24
Nolan, Mary	PO Box 1686, Portland, OR 97207	D	36
Olson, Andy	34499 Mountain View Pl. NE, Albany, OR 97322	R	15
Richardson, Dennis	55 South 5th Street, Central Point, OR 97502	R	4

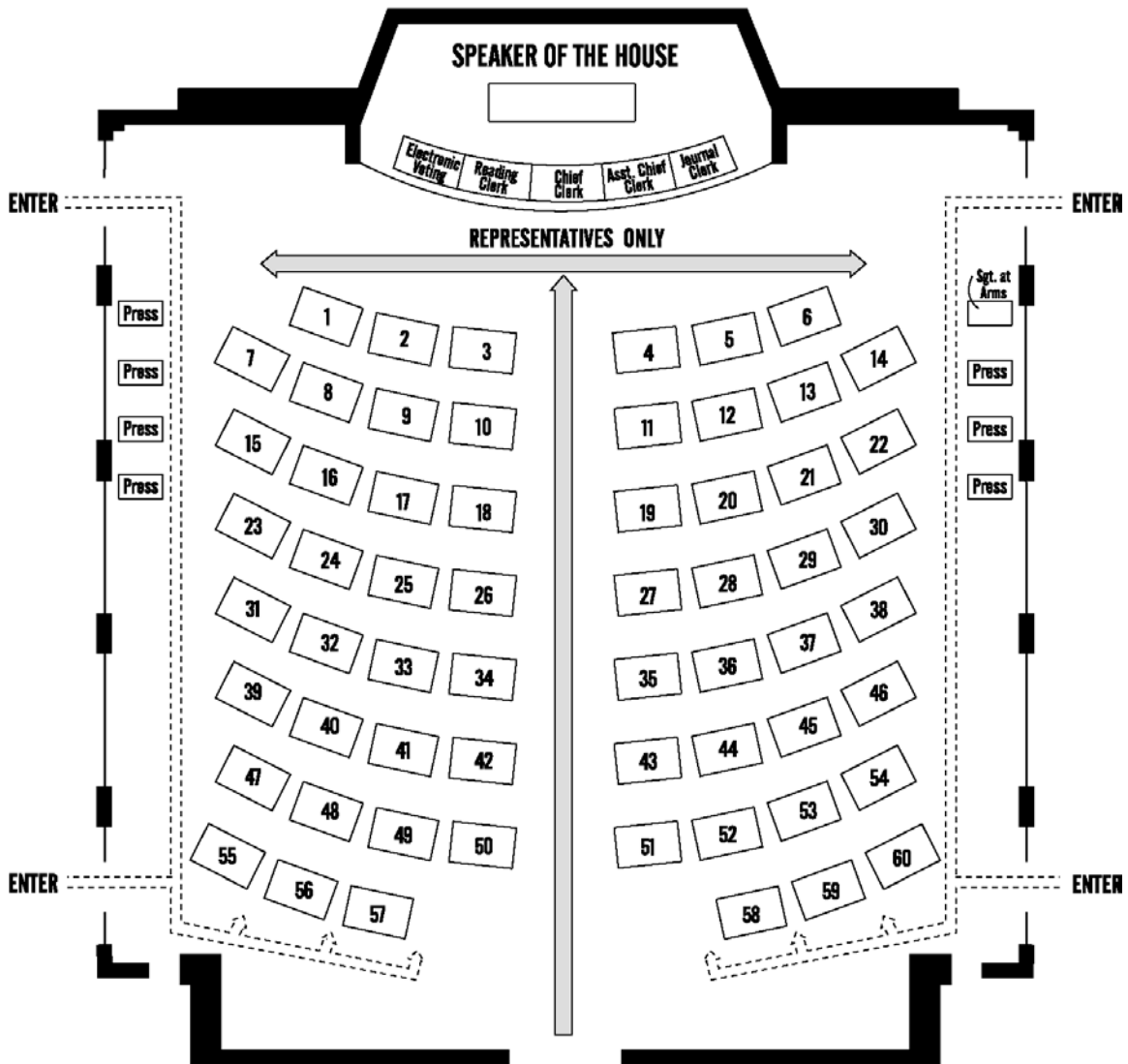
REPRESENTATIVES' ADDRESSES

Representative	Address	Party	Dist#
Riley, Chuck	250 NE Hillwood Dr., Hillsboro, OR 97124.....	D	29
Roblan, Arnie	PO Box 1410, Coos Bay, OR 97420.....	D	9
Rosenbaum, Diane	1125 SE Madison, #100-B, Portland, OR 97214	D	42
Schaufler, Mike	12910 SE Ridgecrest Rd., Happy Valley, OR 97236.....	D	48
Scott, Wayne.....	PO Box 664, Canby, OR 97013.....	R.....	39
Shields, Chip	6606 NE Mallory Ave., Portland, OR 97211	D	43
Smith, Greg	PO Box 219, Heppner, OR 97836.....	R.....	57
Smith, Patti	PO Box 209, Corbett, OR 97019.....	R.....	52
Sumner, Mac	1442 Meadowlawn Pl., Molalla, OR 97038.....	R.....	18
Thatcher, Kim	PO Box 9111, Salem, OR 97305	R.....	25
Tomei, Carolyn.....	11907 SE 19th Avenue, Milwaukie, OR 97222	D	41
Whisnant, Gene.....	PO Box 3565, Sunriver, OR 97707.....	R.....	53
Witt, Brad	21740 Lindberg Rd., Clatskanie, OR 97016.....	D	31

Republicans - 33

Democrats - 27

HOUSE SEATING CHART



- 1 – Hanna
- 2 – Komp
- 3 – Thatcher
- 4 – Greenlick
- 5 – Riley
- 6 – Shields
- 7 – Dalto
- 8 – Dallum
- 9 – Burley
- 10 – Sumner
- 11 – Hunt
- 12 – Avakian
- 13 – Olson
- 14 – Farr
- 15 – Flores

- 16 – Anderson
- 17 – Esquivel
- 18 – Gilman
- 19 – Macpherson
- 20 – Barker
- 21 – Roblan
- 22 – Bruun
- 23 – Smith, G.
- 24 – Berger
- 25 – Whisnant
- 26 – Lim
- 27 – Ackerman
- 28 – Galizio
- 29 – Buckley
- 30 – Boquist

- 31 – Krummel
- 32 – Richardson
- 33 – Kropf
- 34 – Nelson
- 35 – Barnhart
- 36 – Schaufler
- 37 – Beyer
- 38 – Boone
- 39 – Garrard
- 40 – Krieger
- 41 – Brown
- 42 – Butler
- 43 – Nolan
- 44 – Gelser
- 45 – Holvey

- 46 – March
- 47 – Smith, P.
- 48 – Cameron
- 49 – Kitts
- 50 – Scott
- 51 – Merkley
- 52 – Rosenbaum
- 53 – Hansen
- 54 – Witt
- 55 – Minnis
- 56 – Jenson
- 57 – Morgan
- 58 – Hass
- 59 – Tomei
- 60 – Dingfelder

HOUSE SPECIAL SESSION COMMITTEE MEMBERSHIP

SPECIAL SESSION COMMITTEE—

Karen Minnis, Chair

Jeff Merkley

Wayne Scott

HOUSE SPECIAL COMMITTEES ON ORGANIZATION

COMMITTEE ON CREDENTIALS—

Jeff Kropf, Chair
Susan Morgan
Mary Nolan

COMMITTEE ON RULES—

Derrick Kitts, Chair
Jeff Merkley
Wayne Scott

HOUSE JOURNAL



Thursday, April 20, 2006 – Morning Session

House convened in Special Session at 9:00 a.m., pursuant to the proclamation of Governor Theodore R. Kulongoski issued April 6, 2006.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS, The Oregon Department of Human Services is facing a projected \$136 million shortfall, primarily due to reductions in federal assistance and caseload increases that have occurred since the passage of the agency budget in August, 2005; and

WHEREAS, Oregon's public education system, including Portland Public Schools, the largest school district in the state, requires additional resources in order to budget for and provide an appropriate education to Oregon's students for the 2006-07 school year.

NOW THEREFORE, I, Theodore R. Kulongoski, Governor of the State of Oregon, pursuant to Article V, Section 12, of the Oregon Constitution, hereby proclaim the 20th day of April, 2006 at nine o'clock in the morning to be THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY for the purpose of addressing the projected budget shortfall of the Department of Human Services and providing additional resources to Oregon's public education system for the 2006-07 school year.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, the 6th day of April, 2006, at 6:30 p.m.

Theodore R. Kulongoski
Governor

Speaker in Chair. All present, except: Excused, 1 – Holvey.

Opening ceremony presented by Reverend Gregg Sneller, Sr. Pastor, Calvary Baptist Church, Salem, guest of Representatives Berger and Hunt.

Speaker announced the following appointments to the Special Committee on Credentials: Kropf, Chair; Morgan, Nolan.

House stood at ease for three minutes.

House called to order.

The following report of the Special Committee on Credentials was read:

REPORT BY COMMITTEE ON CREDENTIALS

We, your Committee on Credentials, recommend that the following member is entitled to a seat in the House of Representatives of the Seventy-third Legislative Assembly of the State of Oregon:

Sara Gelsler, representing the 16th District.
Jeff Kropf, Chair
Susan Morgan
Mary Nolan

Kropf moved adoption of the report of the Special Committee on Credentials. Motion carried by viva voce vote. Report adopted.

Representatives Merkley and Scott escorted Representative Gelsler within the bar and to her desk.

Speaker announced the following appointments to the Special Committee on Rules: Kitts, Chair; Scott, Merkley.

House stood at ease for three minutes.

House called to order.

The following report of the Special Committee on Rules was read:

REPORT BY COMMITTEE ON RULES

We, your Committee on Rules, recommend that the House of Representatives adopt the Special Session Rules of the Seventy-third Legislative Assembly.

Derrick Kitts, Chair
Wayne Scott
Jeff Merkley

SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

Seventy-third Legislative Assembly

April 20, 2006

DEFINITIONS

1.01 Definitions. (1) "Measure" means bill, resolution or memorial, but does not include amendments.

(2) "Member" means member of the House.

(3) "Printing" includes printing and other means of reproducing copy.

(4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.

(5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-third Legislative Assembly.

(6) "Special Session" means the special session of the Seventy-third Legislative Assembly convening April 20, 2006.

(7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

RULES

2.01 Use of Mason's Manual. Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House," referred and allowed to lie on the Committee on Elections and Rules by the Speaker, and if reported from the Committee on Elections and Rules, upon distribution of the report, it shall be in order table for at least one day prior to any vote on the proposed amendment immediately thereon.

2.10 Procedure for Suspending Rules. (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the House. ~~Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die. The rules adopted for the special session are repealed upon the adjournment of the special session sine die.~~

CONVENING

3.01 Quorum. (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.03 Attendance. (1) Except for emergencies, a member shall attend all sessions of the House unless an excuse is filed with the Chief Clerk forty-eight (48) hours in advance. All requests for an excused absence will be presumed approved unless the member is otherwise notified by leadership. A member shall attend all meetings of the committees of the House of which he or she is a member unless excused by the chair. No member shall be considered excused, however, unless the Speaker or chair has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

(2) If members of the House invoke the provisions of Article IV, Section 12 of the Oregon Constitution compelling the attendance of absent members, and said members do not report to the session at the time set by a motion adopted by at least thirty-one (31) members, each such absent member shall be fined \$1000 payable to the House of Representatives for each session day or part of a session day that the member does not attend. Such fine may be automatically deducted from their per diem allowance or services and supplies account until the outstanding balance of the fine is paid in full.

3.05 Session Hour. Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

3.07 Open Sessions. All deliberations and meetings of the House shall be open to the press and public.

~~**3.08 Daily Session Length.** (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, excluding time used in recess, unless a majority of those members present vote to suspend this provision.~~

~~(2) The convening of a session after adjournment constitutes the beginning of a new session day.~~

VOTING

3.12 Electronic Roll Call System. The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

3.15 Roll Call. (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the roll of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding

officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by oral roll call. The clerk shall call the roll of the membership in alphabetical order. The Speaker's name shall be called last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was within the bar of the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

3.20 Requirements for Voting. (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

3.21 Announcement of Conflict of Interest. (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant by 5:00 p. m. the next session day following the vote on the measure. The statement shall be limited to the substance of the oral explanation given on the floor or in committee.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote, at the end of which time, the clerk will display the vote. After the individual votes have been displayed, any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

3.28 Electronic Roll Call; Misuse, Penalties. No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

3.30 Voting by Presiding Officer. The Speaker shall vote whenever a roll call is required. The Speaker's name shall be called last on an oral roll call vote.

3.35 Explanation of Vote. (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next session day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

3.50 Third Reading Requirement. (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

3.55 Call of the House. (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

ORDER OF BUSINESS

4.01 Order of Business. (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message (At the opening session of the day only).
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- (h) Reports from standing committees.
- (i) ~~Reports from~~ special committees.
- (j) Propositions and motions.

~~(k)~~ (j) Introduction and first reading of House bills.

~~(l)~~ (k) Second reading of House bills.

~~(m) Consent Calendar.~~

~~(n)~~ (l) Third reading of House bills.

~~(o)~~ (m) Final reading of memorials and resolutions.

~~(p)~~ (n) Bills, reports and other business lying on the table.

~~(q)~~ (o) First reading of Senate bills.

~~(r)~~ (p) Second reading of Senate bills.

~~(s)~~ (q) Third reading of Senate bills.

~~(t)~~ (r) Other business of the House.

~~(u)~~ (s) Other business of the Senate.

~~(v)~~ (t) Announcements.

~~(w)~~ (u) Remonstrances.

(2) The presiding officer, under the order of business *Reports from ~~Standing Committees and Reports from Special Committees~~*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the orders of business Opening ceremony, prayer and/or inspirational message, Courtesies and Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

~~— 4.05 Consent Calendar. — (1) Each session day, a consent calendar of measures may be presented for consideration and vote of the House. Copies of the consent calendar shall be printed and distributed to members prior to consideration.~~

~~— (2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.~~

~~— (b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.~~

~~— (3) Any measure recommended for the consent calendar shall be placed on the calendar but held at the Desk for two days after the day on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two-day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.~~

~~— (4) If no objections or an insufficient number are filed within the two-day period, the measure shall be placed in numerical order on the next consent calendar. When the order of business "Consent~~

~~Calendar” is reached, the Speaker shall announce the calendar. The clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken.~~

~~—(5) No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.~~

MOTIONS

5.01 Making Motion. (1) When a motion is made, it shall be restated by the presiding officer.

(2) A motion shall be reduced to writing upon request of the presiding officer or of any member.

(3) No second to a motion is required.

5.05 Motion in Possession of the House. After a motion is restated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

5.10 Precedence of Motions. (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Nondebatable Motions. Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

5.20 Votes on Motions. If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

5.30 Division of the Question. Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

5.35 Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

5.37 Amendments to the Title of a Bill. No title (“*Relating to*” clause) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

5.40 Amendments from Floor. No measure shall be amended upon the floor.

DEBATE AND DECORUM

6.01 Decorum During Session and Committee Proceedings. (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

6.05 Use of Electronic Devices. (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

6.07 Recognition of Members. When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member’s desk.

The device labeled “to speak” shall be used when a member seeks recognition for purposes of debate or making motions.

The device labeled “personal privilege” shall be used only for purposes requiring immediate consideration by the House as described under Mason’s Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

6.10 Conduct in Debate. (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking, the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

6.20 Interrupting a Member. Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

6.25 Frequency with Which Member May Speak. (1) The author of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again on the question until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate. The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the chair of the committee that reports the measure or a member designated by the chair may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (1) of this rule to another member. However, no member may yield time to a member closing debate.

6.35 Call to Order. (1) The presiding officer shall call to order any member who violates the Rules of the House. The member who is called to order shall cease speaking and shall be seated

immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

6.40 Discipline. If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

PRESIDING OFFICER

7.01 Election of Presiding Officer; Pro Tempore Presiding Officer. The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officer. (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

7.10 Duties of Presiding Officer. (1) The Speaker shall enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall fix the compensation of the Chief Clerk.

(5) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(6) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

COMMITTEES

8.01 Names of Committees. ~~There shall be the following 18 standing committees to which shall be referred all measures:~~

~~Agriculture and Natural Resources;~~

~~(2) Audits;~~

~~(3) Business, Labor and Consumer Affairs;~~

~~(4) Education;~~

~~(5) Elections and Rules;~~

~~(6) Environment;~~

~~(7) General Government;~~

~~(8) Health and Human Services;~~

~~(9) Information Management and Technology;~~

~~(10) Judiciary;~~

~~(11) Land Use;~~

~~(12) Revenue;~~

~~(13) State and Federal Affairs;~~

~~(14) Trade and Economic Development;~~

~~(15) Transportation;~~

~~(16) Veterans' Affairs;~~

~~(17) Water;~~

~~(18) Ways and Means~~

The Speaker may appoint special committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all ~~standing~~ committees, statutory committees, special committees and task forces, and the chairs and vice-chairs thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all ~~standing~~ ~~special~~ committees and statutory committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the ~~standing~~ ~~special~~ committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any ~~standing~~ ~~special~~ committee under which a subcommittee is created shall appoint the other members of the subcommittee.

~~(4) The Standing Committee on Ways and Means and committees established by the Oregon Constitution shall be exempt from provisions under subsection (2) of Rule 8.05.~~

8.10 Committee Quorum; Rules. (1) A majority of the members of a ~~standing~~ ~~or~~ special committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all ~~standing~~ ~~and~~ special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

8.15 Committee Meetings. (1) All committees shall meet at the call of the chair, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

~~(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested~~

~~persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 48 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.~~

~~(5) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.~~

~~(6) The chair or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public in case shall be given immediately upon call of the meetings, and notice appropriate to the circumstances.~~

~~(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If meeting shall be announced on the floor if the House is in session. (7) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.~~

(8) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

- (a) Members present, excused or absent;
- (b) All motions and their disposition;
- (c) The results of all votes; and
- (d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the Speaker. The Speaker shall conduct a hearing on the matter and shall, if it concludes that the complaint is justified, recommend to the House that censure or other action be taken.

(12) As used in this rule:

(a) "Committee" includes special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

8.20 Committee Action Required. (1) A chair shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the chair, the Speaker and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

~~(4) When the Speaker determines that sine die adjournment may impinge on the operations of standing committees, the Speaker shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the Speaker.~~

~~(5) Measures reported out by a committee shall be delivered to the Chief Clerk of the House no later than 12 noon of the session days after the committee action reporting the measure out.~~

~~**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.~~

8.25 Committee Actions to be Recorded and Reported. (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. (1) No motion to dissolve into the committee of the whole shall be allowed.

REFERRAL OF MEASURES; COMMITTEE REPORTS

9.01 Referral to Committee. (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than seven session days following such referral, the measure shall be referred by the Speaker to any ~~standing or~~ special committee. Notice of referral shall be announced from the rostrum or a printed list in writing and shall be distributed to the desks of the members.

~~(2) In carrying out the provisions of this rule, at the time of initial referral, the Speaker may make a subsequent referral of any measure to any standing or special committee to be effective after the measure is reported out of the committee to which it was initially referred.~~

~~(3) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.~~

~~(4) The chair of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the chair of any other standing or special committee to review the measure. Upon acceptance of the measure by the chair of the reviewing committee, and with the consent of the Speaker, the~~

~~reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.~~

9.05 Committee Reports. After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chair of the committee.

9.10 Consideration of Committee Reports. (1) Reports from ~~standing special~~ committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.

~~(2) Except for reports accompanied by a minority report, no motion is required to adopt a committee report.~~

~~**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members who are present and vote in opposition to the committee report, accompanies the committee report, both shall be filed and placed on the calendar under the order of business of Propositions and Motions the second session day after distribution of amendments. No member may sign on to more than one report.~~

~~(2) When the committee report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure, if a bill, shall be further considered as provided by Rule 9.37(2) or, if other than a bill, as provided by Rule 9.35(3).~~

~~(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.~~

~~(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.~~

~~(5) The minority report is subject to the requirements of House Rule 5.35. Issues contained within a minority report must have come under discussion in the committee filing the committee report.~~

9.30 Withdrawing Measure from Committee. A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

9.32 When a Bill Goes to Second Reading. (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar ~~of the~~ following same session day for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure is placed on the calendar for second reading. The bill, ~~whether printed engrossed or not~~, shall be placed on the calendar for second reading the next same session day after distribution of the printed amendments or engrossed bill is delivered to the desks of the members.

~~(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the next session day after distribution of the printed amendments or engrossed bills are delivered to the desks of the members.~~

9.35 When a Measure Other Than a Bill Goes to Final Reading. (1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar ~~the same session day~~ for final reading ~~the session day next following receipt.~~

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure is placed on the calendar for final reading. The measure other than a bill, ~~whether printed engrossed or not~~, shall be placed on the calendar for final reading ~~on the same session day next following the day of as~~ distribution of the printed amendments.

~~(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar, for final reading on the same session day on which the minority report was substituted or rejected.~~

9.37 When a Bill Goes to Third Reading. (1) A bill shall be placed on the third reading calendar on the session day following its second reading.

~~(2) When a bill is reported with a minority report the bill shall be placed on the calendar for third reading the same session day on which the minority report was substituted or rejected.~~

RECONSIDERATION

10.01 Reconsideration. (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

~~(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.~~

~~(3) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.~~

~~(3) The motion to reconsider shall must be voted on the first session day made immediately after that on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion subject to the provisions of House Rule 5.10.~~

~~(4) Thirty-one votes are required to reconsider the final vote on a measure.~~

~~(65) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.~~

10.05 Transmitting Measures on Which Reconsideration Moved. When a member has given notice of intention to move for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately, with debate on the motion, but not on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

CONCURRENCE; CONFERENCE

11.01 Vote to Concur in Amendments of Other House. (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall ~~not~~ be taken ~~sooner than the first session day~~ **immediately** after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. ~~(1) When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.~~

~~(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.~~

~~(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the differences between the House and Senate versions.~~

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose any amendments within the scope of the measure.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers. Notice of the meeting shall be announced on the floor if the House is in session.

11.15 Adoption of Conference Committee Report. (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall ~~not~~ be ~~made sooner than the first session day~~ **in order immediately** after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

11.20 Discharge of Conferees. (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

SPONSORSHIP

~~**12.00 Pre-session Filing and Printing.** (1) Any member or member elect of the House may, on or after November 18 of the even years to January 1 of the odd years, pre-file any measure with the Chief Clerk for introduction.~~

~~(2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.~~

~~(3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed pre-filed measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.~~

~~(4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.~~

~~(5) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.~~

~~(6) Any measure pre-filed and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.~~

~~**12.05 Pre-session Drafting Requests.** Members, members elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.~~

12.10 Sponsorship. (1) Every measure introduced in the House shall bear the name of the member or special, ~~standing~~ or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, and with the approval of a Chief Sponsor, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If all of the original sponsors are withdrawn, the committee shall become the sponsor of the measure.

12.20 Committee Sponsorship. (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chair shall sign the proposed measure for presentation at the desk.

INTRODUCTION OF MEASURES

13.01 Requirements of Presentation of Measures for Introduction. (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chair or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer.

No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

13.05 Deadline on Introductions. No measure shall be accepted by the desk for introduction in the House ~~after 5 p.m. on the 50th calendar day of the session~~ except:

~~(1) Measures approved by the Speaker and so identified for introduction by a committee.~~

~~(2) Appropriation or fiscal measures sponsored by the Committee on Ways and Means.~~

~~—(3) Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.~~

13.10 Legislative Counsel Drafting Services. ~~After 5 p.m. on the 29th calendar day of the session, the Legislative Counsel shall discontinue accepting requests for drafting of all measures except: not accept requests for drafting of measures for introduction during special session except:~~

~~—(a) Appropriation or fiscal measures approved for drafting by the Committee on Ways and Means.~~

~~—(b) Committee proposals approved for drafting by the Speaker.~~

~~—(c) A proposal requested for drafting by a member under Rule 13.15.~~

~~—13.15 Priority Drafting Requests. (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.~~

~~—(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.~~

PUBLICATIONS

14.01 Journal; Status Report. (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

14.05 Other Legislative Publications. (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

14.10 Distribution of Legislative Publications. (1) There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the Department of Administrative Services, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies, and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

14.15 Measure Summaries. (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The Chief Clerk shall order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

14.25 Financial and Revenue Impact Statements. (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as either a Fiscal Impact Statement or Budget Report to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact

statements shall set forth the fiscal and revenue impact of the measure and any governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee, the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

14.30 Legislative Newsletters. (1) Each member may issue legislative newsletters or other informational material to their constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule, "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule, "constituent" means an individual that lives within a member's legislative district.

PERSONNEL RULES AND PROCEDURES

15.01 Personnel Rules and Procedures. (1) Except as otherwise provided by law, the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore, they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

OFFICERS; PERSONNEL; ALLOWANCES

15.05 Chief Clerk; Election and Duties. There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House. The Chief Clerk shall take an oath to support the Constitution of the United States and the Constitution of the State of Oregon, for the true and faithful exercise of the duties of the Office of the Chief Clerk, and to keep the confidences of the House. The Chief Clerk serves at will and may be removed either by a majority of the members or by the Speaker of the House.

(a) The Chief Clerk shall perform the following duties:

(A) Appoint a Sergeant at Arms in consultation with the Speaker.

(B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.

(C) Serve as parliamentarian of the House.

(D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(E) Prepare all measures, histories, journals and related publications for printing.

(F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

(C) Execute all processes issued by authority of the House or any of its committees.

(D) Perform such other duties as the Chief Clerk or Speaker may direct.

~~—(e) During regular legislative sessions, the Chief Clerk shall require House Pages employed during the session to wear uniform clothing and will provide the major components thereof.~~

15.10 Member's Personal Staff. (1) (a) A member may appoint personal staff for the special session or the interim or both, according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5077, (2003 Session Laws).

(b) A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the floor during sessions of the House.

~~—(c) A member~~ shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

~~(e) d)~~ For purposes of computing fringe benefits, persons appointed under subsection (1)(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

~~—(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.~~

15.15 Leadership Office Personnel. (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

15.20 Other Personnel. (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each chair of a ~~standing or~~ special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives **or designated to have access to the floor during the special session** shall for the duration of ~~such employment~~ **the special session** serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

15.25 Expense Allowance. (1) Each member has an allowance of \$28,399 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim **or special session** for expenses as described under subsection (1) of this rule.

15.50 Per Diem allowance during Special Session. Each member shall receive a per diem allowance for each session day, not each calendar day.

SERVICES AND SUPPLIES

16.01 Services and Supplies. (1) Each member shall have an individual services and supplies account. New members will receive a one-time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual ~~services—and supplies~~**expense** account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.
- (f) Communications with constituents in compliance with H.R. 14.30.
- (g) Rental expenses incurred for a town hall meeting.
- (h) Establishment and maintenance of a district office.
- (i) Billings from state agencies for services and supplies.
- (j) Reasonable travel expenses incurred by members while on official legislative business. This item does not include in-district travel.

(k) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

(l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

16.05 Attorney General Opinions. (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of

the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. Any legislative appropriation specifically intended for payment of costs for Attorney General opinions shall be divided in the same proportion as the number of majority party members and the number of minority party members in the House. This rule takes precedence over ORS 180.060(2).

The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

PRIVILEGES

17.01 Floor Privileges. (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.10 or receiving credit in the intern program; or a member of the staff of a House ~~standing committee~~, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; (d) persons authorized by the Speaker; and (e) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges. The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

17.10 Assembly Transition. Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

ACCREDITATION OF NEWS MEDIA

18.01 Accreditation of News Media. (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

LOBBYISTS

19.01 Regulation of Lobbyists. (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The ~~Committee on Elections and Rules~~ Speaker may, and on the complaint of five members of the House, shall investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

19.10 Statement of Philosophy. The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

19.20 Campaign Contributions During Session. All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under the order of business of "Other Business of the House" announcing the entry into the Journal.

WORKPLACE HARASSMENT

20.01 Policy on Workplace Harassment. (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from workplace harassment. Workplace harassment in any manner will not be tolerated.

(2) Workplace harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and
- (g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes: Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a

House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Workplace Harassment for the purpose of deliberations regarding Workplace Harassment complaints only. The chair shall be a member of the majority party and the vice chair shall be a member of the minority party.

(6) The House shall provide education concerning harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

Kitts moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Ayes, 59; Excused, 1 – Holvey. Special Session Rules adopted.

Speaker announced the following appointments to the Special Session Committee: Minnis, Chair; Merkley, Scott.

Richardson moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Special Session of the 73rd Legislative Assembly. Motion carried on viva voce vote.

House recessed until 9:45 a.m., on motion of Jenson.

House reconvened at 9:45 a.m. Speaker in Chair. All present except: Excused, 1 – Holvey.

Message from the Senate announcing the Senate has organized and is ready for the business of the Special Session of the Seventy-third Legislative Assembly.

HCR 19 – Introduced, read and referred to the Special Session Committee.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 3510, 3511 – Read first time and referred to the Special Session Committee.

House recessed until 11:30 a.m. on motion of Morgan.

House reconvened at 11:30 a.m. Speaker in Chair. All present.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of Special Committee Reports.

HB 3510 – Report by Special Session Committee recommending passage.

HB 3511 – Report by Special Session Committee recommending passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 3510, 3511 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

HB 3510, 3511 – Read second time and passed to third reading.

Scott moved that in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Special Session Rules of the House of Representatives of the Seventy-third Legislative Assembly, the requirement that on its final passage each bill shall be read section by section, be suspended for the duration of the Special Session of the Seventy-third Legislative Assembly, and that all bills pending before the House for final passage during this Special Session be read by title only. Motion carried on viva voce vote.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 3510, 3511 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 3510 – Read third time. Carried by Morgan, Boone. On passage of the bill the vote was: Ayes, 57; Nays, 3 – Butler, Kropf, Thatcher. Bill passed.

Conflict of interest declared by Krummel.

Conflict of interest declared by Nelson.

Butler requested the following explanation of his vote be entered in the Journal:

“I voted “No” on HB 3510 for the following four reasons:

- 1) The roll-up costs on this temporary lottery infusion is estimated to be more than \$100M in the 2007-09 session;
- 2) Lottery windfalls are NOT the message we should be sending as the preferred manner of funding;
- 3) ESD’s are important to my rural school districts and should be included in appropriations;
- 4) We have been promised a rainy-day fund. This money should be used for such a non-“on-going expenditure” basis.”

HB 3511 – Read third time. Carried by Smith, P., Barker. On passage of the bill the vote was: Ayes, 54; Nays, 6 – Dingfelder, Greenlick, Nolan, Rosenbaum, Shields, Tomei. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

“The safety and well being of our state’s children was at the core of the debate around HB 3511. While proponents of the bill were driven to pursue this legislation out of a genuine and passionate desire to protect children from sexual predators, my vote in opposition to this bill also stemmed from my genuine and passionate desire to protect children from sex abuse. In short, I was concerned that passage of HB 3511 will increase the odds of sexual predators going unpunished.

“Experts who treat the victims of sex abuse presented testimony to the joint legislative committee earlier this week that calls into question some of the assumptions around this bill. They testified that most children who are sexually abused fall victim to members of their own family. They compellingly testified that increasing the mandatory minimum sentences for these crimes to 25 years in prison will increase the odds that victims will either not come forward, or will be pressured by other family members not to come forward. The result, they argued, will be that offender will keep abusing and that victims will find it harder to secure justice and begin the healing process. According to these experts who are on the frontlines of helping victims of sex abuse, HB 3511 was not sound policy.

“Unfortunately, for these reasons I felt compelled to oppose HB 3511. HB 3511 was a very difficult vote as I care deeply about protecting our most vulnerable citizens – our children. That is why I voted in support of a number of important child-welfare provisions during the 2005 session. I supported HB 2050, which required that paroled child-molesters cannot live within three miles of their victims. I supported HB 2296, which expands sex offender reporting requirements to include listing those who work at or attend a higher education facility. I voted in support of HB 2322, which expands Assault in the First Degree to include intentionally or knowingly causing physical injury to a child less than six years of age. I also supported HB 3469, which makes it a Class C felony for known sex-offenders to be in locations where children congregate, such as school playgrounds and parks, and HB 3486 which creates a statewide sex offender website through the Oregon State Police.”

Rosenbaum requested the following explanation of her vote be entered in the Journal:

“I cast a very difficult vote in opposition to House Bill 3511, and I would like to clarify why I did so.

“The safety and wellbeing of the children of Oregon is my foremost concern, and that should be the heart of the debate over HB 3511, otherwise known as Oregon’s version of “Jessica’s Law.” While proponents of this bill are motivated by a sincere desire to protect our children from sexual predators, my vote in opposition to this bill also stemmed from my genuine and passionate desire to protect children from these heinous crimes. Ultimately I am convinced that passage of HB 3511 will increase the odds of sexual predators going unpunished, and will make it harder to bring justice to their victims.

“Experts who treat the victims of sexual abuse presented testimony to the joint legislative committee earlier this week that calls into question some of the assumptions around this bill. Those who actually work with these children told the legislature that most children who are sexually abused fall victim to relatives or others close to their families. They offered compelling evidence that increasing the mandatory minimum sentence for these crimes will increase the odds that victims will either not come forward, or will be pressured by other family members not to testify. The result will be that the perpetrators of this terrible crime will continue abusing and that victims will find it harder to secure justice and begin the healing process.

“According to the experts who are on the frontlines of helping young victims of sexual abuse, HB 3511 was not sound policy and could actually make it less likely that the perpetrators of this horrible crime will be brought to justice. For these reasons I was compelled to oppose HB 3511.”

Shields requested the following explanation of his vote be entered in the Journal:

“In the days, weeks and even months leading up to this legislative session, one voice has been strangely absent from the discussion. It is the voice of people who work to support the victims of the domestic violence and sexual violence here in Oregon.

“The people who are closes to this issue, the people who on a daily basis work against sexual abuse, are in opposition to this bill. In fact, today you have been presented with testimony and letters from many of the leading organizations and advocates here in Oregon that work against sexual assault opposing this legislation.

“As Jessica’s laws sweep across the country, there are many, many groups who provide support to sexual assault victims who oppose this legislation because it may actually hurt the children who have been victimized. These experts say that long mandatory minimum sentences increase the pressure on children not to report these crimes and if they don’t report they will never get the support they need to address the intense violence and trauma they experience. These experts say we would be hurting Oregon’s children by passing this law.

“What we have heard is political posturing on this issue from across the country ... and right here at home. We’ve heard Bill O’Reilly talk about Oregon ... and we’ve seen press release after press release from democrats and republican leaders positioning themselves to take credit and prepare attacks as the elections draw nearer. But we have not heard from the people most affected by these laws ... until the letters you have before you today. And they oppose this law.

“Why? Victims bear the cost in social terms because many perpetrators of these crimes are often family members; and when victims know lengthy prison sentences await the family member, there can be incredible pressure not to report. Of course this means that children don’t get the support and services they need after experiencing such incredible trauma and violence.

“Because they know they are very likely to be the ones to bear the cost of incarcerating these people for very long periods of time.

“They bear the cost because we will continue to cut services to survivors of these crimes; services that are already minimal are likely to be cut to the bone because we’ll need to increase our already rapidly expanding prison budgets. Remember, the DOC budget increased 30% last legislative session, and the estimated cost of this bill starts at \$50 million in new prison beds.

“Last session, this legislature faced a similar dilemma with the meth crisis. Dozens of bills were introduced and people seemed more interested in posturing instead of solving problems. But then, Rep. Krieger and Senator Burdick got together. They brought all the bills together – bills that increased sentences, bills that provided money for treatment, any bill that had to do with meth. And they listened, not in haste, but in sound, quiet judgment of what would work best for Oregon. There was a comprehensive education process that examined the complexity of the problem and the range of strategies needed. And they crafted a law that works. They crafted a law that didn’t break the bank, but it did go a long way in solving the problems in our communities. They developed sound legislation, not knee jerk reactions.

“That’s a strategy that would serve us well in this debate ... because many, many options that might actually make lives better for the survivors of sexual assault, are not being considered here today. Two months ago the Interim Judiciary committee devoted an entire day to hear from experts who deal with sex offender issues on a daily basis. The committee was developing their knowledge in order to produce effective legislation. Are we comfortable ignoring their work and all the information available about what is really needed?

“We would not be here in opposition to this legislation today if we had not spoken to so many service providers and survivors of sexual assault who oppose these lengthy mandatory minimums.

“This is not an Oregon answer to a problem. This is a national political movement designed to use survivors as pawns in election year politics. Even the bill itself – Jessica’s law – is named after a Florida child. She has become a pawn in national politics ... and so has Oregon.

“So let’s be clear – sexual assault survivors and the organizations and people who are dedicated to supporting them oppose this law.

“Step back for just a moment and ask yourself, why the people working against sexual and domestic violence are here today opposing this law ... or are sitting at home without comment or support. Because they know this battle is not about them. It’s about politics. We can do far more to address this issue than this reactionary feel-good solution. We can do so much better.”

Tomei requested the following explanation of her vote be entered in the Journal:

“As a social worker who’s worked over 20 years with sexually abused children and adults, I cast a very difficult NO vote on HB 3511, a bill to increase penalties for sex offenders whose victims are under 12 years old. Sexual predators who victimize children are monstrous criminals and deserve severe penalties. I struggled with this vote because I truly want to **increase protection for our children**, but this bill does not do that.

“I firmly believe that this law will only serve to silence victims of abuse, rather than remove sexual predators from our community. **None** of the therapists who work with abused children spoke in favor of this law. Studies have shown that already less than five percent of child sexual abuse victims tell someone about their abuse. This law will make it even more difficult for children to come forward. The kidnapping stranger is rare; perpetrators are most often family members or other trusted adults. Children often feel a strong sense of loyalty and love towards the very people who are abusing them. This mandatory 25 year sentencing law can only add to their fear and confusion, making it even more difficult for children and their families to seek the help which they desperately need.

“It makes no sense to focus our energy this way. Truly enhancing public safety for our children would mean addressing the circumstances that cause so few sex crimes to be reported and convicted. We need to create better systems to support victims, including Sexual Assault Response Teams with specialized training to assist children in reporting crime. We need to better train investigators in the way forensic evidence is gathered and analyzed, especially as it relates to children. We need to ensure adequate treatment and management of every convicted offender rather than releasing offenders into the community untreated as often happens today. Meaningful changes like these would increase the reporting of sexual abuse, improve conviction rates, and decrease the likelihood of re-offending with the ultimate end of actually making our children safer.

“No two sexual predators are alike. Some sex offenders are extremely dangerous; some are psychopaths and kidnappers; some remain predators even into old age. We need to make sure our penalties for these dangerous predators are truly severe. But this bill lumps ALL predators together and offers no alternatives for children and family members struggling with incest and conflicted loyalties. We need recognize these differences as we pass laws affecting victims and perpetrators.

“Contrary to public opinion, data shows that most sexual offenders do NOT re-offend. In fact, recidivism rates for sex offenders are actually lower than for other crimes. This bill offers no treatment for abusers or their victims.

“None of the testimony I received from people who actually work with abused children supported this bill. Over and over again, I was urged by survivors of sexual abuse and those who work with victims of abuse to vote NO. HB 3511 gives a false sense of security. This bill is a reaction to the hysteria created by the media, but ignores the facts about child abuse. We absolutely need to lock up dangerous psychopaths, and we need to hold ALL criminals accountable for their crimes. But this bill does NOT make our children safer.

“HB 3511 attempts to address a real and serious problem. The challenge for legislators is to keep unintended consequences to a minimum while still developing legislation that insures the public safety. My conscience tells me that this bill is NOT the answer; it will just result in fewer cases of sexual abuse actually being reported.

“Constituents sent me to Salem for this Emergency Session to fill the DHS budget shortfall and to fund schools. They trust I will do my homework and will make informed decisions based on facts, not sound bites. I will not be rushed into voting for a bad bill.”

House stood at ease.

House called to order. Speaker in Chair.

SB 5644 – Message from the Senate announcing passage.

SB 5644 – Read first time and referred to Special Session Committee.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of Special Committee Reports.

SB 5644 – Report by Special Session Committee recommending passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 5644 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

SB 5644 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 5644 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

SB 5644 – Read third time. Carried by Richardson, Avakian. On passage of the bill the vote was: Ayes 56; Nays, 3 – Anderson, Kropf, Thatcher; Absent, 1 – Hunt.

Anderson requested the following explanation of his vote be entered in the Journal:

“In Special Session on April 20, 2006, I voted Nay on SB 5644. I have, throughout my tenure in the House of Representatives, routinely voted to support those who are ill, elderly and disabled via my votes to fund the Department of Human Services budgets. Throughout my life’s career as a health professional, I have gained empathy for those who need care but cannot provide for themselves.

“However, this budget follows too closely after major financial and policy blunders by DHS to make me feel comfortable with blindly forking out millions of dollars to relieve their embarrassment. It appears to be another case of a cover up to errors that, in the world of business, would mean resignations or firings to remove inept workers so that more capable leaders could step in to do the job. Remember, DHS found themselves over one hundred million dollars in the red before Measure 30 (asking for \$1 Billion in new taxes) failed. Then, they miraculously “found” \$200 million unspent funds. Now, they end up \$172 million in the hole and in just weeks are able to whittle that down to \$140 million. They appear to be scrambling to appoint capable government and business volunteers to help them find out what is inherently wrong with their whole operation. No reputable business, if confronted with inept practices, would appoint insiders to examine the mistakes. To me it is obvious that the State needs to hire a reputable Big Seven auditing firm to ferret out what is wrong, fiscally and procedurally, in DHS.

“Also, there are practices being carried out by departments within DHS that hundreds of parents, foster parents, adoptive parents and others find extremely objectionable. Children are being taken from homes on flimsy evidence, facts appear to be doctored, promises of return of children are being broken, parents are being accused of questionable offenses and other activities that make the Department’s goal of “restoring children to their own families” a sham. The Department has kept information from attorneys, parents and anyone looking into their cases. And they

unfairly engage in judicial hearings with families by freely engaging the services of the Department of Justice when the opposing families are unable to afford the costs and unable to be given Indigent Defense.

“For a multi-billion dollar Department, the monies of this bill are a drop in the bucket. There is, in my mind, no need to rush to fill this need until much more examination has been accomplished and the waste of this behemoth agency has been cut.

“For these reasons, I voted Nay on this bill.”

Without objection, the House stood in recess.

Thursday, April 20, 2006 – Afternoon Session

House called to order at 1:20 p.m. Speaker in Chair. All present.

Having recessed under the order of business of Propositions and Motions, the House temporarily returned to the order of business of Messages from the Senate.

SB 1105 – Message from the Senate announcing passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1105 – Read first time and referred to Special Session Committee.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of Special Committee Reports.

SB 1105 – Report by Special Session Committee recommending passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1105 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

SB 1105 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1105 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

SB 1105 – Read third time. Carried by Farr, Schaufler.

Call of the House demanded by Rosenbaum, joined by Farr, Kitts, Hansen, Buckley and Berger. All present.

SB 1105 – On passage of the bill the vote was: Ayes 41; Nays, 19 – Anderson, Berger, Boquist,

Burley, Butler, Cameron, Esquivel, Flores, Gilman, Hanna, Kitts, Kropf, Krummel, Richardson, Scott, Smith, G., Sumner, Thatcher, Whisnant. Bill passed.

Boquist requested the following explanation of his vote be entered in the Journal:

"SB 1105 is technically flawed. We need payday loan regulation to protect consumers such as SB 545 from last session. The Interim Committee is working on this issue, and should continue its work on behalf of Oregonians. This bill is simply a political response to a ballot initiative. It is not good public policy. This bill does not set interest to prime rates as a ceiling method. This bill does not allow collection of expenses for defaulted loans. This bill encourages irresponsibility by capping default penalties at \$20 maximum to the defaulter. This bill sets different standards than other financial institutions. This bill does not preempt local ordinances thus creating an unmanageable regulatory system. We need good public policy that reforms the industry while protecting consumers. SB 1105 is not the right bill. It will have to be fixed next session, so why not do it now."

SB 1106 – Message from the Senate announcing passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 1106 – Read first time and referred to Special Session Committee.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of Special Committee Reports.

SB 1106 – Report by Special Session Committee recommending passage.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 1106 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

SB 1106 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 1106 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

SB 1106 – Read third time. Carried by Shields, Bruun.

Call of the House demanded by Rosenbaum, joined by Barker, Greenlick, Gilman, Tomei and Hansen. All present.

SB 1106 – On passage of the bill the vote was: Ayes, 36; Nays, 24 – Anderson, Boquist, Brown, Butler, Cameron, Dallum, Dalto, Flores, Garrard, Gilman, Hanna, Kitts, Komp, Krieger, Kropf, Morgan,

Nelson, Richardson, Riley, Scott, Smith, P., Sumner, Thatcher, Whisnant.

HB 5135 – Message from the Governor announcing he vetoed line-items without affecting any other provisions of the bill on August 29, 2005.

August 29, 2005

The Honorable Bill Bradbury
Secretary of State
900 Court Street NE - Room 136
Salem OR 97301

Dear Secretary Bradbury:

Under Article V, section 15a, of the Oregon Constitution, the Governor of Oregon has the "power to veto single items in appropriation bills, *** without thereby affecting any other provision of such bill." In accordance with Article V, section 15a, I hereby disapprove and veto section 6 only of Enrolled House Bill 5135, without affecting the remaining provisions of the bill.

HB 5135 is an appropriation bill that triggers my line item veto authority. Section 6 is a separately stated, "single item" within the bill, which purports to limit the expenditure of funds by DEQ or the Environmental Quality Commission for the purpose of adopting or enforcing California's higher automobile emissions standards. Section 6 is distinct and severable. In stating these reasons, I do not intend to suggest that they are the only reasons or standards for making a "single item" determination under Article V, section 15a or that each of these reasons are necessary in every instance. However, these reasons are more than sufficient in this particular circumstance.

Moreover, in taking this action, I do not concede or agree that the Legislature properly may include provisions like section 6 within an appropriation bill. On the contrary, I believe that HB 5135 is unconstitutional pursuant to Article IX, section 7 of the Oregon Constitution, which limits the scope of appropriation bills:

Laws making appropriations for the salaries of public officers, and other current expenses of the State, shall contain provisions on no other subject.

In fact, as discussed below, the conflict between section 6 and Article IX, section 7, is also a factor in my decision to veto section 6.

I object to section 6 for two policy reasons: (1) substantive legislative policy decisions should not-and cannot-be made in appropriation bills; and (2) the Environmental Quality Commission should not be precluded from considering the California automobile emission standards as part of its ongoing efforts to promulgate rules that effectively protect Oregon's air quality.

As expressed under Article IX, section 7 of the Oregon Constitution, the Legislature must examine and express its substantive policy choices through bills directly addressing those choices – not in appropriation bills. The Oregon Supreme Court has expressly opined that the purpose of Article IX, section 7, was:

"*** to prevent the introduction of such matters of legislation into appropriation bills as were not germane, and thus make these bills the vehicle of carrying through matters of doubtful expediency, such as could not be passed on their own merits." Burch v. Earhart, 7 Or 58, 66 (1879).

In the area of automobile emission standards, the Legislature has already empowered the Environmental Quality Commission with authority to adopt such

standards. Section 6 of HB 5135 appears to be an effort to amend the commission's statutory authority, but without the notice, hearings and debate that normally would accompany such a policy change in statute. I note, in this regard, that the Legislature's own counsel advised that body that section 6 could not, consistent with Article IX, section 7, be added to HB 5135. But regardless of whether the addition of section 6 to the bill is unconstitutional or merely ill-advised, such a provision should not be included in an appropriation bill. I believe it is critically important that the Environmental Quality Commission be able to consider the adoption of California's higher automobile mission standards. For these reasons, I have exercised by line-item veto authority to veto section 6 of HB 5135.

Sincerely,

THEODORE R. KULONGOSKI
Governor

HB 2056 – Message from the Governor
announcing he vetoed on September 2, 2005.

September 2, 2005

The Honorable Bill Bradbury
Secretary of State
900 Court Street NE - Room 136
Salem OR 97301

Dear Secretary Bradbury:

I am returning Enrolled House Bill 2056 unsigned and disapproved.

HB 2056 was filed, with my support, on behalf of the Oregon Liquor Control Commission (OLCC) prior to the legislative session. The original bill would have increased OLCC's administrative capacity and streamlined its regulatory processes in the area of liquor license issuance and renewal. However, due to an amendment added at the request of the Oregon Restaurant Association (ORA) and adopted in the session's closing hours, HB 2056 now infringes upon local governments' ability to adopt reasonable "time, place and manner" restrictions intended to regulate the nuisance aspects of establishments that serve alcoholic beverages. I do not support limiting local governments in this way; accordingly, I have vetoed HB 2056.

The Oregon Liquor Control Act provides that the OLCC is the primary regulator of liquor licensees. However, the Act also provides local governments with the limited ability "to adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that offer entertainment or serve alcoholic beverages if the city or county makes specific findings that the establishment would cause adverse effects to occur." Reasonable questions have been raised about the appropriate scope and application of local ordinances adopted pursuant to this limited authority. I agree that local governments must proceed with extreme caution when attempting to hold businesses accountable for the behavior of patrons outside their premises and can only proceed within the confines of the limited authority granted by the Liquor Control Act. However, the ORA's amendment – which would significantly narrow the statute and prevent cities and counties from considering links between business practices and patrons' off-site behavior as part of their regulation of community establishments – is not the answer.

I am concerned that the ongoing conflict over the enforcement of Portland's "time, place and manner" ordinance indicates a lack of effective collaboration and communication between the city, OLCC, law enforcement

and business owners. The regulation of establishments that serve alcohol must strike a balance that protects public safety and enables businesses to succeed – and this balance cannot be achieved without the joint participation of all stakeholders. I have asked the OLCC to work with the City of Portland, the League of Oregon Cities, law enforcement, community members, ORA and business representatives to examine the current system for licensing and regulating businesses that serve alcohol. If administrative or legislative changes are necessary to improve the ability of state and local entities to work together to enforce the state's liquor regulations and keep communities safe, I expect the group to bring them forward and to pursue them together.

Some of the positive aspects of the original HB 2056 can be salvaged notwithstanding my veto of the bill. With a steady increase in the number of license applications they receive and process, OLCC has a demonstrated need for the 3 additional license investigator positions that would have been funded by HB 2056's new initial license fee. The authority for these positions does not hinge on the enactment of HB 2056. I expect OLCC to move forward with their plan to seek position authority and expenditure limitation for these three positions from the Emergency Board. In addition, OLCC has some limited ability under HB 2094, a regulatory streamlining bill that I already signed into law, to allow for extended license renewal terms of up to 5 years. I intend to bring the remaining regulatory streamlining changes back to the next legislative session.

Sincerely,

THEODORE R. KULONGOSKI
Governor

HB 2588 – Message from the Governor
announcing he vetoed on September 2, 2005.

September 2, 2005

The Honorable Bill Bradbury
Secretary of State
900 Court Street NE – Room 136
Salem OR 97301

Dear Secretary Bradbury:

I am returning House Bill 2588 unsigned and disapproved.

This bill would allow chiropractors to serve as attending physicians for some injured workers while the impact is studied, with the study cost of nearly \$1 million to be paid out of the Workers Benefit Fund.

The Workers Benefit Fund comes from employer and worker payments of a few cents for every hour worked. It was set up as a dedicated fund, specifically for the purposes of providing supplemental benefits for injured workers and helping them return to work. This special-purpose fund should not be used by the legislature to pay for studies or projects like that proposed by HB 2588.

It is particularly inappropriate to use funds from the workers' compensation system to pay for a proposal that is not supported by employers and workers. HB 2588 has not received the support of the Management-Labor Advisory Committee (MLAC), consisting of representatives of management and labor; instead, it was promoted by chiropractors seeking greater authority to treat injured workers. In my view, changes in the workers' compensation system should be driven by the needs of employers and workers, not the desires of those who provide services.

Proponents of the bill have argued that chiropractic care can be a preferable and more cost-effective approach to treating some conditions such as back injuries. However, the bill is not limited to treatment of back injuries or other areas where chiropractic care may be appropriate. It would give chiropractors unlimited authority to serve as attending physicians regardless of the nature of the worker's injury, including responsibility for all treatment of the injured worker, establishment of treatment plans, authorization of time loss, releasing the worker to return to work, deciding when the worker is medically stationary, evaluation of permanent impairment, authorization of physical therapy, allowing the worker to decline light duty due to the commuting distance, and perhaps even approval of palliative (pain control) care needed to remain at work.

The role of chiropractors in workers' compensation was intentionally limited as part of the Mahonia Hall reforms. Thus far, I have not seen any evidence that access to chiropractic care under these limits is insufficient. Neither workers nor employers have said that the current limits cause problems. However, I am not opposed to the idea of re-examining the role of chiropractors in the workers' compensation system. For this reason, I am asking the Department of Consumer and Business Services, in conjunction with MLAC, to review the role of chiropractors in the workers' compensation system and make recommendations to the next legislative session. This review may cover the role of other providers if MLAC feels it would be appropriate. Once this review is complete, we will have better information on which to base a discussion about whether changes to the workers' compensation system are needed.

Sincerely,

THEODORE R. KULONGOSKI
Governor

HB 3453 – Message from the Governor
announcing he vetoed on September 7, 2005.

September 7, 2005

The Honorable Bill Bradbury
Secretary of State
900 Court Street NE – Room 136
Salem OR 97301

Dear Secretary Bradbury:

I am returning House Bill 3453 unsigned and disapproved.

HB 3453 would provide a property tax exemption on tangible and intangible property that arises from contracts between qualified local governments and energy marketing companies. This bill is a direct result of a ruling by the Oregon Department of Revenue regarding the tax status of PPM's intangible interests in a City of Klamath Falls co-generation facility which is operated pursuant to contracts between the City and PPM. The Oregon Tax Court upheld the Department of Revenue's ruling that such intangible property is assessable and taxable. The parties have appealed that ruling to the Oregon Supreme Court, where the matter is currently pending. HB 3453 is an attempt to circumvent the Court's review of this matter and, by legislation, overturn the Department of Revenue and Tax Court's rulings.

I believe the Oregon Supreme Court is in the best position to resolve this matter.

Sincerely,

THEODORE R. KULONGOSKI
Governor

HB 3463 – Message from the Governor
announcing he vetoed on September 2, 2005.

September 2, 2005

The Honorable Bill Bradbury
Secretary of State
900 Court Street NE, Room 136
Salem OR 97301

Dear Secretary Bradbury:

I am returning Enrolled House Bill 3463 unsigned and disapproved.

I vetoed this bill because there is a long-established mechanism in our land-use system that allows for appropriate pre-existing uses to continue on an exception basis. It is a mechanism that has worked. To grandfather, by legislation, existing uses on a property by property basis is inherently unfair to those who have acted in good faith under existing law.

Sincerely,

THEODORE R. KULONGOSKI
Governor

SB 5644 – By unanimous consent, on request of Scott, rules suspended and Hunt allowed to be recorded as voting “yea” on passage of bill.

House stood at ease.

House called to order. Speaker in Chair.

HB 3510 – Message from the Senate announcing passage.

HB 3511 – Message from the Senate announcing passage.

SCR 12 – Message from the Senate announcing adoption.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of First Reading, Memorials and Resolutions.

SCR 12 – Read first time.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Final Reading, Memorials and Resolutions.

SCR 12 – By unanimous consent, on request of Speaker, rules suspended to permit final consideration immediately.

SCR 12 – Resolution read in its entirety. On adoption of the resolution, the vote was: Yeas, 59; Excused, 1 – Holvey. Resolution adopted.

House adjourned sine die at 3:05 p.m., April 20, 2006.

HB 3510, 3511 – Speaker signed on April 24, 2006.

HB 3510, 3511 – Message from the Senate announcing President signed on April 24, 2006.

SCR 12, SB 5644, 1105, 1106 – Message from the Senate announcing President signed on April 24, 2006.

SCR 12, SB 5644, 1105, 1106 – Speaker signed on April 24, 2006.

HB 3511 – Message from the Governor announcing he signed on April 24, 2006.

HB 3510 – Message from the Governor announcing he signed on April 25, 2006.

CERTIFICATE



CERTIFICATE OF APPROVAL

We, the undersigned, having supervised the revision of the Journal of the House of Representatives Special Session of the Seventy-third Legislative Assembly, hereby certify that such Journal is correct to the best of our information and belief.

Dated at Salem the 30th day of April, 2006.

KAREN MINNIS
Speaker of the House

RAMONA J. KENADY
Chief Clerk of the House

HOUSE MEASURES STATUS REPORT



 HOUSE BILLS

Adjourns special session of Seventy-third Legislative Assembly sine die.

HB3510 – Relating to school finance; and declaring an emergency.

- 4-20(H) First reading. Referred to Speaker's desk. Referred to Special Session Committee. Work Session held. Recommendation: Do pass. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Morgan, Boone. Passed.
- 4-20(S) Ayes, 57; Nays, 3--Butler, Kropf, Thatcher. First reading. Referred to Special Session Committee. Recommendation: Do pass. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Walker. Passed.
- 4-24(H) Ayes, 26; Nays, 4--Beyer, George, Kruse, Whitsett. Speaker signed.
- 4-24(S) President signed.
- 4-25(H) Governor signed.
- Chapter 2, (2006 Special Session Laws) Effective date, July 1, 2006.

Increases allocation from Administrative Services Economic Development Fund to Department of Education for State School Fund.

Prohibits Superintendent of Public Instruction and department from distributing additional lottery moneys to education service districts.

Declares emergency, effective July 1, 2006.

HB3511 – Relating to sex offenses; declaring an emergency.

- 4-20(H) First reading. Referred to Speaker's desk. Referred to Special Session Committee. Work Session held. Recommendation: Do pass. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Smith P., Barker. Passed.
- 4-20(S) Ayes, 54; Nays, 6--Dingfelder, Greenlick, Nolan, Rosenbaum, Shields, Tomei. Vote explanation(s) filed by Dingfelder, Rosenbaum, Tomei.
- 4-20(S) First reading. Referred to Special Session Committee. Recommendation: Do pass. Rules suspended. Second reading. Rules suspended. Third reading. Carried by Brown. Passed.
- 4-24(H) Ayes, 30. Speaker signed.
- 4-24(S) President signed.
- 4-24(H) Governor signed.
- Chapter 1, (2006 Special Session Laws) Effective date, April 24, 2006.

Increases mandatory minimum sentences and extends period of post-prison supervision for, and requires active tracking of, certain persons convicted of rape in first degree, sodomy in first degree or unlawful sexual penetration in first degree if victim is under 12 years of age or of kidnapping in first degree if offense is committed in furtherance of commission or attempted commission of rape in first degree, sodomy in first degree or unlawful sexual penetration in first degree if victim is under 12 years of age. Provides that increased mandatory minimum sentences and extended periods of post-prison supervision apply only to persons at least 18 years of age at time offense is committed. Declares emergency, effective on passage.

 HOUSE CONCURRENT RESOLUTIONS

HCR 19 – Adjourning special session of Seventy-third Legislative Assembly sine die.

- 4-20(H) First reading. Referred to Speaker's desk. Referred to Special Session Committee. In committee upon adjournment.

**SENATE MEASURES
STATUS REPORT**



SENATE BILLS

SB 1105 – Relating to payday loans.

- 4-20(S) Introduction and first reading. Referred to Special Session Committee.
Hearing held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Prozanski.
Passed.
Ayes, 22; Nays, 8--Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Whitsett.
- 4-20(H) First reading. Referred to Speaker's desk.
Referred to Special Session Committee.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Farr, Schaufler. Passed.
Ayes, 41; Nays, 19--Anderson, Berger, Boquist, Burley, Butler, Cameron, Esquivel, Flores, Gilman, Hanna, Kitts, Kropf, Krummel, Richardson, Scott, Smith G., Sumner, Thatcher, Whisnant.
- 4-24(S) President signed.
4-24(H) Speaker signed.
4-26(S) Governor signed.
Chapter 3, 2006 Laws.
Effective date, January 1, 2007.

Limits maximum rate of interest on payday loans. Limits amount of loan origination fee. Sets minimum 31-day loan term for payday loans. Prohibits charges other than interest, origination fee and fee for dishonored check or insufficient funds. Prohibits renewal of payday loan more than two times. Prohibits lender from making new payday loan to consumer within seven days of expiration of previous payday loan. Limits amount of fee for dishonored check or insufficient funds. Prohibits recovery of statutory damages and attorney fees from consumer for dishonored check. Grants rulemaking authority to Director of Department of Consumer and Business Services.

SB 1106 – Relating to school finance; and prescribing an effective date.

- 4-20(S) Introduction and first reading. Referred to Special Session Committee.
Hearing held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Deckert.
Passed.
Ayes, 22; Nays, 8--Atkinson, Beyer, Ferrioli, George, Kruse, Starr B., Starr C., Whitsett.
- 4-20(H) First reading. Referred to Speaker's desk.
Referred to Special Session Committee.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Bruun, Shields. Passed.
Ayes, 36; Nays, 24--Anderson, Boquist, Brown, Butler, Cameron, Dallum, Dalto, Flores, Garrard, Gilman, Hanna, Kitts, Komp, Krieger, Kropf, Morgan, Nelson, Richardson, Riley, Scott, Smith P., Sumner, Thatcher, Whisnant.
- 4-24(S) President signed.
4-24(H) Speaker signed.
4-28(S) Governor signed.
Chapter 4, 2006 Laws.
Effective date, July 20, 2006.

Allows certain school districts to temporarily increase property tax rates. Excludes amounts attributable to temporary increase from local revenues of school district for purposes of calculation of State School Fund grant.

Applies to tax years beginning on or after July 1, 2006, and before July 1, 2009.

Takes effect on 91st day following adjournment sine die.

SB 5644 – Relating to state financial administration; appropriating money; and declaring an emergency.

- 4-20(S) Introduction and first reading. Referred to Special Session Committee.
Hearing held.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Schrader.
Passed.
Ayes, 23; Nays, 7--Atkinson, Beyer, Ferrioli, George, Kruse, Starr B., Whitsett.
- 4-20(H) First reading. Referred to Speaker's desk.
Referred to Special Session Committee.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Richardson, Avakian. Passed.
Ayes, 57; Nays, 3--Anderson, Kropf, Thatcher.
Vote explanation(s) filed by Anderson.
- 4-24(S) President signed.
4-24(H) Speaker signed.
5-3(S) Governor signed.
Chapter 5, 2006 Laws.
Effective date, May 3, 2006.

Adjusts certain appropriations and expenditure limitations for biennium ending June 30, 2007.

Declares emergency, effective on passage.

SENATE CONCURRENT RESOLUTIONS

SCR 12 – Adjourning special session of Seventy-third Legislative Assembly sine die.

- 4-20(S) Introduction and first reading. Referred to Special Session Committee.
Work Session scheduled.
Recommendation: Do adopt.
Rules suspended. Second reading.
Rules suspended. Final reading. Carried by Carter.
Adopted.
Ayes, 29; Nays, 1--Kruse.
- 4-20(H) First reading.
Rules suspended. Read. Adopted.
Ayes, 59; Excused, 1--Holvey.
- 4-24(S) President signed.
4-24(H) Speaker signed.
5-3(S) Filed With Secretary of State.

Adjourns special session of Seventy-third Legislative Assembly sine die.

**VETOED BILL
STATUS REPORT
2005 REGULAR
SESSION**



Senate and House Bills

Vetoed by Governor After Adjournment

2005 Regular Session

SENATE BILLS

SB 1083 By Senator **SCHRADER** -- Relating to farm employment tax credits.

- 6-21(S) Introduction and first reading. Referred to President's desk.
- 6-22 Referred to Rules, then Revenue.
- 6-28 Work Session held.
- 6-30 Recommendation: Do pass and be referred to Revenue by prior reference.
Referred to Revenue by prior reference.
- 7-6 Public Hearing held.
- 7-7 Public Hearing and Work Session held.
- 7-8 Work Session held.
- 7-11 Recommendation: Do pass with amendments. (Printed A-Eng.)
- 7-12 Second reading.
- 7-13 Third reading. Carried by Schrader. Passed.
Ayes, 25; Nays, 4--Morrisette, Ringo, Shields, Walker; Excused, 1--Burdick.
Beyer, George, Kruse, Schrader declared potential conflict of interest.
- 7-15(H) First reading. Referred to Speaker's desk.
Referred to State and Federal Affairs.
- 7-20 Public Hearing and Work Session held.
- 7-26 Work Session held.
- 7-28 Work Session held.
Recommendation: Do pass.
- 7-29 Second reading.
- 7-30 Motion to refer to Ways and Means failed.
Ayes, 27; Nays, 33--Anderson, Berger, Boquist, Brown, Bruun, Burley, Butler, Cameron, Dallum, Dalto, Esquivel, Farr, Flores, Garrard, Gilman, Hanna, Jenson, Kitts, Krieger, Kropf, Krummel, Lim, Morgan, Nelson, Olson, Richardson, Scott, Smith G., Smith P., Sumner, Thatcher, Whisnant, Speaker Minnis.
Third reading. Carried by Flores, Kropf. Passed.
Ayes, 33; Nays, 27--Ackerman, Avakian, Barker, Barnhart, Berger, Beyer, Buckley, Dalto, Dingfelder, Farr, Galizio, Greenlick, Hansen, Hass, Holvey, Komp, Macpherson, March, Merkley, Nolan, Riley, Roblan, Rosenbaum, Shields, Tomei, Wirth, Witt.
Vote explanation(s) filed by Hunt.
- 8-2(S) President signed.
- 8-4(H) Speaker signed.
- 9-2(S) Governor vetoed.
- 4-20 Motion to lay bill, together with Governor's message, on the table carried.
Ayes, 20; Nays, 10--Atkinson, Beyer, Ferrioli, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters.
Veto sustained in accordance with Art. V, sec. 15b, Oregon Constitution.

Establishes credit against income or corporate excise taxes for wage increases paid by employers to employees engaged in activities that constitute farm use, when increases are caused by increase in minimum wage. Limits credit to percentage of wage increases paid.
Applies to tax years beginning on or after January 1, 2006, and before January 1, 2010.

HOUSE BILLS

HB2056 Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed. (at the request of Governor Theodore R. Kulongoski for Oregon Liquor Control Commission) -- Relating to licenses issued by the Oregon Liquor Control Commission.

- 1-10(H) First reading. Referred to Speaker's desk.

- 1-17 Referred to Business, Labor and Consumer Affairs with subsequent referral to Ways and Means.
- 3-23 Public Hearing held.
- 3-30 Work Session held.
- 4-5 Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.
Referred to Ways and Means by prior reference.
- 5-17 Work Session held.
- 5-26 Without recommendation as to passage and be referred to Budget.
Referred to Budget by order of Speaker.
- 6-3 Assigned to Subcommittee On General Gov't, Transp., & Economic Dev.
- 6-15 Public Hearing and Work Session held.
Returned to Full Committee.
- 6-23 Work Session held.
- 6-27 Recommendation: Do pass.
- 6-28 Second reading.
- 6-29 Third reading. Carried by Smith G. Passed.
Ayes, 41; Nays, 17--Barnhart, Beyer, Buckley, Dingfelder, Greenlick, Hansen, Macpherson, March, Merkley, Nolan, Riley, Rosenbaum, Shields, Thatcher, Tomei, Wirth, Witt; Absent, 1--Kropf; Excused, 1--Olson.
- 6-30(S) First reading. Referred to President's desk.
- 7-1 Referred to Rules, then Budget.
- 7-11 Public Hearing held.
- 7-12 Work Session held.
- 7-13 Recommendation: Without recommendation as to passage and be referred to Budget.
Referred to Budget by prior reference.
- 8-3 Work Session held.
- 8-4 Recommendation: Do pass the A-Eng. bill.
Second reading.
Rules suspended. Third reading. Carried by Schrader. Passed.
Ayes, 18; Nays, 12--Bates, Brown, Burdick, Carter, Gordly, Monnes Anderson, Morrisette, Nelson, Ringo, Shields, Verger, Walker.
- 8-18(H) Speaker signed.
- 8-23(S) President signed.
- 9-2(H) Governor vetoed.
- 4-20 Governor's message read in the House.
Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Provides that licenses issued by Oregon Liquor Control Commission are valid for two years instead of one year.

Establishes nonrefundable initial application fee of \$400 for processing initial application for license issued by commission. Allows commission to waive initial application fee based on criteria established by commission rule.

Allows commission to issue temporary letter of authority for period not to exceed 180 days to any license applicant.

Directs local governments to allow neighborhood associations specified period of time to comment on issuance or renewal of liquor license. Extends time periods for consideration of application for license.

HB2588 By Representatives **DALTO, KROPF, TOMEI;** Representatives **AVAKIAN, BARKER, BARNHART, BERGER, BEYER, BOONE, BOQUIST, BUTLER, DALLUM, DINGFELDER, FARR, FLORES, GARRARD, GREENLICK, HANNA, HASS, HOLVEY, KITTS, KRUMMEL, NELSON, OLSON, RICHARDSON, ROBLAN, ROSENBAUM, SCHAUFLE, SCOTT, P SMITH, SUMNER, THATCHER, WHISNANT, WIRTH, WITT,** Senators **BATES, FERRIOLI, GEORGE, MORRISETTE, MORSE, RINGO, SHIELDS, WALKER, WESTLUND** (at the request of Chiropractic Association of Oregon) -- Relating to study of chiropractic services provided in workers' compensation claims; and declaring an emergency.

2-17(H) First reading. Referred to Speaker's desk.
 2-23 Referred to Health and Human Services with subsequent referral to Ways and Means.
 3-28 Public Hearing held.
 4-20 Governor's message read in the House.
 4-25 Public Hearing and Work Session held.
 4-28 Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.
 Referred to Ways and Means by prior reference.
 5-17 Work Session held.
 5-26 Without recommendation as to passage and be referred to Budget.
 Referred to Budget by order of Speaker.
 6-3 Assigned to Subcommittee On Human Services and Public Safety.
 6-14 Public Hearing and Work Session held.
 Returned to Full Committee.
 6-16 Work Session held.
 6-20 Recommendation: Do pass.
 6-21 Second reading.
 6-22 Third reading. Carried by Richardson. Passed.
 Ayes, 52; Nays, 7--Anderson, Brown, Hunt, Komp, Macpherson, Nolan, Witt; Excused, 1--Tomei.
 Vote explanation(s) filed by Anderson.
 6-23(S) First reading. Referred to President's desk.
 6-27 Referred to Rules, then Budget.
 6-29 Work Session held.
 6-30 Recommendation: Without recommendation as to passage and be referred to Budget.
 Referred to Budget by prior reference.
 8-2 Work Session held.
 Recommendation: Do pass the A-Eng. bill.
 Second reading.
 8-3 Third reading. Carried by Bates. Passed.
 Ayes, 16; Nays, 14--Atkinson, Beyer, Burdick, Carter, Ferrioli, Johnson, Kruse, Metsger, Morse, Nelson, Starr, B., Starr, C., Westlund, Winters.
 8-18(H) Speaker signed.
 8-23(S) President signed.
 9-2(H) Governor vetoed.
 4-20 Governor's message read in the House.
 Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Directs Oregon Health and Science University to conduct research project to investigate impact of allowing [*open access to chiropractic services*] **chiropractic physicians to serve in capacity equivalent to that of attending physicians** in workers' compensation claims. Requires university to report findings to Governor, Legislative Assembly, Director of Department of Consumer and Business Services and Workers' Compensation Management-Labor Advisory Committee. Allows moneys in Workers' Benefit Fund to be used to fund project.
 Declares emergency, effective July 1, 2005.

HB3453 By COMMITTEE ON REVENUE -- Relating to centrally assessed property.

4-4(H) First reading. Referred to Speaker's desk.
 Referred to Revenue.
 4-12 Public Hearing held.
 4-27 Work Session held.
 5-2 Recommendation: Do pass.
 5-3 Second reading.
 5-4 Rules suspended. Carried over to May 5, 2005 Calendar.
 5-5 Rules suspended. Carried over to May 6, 2005 Calendar.
 5-6 Third reading. Carried by Berger. Passed.
 Ayes, 37; Nays, 20--Avakian, Barnhart, Beyer, Boone, Buckley, Dingfelder, Garrard, Gilman, Greenlick, Hanna, Hansen, Holvey, Hunt, March, Nolan, Rosenbaum, Shields, Tomei, Whisnant, Witt; Excused, 3--Smith G., Wirth, Speaker Minnis.
 5-9(S) First reading. Referred to President's desk.
 5-13 Referred to Revenue.
 6-20 Public Hearing held.
 8-3 Work Session held.
 8-4 Recommendation: Do pass with amendments to resolve conflicts. (Printed A-Eng.)
 (Amendments distributed.)
 Second reading.
 Rules suspended. Third reading. Carried by Deckert.
 Passed.

Ayes, 19; Nays, 11--Burdick, Ferrioli, Gordly, Johnson, Kruse, Morrisette, Morse, Nelson, Schrader, Verger, Whitsett.
 8-4(H) Rules suspended. House concurred in Senate amendments and repassed bill.
 Ayes, 34; Nays, 25--Avakian, Barnhart, Boone, Buckley, Dallum, Dingfelder, Esquivel, Garrard, Gilman, Greenlick, Hansen, Holvey, Kitts, Kropf, Krummel, Lim, March, Nelson, Richardson, Rosenbaum, Shields, Smith P., Tomei, Whisnant, Witt; Excused, 1--Barker.
 Potential conflict(s) of interest declared by Macpherson.
 Jensen changed vote from "nay" to "aye" and served notice of possible reconsideration.
 8-18 Speaker signed.
 8-23(S) President signed.
 9-7(H) Governor vetoed.
 4-20 Governor's message read in the House.
 Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Exempts from property taxation tangible or intangible property whose use arises from contracts between qualified government entities and energy marketing companies, in which subject of **contracts relates to operation of certain cogeneration plants or energy produced from certain cogeneration plants.**
 Applies to tax years beginning on or after July 1, 2006.

HB3463 By COMMITTEE ON ELECTIONS AND RULES -- Relating to motor racing tracks; and declaring an emergency.

4-12(H) First reading. Referred to Speaker's desk.
 Referred to Land Use.
 5-2 Public Hearing and Work Session held.
 5-5 Recommendation: Do pass.
 5-6 Second reading.
 5-9 Rules suspended. Carried over to May 10, 2005 Calendar.
 5-10 Rules suspended. Carried over to May 11, 2005 Calendar.
 5-11 Rules suspended. Carried over to May 12, 2005 Calendar.
 5-12 Rules suspended. Carried over to May 13, 2005 Calendar.
 5-13 Third reading. Carried by Kitts. Passed.
 Ayes, 40; Nays, 16--Ackerman, Berger, Beyer, Boone, Dingfelder, Galizio, Hansen, Holvey, Hunt, Macpherson, March, Merkley, Rosenbaum, Tomei, Wirth, Witt; Excused, 4--Barnhart, Morgan, Richardson, Smith G..
 5-16(S) First reading. Referred to President's desk.
 5-19 Referred to Rules.
 8-2 Public Hearing and Work Session held.
 Recommendation: Do pass.
 Second reading.
 8-3 Third reading. Carried by Brown. Passed.
 Ayes, 29; Nays, 1--Prozanski.
 8-18(H) Speaker signed.
 8-23(S) President signed.
 9-2(H) Governor vetoed.
 4-20 Governor's message read in the House.
 Veto sustained in accordance with Article V, Section 15b, Oregon Constitution.

Allows motor sports race tracks in exclusive farm use zones under certain conditions.
 Declares emergency, effective on passage.

- 7-29(H) Rules suspended. House concurred in Senate amendments and repassed bill.
Ayes, 35; Nays, 22--Ackerman, Avakian, Barker, Barnhart, Beyer, Bruun, Buckley, Dalto, Dingfelder, Galizio, Hansen, Hass, Holvey, Macpherson, March, Merkley, Nelson, Riley, Rosenbaum, Shields, Tomei, Witt; Absent, 1--Wirth; Excused, 2--Greenlick, Nolan.
Potential conflict(s) of interest declared by Dingfelder.
- 8-2 Speaker signed.
- 8-5(S) President signed.
- 8-29(H) Governor signed with line-item veto.
Chapter 778, (2005 Laws): Effective date August 29, 2005.

Appropriates moneys from General Fund to Department of Environmental Quality for certain biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, specified bond proceeds and specified federal funds, collected or received by department.

Limits biennial expenditures from lottery moneys allocated from Parks and Natural Resources Fund to department.

Authorizes specified nonlimited expenditures.

Limits certain biennial expenditures by department from federal funds.

Prohibits biennial expenditures by department or Environmental Quality Commission to adopt or enforce rules imposing specified auto emission standards.

Declares emergency, effective July 1, 2005.

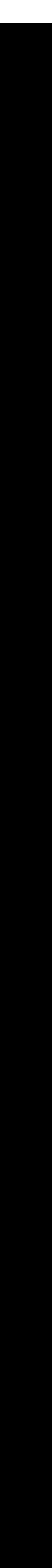
**GENERAL
LEGISLATIVE
SUMMARY**

2006

SPECIAL SESSION



House



RECAPITULATION OF HOUSE BILLS UPON ADJOURNMENT

Total House Bills Introduced		2
Passed both Houses Approved by Governor	<u>2</u>	
Total		2

RECAPITULATION OF HOUSE MEASURES OTHER THAN BILLS UPON ADJOURNMENT

Total House Joint and Concurrent Resolutions and Memorials Introduced		1
In House Committee upon adjournment	<u>1</u>	
Total	1	
Total House Resolutions and Memorials Introduced		0
TOTAL HOUSE MEASURES INTRODUCED		3

HOUSE VETOED BILLS

HOUSE MEASURES REFERRED TO THE PEOPLE

MEASURES IN HOUSE COMMITTEES

Special Session Committee

In Committee

HOUSE CONCURRENT RESOLUTIONS

19

Reported Out

HOUSE BILLS

3510 3511

SENATE BILLS

1105 1106 5644

MEASURES PASSED OR ADOPTED BY THE HOUSE

HOUSE BILLS

3510 3511

SENATE BILLS

1105 1106 5644

SENATE CONCURRENT RESOLUTIONS

12

HOUSE MEASURES SIGNED BY GOVERNOR

HOUSE BILLS
3510 3511

HOUSE MEMBER PARTICIPATION DURING CONSIDERATION OF MEASURES

ANDERSON—**VOTE EXPLANATION FILED:**

SENATE BILLS
5644

AVAKIAN—**MEASURES CARRIED:**

SENATE BILLS
5644

BARKER—**MEASURES CARRIED:**

HOUSE BILLS
3511

BOONE—**MEASURES CARRIED:**

HOUSE BILLS
3510

BRUUN—**MEASURES CARRIED:**

SENATE BILLS
1106

DINGFELDER—**VOTE EXPLANATION FILED:**

HOUSE BILLS
3511

MORGAN—**MEASURES CARRIED:**

HOUSE BILLS
3510

RICHARDSON—**MEASURES CARRIED:**

SENATE BILLS
5644

ROSENBAUM—**VOTE EXPLANATION FILED:**

HOUSE BILLS
3511

SHIELDS—**MEASURES CARRIED:**

SENATE BILLS
1106

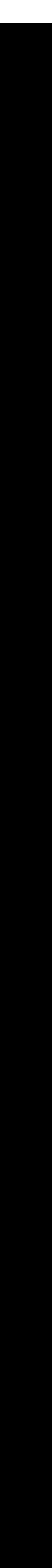
P SMITH—**MEASURES CARRIED:**

HOUSE BILLS
3511

TOMEI—**VOTE EXPLANATION FILED:**

HOUSE BILLS
3511

Senate



RECAPITULATION OF SENATE BILLS UPON ADJOURNMENT

Total introduced		3
Passed Senate, House and approved by Governor	<u>3</u>	
Total		3

RECAPITULATION OF SENATE MEASURES OTHER THAN BILLS UPON ADJOURNMENT

Total Senate Concurrent Resolutions introduced		1
Adopted by Senate and House	<u>1</u>	
Total	1	
Total Senate Joint Memorials introduced		0
Total Senate Joint Resolutions introduced		0
Total Senate Memorials introduced		0
Total Senate Resolutions introduced		0
TOTAL SENATE MEASURES INTRODUCED		4

* Vetoed during session (0)

MEASURES REFERRED TO SENATE COMMITTEES

Special Session Committee

Reported Out

SENATE BILLS

1105 1106 5644

SENATE CONCURRENT RESOLUTIONS

12

HOUSE BILLS

3510 3511

MEASURES PASSED OR ADOPTED BY THE SENATE

SENATE BILLS

1105 1106 5644

SENATE CONCURRENT RESOLUTIONS

12

HOUSE BILLS

3510 3511

SENATE MEASURES FILED WITH SECRETARY OF STATE

SENATE CONCURRENT RESOLUTIONS

SENATE MEASURES SIGNED BY GOVERNOR

SENATE BILLS

1105 1106 5644

SENATE MEMBER PARTICIPATION DURING CONSIDERATION OF MEASURES

BROWN—

MEASURES CARRIED:

HOUSE BILLS
3511

CARTER—

MEASURES CARRIED:

SENATE CONCURRENT RESOLUTIONS
12

DECKERT—

MEASURES CARRIED:

SENATE BILLS
1106

PROZANSKI—

MEASURES CARRIED:

SENATE BILLS
1105

SCHRADER—

MEASURES CARRIED:

SENATE BILLS
5644

WALKER—

MEASURES CARRIED:

HOUSE BILLS
3510

