

Journal of the House of Representatives

2020 3rd SPECIAL SESSION

**Beginning December 21 and
ending December 21, 2020**

1 Calendar Day



**EIGHTIETH LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON**

Monday, December 21, 2020 -- Morning Session

House convened in Special Session at 8:00 a.m., pursuant to the proclamation issued by the Honorable Kate Brown, Governor of the State of Oregon, in compliance with Article V, section 12, of the Oregon Constitution.

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: Oregon is responding to the public health emergency posed by the novel infectious coronavirus (COVID-19) which, as of today, has resulted in at least 95,010 cases and 1,161 deaths statewide; and

WHEREAS: Recovery efforts continue from a series of catastrophic wildfires that erupted across significant portions of the Oregon earlier this year; and

WHEREAS: There is an urgent need for Oregon's Legislative Assembly to enact legislation before the end of the year that provides protections and economic relief for Oregonians affected by the COVID-19 and wildfire recovery emergencies.

NOW THEREFORE: I, Kate Brown, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, find an extraordinary occasion exists, and do by this proclamation call the Eightieth Oregon Legislative Assembly to convene in special session on December 21, 2020, at 8:00 a.m.

Although the Constitution does not allow me to limit the length of the special session or the issues considered, I ask that the members of the Assembly act expeditiously in enacting legislation regarding the matters referenced above.

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, December 15, 2020.

Kate Brown, Governor
Bev Clarno, Secretary of State

Speaker in Chair.

Opening ceremony: A moment of silence was observed.

Upon verification of quorum: All present except: Absent, 6 – Clem, Dexter, Fahey, Hernandez, Lawrence Spence, Smith DB; Excused, 10 – Barreto, Bynum, Doherty, Leif, McKeown, Mitchell, Neron, Wallan, Wilde, Wilson.

Speaker announced the following appointments to the Special Committee on Rules: Holvey, Chair; Salinas, Sprenger, and Stark.

House stood at ease.

House called to order at 8:11 a.m.

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

REPORT BY SPECIAL COMMITTEE ON RULES

We, your Special Committee on Rules, recommend the House of Representatives of the Eightieth Legislative Assembly adopt the Third Special Session Rules as distributed.

Rep. Paul Holvey, Chair
Rep. Andrea Salinas
Rep. Sherrie Sprenger
Rep. Duane Stark

**RULES OF THE HOUSE OF REPRESENTATIVES
Eightieth Legislative Assembly
December 21, 2020 Special Session**

1.01 Definitions. (1) "Business day" means any day that the House meets in floor session or committees hold meetings. During the interim "business day" shall mean any day of the week except Saturdays, Sundays and state holidays.

(2) "Committee" includes standing, special, joint, conference and interim committee and statutory committees or task forces, boards, commissions, and any subcommittee thereof.

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

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

(5) "Printing" includes electronic transmission of data and/or other means of reproducing documents.

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

(7) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Eightieth Legislative Assembly.

(8) "Session day" begins with the initial convening of the House floor session on that particular calendar day and ends with the adjournment of that floor session.

(9) "Special Session" means the special session of the eightieth legislative assembly convening December 21, 2020.

(10) "Within the House chamber" means within the area that contains the members' desks and the rostrum and that is enclosed by waist-high partitions along the north and south and the east and west walls of the chamber floor including the two closets at the back of the House floor, and for the purposes of this special session also includes the adjoining side aisles and also the third floor galleries.

RULES

2.01 Use of Mason's Manual. *Mason's Manual of Legislative Procedure* (2010 edition) shall apply to cases not provided for in the Oregon Constitution or these rules.

2.03 Legislative Branch Personnel and Contracting Rules.

(1) The Legislative Branch Personnel Rules, as adopted by the House of Representatives on January 14, 2019, August 10, 2020, and as adopted or revised by the Legislative Administration Committee on August 6, 2020, are incorporated into the House Rules by this reference as rules of proceeding of the House.

(2) The Legislative Branch Contracting Rules, as adopted by the

Legislative Administration Committee on January 15, 2016, are incorporated into the House Rules by this reference as rules of proceeding of the House.

(3) The Legislative Branch Personnel Rules and Legislative Branch Contracting Rules apply to the nonpartisan offices of the legislative branch when both the House and the Senate adopt the personnel rules and contracting rules.

2.05 Procedure for Amending Rules. Thirty-one votes are required to adopt, amend or rescind any rule. Once the House has organized for business 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 by the presiding officer, and if reported from the Committee on Rules, upon distribution of the report, it shall be in order to vote on the proposed amendment immediately.

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. The rules adopted for the special session, except House Rule 2.03, 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. Except for emergencies, a member shall attend all sessions of the House unless an Excused Absence Request 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 a chair. No member shall be considered excused, however, unless the presiding officer or a 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.

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. The House recognizes that this Special Session is being conducted during a global pandemic in which a novel coronavirus has sickened millions of people and taken the lives of at least 292,000 Americans. Because the virus spreads through close personal contact and through the air, the House finds that routine procedures must be modified to preserve health and safety while continuing to satisfy the obligations placed on the Legislative Assembly by the Oregon Constitution, including obligations to conduct open deliberations. Accordingly, for this Special Session:

(1) All floor sessions and committee meetings must be contemporaneously streamed on the Internet and broadcast on one or more television monitors at a location proximate to the Capitol that is accessible by members of the public, so that the public is able to observe all legislative deliberations.

(2) Any vote cast in a floor or committee vote must be conducted so that the public must be able to visually observe and hear, through the means described in subsection (1) of this section, the member casting the vote.

(3) The Capitol shall be physically closed to the public for the duration of the Special Session. Accredited representatives of the news media may be physically present in the Capitol during hours that legislative proceedings are taking place.

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.

(2) The convening of a new House floor session after adjournment of a floor session 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) The electronic voting system shall be used as the roll call to determine the presence of a quorum and/or the presence of members under a Call of the House. Members shall press the "yea" button on their desk or be recognized by the Chief Clerk to record their attendance.

(2) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage or adoption of all measures. Except as otherwise provided in these rules, the vote shall be recorded by the electronic voting system.

(3) Upon demand of two members, an oral roll call shall be taken and recorded on any measure that requires more than 31 affirmative votes. 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.

(4) 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.

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

(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 that 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 House chamber as defined in House Rule 1.01(10) when the member's name is called shall vote. No member shall be allowed to abstain from voting.

(2) If a member refuses to vote when the member's name is

called, the presiding officer shall immediately call for the member's vote a second time. If the member again refuses to vote, the presiding officer shall read subsection (3) of this rule. The presiding officer shall then call for the member to announce the member's vote immediately. If the member fails to vote immediately after this third request, the presiding officer shall state for the record: "The member's failure to vote constitutes an intentional violation of House Rule 3.20, subsection (1) and a high breach of decorum. The Journal shall show that the Representative is censured for the violation; the clerk shall record the Representative's vote on the measure or motion on which the member refused to vote as a 'yea,' and the member may also be subject to other penalties as the House may order."

(3) Any member's refusal to vote, as required by House rules, shall be recorded in the Journal as an intentional violation of Rule 3.20 (1) and a high breach of decorum. The Representative shall be censured; the Clerk shall record the Representative's vote on the measure or motion on which the member refused to vote as a "yea," and the member may also be subject to other penalties as the House may order.

(4) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the House chamber 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 actual or potential conflict prior to voting on the issue giving rise to the conflict.

(2) The member shall file in writing a statement of the nature of the actual or potential conflict with the Chief Clerk or the committee assistant by 5:00 p.m. the next business 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. The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes.

3.26 Electronic Roll Call; Time, Changes. When a vote is taken using the electronic voting system, the Speaker or presiding officer shall wait at least 5 minutes after completing the call of all member names before determining that a vote shall be closed and the result declared. The Clerk shall keep the time. After the individual votes have been displayed, and before the result is declared, any member desiring to change his or her vote may request that of the presiding officer. 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 his or her vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next 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 in the determination of the Chief Clerk, the Speaker may refuse to cause the explanation to be printed in the Journal. An appeal of the presiding officer's ruling may be taken to the full body at the next floor session pursuant to House Rule 6.35.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member.

3.45 Printed Measures Required for Voting. No measure or amendment to a measure shall be finally voted on until it has been made available electronically or 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, 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 House chamber as defined in House Rule 1.01(10). If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the presiding officer, who shall announce the fact to the members.

(4) All members must remain within the House chamber until the vote is taken for which the Call was made. However, when the House is waiting for an unexcused member to return to the floor, or in order to access the facilities, or the presiding officer has announced that the House is "at ease," the members may have access to the area behind the rostrum. Members must then return to within the House chamber.

(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 shall direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff identified under House Rule 17.01(1) to leave or enter the chamber.

(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) Call to Order.

(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) Committee Reports

(i) Propositions and Motions.

(j) Introduction and First Reading of House Bills.

(k) Second Reading of House Bills.

(l) Third Reading of House Bills.

(m) Final Reading of Memorials and Resolutions.

(n) Bills, Reports and Other Business Lying on the Table.

(o) First Reading of Senate Bills.

(p) Second Reading of Senate Bills.

(q) Third Reading of Senate Bills.

(r) Other Business of the House.

(s) Announcements.

(t) Remonstrances.

(u) Adjournment

(2) The presiding officer, under the orders of business Committee Reports 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 and committee report files may be read or distributed at anytime.

(4) A quorum is not required under the orders of business Opening Ceremony, Courtesies, Remonstrances or Adjournment, nor will a Call of the House be in order.

(5) Under the order of business Courtesies, a member's remarks are limited to 60 seconds and yields are not permitted. All honorary pages and/or groups shall be greeted by the presiding officer on behalf of the House. A request to return to the order of business Courtesies shall be out of order until all other orders of the day have been completed.

(6) 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.

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

(8) 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 presiding officer shall take up the subject.

(9) Appropriation bills shall take precedence over all other measures on the Third Reading Calendar.

MOTIONS

5.01 Making a 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 time or 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 rule 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 Rule 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. The "Relating to" clause of a bill up to the first semicolon shall not 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 on the Floor. No measure shall be amended on the floor of the House.

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 and safety in the legislative process, members and employees should dress according to standards of contemporary business attire and shall wear a covering over their nose and mouth. If a member wishes to remove their mask to make comments into their microphone when recognized to speak, that member shall ensure no other members

are within 6 feet of them.

6.05 Use of Electronic Devices. (1) Audible use of cellular phones is prohibited during floor sessions and committee meetings.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during floor sessions and committee meetings.

6.07 Recognition of Members. (1) When a member seeks to be recognized by the presiding officer, the member or caucus designee shall use the appropriate electrical signal device at the member's desk.

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

(3) The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under *Mason's Manual of Legislative Procedure*, section 92.

(4) 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 rise 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 his or her surname.

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

(5) Under circumstances where a member is present inside the bar and in order to accommodate their medical condition, a member wishes to have their remarks on a measure read by another member of their choice, the presiding officer may allow the designated member to read the requesting member's remarks as written. The member reading the remarks will begin by identifying that they are reading the remarks of their colleague, and while doing so must adhere to the time limits and other House rules of debate. Once the remarks are finished the requestor will signify to the presiding officer that the preceding remarks were correctly offered in accordance with their request.

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 a 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.

6.27 Floor Letters. (A) All informational literature must bear the legible name and signature of the House member making the request. No anonymous material may be distributed by the Clerk's office at any time.

(B) The requester shall provide the Chief Clerk with a document via email.

(C) If the material is associated with a legislative measure, the measure number should be featured prominently in the header of the floor letter to assist the Clerk's Office in posting the information to OLIS correctly. If the floor letter deals with multiple measures the Clerk's Office will link it to all numbers listed in the header. If the letter does not have a bill number, the Clerk's Office will post it by the subject listed in the header and by the date filed.

(D) The time to provide materials to the Chief Clerk's Office begins at 8:00 AM or at least 60 minutes prior to the starting time of floor session and ends 30 minutes before the scheduled starting time of that day's floor session. If there is a supplemental 3rd Reading issued for that day's floor session, a new opportunity will be offered to distribute floor letters for those added measures only.

(E) House Rule 6.10 applies to floor letters. Floor letters that do not comply with House decorum rules in the opinion of the Chief Clerk will be held at the Desk and will not be distributed.

(F) An appeal of the decision of the Chief Clerk to not distribute a floor letter may be taken to the Speaker if the sponsoring member disagrees with the Clerk's determination. If the Speaker sustains the Clerk's determination, an appeal of the presiding officer's ruling may be taken to the full body at the next floor session pursuant to House Rule 6.35.

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

(1) On the final passage or repassage of a measure, the chair of the committee that reports the measure shall designate a carrier that may speak for ten minutes. Other members may speak for five minutes.

(2) The carrier shall have ten minutes to close on final passage. Prior to recognizing the carrying member for closing remarks and once again following the member's close, the presiding officer shall wait for a period of 60 seconds. The Clerk shall keep the time.

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

(4) Any member may yield his or her time allowed under subsection (1) of this rule to another member. However, no member may yield his or her 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.

OFFICERS OF THE HOUSE

7.01 Election of Officers. (1) The members may elect a presiding officer who shall be Speaker of the House. They may also elect a Speaker *Pro Tempore* of the House and a Chief Clerk of the House.

(2) Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

7.05 Temporary Presiding Officers. (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 any time.

(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* becomes 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 8a, of the Oregon Constitution, providing for succession to the Governorship.

7.10 Duties of Presiding Officers. (1) The Speaker shall enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, as presiding officer, or in the Speaker's absence, another member acting as temporary presiding officer, shall take the chair every session day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, and immediately call the members to order.

(3) The Speaker, as presiding officer, or in the Speaker's absence any member acting as temporary presiding officer shall preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker, as presiding officer, or in the Speaker's absence any member acting as temporary presiding officer 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. (1) The Speaker may appoint committees and conference committees.

8.05 Committee Appointments. (1) Except as otherwise provided by law or resolution, members of all committees, 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 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) In determining committee appointments, the Speaker shall consult in good faith with the elected leader of each caucus.

8.10 Committee Quorum; Rules. (1) A majority of the members of a 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 committees of the House shall be governed by *Mason's Manual of Legislative Procedure*.

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 by 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) As used in this subsection:

(i) "Collective action" means a joint decision, commitment or promise made between two or more persons.

(ii) "Deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken.

(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, religion, sexual orientation or national origin is practiced.

(5)(a) 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.

(b) As used in this rule, "notice" includes but is not limited to posting of notice immediately outside the House chamber or other locations assessible to the public.

(c) All notices required under this rule shall be available on the legislative website. (d) All committee meetings during the special session shall be considered emergency meetings under the provision of ORS 192.640.

(e) In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.

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

(7) Only business days, as defined under Rule 1.01, will be used to determine the number of hours required for meeting notice.

(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) Committee members may, upon approval of the Chair,

participate in a committee meeting through the use of telephone or other electronic communication. The Chair may allow members of the public to testify by telephone or other electronic means. Nothing in this rule modifies a chair's existing authority to place time limits on witness testimony or limit testimony to topics germane to the agenda. A testimony station that is proximate to the Capitol shall be made available to permit interested members of the public to testify at each public hearing using teleconferencing means.

(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. The committee 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.

8.20 Committee Action Required. (1) The 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 five business days after the date of the request.

(2) Except by a suspension of the rules by the affirmative vote of a two-thirds majority of the members of the committee, a committee may take action on amendments to a measure only after the full text of the amendments has been made publicly available online for at least one hour.

(3) 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:

(i) With the recommendation that it be referred to another committee;

(ii) Favorably as to passage; or

(iii) Without recommendation.

(4) 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) The fiscal impact statement, if any, prepared by the Legislative Fiscal Officer;

(f) The revenue impact statement, if any, prepared by the Legislative Revenue Officer; and

(g) The budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

(5) When a measure is reported out of committee it shall be delivered to the Chief Clerk of the House no later than 12:00 noon of the business day after the day the committee took action reporting the measure.

8.23 Sponsorship of Proposed Amendments. (1) Every proposed amendment shall bear the name of the legislator or committee that requested the proposed amendment. A member or committee chair may request that the proposed amendment state that the amendment is at the request of an individual,

organization, state agency or local government.

(2) Notwithstanding subsection (1) of this rule, if the member or committee requesting the proposed amendment chooses to omit from the proposed amendment the name of the requesting member or committee, the member or committee shall notify Legislative Counsel in writing at the time the request is made, and must state the name of the individual, organization, state agency or local government upon whose behalf the amendment was requested. If notice is given timely, the proposed amendment shall bear only the name of the individual, organization, state agency or local government upon whose behalf the amendment was requested.

8.25 Committee Actions to be Recorded and Reported. (1) Motions on measures before a committee shall be voted on by 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 House Measure History Report and Journal as a part of the history of the measure.

8.30 Committee of the Whole Prohibited. No motion to resolve 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 passed to the Speaker for referral. Not later than seven calendar days following such reading, the measure shall be referred by the Speaker to any committee.

(2) Referrals shall be listed on the committee referral notice which shall be made available to the members or announced by the presiding officer immediately following the measure's first reading. Referrals shall be posted in the House Measure History Report and upon convening of the House, the Journal shall include a cumulative listing of all referrals in order by date.

9.05 Committee Reports. After it is submitted to the Desk, every committee report recommending amendments to a measure shall be sent by the Chief Clerk to the Publication Services unit of the Legislative Counsel for examination in the same manner as bills are examined by the unit.

9.10 Consideration of Committee Reports. (1) Reports from committees shall be listed on the committee report file, which shall be made available to the members or be read under the order of business of Special Committee Reports in the numerical order of the measure, except that reports on appropriation measures shall precede reports of other measures. Committee recommendations shall be posted in the House Measure History Report and upon convening of the House, the Journal shall include a cumulative listing of all committee recommendations in order by date.

(2) No motion is required to adopt a committee report.

9.32 When a Bill Goes to Second Reading. (1) Prior to third reading and final consideration, a bill must be read a second time. No motion affecting the status of the bill on second reading will be in order.

(2) When a bill is reported favorably without amendments, the bill shall be placed on the next available calendar for second reading. When a bill is reported favorably with amendments, the bill shall be placed on the next available calendar for second reading after the amendments or the engrossed bill is made available electronically or printed and distributed 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 measure shall be placed on the next available calendar for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the measure shall be placed on the next available calendar for final reading after the amendments or the engrossed measure is made available electronically or printed and distributed 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 or the next available calendar if the bill is reported after having previously been read for a second time.

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) 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 must be made immediately after the vote to be reconsidered was taken.

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

(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 Notice of Reconsideration Has Been 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.

10.10 Recall of Measure. (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion to reconsider 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 bill 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 be in order 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 affirmative votes on a roll call are required to adopt a motion to concur and repass a measure.

11.05 Conference Committee. When the House fails to concur in amendments made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in amendments 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.

11.10 Authority of Conference Committee. (1) The conference committee has authority to propose amendments only 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 cause notice of the meeting to be given to the public and to be posted outside the House chamber. 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 with both houses. All conferees shall sign the report. A dissenting conferee shall indicate that fact when signing the report.

(2)(a) No motion is required to adopt the conference committee report if repassage or readoption of the measure is not required. A motion is required to adopt the conference committee report if repassage or readoption of the measure is required.

(b) If the motion to adopt the report prevails, it shall be next in order to immediately take up the question of repassage or readoption of the measure.

(c) A motion to adopt a conference committee report shall be in order immediately after the conference committee report has been made available electronically or 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 AND INTRODUCTION OF MEASURES

12.00 Introduction and Sponsorship. No measure shall be accepted by the Chief Clerk for introduction except measures approved by the Speaker and so identified for introduction by the Speaker or a committee. Every measure introduced in the House by

a member or committee shall bear the name of the member or committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall bear the statement "Introduced and printed pursuant to House Rule 12.00" and indicate the identity of the requester.

(3) Upon their request, a member may be added as a co-sponsor to any measure introduced by another legislator, after the measure has been first read and prior to the presiding officer's announcement of the outcome of the vote on final consideration, and at any time the measure is in the possession of the House prior to a motion to concur on any Senate amendments. To be added to any measure as a chief sponsor the member must provide the Chief Clerk written approval from the first listed chief sponsor of the measure, after the first reading and prior to the presiding officer's announcement of the outcome of the vote on final consideration.

(4)(a) A sponsor may be withdrawn from a measure at any time the measure is in possession of the House. The request must be processed by 5:00 p.m. the next business day following final consideration of the measure.

(b) If all of the chief sponsors are withdrawn, the House committee reporting the measure shall become the chief sponsor of the measure.

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

(2) The Chair shall sign the proposed measure for presentation to the Chief Clerk for introduction.

12.20 Requirements for Introduction. (1) All drafts of measures presented for introduction shall be submitted in the form of one Legislative Counsel draft of the measure and one properly completed Legislative Counsel bill back. Such presentation shall be submitted in the manner prescribed by the Chief Clerk of the House by a member, an authorized person of the member's staff, an authorized member of the caucus 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 assigned a measure number and sent by the Chief Clerk to the Publication Services unit of the 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 bill-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.

12.40 Legislative Counsel Drafting Services for the Special Session. Immediately following the opening day of the special session Legislative Counsel shall discontinue accepting requests for drafting of all measures for introduction during the special session except measures approved by the Speaker and so identified for introduction by a committee.

Rule 13 is Reserved

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 House Measure History Report, arranged chronologically by the measure number, to be maintained. The status report shall contain a synopsis of the actions taken in each house on each 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 the numbers of copies of measures, the House Measure History Report, the legislative schedule, and the legislative index as required for the operations of the House.

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

(3) Any person, agency or organization wishing a complete set of measures, House Measure History Reports, calendars, legislative schedules and indexes may obtain it upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(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, and the Legislative Administrator.

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, the Legislative 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. The Legislative 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 shall appear on the first page of the measure if engrossed or may be made a part of the amendments. The summary shall be amended to show changes in the measure proposed by the amendments 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. Upon notice of a measure being scheduled by a House committee for work session, 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, which will outline the changes in expenditures, to be known as either a Fiscal Impact Statement or Budget Report to be attached to each measure. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement, which will outline the changes in revenues, to be attached to each measure. 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 either electronically or in hard copy 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 may be distributed at state expense 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, "constituent" means an individual that lives within a member's legislative district.

(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, "informational material" and "legislative newsletter" 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.

14.40 Sanctioning of Fact-Finding Trips. The following provisions govern whether fact-finding missions will be officially sanctioned under ORS 244.020(7)(b)(H)(i):

(1) The Chief Clerk of the House shall prepare an application form to collect information required to make the appropriate determination. An application must be submitted to the Chief Clerk before the start of the mission, unless as determined by the Chief Clerk that good cause exists for submitting the application after the deadline. The application must include the following

information as an attachment:

(a) A written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(7)(b)(H)(i) and the rules of the commission; and

(b) A written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other activities planned during the mission.

(2) Applications will be approved by the Chief Clerk of the House only if the applicant provides all the information required under subsection (1) of this rule and that information substantiates that the purpose of the activity is for the developing of state commerce, or is for public policy related educational purposes, or is to develop intergovernmental relations or assistance.

(3) All approved applications shall be posted promptly on the Chief Clerk of the House's webpage.

RECORDS RETENTION

14.50 Policy on Records. (1) Except as provided in subsection (3) of this rule, records of members and their legislative assistants that contain information relating to the conduct of the public's business that are prepared, used or retained by the member or assistant must be retained for two years after the records are created.

(2) (a) A member must retain notices of amounts of expenses required by ORS 244.100(2) for five years.

(b) A member must retain documents in support of statements of economic interest required by ORS 244.050 for five years.

(c) A member must retain relevant documents that are in the member's possession when the member receives a public records request, or a request for discovery of records issued in a court or administrative proceeding, until the request for records is resolved.

(d) Ephemeral communications, including, but not limited to, voicemail, text messages and instant messages, are not required to be retained.

(3) A member or legislative assistant may, at any time, deliver records required to be retained under this rule to the Legislative Administrator. A person who ceases to be a member of the Legislative Assembly shall deliver records under subsection (2) of this rule to the Legislative Administrator within 60 days after the member ceases to be a member. Records delivered to the Legislative Administrator under this rule must identify the person delivering the records and specify the date on which the records may be destroyed.

(4) In order to ensure consistent and timely compliance with the disclosure provisions of the Public Records Law, the Legislative Counsel shall presumptively be designated to receive public records requests on behalf of members. The Legislative Counsel will assist each member in preparing responses to requests and will consult with each member prior to the disclosure of any of the member's records to a requester. A member may respond to a public records request directly, but should notify the Legislative Counsel of the request. Regardless of whether or not a member has designated the Legislative Counsel to receive their public records requests, the member may request assistance from the Legislative Administrator or Legislative Counsel in responding to public records requests at any time.

(5) This rule applies to all records of members and legislative assistants, whether created before, on or after the effective date of this rule.

(6) (a) Before each regular long session, each member and each

legislative assistant must receive training provided or approved by the Legislative Counsel's office on compliance with this rule and applicable portions of the public records law. Members not elected to the Legislative Assembly and legislative assistants not employed by the Assembly at the time of this training must be provided information about compliance with this rule within 30 days following their swearing in or hire.

(b) Training must include but is not limited to the requirements for retaining public records and responding to a public records request.

(7) If the response to a records request has not been completed within 10 business days following acknowledgement of the request, the member must provide the requestor an estimate of the number of days required to respond to the records request. If the estimated records production date passes without records being produced or exemptions claimed, the member shall provide a new estimate and explanation of the status of the request. The member may designate the Legislative Counsel to provide the estimate.

(8) As used in this rule, "legislative assistant" means a person employed to assist a member, to assist the Speaker of the House or to assist either caucus leader.

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.

(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.

CHIEF CLERK; 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. 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 the pleasure of the body and may be removed only by a majority vote of the members. In the event that the office becomes vacant at a time when the House is not in session, the Speaker may appoint an acting Chief Clerk to serve until the next regular or special session of the House, at which time the members shall elect a Chief Clerk of the House.

(2) 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 Legislative Branch Personnel Rules.

(c) Serve as parliamentarian of the House, providing impartial recommendations.

(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 bylaw.

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

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

(b) Permit such ingress to and egress from the chamber during sessions as may be directed by the presiding officer 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 session, the interim or both, according to the allowance provided in Rule 15.25.

(b) A member shall establish salaries payable to persons appointed under paragraph (a) of this subsection in accordance with the policies and procedures as adopted by the Legislative Assembly.

(c) Fringe benefits for persons appointed under paragraph (a) of this subsection shall be as set forth in the Legislative Branch Personnel Rules.

(d) The time of service for all employees begins on the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the Legislative Branch Personnel Rules.

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 Legislative Branch Personnel Rules, 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 Legislative Branch Personnel Rules, the Legislative Administrator shall, in consultation with each chair of a committee and the Speaker, 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 shall for the duration of such employment 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 for personal staff, services and supplies as defined in Rule 16.01 and legislative newsletters as defined in Rule 14.30.

(2) Any amount remaining unexpended or unobligated in a

member's individual expense account at the end of a regular session may be used during the interim for expenses as described under subsection (1) of this rule.

15.50 Per Diem Allowance During Special Session. Each member shall receive per diem allowance for each session day, not each calendar day of the special session.

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 account.

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

(a) Postage (all classes).

(b) Subscriptions to newspapers and periodicals related to the duties of a state representative until the end of the legislator's term in office.

(c) Stationery.

(d) Office supplies and consumables regularly used in office settings by members and staff to conduct legislative business. Decorative items such as artwork, frames, rugs and accessories are considered personal items and therefore not eligible.

(e) Copying.

(f) Communications with constituents, including electronic town halls (e.g. tele-town halls), in compliance with Rule 14.30.

(g) Rental expenses incurred for a town hall meeting, excluding food and beverages.

(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. Reimbursement for a member's travel for legislative business must be preapproved by the Chief Clerk. Approval will be granted for attending meetings of organizations for which the Legislature provides dues or approves member payment of dues and for official meetings in which member participation is identified in statute and where the member has been officially appointed to the group by the Speaker. For other travel events members must submit appropriate documentation prior to travel such as a letter of invitation, agenda or completed registration form. Itemized receipts must be submitted for reimbursement upon completion of travel.

(k) Reasonable travel expenses incurred by caucus office staff, speaker's office staff, and 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 his or her allowance as provided under these rules or the adopted Legislative Assembly budget will have the overage deducted from his or her personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) Should a member retire, resign or be removed from office, the individual expense allowance as provided under these rules or the adopted Legislative Assembly budget shall be prorated based on length of service and, in the event an overage exists, further indebtedness shall be prohibited and the overage shall be deducted from his or her personal monthly expense allowance and any remaining indebtedness shall be billed by the Legislative Administrator and appropriate steps for collection taken. Any amount expended in excess of allocation is a debt owed to the state.

(6) 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 members for opinions of the Attorney General require approval of either caucus leader or the Speaker as a condition of authorizing payment from legislative appropriations. The legislative appropriation specifically intended for payment of costs for Attorney General opinions shall be divided in the same proportion as the number of party members in the House. The cost of an opinion shall be deducted from the approving leader's allocation. 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 either caucus leader.

PRIVILEGES

17.01 House Chamber Privileges. (1) When the House is in session, no person shall be permitted within the House Chamber except:

(a) Members of the Legislative Assembly;

(b) Floor personnel of the House;

(c) One of the following individuals, seated at a member's desk: A member of the staff of a standing committee, statutory committee, special committee or the caucus offices

(d) Speaker's and caucus staff;

(e) Persons authorized by the Speaker; and

(f) Accredited representatives of the news media.

(2) Courtesies of the house and floor privileges 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 registered as a lobbyist with the Oregon Governmental Ethics Commission.

(3) Seating in the north gallery shall be reserved for the accredited representatives of the news media. and such other persons as may be authorized by the Speaker.

(4) 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 chamber shall be by the side doors and side aisles.

(5) No person shall be permitted in the House chamber except those authorized to be in the chamber under this rule.

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

(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.

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 individuals 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 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. No member of the House, during a regular session, organizational session or during the period between the organizational session and the regular session scheduled during the odd-numbered year, shall accept and/or solicit a contribution to the member or the member's principal campaign committee or accept and/or solicit an expenditure in support of the member from any person. This does not limit a member from using existing campaign funds.

POLICY ON A HARASSMENT-FREE WORKPLACE

20.01 Policy on a Harassment-Free Workplace. (1) The House of Representatives is committed to providing a safe and respectful workplace that is free of harassment. Members and all employees are expected to conduct themselves in a manner that is free of harassment and to discourage all harassment in the workplace and at events, professional meetings, seminars or any events at which legislative business is conducted.

(2) The formal and informal procedures provided for in Legislative Branch Personnel Rule 27 shall apply.

(3) 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 each caucus. 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 Legislative Branch Personnel Rule 27.

(4) The House shall provide education concerning harassment and procedures to implement this Rule.

Holvey moved adoption of the report by the Special Committee on Rules. Motion carried, the vote being: Yeas, 31; Nays, 18 – Bonham, Boshart Davis, Breese-Iverson, Drazan, Hayden, Helt, Lewis, Meek, Moore-Green, Nearman, Noble, Owens, Post, Reschke, Smith G, Sprenger, Stark, Zika; Excused, 11 – Barreto, Bynum, Doherty, Hernandez, Leif, McKeown, Mitchell, Neron, Wallan, Wilde, Wilson. Special Session Rules adopted.

Speaker directed the Chief Clerk to notify the Governor and Senate that the House of Representatives has organized and is ready for the business of the Third Special Session of the Eightieth Legislative Assembly.

Speaker announced the following appointments to the Joint Committee on the Third Special Session of 2020: Kotek, Co-Chair; Drazan, Co-Vice Chair; Alonso Leon, Fahey, Stark.

HB 4304 – Message from the Governor announcing she approved and purported to veto the following sections of the bill: 15, 15A, 16, 18, 18A, 18B, 18C, 38 - 40A, 57, and 61 without affecting the remaining provisions of the bill on September 20, 2020.

September 20, 2020

Honorable Bev Clarno
Secretary of State
900 Court Street NE, Suite 136
Salem, OR 97301

Re: Senate Bill 5723 and House Bill 4304

Dear Secretary Clarno:

"Our state faces several unprecedented challenges simultaneously: the COVID-19 pandemic; structural racism resulting in persistent disparities for Black, Indigenous, People of Color, and Tribal communities in our state; widespread unemployment; a significant budget shortfall; and now the worst wildfire season in our lifetimes.

"The Legislature and I have worked closely together on all of these challenges. I applaud legislators' recent work during the 2020 Second Special Session. I know it has been incredibly difficult for them to navigate the demands of the Legislature's deliberative nature and the limits that COVID-19 require us to impose for public health and safety. I also want to commend legislators' work

on balancing our state budget in response to the economic crisis that COVID-19 has created.

“The wildfires are a significant change since the adjournment of the Second Special Session. As we continue to navigate these rapidly changing crises, I know the Legislature will stand ready, again, to help Oregonians and address these challenges. When it became apparent that COVID-19 disproportionately affected Black, Indigenous, People of Color, and Tribal communities in Oregon, the Legislature and I worked together to steer Coronavirus Relief Fund dollars to those communities. Now, we must work together to help Oregonians who have lost everything from these fires.

“As a first step, this month the Emergency Board will consider an additional allocation to the Wildfire Damage Housing Relief Program to assist Oregonians who lost their homes in the fires. This program already has a substantial waiting list, and this allocation will provide immediate help to those most in need. As a next step, I have directed agencies to bring another relief proposal for future consideration by the Legislature. This relief package must maximize all federal assistance coming to Oregon. I am also asking the Oregon Department of Forestry to estimate as quickly as possible the cost of fighting these catastrophic fires, and I am working with our congressional delegation to get substantial reimbursement from FEMA for as many of these costs as possible. Finally, I expect to partner with the Legislature in the future to address the structural and surge capacity needs necessitated by these catastrophic fire seasons, as well as the long term issues of fire cost, prevention, and suppression.

“Until we understand the total impacts and costs, we must help Oregonians while being judicious with our funds. In light of the current wildfires state of emergency, which occurred after the adjournment of the Second Special Session, I am exercising my veto authority to ensure that state agencies fighting wildfires have necessary resources for responding to this emergency. In addition to those vetoes, I am also vetoing a small number of single items in these appropriation bills that will ensure that the state budget remains in balance. Taken together, these vetoes increase the state's ending balance by over \$65 million to a total of \$164.3 million in General Fund and \$16.7 million in Lottery Fund. I have asked the Legislature to reserve at least \$150 million in the emergency fund for upcoming requests relating to the fires.

“Article V, section 15a of the Oregon Constitution grants me the ‘power to veto single items in appropriation bills... without thereby affecting any other provision of such bill.’ Both Senate Bill 5723 and House Bill 4304 appropriate funds, and thus are ‘appropriation bills’ that trigger my authority to veto any ‘single items’ within those bills.

“In accordance with Article V, section 15a, I hereby disapprove, disallow, and veto the following items of Enrolled Senate Bill 5723 without affecting the remaining provisions of the bill:

“Oregon Department of Forestry (SB 5723, Sections 177-179, 181-185)

“Sections 177 to 179 decrease general fund appropriations for agency administration, fire protection, and private forests. Sections 181 to 184 decrease other funds expenditure limitations for agency administration, fire protection, private forests, and the equipment pool. Section 185 decreases the federal funds expenditure limitation for private forests. I am vetoing these provisions to maintain funding for the Oregon Department of Forestry while it responds to the ongoing statewide wildfires state of emergency.

“Oregon Military Department (SB 5723, Sections 290-294)

“Sections 290, 291, and 293 decrease general fund appropriations for emergency management and operations. Sections 292 and 294 decrease the federal funds expenditure

limitation for emergency management and operations. I am vetoing these provisions to maintain funding for the Oregon Military Department while it responds to the ongoing statewide wildfires state of emergency.

“Oregon State Police (SB 5723, Sections 297-299, 322)

“Sections 297 to 299 decrease general fund appropriations for patrol services, criminal investigations, gaming enforcement, the Office of State Fire Marshal, administrative services, agency support, criminal justice information services, forensic services, and the Chief Medical Examiner. Section 322 decreases the general fund appropriation to the State Department of Fish and Wildlife for state police enforcement. I am vetoing these provisions to maintain funding for the Oregon State Police while it responds to the ongoing statewide wildfires state of emergency.

“Special Purpose Appropriation for DHS / OHA (SB 5723, Section 342)

“Section 342 establishes a special purpose appropriation for the Emergency Board to be allocated to the Oregon Health Authority or the Department of Human Resources for caseload costs or other budgetary challenges the agencies are unable to mitigate. I am vetoing this provision to maintain balance in the state budget, and to retain vital resources at state agencies responding directly to the fire.

“Department of Environmental Quality (SB 5723, Section 273)

“Section 273 decreases the general fund allocation to the Department of Environmental Quality, made at the March 9, 2020 Emergency Board meeting, for rulemaking and other actions to reduce greenhouse gas emissions across all emission sources, including point sources, natural gas emissions, and transportation fuels. I am vetoing this provision to preserve agency resources to continue to address the effects of climate change, a key part of our wildfire response.

“Department of Education, Early Learning Division (SB 5723, Section 213)

“Section 213 decreases the general fund appropriation to the Department of Education, Early Learning Division, relating to the healthy families program, early learning hubs, and focus child care networks. I am vetoing this provision to preserve resources at state agencies that are part of the state's safety net at a time when many Oregonians are struggling with the impacts of wildfire and COVID-19.

“In accordance with Article V, section 15a, I also hereby disapprove, disallow, and veto the following items of Enrolled House Bill 4304 without affecting the remaining provisions of the bill:

“Wildfire Damage Housing Relief Account (HB 4304, Sections 38-40a)

“Section 38 to 40a repeal the Wildfire Damage Housing Relief Account within the Oregon Housing Fund, resulting in the transfer of the fund balance. I am vetoing these provisions to maintain resources at agencies tasked with responding to the wildfires.

“PERS Revenue Allocation Changes (HB 4304, Sections 15, 15a, 16, 18, 18a, 18b, 18c)

“Sections 15, 15a, and 16 repeal the allocation of sports betting lottery funds to the PERS Employer Incentive Fund. Sections 18, 18a, 18b, and 18c repeal the transfer of excess proceeds from capital gains taxes, estate taxes, and debt collection, and the transfer of interest from unclaimed property to the PERS School Districts Unfunded Liability Fund. All of these sections redirect revenue streams. I am vetoing these provisions because they

redirect resources away from programs that help relieve budgetary pressures for local governments.

“State Treasurer Funds (HB 4304, Section 57)

“Section 57 transfers funds from the miscellaneous receipts account for the State Treasurer. I am vetoing this provision because I am concerned that the public was not able to adequately weigh in on this budget decision, and upon further review I do not believe it is appropriate.

“Educator Advancement Fund (HB 4304, Section 61)

“Section 61 transfers funds from the Educator Advancement Fund. I am vetoing this provision to ensure funding remains in place to aid local school districts during a time of intense strain on their budgets and employees.

“I have signed Senate Bill 5723 and House Bill 4304 as to the remaining provisions of those bills, and return each of those signed bills to you with this letter. On each bill, I have lined through the items that I disallow, disapprove, and veto. These provisions are ‘single items’ that are distinct and severable.”

Sincerely,

Governor Kate Brown

Message from the Senate announcing the Senate has organized and is ready for the business of the Third Special Session of the Eightieth Legislative Assembly.

HB 4401, 4402 – Read first time and passed to Speaker’s desk for referral.

The following measures were referred from the desk of the Speaker and recorded on Committee Referral List No. 1 dated December 21, 2020.

HB 4401 The Third Special Session of 2020

HB 4402 The Third Special Session of 2020

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

Speaker Pro Tempore in Chair.

House continued in recess until 3:00 p.m. by direction of the Speaker.

Monday, December 21, 2020 -- Afternoon Session

House reconvened at 3:00 p.m. Speaker in Chair.

Upon verification of quorum: All present except: Absent, 3 – Clem, Post, Rayfield; Excused, 6 – Barreto, Bynum, Doherty, Wallan, Wilde, Wilson.

Committee Report File No. 1 was distributed on December 21, 2020.

HB 4401 – Report by Committee on The Third Special Session of 2020 recommending passage.

HB 4402 – Report by Committee on The Third Special Session of 2020 recommending passage with amendments and be printed A-Engrossed.

SB 5731; SB 1801 – Message from the Senate announcing passage.

Having recessed under the order of business First Reading of House Bills, the House continued under that order of business.

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

SB 5731; SB 1801 – Read first time and passed to Speaker’s desk for referral.

The following measures were referred from the desk of the Speaker and recorded on Committee Referral List No. 2 dated December 21, 2020.

SB 5731 The Third Special Session of 2020

SB 1801 The Third Special Session of 2020

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

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

HB 4401, 4402 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

HB 4401, 4402 – Read second time and passed to third reading.

HB 4401, 4402 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

HB 4401 – Read third time. Carried by Fahey.

By unanimous consent, on request of Speaker, rules suspended to waive the remaining time on the five minute clock to close the vote.

HB 4401 – On passage of the bill the vote was: Yeas, 39; Nays, 15 – Bonham, Boshart Davis, Breese-Iverson, Drazan, Hayden, Helt, Lewis, Meek, Moore-Green, Nearman, Owens, Post, Reschke, Sprenger, Stark; Excused, 6 – Barreto, Bynum, Doherty, Wallan, Wilde, Wilson. Bill passed.

HB 4401 – Sollman requested the following explanation of her vote be entered in the Journal:

“The effects of this pandemic will last for years, if not decades. This bill attempts to mitigate some of the negative impacts of the economic crisis associated with Covid-19. The Governor asked us to Stay Home, Save Lives and declared a State of Emergency on March 8, 2020. Most Oregonians complied and I’ve heard many stories of the resulting financial hardship at home in House District 30. I’ve heard from tenants who are prioritizing rent over other basic needs and those who cannot pay their rent at all. I’ve heard from small landlords who rely on their rental properties for their monthly and retirement income. The eviction moratorium has improved public safety and kept many Oregonians in their homes but has created a backlog of past due rent that continues to grow. This bill creates a practical and balanced way to address this problem.

“With the number of Covid-19 cases rising, hospital capacity falling and the death rate in Oregon at an all-time high, we need to continue to ask landlords to help shoulder the burden of public health. We need to extend the moratorium on evictions to save lives. With a sense of urgency, we also need to provide some relief to those landlords. 80% of what’s owed is not all of what’s owed, and I hope that the federal government will provide more resources to assist residential housing providers.

“I voted to address the urgent concerns I heard from within my district. I voted to extend the moratorium, keep Oregonians in their homes and provide a path for landlords to be able to address the pressing concerns of a nine-month backlog of overdue rent and keep them, and renters, from falling further behind.”

House stood at ease.

House called to order.

HB 4402 (A-Engrossed) – Read third time. Carried by Sollman.

By unanimous consent, on request of Speaker, rules suspended to waive the remaining time on the five minute clock to close the vote.

HB 4402 (A-Engrossed) – On passage of the bill the vote was: Yeas, 46; Nays, 8 – Evans, Fahey, Holvey, Lawrence Spence, Nearman, Nosse, Rayfield, Reschke; Excused, 6 – Barreto, Bynum, Doherty, Wallan, Wilde, Wilson. Bill passed.

HB 4402 (A-Engrossed) – Keny-Guyer requested the following explanation of her vote be entered in the Journal:

“While I voted in support of HB 4402, I want to clarify my understanding regarding the ‘COVID-19 Emergency Rule’ that school districts must follow, if there is a discrepancy between state and federal guidance.

“The bill states that ‘COVID-19 Emergency Rule’ means an executive order, order of the Superintendent of Public Instruction, declaration, directive or other state or federal authorization, policy, statement, guidance, rule or regulation that creates a standard or waives, suspends or modifies otherwise applicable state or federal law, regulations or standards regarding the rendering of education services.

“My understanding of how this rule should be interpreted reflects that of my state Senator, Michael Dembrow, who emailed me today that, ‘Generally (and this was the intent) the more narrowly-focused rule, the one closest to the parties in question, will prevail... Thus, in this case it’s the ODE/OHA Safe Schools requirements, which use CDC recommendations as the basis of their policies, that will prevail here, not the CDC rules themselves and certainly not a presidential tweet!’

“I urge the Oregon Department of Education to clarify in rule that the state guidance, specifically the ODE/OHA Safe Schools mandate, supersedes the federal guidelines, if there is any future question about any discrepancy in guidance between different levels of government. However if no rule is issued that addresses this issue, I want my legislative intent clear on the record.”

HB 4402 (A-Engrossed) – Reschke requested the following explanation of his vote be entered in the Journal:

“I have been a strong proponent for several months for reopening our schools in Oregon. One of the main reasons school districts have been unwilling to reopen for in-person instruction is due to the possibility of frivolous COVID-19 lawsuits that potentially could bankrupt the district.

“I was disappointed this body did not bring forward a liability protection bill in June, during the 1st Special Session, or in August, during the 2nd special session. That said, I did not vote against HB 4402A because I believe granting temporary immunity to these organizations, these school districts, this class of citizens is bad or wrong. On the contrary. Instead my ‘No’ vote is based on the principle of fairness to all Oregonians. Furthermore, my understanding of Oregon’s constitution — specifically Article I Section 20 — means this bill may be unconstitutional.

“Article I - Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.—

“Let me ask, ‘Does HB 4402A allow the Chicken Shack in Klamath Falls to receive such liability protection? Will the Malin Country Diner receive such protection? How about Foundry Four in Prineville or the Happy Horse Deli in Lakeview?’

“Of course the answer is ‘No’ to these questions AND not only for these alone but for an entire multitude of other businesses all across Oregon — and that is my point. There is yet to be a bill or set of bills that provide such liability protections for everyone, including for those who work, create wealth and pay taxes in our state. For a legislative body that is increasingly concerned about equity, this approach to liability protection seems to fall far short of the bar.

“Again, I am not opposed to liability protection for schools. I am all for it. But I am against the idea if liability protection is not available to all Oregonians, then it isn’t fair.

“What is good for the goose is good for the gander except, apparently, in Oregon.”

House stood at ease.

House called to order.

Committee Report File No. 2 was distributed on December 21, 2020.

SB 5731 – Report by Committee on The Third Special Session of 2020 recommending passage.

SB 1801 (A-Engrossed) – Report by Committee on The Third Special Session of 2020 recommending passage.

House stood at ease.

House called to order.

SB 5731; SB 1801 – By unanimous consent, on request of Speaker, rules suspended to permit second reading immediately.

SB 5731; SB 1801 – Read second time and passed to third reading.

SB 5731; SB 1801 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

SB 5731 – Read third time. Carried by Rayfield.

By unanimous consent, on request of Speaker, rules suspended to waive the remaining time on the five minute clock to close the vote.

SB 5731 – On passage of the bill the vote was: Yeas, 52; Nays, 2 – Nearman, Reschke; Excused, 6 – Barreto, Bynum, Doherty, Wallan, Wilde, Wilson. Bill passed.

SB 1801 (A-Engrossed) – Read third time. Carried by Nosse.

By unanimous consent, on request of Speaker, rules suspended to waive the remaining time on the five minute clock to close the vote.

SB 1801 (A-Engrossed) – On passage of the bill the vote was: Yeas, 50; Nays, 4 – Nearman, Reschke, Sanchez, Sollman; Excused, 6 – Barreto, Bynum, Doherty, Wallan, Wilde, Wilson. Bill passed.

Keny-Guyer requested the following explanation of her vote be entered in the Journal:

“I voted YES on SB 1801, the policy package designed to help struggling restaurants on the verge of collapse due to the pandemic. The restaurant industry is seeing revenue losses between 40-70% due to temporary closures, reduced indoor seating, and increased costs to maintain COVID-19 protocols. Outdoor seating is difficult to maintain during Oregon’s wet, cold winter season. Volume driven by third-party vendors is often non-revenue generating due to high fees.

“I want to support these small business owners and employees – and ensure a vibrant social ecosystem post-COVID. My preferred strategy would be to subsidize restaurants through federal relief, as in Congressman Blumenauer’s restaurant bill. Because that has not yet become law, SB 1801 provides two provisions that would be in effect during and for 60 days following the Governor’s executive order:

“1) Capping the fee third-party deliverers can charge restaurants, as several other regions have done, which I strongly support.

“2) Allowing ‘cocktails-to-go,’ which I supported with reservations because of Oregon’s abysmal rate of addiction and access to treatment. Alcohol use, suicide, and domestic violence have increased as families are stuck in the ‘stay at home’ orders. These pandemic-related increases are on top of the significant problems Oregon already faces in chronic homelessness, high rates of children placed into foster care, and high rates of hospitalization and incarceration due to abuse of alcohol and other drugs.

“To mitigate the public health concerns related to making hard alcohol more accessible. I appreciate the bill’s requirement to have tamper-proof, sealed containers, to check for age verification, and to require a ‘substantial food item’ with the two cocktail/wine cap. I encourage OLCC to consult with Oregon Recovers, the Alcohol and Drug Policy Commission, and Oregon Health Authority Behavioral Health to pursue other ‘best practices’ from states that best balanced this policy with public health mitigations.

“I urge OHA to collect and analyze data on ED visits due to abuse of alcohol and other drugs. OHA should run a report from the ESSENCE surveillance system to see if alcohol-related ED visits have increased during the pandemic, and should set up on-going ways to monitor substance abuse incidents.

“We need comprehensive solutions to our addiction crisis, starting in the 2021 legislative session, including increasing the beer and wine tax and the price of hard liquor to support prevention, treatment and recovery strategies identified in the Alcohol and Drug Policy Commission strategic plan. While today marked my last day of voting, I remain ready to assist with these efforts!”

SB 1801 (A-Engrossed) – Sollman requested the following explanation of her vote be entered in the Journal:

“The hospitality industry, and our restaurants more directly, have suffered greatly through the effects of this pandemic. Open. Close. Indoor. Outdoor. Take-out. I’ve heard from restaurant owners in House District 30 about their difficulties navigating the myriad of restrictions and options available to try and survive the last nine months. I’m deeply saddened when I hear about the ever-growing list of restaurants that won’t be there when we return to indoor dining and attending gatherings. I appreciate the efforts of my colleagues to provide this relief to our restaurant industry, I just don’t think that Senate Bill will move the dial as much as is needed. I voted no because of my concerns over the possible unintended consequences and bill’s reliance on high-spirited drinks being the silver bullet.

“The city of Portland has already passed restrictions on third party food delivery services that are similar to those in SB 1801 and I am dismayed at the stories occurring as a result of its implementation. Many services are simply ignoring the restrictions and Portland hasn’t dedicated resources for enforcement, so the abuse continues. For those that do comply, they charge high additional fees to customers which has reduced the volume of orders, and the amount restaurant employees and delivery drivers are making in tips. I also worry that if population centers can’t offset the costs of the restrictions in suburban and rural areas that delivery services may abandon those communities.

“The COVID-19 pandemic and the resulting economic recession have negatively affected many people’s mental health. 53% of adults in the United States have reported that the pandemic has negatively affected their mental health. Symptoms of anxiety disorder, depression and thoughts of suicide have increased

considerably. I voted no because making alcohol more easily available to Oregonians already suffering through isolation and job losses is not the right move.

“Restaurant owners have told me we should be making funds available, through grants and loans, to ‘just get them through.’ They asked that we provide fast, reliable testing for employees so that sick workers can stay home and keep restaurants safe. They want us to providing assistance to help them open outdoor dining options. They want us to address the rising unemployment charges they’re facing, due to layoffs that were not their fault. The availability of a vaccine has brought hopes of reopening I hope we can address these issues and help restaurants in House District 30 and all across Oregon.”

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

HB 4401 – By unanimous consent, on request of Smith Warner, rules suspended to permit Owens to change his vote from "nay" to "yea" on passage of bill.

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

HB 4401, 4402 – Message from the Senate announcing passage.

SCR 231 – Message from the Senate announcing adoption.

SCR 231 – Introduced, read and passed to Speaker’s desk for referral.

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

SCR 231 – By unanimous consent, on request of Speaker rules suspended to permit final reading and consideration immediately.

SCR 231 – Read in its entirety. Carried by Smith Warner.

By unanimous consent, on request of Speaker, rules suspended to waive the sixty second wait prior to a member’s closing remarks.

By unanimous consent, on request of Speaker, rules suspended to waive the sixty second wait following a member’s closing remarks.

By unanimous consent, on request of Speaker, rules suspended to waive the remaining time on the five minute clock to close the vote.

SCR 231 – On adoption of the measure the vote was: Yeas, 51; Excused, 9 – Barreto, Bynum, Clem, Doherty, Evans, Prusak, Wallan, Wilde, Wilson. Resolution adopted.

House adjourned sine die at 6:01 p.m. Monday, December 21, 2020.

SCR 231; SB 5731; SB 1801 – Message from the Senate announcing President signed on December 23, 2020.

SB 5731; SB 1801; SCR 231 – Speaker signed on December 23, 2020.

HB 4401, 4402 – Speaker signed on December 23, 2020.

HB 4401, 4402 – Message from the Senate announcing President signed on December 23, 2020.

HB 4401, 4402 – Message from the Governor announcing she signed on December 23, 2020.