

Oregon House of Representatives

PARLIAMENTARY PROCESS AND PROTOCOLS



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PARLIAMENTARY PROCESS AND PROTOCOLS



Oregon Provisional Seal

1843 - 1849

Known as the “Salmon Seal,” this seal was the first seal made for Oregon and was used while operating under the Provisional Government. The salmon was designed to symbolize the fishing industry and the grain to represent agriculture.

INTRODUCTION

WHY do we have procedural rules?

Because we need an initial agreement about how we are going to make decisions. Parliamentary procedure, in its essence, provides the tools for effective group action.

Rules have been created over time to ensure and balance the rights of various constituencies within or affected by the actions of the entity. These various constituencies can be described as:

- A majority
- A minority
- A committee
- Individual members
- Stakeholders – people and groups subject to the entity's authority

The legislative process exists to create public policy in an inclusive and effective manner. How well a legislature executes these tasks depends largely on the processes and procedures it follows.

WHERE are sources of authority found?

Every legislative assembly has the inherent right to regulate the conduct of its own business, within certain legal parameters. Our regulations are found in our adopted rules, customs, and practices. Where are the legal limits that might restrict a legislature? Generally, those would be found in State and Federal constitutions, statutes, and judicial decisions that pertain to the lawmaking process. Here are some of the sources of authority that impact legislative processes and prerogatives:

- Constitutional provisions
- Adopted rules of the body
- Local custom, usage and practice
- Statutory law and judicial decisions
- Adopted parliamentary authority
- General parliamentary principles

WHO do you ask?

The primary sources of procedural information are listed below:

The presiding officer. Generally, this is the person who chairs the meetings of a body. In the Oregon House of Representatives, the Speaker of the House is also known as the Presiding Officer. The Speaker has the responsibility to preserve order and decorum and decide questions of order and exercise general control and direction of floor action. Under House Rules, the Speaker shall enforce all rules, laws, and regulations applicable to the body.

Chamber parliamentarian. The parliamentarian's job is to advise and assist the presiding officer and members of the body on matters of procedure. Not having a right to vote on the question itself, the parliamentarian acts as a neutral party with respect to the outcome of the question but focus strictly on the procedural aspects of conducting the business of the House.

Committee chairs. A committee chair functions as a presiding officer of a committee. They have the authority for which and when bills will be considered, for running an orderly committee meeting according to the rules, and for issuing committee reports.

Experienced legislators. Speaking with other members about procedural matters helps a new legislator learn the body's traditions and practices, especially the unwritten ones. This will help you make a cost-benefit analysis when deciding what strategy to employ in deliberations. An important part of learning the rules is learning when *not* to do something you could do.

PRINCIPLES OF APPROACH

Parliamentary law is based on a group of principles which underlie the whole scheme of parliamentary procedure. Most of these principles are set forth in this booklet, but nothing this brief can be considered complete or comprehensive. Nevertheless, thought of in terms of principles instead of rigid, detailed, technical rules, parliamentary procedure is essentially reasonable and logical. With that in mind, here are the fundamental approaches to how any situation will be addressed.

Rules Should Be Applied with Judgment

There are many ways within the rules to achieve the same outcome. With the agreement of enough members, rules can even be suspended. Rigidity often produces problems because the legislature is contextual and relational. Parliamentary process is not mere rules but is founded on *reasonable and equitable* customs.

The Process Is Constructive

The underlying philosophy of parliamentary law is positive and constructive. These procedures are designed to methodically work towards a resolution of business and assist the group's members in accomplishing their corporate purpose. However, any parliamentary procedure, when used for the improper purpose of obstructing the conduct of business, is a dilatory motion. Without an inclination to protect the rights of the entire body, a determined minority could otherwise take advantage of parliamentary tactics to entangle, confound, and obstruct business. Every legislative body has the inherent right to protect itself from dilatory behavior of its

members. This philosophy observes the rule of law, seeks to avoid confusion, and protects the rights of all equitably.

Equality of Members as Representatives of the People

Every member is presumed to be the equal of each other member in terms of rights and obligations that must be respected. Every member is expected to present their views and listen to the arguments of others. Every member is provided the same official fundamental information about a measure before a vote is taken so that they are apprised of the nature and consequences of their own action. Seconds to motions are not required in the Oregon House.

FUNDAMENTALS OF PARLIAMENTARY LAW

A working knowledge of some basic principles of parliamentary law enables one to reason out the answers to most parliamentary questions. When one understands the basic principles, it is easy to become familiar with the rules because most of them follow logically from the principles.

These basic principles are so simple and familiar that we may fail to recognize their importance. They are the same principles on which democracies are based and seem almost self-evident.

Every Member Has Rights and Obligations

Every member has equal obligations to follow the rules and engage constructively in the process. Every member has an equal right to propose motions, speak, ask questions, nominate, be a candidate for office, vote, or exercise any other privilege of a member.

Majority Control

The ultimate authority of an organization is vested in a majority of its members. This is a fundamental concept of democracy.

A primary purpose of parliamentary procedure is to determine the will of the majority and see that it is carried out. By the act of joining a group, a member agrees to be governed by the vote of the body.

Until the vote on a question is announced, every member has an equal right to voice opposition or approval and to seek to persuade others. After the vote is announced, the wishes of the “majority” becomes the decision of the “body.”

Minority Rights

The members who are in the minority on a question are entitled to the same consideration and respect as members who are in the majority. Democratic organizations always protect certain basic rights belonging to all members. The right to due process and an opportunity to present proposals are valued rights of all members, although the ultimate authority of decision rests with a simple majority, except when a larger vote is required.

The protection of the rights of all members, minority and majority alike, should be the concern of every member.

The Right of Discussion

Discussion of any proposition presented for decision is an established right of members. Each member of the assembly has the right to speak without interruption or interference provided the rules are observed. The right of members to “have their say,” or to “have their day in court,” is as important as their right to vote.

The Right to Information

Every member has the right to know the meaning of the question before the assembly and what its effect will be. The presiding officer should keep the pending motion clearly before the assembly at all times, and when necessary should explain it or call on some member to do so. Any motion and its effect should be explained if there are members who do not understand it. Members have the right to request information on any motion they do not understand so that they may vote intelligently.

Fairness and Good Faith

All meetings must be characterized by fairness and by good faith. Trickery, overemphasis on minor technicalities, dilatory tactics, indulgence in personalities and bullying are characteristics that threaten the spirit and practice of fairness and good faith. If a meeting is characterized by fairness and good faith, a minor procedural error will not invalidate an action that has been taken by an organization. But fraud, unfairness, or absence of good faith may be enough for a court to hold any action invalid.

Parliamentary strategy is the art of using, *legitimately*, the parliamentary principles, rules, and motions to support or defeat a proposal. It includes, for example, such important factors as timing, wording of proposals, choice of supporters, selection of arguments, and alteration of proposals by other motions. Strategy, *ethically used*, is constructive; however, if it involves deceit, fraud, misrepresentation, intimidation, or denial of the rights of members, it is destructive and potentially illegal.

In 1776, John Hatsell, the famous British parliamentarian, wrote, “*Motives ought to outweigh objections to form.*” The interpretations of the courts make it clear that the intent and overall good faith of the group are of more importance than the particular detail of procedure used in a given instance.

“The effectiveness and, in fact, often the existence of an organization are destroyed if its officers or members condone unfairness or lack of good faith.”

HOUSE FLOOR PROCESSES AND PROTOCOLS



Oregon Territorial Seal

1848 - 1859

The Oregon Territorial Seal was modified from the original and utilized when the territorial government took control of the region. Its seal includes a sailing vessel used to represent commerce, a beaver to symbolize the prominent fur trade, the Latin motto *Alis Volat Propriis* ("She Flies with Her Own Wings"), a Native American on the left side, and an eagle on the right.

HOUSE CHAMBER ACTIVITIES

General Chamber Protocols

Members and employees should dress according to standards of contemporary business attire. Staff and guests are not allowed to advocate while in the chamber. This includes buttons, pins, and any article of clothing that represents a position on an issue.

Except for emergencies, a member shall ATTEND all floor sessions of the House unless an excuse is filed with the Chief Clerk forty-eight (48) hours in advance. All requests for an excused absence will be presumed approved unless the member is otherwise notified. Only 9 unexcused absences are allowed per legislative session before constitutional penalties are incurred.

The side aisle and ceremonial double doors at the back of the House Chamber are closed 30 minutes prior to session and remain closed until 30 minutes following adjournment. During this PROTOCOL PERIOD, all House rules are in force, just as when the House is in session.

No eating, drinking of beverages (other than water), or smoking/vaping/use of e-cigarettes is permitted in the House chamber. Representatives may have BOTTLED WATER at their desk.

Any use of electronic equipment, including cell phones, that distracts from the proceedings of the House are prohibited. Please silence your devices.

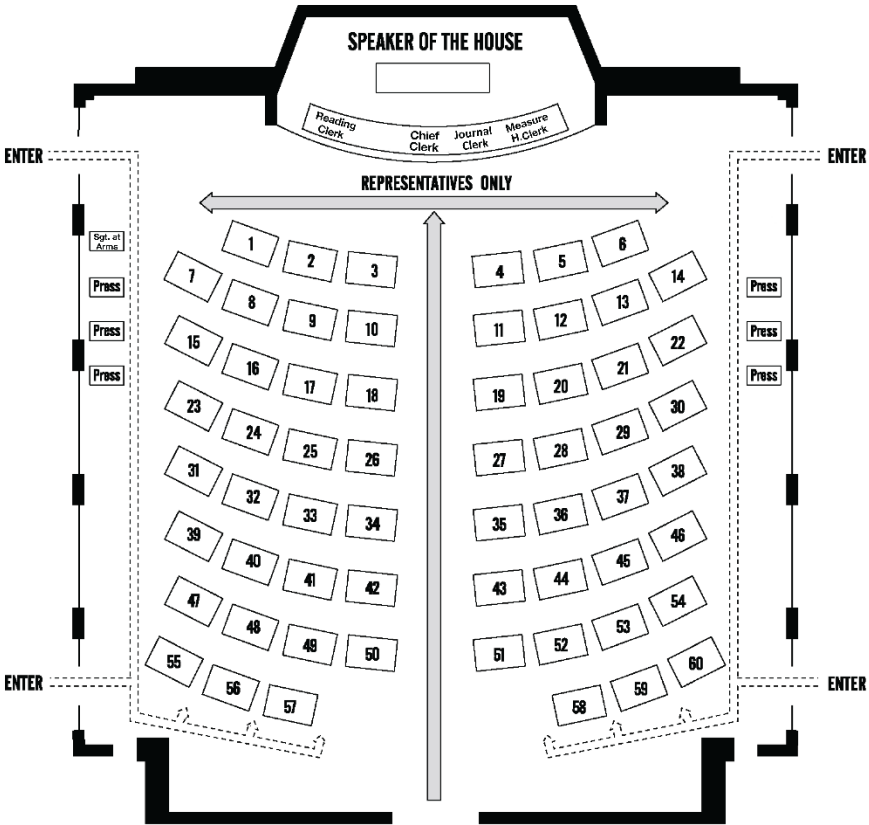
COURTESIES OF THE HOUSE, including guest seating in the side isle of the Chamber, shall not be granted to any person actively engaged in seeking the passage or defeat of any measure. Those permitted on the floor during session include:

- Current members of the legislature
- Desk and floor staff of the House
- Committee staff
- Accredited representatives of the news media
- Staff members of the speaker, majority, and minority offices
- One member of a Representative's personal staff or family or a member of a leadership office, or committee staff may be seated at a member's desk. Additional House staff members are permitted on the side aisles.

Personal movement within the chamber is regulated by rule. A CENTER AISLE called "The T" divides the House chamber. While the House is in daily session, the T 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.

To approach a member's desk, support and floor staff must enter from a side aisle gate and proceed to the back of the chamber, then proceed up the row to their destination. (See diagram) Two chairs are at each member desk. The chair with arms is for members only, and the side chair may be used by others according to rule.

HOUSE CHAMBER DIAGRAM



Debate and Decorum

In order to participate in floor debate, a member must first be recognized by the presiding officer. The member shall use the appropriate button at the member's desk to signal their request.

- The button labeled “speak” shall be used when a member seeks recognition for purposes of debate or making motions.
- The button labeled “priv.” shall be used only for purposes requiring immediate consideration.

When a member is recognized by the presiding officer, the member shall rise from his or her seat and respectfully address the presiding officer.

In speaking, a member shall refer to another member by using the title Representative and the member's district number or informal moniker or the title of Representative and their surname.

The speaking member must confine their remarks to the question under debate, they must avoid characterizations of personalities and may not impugn the motives of another member's vote or argument.

If a member objects to words spoken in debate, the member shall immediately depress the button labeled “priv.” The presiding officer will recognize the member but need not do so immediately, in their sole judgment. The presiding officer shall call to order any member who violates the Rules of the House.

No one shall walk between a member who is speaking and the Rostrum. No staff should ENTER or LEAVE the side of the chamber in which that member is speaking.

Typically, members must first be recognized by the presiding officer in order to have the floor to make a motion, inquiry, or remarks. There are very few exceptions to this, but in the following cases a member does not need recognition in order to speak up:

- To object to unanimous consent
- To call for division of voice vote
- To appeal a ruling of the chair

Questioning other members or “Colloquies”

Members may ask questions of other members but must do so before they begin to offer remarks on the measure. Questions do not count towards a member’s time allowance for debate.

All questions asked of another member shall be addressed to the other member through the presiding officer. The proper form is to ask the presiding officer if the other member will “yield to a question.” The presiding officer will ask if the other member yields. A member is never required to yield to a question, but they may choose to do so. It is a customary courtesy to provide questions in advance so that the answers may be quickly forthcoming.

Points of Order v. Parliamentary Inquiries

Raising a point of order is a parliamentary device that is used to require a legislative body adhere to its own rules. It is the duty of the presiding officer to enforce the rules and it is also the right of every member who notices a breach of order to insist upon enforcement. Rulings of the presiding officer are appealable, and debatable only upon successful appeal.

The most common point of order raised in the Oregon House pertains to member's remarks in debate and whether they conform to House rules of decorum mentioned above. Rulings of the presiding officer regarding decorum are appealable to the full body, but those appeals are not debatable under House rules.

A parliamentary inquiry, on the other hand, is simply a request from a legislator to the presiding officer for information concerning the body's rules and how they apply to the matter before the body. The presiding officer should answer any questions on parliamentary procedure pertinent only to business before the body. A parliamentary inquiry is not a motion therefore it is not appealable, debatable, amendable, or subject to any other motion.

Germaneness

Germaneness means appropriate or applicable to the subject. Members must confine their remarks to the question under discussion. A member who resorts to persistent irrelevance or persistent repetition after attention has been called to it may be directed to discontinue speaking by the presiding officer.

Making a Motion

Requests for a decision of the body come in the form of a motion. Like questions of another member, motions must be made before remarks to a measure are offered. When any motion is made, it shall be restated by the presiding officer. No second to a motion is required.

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 final decision is made or the motion is amended.

Remember: No measure shall be amended upon the floor. No bill title may be amended by the House and 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.

Motions to adjourn, to recess, to lay on the table, to withdraw a measure from committee, and for the previous question are not debatable. A decision on any of these motions shall be voted on without debate and are not subject to motions to postpone, refer to committee, or lay on the table.

Number of Times a Member May Speak to a Question

Generally, a member may speak once on a question and must conclude their remarks within an allotted time limit. Once all members wishing to speak to a question have done so, a member may be recognized a second time.

The designated carrier of a measure shall also have the privilege of “closing debate.” After all members wishing to speak to the measure have done so, the carrier has 10 minutes to offer final remarks.

Carry: 10 minutes (plus any yields)

Debate: 5 minutes (plus any yields)

Close: 10 minutes (no yields allowed)

Voting

All voting is done WITHIN THE BAR. When a vote is called, the electronic voting machine shall be held open for 30 seconds. To vote upon any question a member must be physically present within the bar or return to within the bar before the electronic voting system is closed. After that 30 seconds, the clerk will continue to record the votes of all members present within the bar for that time frame. When the vote is conducted by oral roll call, the 30 second clock does not apply, but the member must be within the bar by the time their name is called.

Each member within the bar for a vote, shall vote either “yea” or “nay.” No member shall be allowed to abstain from voting. Actual or potential conflicts of interest are not disqualifications from voting in the Oregon House on any measure.

No person is allowed to vote on behalf of another member or alter or attempt to alter the electronic voting system to register a vote in any manner other than the member personally pressing their own voting buttons during each recorded vote.

Changing Your Vote

Generally speaking, you may change your vote at your own volition until the gavel falls. However, after the electronic voting system closes, your buttons will no longer function and you must alert the presiding officer of your wishes, for the Clerk to record your vote as directed. After the gavel falls, if you believe that your vote was recorded incorrectly, or that you wish to change your recorded vote, please consult with the Chief Clerk *before adjournment of that meeting* regarding your options.

Declaring a Conflict of Interest

When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce the nature of the actual or potential conflict *prior to voting on the issue* giving rise to the conflict.

The member shall also 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.

Standard Orders of Business for House Floor Sessions (AKA “The Agenda”)

Call to Order

The Speaker will drop the gavel once to call the House to order.

A member will be assigned to lead the flag salute each day. The Speaker will drop the gavel three times to signal the membership to stand.

Opening Ceremony

If there is a prayer, the membership will remain standing, however, if a special opening ceremony such as a musical performance is scheduled, the Speaker will drop the gavel one time to signal the membership to be seated.

Courtesies

The order of business “Courtesies” provides an opportunity for members to recognize guests from their individual districts and/or other special guests.

Verification of Quorum

The Speaker will instruct the Clerk to open the voting system to determine the presence of a quorum. Members shall press the “yea” button to record their attendance. Verification of a quorum will reoccur after a recess.

Messages from the Governor

This order of business allows for messages from the Governor to be read. They include bills signed, vetoed, or bills allowed to become law without the Governor's signature.

Messages from the Senate

The House and Senate formally communicate with each other by messages. Measures are transmitted from one house to the other by a message, which explains what action has been taken. In some messages, one house may ask the other to take further action, such as concur in an amendment or agree to the appointment of a conference committee. (Any action is taken up under Propositions and Motions.)

First Reading: Memorials and Resolutions

The Reading Clerk will read each measure that is not a bill by number and title in compliance with Article IV, Section 19 of the Oregon Constitution. After the readings are completed, the Speaker will announce transmittal to the Speaker's desk for purpose of referral to an appropriate committee.

Committee Reports

This is an announcement that certain events have taken place which serves as notice of pending items for floor consideration. As committees report measures to the Clerk's office (the Desk) after taking action, their recommendations are recorded on the Committee Report File. The report file for each measure contains

the staff measure summaries, fiscal and revenue impact statements, if applicable, and any budget reports. Committee reports are distributed by the Chief Clerks Office via email. Measures appearing on a committee report are scheduled by rule for second and third reading.

Propositions and Motions

This order of business is used for the consideration of business as found in messages from the Governor or Senate, special reports, and special motions such as:

- Placing measures on different calendars
- Reconsideration of votes taken
- Consideration of Senate amendments to House measures
- Conference Committee Reports
- Committee and Minority Reports
- Vetoed Measures
- House Rule Amendments

(Above are examples and not meant to be all inclusive)

As a courtesy, the Clerk prepares a script using the proper language for these motions and places them on your chamber desk prior to daily session. Please provide adequate time for preparation of this material before session begins.

First Reading of House Bills

Same as First Reading: Memorials and Resolutions, except pertaining only to measures that are House bills.

Second Reading of House Bills

House bills are read second time, pursuant to the requirement that all bills must have three separate readings. The Reading Clerk will read the bill number and title only. No action is taken under Second Reading.

Consent Calendar

Measures scheduled under this order of business are not subject to debate. The measure is read by the Reading Clerk and a vote is immediately opened. They must have been reported out of committee unanimously and the committee must have recommended they placed on the Consent Calendar. If four objections signed by members of the House are received at the Desk within the two-day period after the measure appears on the Committee Report File, the measure will be removed from the Consent Calendar and placed in its proper order on the Third Reading Calendar for the next session day. The measure may also be removed by order of the Speaker.

Third Reading of House Bills

This is the final reading of a bill and the order of business when the body considers a recommendation or motions pertaining to a bill,

and a vote is recorded. This Order of Business is sometimes called the Third Reading Calendar, and a separate list of bills appearing on that day's third reading list is prepared and distributed by the Clerk's Office.

Final Reading: Memorials and Resolutions

Same as Third Reading of House Bills however this calendar contains all other types of measures excluding bills.

Bills, Reports and Other Business Lying on the Table

This order of business equates to an announcement only.

First Reading of Senate Bills

Same as First Reading of House Bills, except pertaining only to Senate bills.

Second Reading of Senate Bills

Same as Second Reading of House Bills, except pertaining only to Senate bills.

Third Reading of Senate Bills

Same as Third Reading of House Bills, except pertaining only to Senate bills.

Other Business of the House

This order of business is used to announce the following:

- Distribution of any proposed amendments to the House Rules.
- Unfinished business.

Other Business of the Senate

This order of business equates to an announcement only.

Orders of the Day Have Been Completed

This is an announcement only.

Announcements

This order of business is used for the announcement of caucus meetings, committee meetings, special events and vote changes.

Remonstrances

Remonstrances allow a member to make a statement in protest (House Rule 1.01) – 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 may not be impugned (House Rule 4.01)

Adjournment

The Speaker will recognize the Dean of the House to place the adjournment motion.

COMMITTEE PROCESSES



Oregon State Seal

1859 – Present Day

The seal was further modified after Oregon became the 33rd state on February 14, 1859, displaying a shield supported by 33 stars, and encompassing a ribbon with the newer motto “The Union.” A covered wagon and ox team, along with some other features, were added as well.

COMMITTEE PROCESSES: OVERVIEW

Committees are the workhorses of the Oregon legislature, performing policy and program formulation and exercising great control over the product of the entire legislative assembly. The quality and quantity of work done in committee will ensure a smooth legislative session and the potential for an earlier adjournment date.

Legislative Committees

- Are legislative bodies with their own adopted rules, customs and practices;
- Are the only place a measure can be amended;
- Provide citizens and interest groups with a formal opportunity to affect legislative decisions.

Protocol for Public Testimony

The chair will call witnesses forward, usually from the witness sign-up sheet.

- By custom, legislators, tribal officials, and other elected officials are given “priority” to testify.
- By custom, those traveling over 100 miles to attend the committee hearing are offered the courtesy of testifying next.
- A protocol guide for witnesses is available from the Legislative Policy and Research Office.

Witnesses, members, and staff should direct their questions, comments, or responses through the chair:

“Mr./Madam Chair, may I ask a question of the witness?”

“Mr./Madam Chair, Representative B, the answer to your question is...”

- Not every witness in front of your committee will know the protocol.
- Witnesses should hand the committee assistant their testimony, if any. The committee assistant will distribute testimony to members and to staff for inclusion in the public record.
- Treat all members, witnesses and staff respectfully and fairly.

TYPES OF COMMITTEES

Session Committees are policy committees, fiscal, or revenue committees of a legislative session generally created by the Speaker for session work, although legislative statutory committees are a component of the Assembly's committee structure as well. The Speaker shall appoint majority party and minority party members and the Chairs and Vice-Chairs thereof, to all committees, in no lesser than 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.

Interim Committees are the most formal of the types of interim groups and are treated like a session committee with similar rules

except that their hearings are about legislative concepts and drafts rather than legislative measures. Only legislators are appointed to interim legislative committees. Interim committees are generally created and appointed by the Speaker although the category includes certain statutory committees which function in the interim as well.

Task Forces are less formal than interim committees and can have non-legislators as members. A task force must adopt operating rules and will operate under state open meeting laws. Model rules for task forces have been developed as a template to assist the work of the group.

Work Groups are the most informal of all. A work group can be any sized group of people that gathers to discuss any issue, except that if a quorum of a legislative committee is present open meetings

rules must be followed. Absent a quorum issue, a work group has no formal meeting, reporting, or recording requirements because it has no formal legislative authority.

Why Would a Certain Type of Group Be Created?

- A session or interim legislative committee is a group of legislators with the responsibility to consider legislative measures or legislative concepts and drafts, and perform oversight roles, on behalf of the Legislative Assembly.
- Task forces are groups, usually composed of legislators and non-legislators, who are officially tasked with issuing a report or developing a policy recommendation on a discrete policy question (or set of questions) that will likely work into legislative measures. These groups generally do not have the authority to introduce legislation themselves, but they make formally adopted recommendations to the legislature.
- A work group is an ad hoc group of stakeholders that discusses policy issues with a goal of reaching a consensus or exploring the differences of opinion. This feedback and opinion can inform legislators of the sense of how stakeholders would approach an issue, but a work group has no formal legislative authority.

How to Create a Committee, Task Force, or Work Group

An interim committee or task force can be created by a bill, resolution or by Presiding Officers under ORS 171.640.

Note: There are legal restrictions on committees and task forces which usually add complexity, therefore formal resolutions are discouraged when more informal groups are sufficient for the task.

Work groups can be created by any way EXCEPT by a bill or resolution.

Example: The Chair of a committee sends a letter to the committee and interested parties that a work group will be convened in the interim to address issues raised in a bill. To the degree that this group of people contains no quorum of

the legislative committee, and it has no authority to make decisions on behalf of the legislative committee, it may meet without convening a public meeting.

The Significance of a Legislative Quorum

- A committee meeting legally occurs when a quorum of a committee's legislators is gathered and the group begins discussing matters that are or could be before their committee, regardless of what the group is called. Meetings of this type must be publicly noticed and recorded in accordance with applicable laws and House rules.

- An unintentional violation of open meetings requirements can occur when a group is discussing legislative matters, and a quorum of legislators on committee is present, regardless of whether the legislators are only observing the discussion. Thus, you should be aware of the members you are with even when informally discussing legislative business and avoid having a quorum or more present.

OPEN MEETING SITUATIONS

The Oregon Constitution requires all proceedings of the Legislative Assembly to be conducted in open meetings. There is no exception for the legislature and the ordinary public meetings law provisions permitting executive sessions do not apply to the legislature.

Meetings of any committee or subcommittee of the Legislative Assembly must be publicly noticed for a specific amount of time and their proceedings recorded.

A committee or subcommittee meeting automatically occurs when a quorum of members is gathered and begins discussing matters that are or could be before the committee or subcommittee. Generally, a quorum of a committee or subcommittee is a majority of the committee or subcommittee members. However, a quorum of a joint committee or a joint subcommittee requires a majority of members from both the Senate and the House of Representatives to be present.

An unintentional violation of open meetings requirements can occur anywhere when members of a committee gather informally and begin discussing legislative matters before the committee. Thus, you should be aware of the members you are with when informally discussing legislative business and avoid having a quorum of that committee present for those discussions.

Technology also creates the potential for unintended open meetings law violations. Use of “reply all” email chains, group electronic chats, texts or instant messaging carry a risk of amounting to “deliberations” on an item of legislative business, which is not

permitted. Occasional exchanges of electronic communication among committee members, however, are acceptable and do not violate open meetings requirements. When occasional exchanges evolve into sustained interactions involving legislative business, the electronic communications become deliberations that cannot occur except in open meeting. Because the boundary between minimal electronic exchanges and sustained deliberation is fact-specific and not always easy to discern, a prudent course of action is to avoid electronic communications to a quorum or more of committee members that involves multiple rounds of back-and-forth discussion.

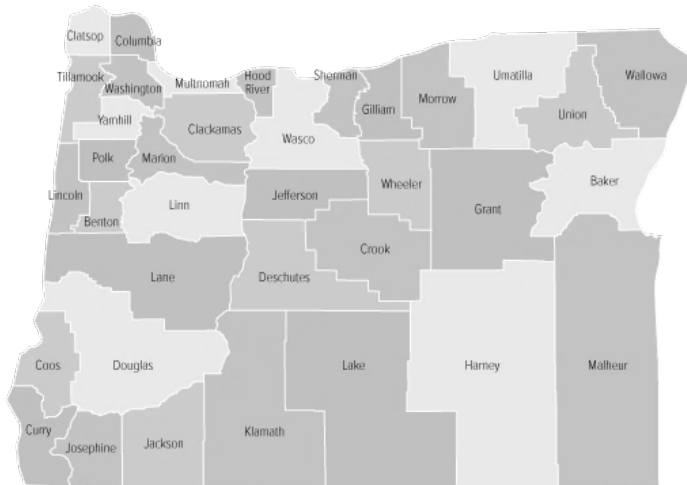
MOTIONS

Meaning and Form

First Legislative Districts/Counties of Oregon



Modern Day Counties of Oregon



STRATEGIC QUESTIONS TO CONSIDER

All motions have a priority and specific application in order to secure a fair and efficient transaction of business. However, as mentioned before, it is much easier to apply a few principles to the situation than it is to memorize the rules for a nearly unlimited number of motions available at any time.

In order to accomplish your objective, consider these fundamental questions:

May a speaker be interrupted? Generally not, except by the presiding officer. However, a speaker may be interrupted by a *question of privilege* that requires immediate attention or may be interrupted for a matter that has a definite time such as a *point of order*. Members who have the floor are interrupted only by the presiding officer.

Is the motion debatable? A main motion or other question presenting a matter of business to the body for its decision, such as an amendment, final consideration, or appeal, is debatable because debate is essential to enable the members to reach a meeting of the minds. The question is not debatable when it is a simple procedural motion that can be understood by the members without debate such as a motion to adjourn, recess, call the question, or to lay on the table.

Is the motion amendable? If the motion can be made in more than one form (i.e. date and hour), it is amendable. If there is only one proper form (i.e. lay on the table), it is not amendable.

Is a second required? In the Oregon Legislative Assembly seconds are generally not required. While not technically a second, support from other members is required for an oral roll call, appeal, and call of the House.

What vote is required? Vote requirements are set by rule. For procedural business, a simple majority of the members present (as long as a quorum of the group is present) is sufficient. Occasionally, for example a measure on final consideration, a majority of the entire membership (constitutional majority) is required.

Can a decision be changed? Dissatisfaction with a result on a *main motion* or *substantive question* can only be addressed by formal reconsideration. Dissatisfaction with the result of a *procedural motion* can be addressed by renewing the motion after intervening action or, if the motion carried, by subsequent affirmative action.

COMMONLY USED MOTIONS

The following motions are ranked in order of precedence should there be competing motions made.

ADJOURN means to immediately end the meeting. After adjournment, a new meeting must begin at the top of the daily agenda.

Debatable – NO

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – YES, if a time and date is offered

Can you refer motion to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – NO (no debate allowed)

Can you lay the motion on the table – NO

Can you reconsider – NO (can renew after intervening action)

Common forms:

“I move that the House adjourn.”

“I move that the House adjourn until [day and hour].”

Mason’s Manual Sections 200-210

RECESS means to immediately pause the entire meeting at the current place on the agenda in order to resume later on the same day at that place.

Debatable – NO

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – YES (as to the time to reconvene)

Can you refer motion to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – NO (no debate allowed)

Can you lay the motion on the table – NO

Can you reconsider – NO (can renew after intervening action)

Common forms:

“I move that the [committee, House] recess until [time that day].”

Mason’s Manual sections 214-216

LAY ON TABLE means to lay aside a pending question so that the meeting can move on to the next item on the agenda. Items laid upon the table may be taken from the table and considered further by additional motions.

Debatable – NO

Vote Required – Majority of members present.

Can you Postpone Indefinitely – NO

Can you amend the motion – NO

Can you refer motion to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – NO (no debate allowed)

Can you lay the motion on the table – NO

Can you reconsider – NO (can renew after intervening action)

Common form:

“I move that [the question] be laid on the table.”

Mason’s Manual sections 330-342

PREVIOUS QUESTION means to immediately end debate and, if adopted, immediately proceed to vote on the present question.

Debatable – NO

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – NO

Can you refer motion to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you lay the motion on the table – NO

Can you reconsider – NO (can renew after intervening action)

Common form:

“I move the previous question.”

“I call for the question (or ‘the question be put to the body’).”

Mason’s Manual sections 345-352

POSTPONE DEFINITELY – TO A DAY CERTAIN – OR TO MAKE SPECIAL ORDER OF BUSINESS similar to the motion to lay on the table, a postponement of this type lays aside a pending question to a future day certain.

Debatable – YES (as to the proposed time)

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – YES (as to the proposed time)

Can you refer motion to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – YES

Can you lay the motion on the table – NO

Can you reconsider – NO (can be renewed after further consideration of the question)

Common forms:

“I move that [the question] be postponed until [date and time].”

“I move that [the question] be made a special order of business on [date and time].”

Masons Manual Sections 365-374

REFER OR RE-REFER TO COMMITTEE means to send the measure to a committee for further action.

Debatable – YES (as to propriety of referring measure to committee)

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – YES (as to the committee)

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – YES

Can you lay the motion on the table – NO

Can you reconsider – NO (can be renewed after intervening business)

Common Form:

“I move that [the measure] be referred to [name of the committee].”

Mason’s Manual sections 378-390

TO AMEND is the formal method of changing a legislative measure or motion.

Debatable – YES

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – YES

Can you refer to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – YES

Can you lay the motion on the table – NO

Can you reconsider – YES

Common Forms:

“I move that we adopt [the referenced amendment].”

Amendments must be Germane: Must be relevant, appropriate and in a natural and logical sequence to the subject matter of the original proposal.

No floor amendments: House Rule 5.40 provides that NO measure shall be amended on the floor of the House.

Mason’s Manual section 395-420

POSTPONE INDEFINITELY lays aside a pending question permanently and the question cannot be reconsidered.

Debatable – YES (as it opens the main question to debate)

Vote Required – Majority of members present

Can you Postpone Indefinitely – NO

Can you amend the motion – NO

Can you refer motion to Committee – NO

Can you Postpone action on Motion to a later time – NO

Can you move the Previous Question – YES

Can you lay the motion on the table – NO

Can you reconsider – NO (House Rule 10.01[1])

Common forms:

“I move that [the question] be postponed indefinitely.”

Mason’s Manual sections 430-436

RECONSIDERATION means to reconsider a vote on an action previously taken by the body.

Debatable – YES (if the motion under consideration is still open to debate)

Vote Required – Constitutional Majority

Can you Postpone Indefinitely – NO

Can you amend the motion – NO

Can you refer to Committee – NO

Can you Postpone action on Motion to a later time – YES

Can you move the Previous Question – YES

Can you lay the motion on the table – YES

Can you reconsider –NO

Any member voting on the prevailing side may give notice of possible reconsideration prior to adjournment of that session in which the vote was taken.

After giving notice, you may then move to reconsider the vote before that notice period expires. The motion to reconsider shall be voted on at the first meeting after that on which the vote was taken. The motion to reconsider has precedence over any other motion.

There may only be one reconsideration of any motion even if the action taken is reversed on reconsideration.

If no notice is given, then a motion to suspend the rules is required before action on the reconsideration motion. (Rule suspension requires 2/3 vote of the members appointed)

Mason's Manual sections 66 and 450-473

ADDITIONAL MOTIONS AS PROVIDED BY HOUSE RULES

Rule 9.15 – Substitute Minority Report for Committee Report

Rule 9.30 – Withdrawal of measures from Committee

Rule 10.10 – Recall of measure from the Senate or Governor

Rule 11.01 – Concurrence or non-concurrence/conference committee (can be substituted)

OTHER MEMBER REQUESTS

Call of the House – requires one to demand and five others to join. After a Call of the House the Sergeant at Arms shall cause all members who are not excused to come to the floor. A Call shall be terminated upon the vote on the question or upon a subsequent motion to terminate approved by 40 members.

Division – when the presiding officer is in doubt on a voice vote, or a member calls for “division” prior to announcement of the vote by the presiding officer, the vote shall then be taken by the electronic voting system.

Roll call by electronic voting system – upon demand of two members, a roll call by electronic voting system prior to placing the question. The electronic voting system shall not be used for the election of officers.

Oral Roll Call – upon demand of two members, an oral roll call shall be taken and recorded, provided the vote is one on which it takes more than 31 votes to pass.



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