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# Legislative Assembly

## Senate

## House of Representative

Secretary of the Senate  
Lori Brocker  
6-1854

Republican Leader  
Ted Ferrioli  
6-1950

Democrat Leader  
Diane Rosenbaum  
6-1700

President of the Senate  
Peter Courtney  
6-1600

Speaker of the House  
Tina Kotek  
6-1200

Democrat Leader  
Val Hoyle  
6-1900

Republican Leader  
Mike McLane  
6-1400

Chief Clerk of the House,  
Tim Sekerak  
6-1877

Interim Committees and Task Forces

Session Standing and Special Committees

Session Standing and Special Committees

Interim Committees and Task Forces

Statutory Committees

Joint Interim Committees

Joint Interim Task Forces

Legislative Fiscal  
6-1828

Legislative Revenue  
6-1266

Legislative Administration  
6-1848

Legislative Counsel  
6-1243

Commission on Indian Services  
6-1067

Committee Services, 6-1813

Information Services, 6-1914

Legislative Media, 6-1195

Facility Services, 6-1360

Employee Services, 6-1373

**YOU ARE HERE**

## **Legislative Administration, Committee Services**

You work in Committee Services, organized under the umbrella of Legislative Administration. Committee Services provides centralized, nonpartisan professional staff to the Legislative Assembly. Administrators paired with assistants constitute “committee staff” throughout this manual. “Continuing” staff are those who remain year-round; “session” staff are those who work during the legislative session.

By tradition, we refer to administrators who staff Judiciary committees as “Counsel” even though, role-wise, there is no difference between an administrator of one committee and counsel of a Judiciary committee.

In addition to working within the legislative branch as a whole, committee staff work with representatives of other branches of government, agency personnel, lobbyists, interest groups, and the public at large. Your primary responsibilities are to the members and leadership offices as described in the next section on Committee Management. (Detailed information on working within the legislative branch, with the general public, and with lobbyists, appears in the appendices to this section.)

Your direct supervisor is the Manager of Committee Services, **Rick Berkobien (503-986-1485 desk; 503-910-0925 mobile)**. Rick works in close collaboration with the Administrative Supervisor, **Patsy Wood (503-986-1474 desk; 503-689-5948 mobile)**. They are your top two points of contact.

### **Committee Services Manager**

Rick Berkobien supervises administrators. His areas of responsibility include personnel management, training and orientation, work assignments, and compliance with legislative policies and procedures. He also staffs committees from time to time.

### **Committee Services Administrative Supervisor**

Patsy Wood supervises committee assistants and other support staff. Her duties include acting as liaison with the Secretary of the Senate and the Chief Clerk of the House on matters of chamber protocol and committee process, and coordinating and ensuring proper staff coverage as needed, as well as managing keys, inventory, office assignments, and equipment.

# **Committee Staff Job Descriptions**

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## **Administrators**

Committee administrators facilitate the legislative process by managing legislation that is referred to various committees, as it proceeds through the committee process. Their basic duties include:

### *Committee management*

- Assist chair in scheduling meetings and setting agendas
- Identify and contact persons and interest groups
- Coordinate testimony
- Attend committee meetings
- Explain legislative rules and policies

### *Legislative analysis*

- Summarize proposed legislation
- Describe proposed legislation to committee
- Track measures assigned to committee
- Identify areas of consensus and disagreement on measures

### *Constant communications*

- Respond to requests from the public, lobbyists, et al.
- Confer with Legislative Counsel on amendment drafting
- Explain policy options to committee members
- Interpret statutes and rules for the benefit of committee members
- Confer with Fiscal and Revenue Offices and administrative agencies

### *Research*

- Research current law, policy, and legislative history affecting proposed legislation

## **Committee Assistant**

Committee assistants provide organizational and clerical support to facilitate the committee process. (Detailed information about their specific responsibilities appears in the Committee Assistant Manual.) Their basic duties include:

### *Committee meetings*

- Produce and distribute agendas
- Post meeting materials to the Oregon Legislative Information System (OLIS)
- Arrange for audio-visual presentations
- Prepare and distribute meeting materials to committee members
- Record committee hearings and prepare recording logs
- Operate recording system in hearing rooms

### *Communications*

- Answer phones and assist visitors
- Assist Committee Administrator with notifications and hearing arrangements

### *Office management*

- Set up and maintain committee office and records
- Maintain flow of measures including dropping bills

## **Mentoring**

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Session staff will be assigned to continuing staff to encourage a mentoring environment. Your mentor is your "go to" person for any question, any issue, or any need for clarification you may have, but don't hesitate to confer with *any* continuing staff person, especially if your mentor is not available. *Do not hesitate to ask for help.* Committee Services' culture embraces asking questions--all the time--even asking the *same* question *several* times!

## **Public Officials**

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You are a public official. As such, restrictions are imposed by law on your political activities as follows:

"No public employee shall solicit any money, influence, service or other thing of value ...

or otherwise promote or oppose any political committee ...

or promote or oppose the nomination or election of a candidate, gather signatures on an initiative, referendum or recall petition, the adoption of a measure, or the recall of a public office holder ...

while on the job during work hours.

However, this section does not restrict the right of a public employee to express personal political views." (ORS 260.432.)

In compliance with state law, it is your public employer's policy to permit its employees to engage in political activity, except to the extent prohibited by state law. You may not use work time or work equipment or technology, to promote or oppose an issue or person that has the potential of being placed on a ballot. Some examples:

- If you are asked to prepare or distribute information that expresses support or opposition by a member of the legislature, politely refuse and suggest that it would be more appropriate (and legal) for campaign staff to handle the assignment.
- If you are asked to speak or write regarding an initiative, referendum or recall petition, issue, candidate or ballot measure, while on work time, you may provide impartial, factual information, but you may not advocate for or against, nor draw any conclusions.

It is always a good idea to document the time, date and content of oral communications regarding important or controversial matters (e.g., a telephone conversation with a member or a representative of the executive branch taking a position) by following-up via email with a summary of your understanding of the discussion.

- Whenever you are uncertain, just ask a colleague, or contact Rick Berkobien.

All staff should be aware of and read the Legislative Branch Personnel Rules posted on the Intranet at: <http://intranet/Pages/HomePage.aspx> under the Human Resources tab.

## **Public Meetings**

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State laws governing public meetings are designed to provide for an informed public and ensure public awareness of background information and deliberations by safeguarding transparent decision-making of governing bodies.

- All meetings with a quorum of committee members are public meetings and must be properly noticed and recorded, with field trips/tours being exempt from the recording requirement. (Work groups are not subject to public meetings law, unless a quorum of committee members is present; committee chairs and members occasionally need reminding.)
- All committees meet at the call of the committee chair.
- As much advance public notice should be given as possible. Written notice (the meeting agenda) must be posted outside the House and Senate chambers by the

deadlines specified by chamber rules. Current Senate rules also require posting on each floor of the Senate Members' wing. The Capitol AIDE screens, the touchscreen "digital reader boards"—are where agendas get posted.

- As *sine die* approaches (the close of session), rules may be suspended to permit shorter notice.

## **Public Records**

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All Oregon state and local government records are available, upon request, to any member of the public, unless exempt from disclosure by law. (ORS 192.501 to 192.505).

Current legislative documents (print-on-demand and online) are available through Publications and Distribution in Room 49 (503-986-1180), including:

- Original and engrossed measures
- Printed amendments
- Legislative, House, Senate, and Final Status Reports
- House, Senate, Joint, and Final Calendars
- Joint Legislative Schedule
- Cumulative Index to Legislative Measures

Public records that are not filed with Committee Services, the Legislative Library, or available through Publications and Distribution can be requested through the Legislative Administrator.

### **Committee Records (503-986-1182)**

According to the rules governing both chambers of the legislature, each meeting of a committee or subcommittee shall be sound recorded, and the recording logs shall be made available to the public within a reasonable time after the meeting. Committee records include both recording logs and exhibits (which include written testimony). See the Recording Logs and Committee Records sections of this manual for more information.

## **Orienting Yourself**

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Committee staff have many tasks that must be completed in any given day. Organization, cooperation, and flexibility will ensure greater success and some organizational tasks can be contemplated very early.

- Coordinate with your assistant. Take some time to discuss how you each function and to define expectations and working relationships. Appendix A is an outline of the administrator and assistant tasks.
- Consider developing an efficient means to notify members, lobbyists, etc., about their bills.
- Consider developing an efficient means to solicit interested parties for their meeting materials in advance.
- Introduce yourself to your committee chair, committee members, and each member's personal staff.
- Familiarize yourself with the building.
- Navigate through the legislature's website (<https://www.oregonlegislature.gov/>), the legislative intranet (<http://intranet/Pages/HomePage.aspx>), Measure Tracking, and OLIS, as you settle into your work area.
- **SEEK OUT YOUR MENTOR.** This cannot be emphasized enough. Your mentor is knowledgeable of the process and has experience in aspects of the job that cannot be readily addressed in a manual or taught in the classroom. You will see even experienced, continuing staff asking questions or assistance of other continuing staff.

## **BASICS – APPENDICES**

- A. [Administrator and Committee Assistant Task List](#)
- B. [Working within the Legislative Branch](#)
- C. [NCSL Model Code of Conduct](#)
- D. [Legislative Counsel Permissible Activities for Administrators](#)
- E. [Working with the public](#)
- F. [Working with hostile people](#)
- G. [Working with the lobby](#)
- H. [Committee Services Forms](#)
- I. [Jargon](#)
- J. [Employee Services FAQ](#)

## **ADMINISTRATOR TASKS**

- Track measures assigned to committee and related measures introduced
- Assist Committee Chair with development of committee work plan
- Work with Chair to set agendas
- Accompany Chair to meetings with chamber leadership
- Analyze measures assigned to committee
- Write Staff Measure Summaries (SMS)
- Identify and contact persons and interest groups
- Schedule and coordinate testimony
- Identify areas of consensus and disagreement on measures
- Research current law, policy, and legislative history affecting proposed legislation
- Attend committee meetings
- Present measure explanations to committee
- Explain statutes and committee rules to committee members
- Explain policy options to committee members when requested to do so
- Respond to requests from legislators, legislative staff, the public, lobbyists, and media for information or materials
- Confer with Legislative Counsel for amendment drafting
- Confer with Legislative Fiscal and Legislative Revenue offices and other agencies regarding impact of legislation

Remember the Administrator and the Assistant are a team; the administrator is not a supervisor, but the team leader. Assistants are not “gophers”; they are a critical part of the success of the committee.

# ASSISTANT TASKS

- Set up and maintain committee office and records
- Answer phones, emails and provide available information to inquiries
- Set up Administrator bill files for each measure received
- Enter agendas into scheduling system (CASS)
- Print, copy, and distribute agendas
- Copy materials as instructed by Administrator for committee meetings
- Facilitate audio-visual presentations
- Set-up and clean-up hearing room for and after each meeting
- Attend meetings
- Record meetings
- Enter information in Recording Logs on computer during hearings
- Distribute written testimony and messages to members during meetings
- Call roll for votes when asked/maintain voice vote records
- Update scheduling system (CASS) with meeting actions after meetings
- Prepare committee reports for measures when passed out of committee
- Prepare measures for "dropping" (filing) at the Desk
- Drop measures at the appropriate Desk in a timely manner
- Complete Recording Logs and exhibits, and file appropriately
- Respond to requests from legislators, legislative staff, the public, lobbyists, and media for information or materials
- Assist Administrator in notifying interested parties of committee meetings

## **APPENDIX B. WORKING WITHIN THE LEGISLATIVE BRANCH**

The National Conference of State Legislatures (NCSL) has produced a Model Code of Conduct for legislative staff (Appendix C). If you have questions about, or feel uncomfortable with, any activities or events occurring within your committee, talk to your supervisor.

Legislative Counsel has issued an opinion about permissible activities for committee administrators - see Appendix D for details.



### **Profile: the 21<sup>st</sup> Century Staffer** (from *State Legislatures*, January 1997)

- Assertively promotes, delivers, and evaluates services
- Lets go of things that don't work
- Communicates in person with words and pictures
- Operates close to the process
- Educates members about issues, programs, and the legislative institution
- Maintains keen political awareness
- Treats legislators like valuable customers
- Has an opinion and knows how and when to give it
- Provides analysis that adds context and value
- Helps legislators make quality choices

## **Model Code of Conduct for Legislative Staff**

[http://www.ncsl.org/documents/lssc/Code\\_of\\_Conduct.pdf](http://www.ncsl.org/documents/lssc/Code_of_Conduct.pdf)

*Written by the Legislative Staff Coordinating Committee, NCSL Copyright 1996. ISBN 1-55516-783-7.  
Amended January 2012.*

### **Preamble**

In recognition of the importance of staff to the mission of the legislative branch of state government and of the value of excellence and professionalism in staff performance, the National Conference of State Legislatures adopts this code as a model to guide the conduct of staff members of state legislatures in their service to the state legislature, its members and the public.

### **Statement of Intent**

Section 1. This code is intended to express an ideal for and provide guidance to all persons who serve as legislative staff members. It is also intended to be a model for adoption by each state legislature, which may modify it. The code contains no recommendations for enforcement. That is a matter for consideration by any legislative body or staff agency that adopts it or uses it as a basis for its own code.

Section 2. This code is intended to apply to all legislative staff members, regardless of their work assignment or responsibility. The variety of staff functions and of staffing structures within which legislative staff members serve the legislature requires that they interpret the obligations of this code from a variety of perspectives. It is particularly important whether a staff member works primarily or exclusively for an individual legislator, for a committee, for a partisan or other caucus, for a chamber, or for the whole legislative institution.

Section 3. This code is intended to supplement existing codes to which legislative staff members may already be subject. Obligations that staff members have under these codes, including various professional codes, are recognized and fully accepted.

Section 4. This code is intended to support the sense of personal responsibility that legislative staff members feel for their own actions. Reasonable people may disagree on the particulars of a code of conduct for legislative staff. The circumstances of life and work present conflicts and hard choices. Legislative staff members have the ultimate responsibility to make the day-to-day judgments necessary for this code to guide their service to the state legislature.

## *Article 1*

### **General Principles of Conduct**

#### **Public Servant**

Section 1. A legislative staff member is a public servant. The broad purpose of his or her work is to assist the state legislature in promoting the common good of the citizens of the state.

Comment: As employees of the government, staff members have placed their talents and efforts in the service of the common good. As stewards of public resources, staff members are responsible for ensuring that these resources are used to promote the public good, not their own private good.

#### **Loyal to the Legislative Branch**

Section 2. The mission of the state legislature is to represent the people in deliberating and deciding about matters affecting the common good. The mission of legislative staff members and the purpose of their public service is to support the state legislature in its mission. Any action or inaction which could bring disrepute to, or infringe upon the authority of, the legislative branch of government or the principle of representative government conflicts with this service.

Comment: The word "staff" refers to an object used for support. The mission of legislative staff members is to support the state legislature in making laws and allocating public resources for the common good of the people of a state. The people of the state have delegated this power to the state legislature. Legislative staff members have an obligation to be loyal to the legislature as an institution.

#### **Trustworthy**

Section 3. A legislative staff member stands in a relationship of trust, confidence, and responsibility to the state legislature and has the duty to act in a way that makes him or her worthy of the trust and confidence the state legislature places in staff members.

Comment: Staff members stand in a special relationship to legislators. As staff members they are entrusted with various tasks that give them an important role in the process by which decisions for the common good are made by the legislature. In performing these tasks, staff members are expected to give the legislature the full benefit of their knowledge and skills without usurping the authority to make legislative decisions, which has been exclusively delegated to legislators. To be worthy of this special relation of trust--to be trustworthy--a legislative staff member must meet certain obligations to legislators, colleagues, and the general public.

#### **Civil**

A legislative staff member respects the rights of individuals to hold different opinions, and speaks truthfully without accusation or distortion, and avoids heightened rhetoric when serving the legislature.

Comment: A legislative staff member who demonstrates civility chooses words carefully and understands that staff actions or communications reflect directly upon legislators, and ultimately, the legislative institution. The actions of a legislative staff member reflect upon the legislature as an

institution, and staff, by default, represent the institution. Civility requires an acknowledgement of opposing views and the right of others to hold those views. It does not suggest or require acceptance or agreement with those opinions. A civil staff member understands that attempts to distort the opinions or reputations of others oftentimes result in a reciprocal effect upon the institution. A civil legislative staff member is careful to remain civil in his or her own interactions, and thus serve as a positive example of maintaining and promoting civility within the legislative institution.

## *Article II*

### **Obligations of Legislative Staff Members to Legislators**

#### **Honest**

Section 1. A trustworthy legislative staff member demonstrates the highest standards of honesty and personal integrity in all of his or her work for the state legislature.

Comment: A trustworthy staff member does not steal from his or her employer by taking public property, by using public property or his or her employment for personal gain, or by failing to give full effort for pay received. A trustworthy staff member does not lie to his or her employer. Dishonesty in any aspect of a staff member's life calls into doubt his or her honesty in work and can also harm the legislature's reputation.

#### **Discreet**

Section 2. A trustworthy legislative staff member is discreet in what he or she reveals about work done for any legislator and, subject to the law and in accordance with custom or policy of a legislative body or agency, maintains confidentiality of communications between the staff member and any legislator.

Comment: Discretion includes knowing when information is confidential and treating it as such, when carrying out a request must necessarily involve revealing some information, and when not to speak about nonconfidential matters both within and outside the legislative context. Because many legislative staff members work for more than one legislator, including working on a single project or piece of legislation for legislators with opposing objectives, it can be difficult to meet this obligation at times. Also, the expectations of leaders that they be kept informed can place staff members in difficult situations. To minimize these difficulties, legislatures must clarify the staff obligation to maintain confidentiality.

#### **Candid**

Section 3. A trustworthy legislative staff member renders candid advice to legislators on matters of policy and procedure within the staff member's areas of work responsibility.

Comment: Candor is the full sharing of one's knowledge, in the form of information and advice, with a legislator who needs it in order to make an informed decision. The ability of a legislator to make a good decision may be lessened if a staff member fails to give the legislator the full benefit of his or her expertise. Although the obligation to be candid is clearest when a legislator asks for information or advice, it may also apply when a staff member is not asked. Great care needs to be exercised when advice or information has not been asked for, but relevant knowledge should be offered. Once the offer

is made, a staff member does not have a duty to advocate or seek another forum, unless advocacy is his or her specific responsibility. A staff member's duty to give advice and information to a particular legislator depends on who the staff member specifically works for. But regardless of this circumstance, a staff member is obliged to accurately inform any legislator of what services he or she can expect from the staff member. The obligation to be candid may give rise to tension with the obligation to be discreet, but the obligations do not contradict each other. The distinction is that in being candid a staff member gives each legislator who can request his or her services the full benefit of his or her broad disciplinary knowledge and skills; in being discreet a staff member holds communications with legislators in confidence, when appropriate.

### **Objective**

Section 4. A trustworthy legislative staff member provides objective advice, information, and alternatives to legislators, independent of the staff member's personal beliefs or interests or the interests of third parties. A trustworthy staff member avoids activities that conflict with this objectivity or give the appearance of conflict.

Comment: It is not expected that a staff member will have no personal beliefs regarding public policy. What is expected is that in doing his or her job, the staff member will not let those personal beliefs be limiting, but rather will be open to alternatives and committed to being comprehensive in presenting information and providing support. Certain activities can make it difficult for a staff member to be objective or can give the appearance that he or she is not objective. In public service, this appearance can undermine public confidence in the legislature and compromise the effectiveness of staff members. Because it can be difficult to determine which activities give the appearance of conflicting with objectivity and reasonable people may disagree, staff members and their legislative employers have the obligation to carefully assess the effect of such activities as accepting gifts or favors from persons with an interest in the legislative process; of taking an active or leadership role in an organization which attempts to influence the legislature; and of entering into conversation about potential employment with an entity which has an interest in the legislative process. Similarly, staff members and their legislative employers must evaluate any outside employment by full-time staff members for its potential to compromise objectivity as well as to weaken diligence.

### **Competent**

Section 5. A trustworthy legislative staff member strives to acquire and maintain the knowledge and skills necessary to do the work he or she is expected to do and recognizes when to seek assistance from others.

Comment: To support the legislature in its mission, staff members must be competent. A staff member needs to be aware of his or her kind and degree of expertise, to be forthright with legislators about what he or she can do, to know when to seek assistance, and to take every opportunity to continue to learn.

### **Diligent**

Section 6. A trustworthy legislative staff member gives a hard-working effort to each work task, uses available time in a productive and efficient manner, and completes work in the most timely fashion possible.

Comment: Diligence is the application of full effort to the performance of one's work. The demands of the legislative process often make it difficult for a staff member to be as careful and thorough as he or she would like to be in completing a task. It may be appropriate to inform a legislator of the constraints of time or resources and to discuss what can reasonably be accomplished. The obligation of diligence requires that the staff member do his or her best in the time and with the resources available.

## **Fair**

Section 7. A trustworthy legislative staff member treats all legislators with equal respect and provides services of equal quality to all legislators to whom he or she is responsible.

Comment: By virtue of their office, all legislators deserve respectful and dignified treatment by all legislative staff members. All legislators who have the right to ask for and receive services from a staff member expect that a diligent effort will be forthcoming and will not be lacking due to the legislator's political or religious beliefs, race, ethnic origin, sex, or physical ability.

## *Article III*

### **Obligations of Legislative Staff Members to Each Other**

#### **Respectful**

Section 1. A trustworthy legislative staff member treats all fellow legislative staff members with respect and appreciates the pressures they work under and the difficulty of some of the choices they must make.

Comment: Because legislative staff members are in the best position to understand the circumstances of other legislative staff members and to know the obligations they are under, they have a strong obligation to be considerate of each other.

#### **Supportive**

Section 2. A trustworthy legislative staff member supports the efforts of fellow legislative staff members to meet their obligations and perform their work and is willing to operate as part of a team when appropriate.

Comment: For a staff member to fail to support a colleague, or to work against a colleague's efforts to perform his or her work, is to lessen the ability of the staff as a whole to perform its work for the legislature. Staff members often work on opposite sides of an issue or for legislators who oppose each other, but this does not require that they seek to harm a colleague's reputation, question his or her motives, or affect the terms of his or her employment. Indeed, because staff members depend on each other for assistance and support, the obligations to be honest, discreet, candid, objective, competent, diligent, and fair apply in their relations to each other as well as in their relations to legislators.

## *Article IV*

### **Obligations of Legislative Staff Members to the Public**

#### **Courteous**

Section 1. A trustworthy legislative staff member is courteous to all members of the public with whom he or she interacts in his or her work.

Comment: Some legislative staff members are hired to provide direct services to the public; many others will from time to time have direct contact with the public. As government employees, staff members will respect the need of members of the general public, the press, members of other governmental agencies, and lobbyists to have information about the legislature. They will, subject to legal and policy guidelines, attempt to meet that need. If a staff member does not have what is requested, he or she will help citizens find the information or assistance they seek.

#### **Law-Abiding**

Section 2. A trustworthy legislative staff member is law-abiding. He or she encourages lawfulness in the activities of all participants in the legislative process.

Comment: A legislative staff member has the same obligation as any citizen in this regard. But because of the position he or she holds as the employee of a law-making organization, the staff member is subject to a high standard of knowledge and conduct. If a staff member is directly aware of unlawful activities which involve the legislative process, it is consistent with this code for him or her to pursue appropriate channels, subject to other codes and obligations.

## *Article V*

### **Staff Expectations of the Legislature**

#### **Supportive**

Section 1. In placing their knowledge and skills at the service of the legislature and in committing themselves to be trustworthy servants of the legislature, legislative staff members rightfully expect that the legislature will clarify staff responsibilities and will support staff members in fulfilling their obligations under this code of conduct.”

*For more information contact NCSL Director of Legislative Programs, Brian Weberg (303) 364-7700 or [brian.weberg@ncsl.org](mailto:brian.weberg@ncsl.org).*

## APPENDIX D. PERMISSIBLE ACTIVITIES FOR ADMINISTRATORS

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FAX: (503) 373-1043



STATE OF OREGON  
Legislative Counsel Committee

November 9, 1998

Senator Brady Adams  
President of the Senate  
Co-Chair, Legislative Administration Committee  
S-203 State Capitol  
Salem, OR 97310

Re: LC 1415—Permissible activities

Dear President Adams:

This letter responds to your request for our views on what work activities are permissible for committee administrators in light of ORS 173.740 (3). Our response, which supplements our letter to Dave Henderson dated September 1, 1998, is set forth below. First, however, we address the general rule that applies to administrators' work activities, then we address the specific activities about which you have asked.

Because the principal role of a committee administrator is to facilitate the legislature's adoption of measures, the prohibition in ORS 173.740 (3) against "oppos[ing], urg[ing] or attempt[ing] to influence any measure" cannot apply in a literal way. Viewed in context, ORS 173.740 (3) prevents an administrator from using his or her *personal* views—rather than professional ones—in the legislative process. The line between personal and professional views can be difficult to draw because it is mostly subjective; the difference depends on an administrator's motives.

Work performed at the request of a member would, under most circumstances, constitute activities by the member and, therefore, not fall within the prohibition in ORS 173.740 (3). As a rule of thumb, therefore, an administrator may facilitate committee members' work through activity that, if undertaken for the administrator's benefit, would not be appropriate. For example, an administrator could call a member's attention to a bill promoting bicycle paths if the administrator knows the member is interested in bicycle issues. On the other hand, the administrator could not bring the bill to a member's attention simply because the administrator favors bicycle paths.

With these thoughts in mind, we address below the specific activities you referenced.

May an administrator:

1. Identify policy pros and cons of an issue?

Yes. This conduct is permissible as long as the administrator does not color it with personal views.

2. Identify political pros and cons of an issue?  
Yes. This conduct is permissible as long as the administrator does not color it with personal views.
3. Offer professional advice on policy or political ramifications when requested by a legislator?  
Yes.
4. Offer professional advice on policy or political ramifications when not specifically requested by a legislator?  
Yes.
5. Offer personal advice when requested by a legislator?  
Yes.
6. Offer personal advice when not requested by a legislator?  
No. ORS 173.740(3) prohibits this conduct.
7. Advise the chair on the feasibility of passage for various policy choices?  
Yes.
8. Monitor the administrator's issue area and proactively work with the chair and leadership in advising them of new developments?  
Yes.
9. Draft floor speeches for legislators?  
Yes.
10. Draft talking points for legislators?  
Yes.
11. Draft opinion articles for legislators?  
Yes.
12. Draft press releases for legislators?  
Yes.
13. Draft a press release encouraging attendance at a meeting?  
Yes, if requested to do so by the chair or another member of the committee.
14. Review press releases, opinion articles or floor speeches for factual accuracy?  
Yes.
15. Represent the chair and the chair's perspective to a working group? To an outside organization such as a chamber or Rotary group?  
Yes to both.
16. Lobby other legislators on legislation?  
No, but an administrator may carry messages from a committee chair or a member to another member.
17. Solicit information from members on how they feel about legislation?  
Yes.

18. Count votes on legislation?

Yes.

19. Work with Legislative Counsel to write legislation?

Yes.

20. Bring together people in work groups to reach consensus on legislation?

Yes, as long as the administrator's goal is not to achieve a personally desirable result.

21. Explain to legislators and staff what a bill does and why it was written in the way it was?

Yes.

22. Track bills through the process, identify problem areas and work with the chair and leadership offices to find solutions?

Yes.

23. Coordinate scheduling of bills between the chair and other legislators or lobbyists?

Yes.

24. Help the chair set goals with leadership and manage their time?

Yes.

25. Work with leadership and caucus offices to coordinate agendas?

Yes.

The Legislative Assembly adopted ORS 173.740 (3) before the Legislative Administration Committee began employing committee administrators. The Legislative Assembly itself may, therefore, wish to consider refining the statute to more accurately reflect the tasks members ask committee administrators to perform.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

Gregory A. Chaimov  
Legislative Counsel

## **APPENDIX E. WORKING WITH THE GENERAL PUBLIC**

As a member of Committee Services, you will come in contact with the general public on a daily basis. You may be the first or only contact the public has with the Legislature. It may be in a committee meeting, a hallway, a walk-in visit, or phone call to your office. You are a representative of the Legislature and state government. You have a responsibility to provide the best possible customer service.

### **Customer service**

Our customers include legislators and other legislative staff, state agencies, the general public, and the press.

### **Responsibility to the general public**

When members of the public call into or come to the building, they may feel overwhelmed. They may have important questions, as well as a limited understanding of the legislative process and the resources that are available.

### **Facilitating the exchange of information**

- Ask questions to clarify the scope of the request. Do not try to come up with answers too soon.
- Often people will start off by saying something like, “this may be a silly question, but...” Assure the person that the question is appropriate, that the legislative process can be complicated and so you understand that it is often difficult to locate information or understand how the process works.
- Listen - pay attention, take notes, evaluate the information and not the speaker, make eye contact, and be aware of your body language.
- Don't interrupt!
- Speak the same language—refer to a publication or document by its common name.

### **How to help**

- Be positive—if the person's request cannot be satisfied immediately, let him or her know what you can do.
- Discuss the options—what is the time-line? Can the requested information be sent electronically? Is there a need to refer the person to an alternative source?
- Follow through—this person is one of your customers, so strive for customer satisfaction.

- Do something “extra” for the customer—make an extra phone call or lead them to the appropriate office.
- Suggest the customer contact their Senator or Representative on suggested changes to the law. Help them figure out who their legislator is. Offer phone numbers and addresses.
- There will be times when you are rushing from one place to another due to tight deadline, and someone stops you to ask you a few questions. If it is not possible to stop and speak with the person, arrange to meet at a definite time and place, or even ask if the person wouldn't mind walking with you as you discuss the issue.

## **APPENDIX F. WORKING WITH DIFFICULT OR HOSTILE PEOPLE**

Occasionally, visitors to the Capitol are upset when they arrive. Often, people become frustrated during their visit because they can't get the information they need. The same situation could apply to telephone callers or emails. Some may experience tension at the thought of having to deal with a bureaucratic organization. Do not take this behavior personally, but do take it seriously.

Before you begin to deal with a problem, it is important to remember to be empathetic with the difficult or upset person.

### **Basics**

- Say things that relate to their state of mind—"I'm sorry you have had a frustrating experience," or "I know how frustrating it can be when...." This may help calm the person, and you can then proceed to solve the problem.
- Deal with the emotions first by asking open-ended questions.  
    "Help me understand. You're angry because...?"  
    "I'm sorry you're frustrated. What can I do to help?"
- Give empathetic feedback and summarize the customer's feelings.  
    "I hear what you're saying."  
    "You would like...."
- Deal with the problem by asking closed-ended questions to determine the specifics. Suggest alternatives that could solve the problem, agree on a solution, and follow through to do something extra, if possible. "How would you feel if we (state a solution)...."
- Uniformed and plain clothes Oregon State Police Capitol Mall Patrol provide property and person-related security services within the Capitol. Contact them (6-1122) with issues relating to personal safety, and loss or damage of property.
- If you sense imminent danger, do not hesitate to get help immediately. Panic buttons are located in most office complexes and hearing rooms.

## APPENDIX G. WORKING WITH THE LOBBY AND INTEREST GROUPS

Lobbyists work on behalf of those they represent to support or oppose legislative measures.

Oregon law requires lobbyists to register with the Oregon Government Ethics Commission if they spend more than 24 hours or more than \$100 in any calendar quarter on lobbying activities. The Governor's Executive Order and Department of Administrative Services guidelines restrict state agency lobbying efforts. (See Appendices B and C in the section on Committee Management.)

In addition, registered lobbyists may choose to join the Capitol Club, Inc., which has established rules and a code of conduct for its membership. They publish a roster that includes lobbyist photos. The Capitol Club provides a telephone message center located in the basement (Room 60-G, 503-378-9800). If a lobbyist is unavailable to take the call, the receptionist will take a message.

➤ **“Lobbying”**

*Lobbying* is defined as “influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.” (ORS 171.725(8).)

➤ **Lobbyists represent among others:**

- |                       |                               |                               |
|-----------------------|-------------------------------|-------------------------------|
| - individual citizens | - neighborhood associations   | - cities and counties         |
| - state agencies      | - boards and commissions      | - political action committees |
| - unions              | - small business associations | - trade associations          |
| - consumer groups     | - environmental groups        | - religious groups            |
| - corporations        | - national corporations       | - multi-national corporations |
|                       | - professional associations   |                               |

➤ **You are a “Legislative Official”**

Legislative official is defined as “any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.” (ORS 171.725(7).)

➤ **A “Lobbyist” is one who...**

- Agrees to provide personal services for money or any other consideration for the purpose of lobbying;
- Provides personal services as a representative of a corporation, association, organization, or other group, for the purposes of lobbying; or,
- Any public official who lobbies. (ORS 171.725(9).)

➤ **Lobbyists may want to know:**

- When a particular measure is scheduled for a meeting
- Who is opposing or supporting a measure
- Whether proposed amendments are available for review

➤ **Expectations**

<b>Staff can expect from Lobbyists:</b>		<b>Lobbyists can expect from staff:</b>
About self and position with group hired to represent.	<b>Honesty</b>	About staff role in process and information available.
Of information; knowledge of opponent's position	<b>Accuracy</b>	If staff doesn't have the answer, they will say so.
The same information is being given to members and staff of all legislative offices (they compare notes!).	<b>Consistency of Information</b>	The same information is being given to all interests (they compare notes!).
For legislators and their positions, for staff and their job responsibilities and the legislative process.	<b>Respect</b>	For their position and job responsibilities—understand they represent one side of an issue and are hired to do just that!
Of time constraints, of nonpartisan nature of staff positions, and session nature of some committee staff.	<b>Understanding</b>	Of lobbyist's rules, of time constraints, and that time may be needed to develop and prepare necessary background information.
Understanding of the legislative process: rules, procedures, protocols, politics.	<b>Legislative Savvy</b>	Understanding of the legislative process: rules, procedures, protocols, and politics.
On industry/association/interest group's practices, goals, duties, responsibilities-information sharing.	<b>Education</b>	On particular committee process and goals to be achieved; specific instruction on presentation of testimony, if any.

**What is proper and ethical in staff-lobbyist relationships?**

Oregon Government Ethics Commission has published *A Guide for Public Officials*, found at: [http://www.oregon.gov/OGEC/docs/Public\\_Official\\_Guide/2010-10\\_PO\\_Guide\\_October\\_Final\\_Adopted.pdf](http://www.oregon.gov/OGEC/docs/Public_Official_Guide/2010-10_PO_Guide_October_Final_Adopted.pdf)

For the purpose of the Oregon Government Ethics Commission statutes, legislative staff are considered “public officials.” (ORS 244.020(13).) All public officials are prohibited from using their public office for personal financial gain.

If an individual is able to gain financially only because he or she holds a public office, and if the same opportunity is not available to persons who are not public officials, then the first individual is in violation of the law.

***Example 1:** A state legislator chaired a committee that heard workers' compensation legislation. The legislator was paid a consulting fee by a private company. That company was a contractor with the state agency serving injured workers.*

A court found that the nature of the legislator's consultation was, in fact, sales promotion for the company. The legislator arranged meetings between the company's owner and state agency personnel in charge of contracting. On some occasions, the legislator actually urged agency staff to purchase services from the company.

The court found that the legislator indirectly used his public office for personal financial gain when arranging meetings between the two parties. When the legislator encouraged the state employees to hire the private company, the court determined this to be a direct use of office for personal gain. Both types of personal gain are illegal. In this case, a financial gain went to the company with which he had a business relationship. Therefore, his action was in violation of the statute. Also, his consulting fees were a gain to himself, creating another violation.

***Example 2:** A legislative employee hears from a fellow staff member about a piece of property that has been foreclosed on by the county for back taxes. Official notices are printed in the newspaper and the county holds an auction for that parcel.*

Provided the employee does not use confidential information on which to base the bid, the employee is not responsible for any decisions concerning the auction, sale, or other related financial details, and is legally able to bid on the property. In this situation, he is not benefiting from his situation as a public official and has no advantage that would not be available to any other member of the public.

### **Can public officials ever accept items of value (gifts)?**

Oregon law defines "gift" as:

- Something of economic value given to a public official or a relative or member of the household of the public official when there is no payment, or payment is for a discounted price, and the opportunity (gift) is not available to others who are not public officials on the same terms or conditions. (ORS 244.020(5)(a).)

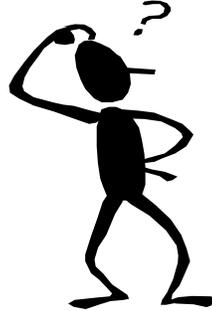
The following are **NOT GIFTS** and may be accepted:

- Campaign contributions;
- Contributions to a legal expense trust fund established under ORS 244.209
- Gifts from relatives or members of the public official's household;
- Unsolicited gifts with a resale value of less than \$50 and in the form of items similar to a token, plaque, trophy and desk or wall mementos;
- Publications, subscriptions or other information material related to the public official's duties;
- Waivers or discounts for registration or materials related to continuing education to satisfy a professional licensing requirement;
- Entertainment for a public official, a relative of the public official or a member of the public official's household that is incidental to the main purpose of the event;

- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a governing agency for a ceremonial purpose;
- Food, beverage and admission for a public official, a member of the public official's household or staff when the public official is scheduled to speak or answer questions at an organization's reception, meal or meeting;
- Food and beverage consumed at a reception where the food and beverage is an incidental part of the reception and there was no admission charged;
- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official;
- Food, lodging or travel expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues or certain tax-exempt not-for-profit organizations;
- Food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official's household or staff may be accepted when the public official is representing the government agency or special district at one of the following:
  - officially sanctioned trade promotion or fact-finding mission;
  - officially designated negotiation or economic development activity when receipt has been approved in advance.
- Food and beverage when acting in an official capacity in the following circumstances:
  - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction;
  - When the office of the Treasurer is engaged in business related to proposed investment or borrowing;
  - When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer's office has invested money. (ORS 244.020(6)(b).)

## Questions? Just Ask...

- **The law does not contemplate appearances of impropriety.** Staff must rely on, and display, their common sense and sound professional judgment at all times.



- Bring any questions or concerns you may have to your supervisor prior to engaging in any conduct that you think may be questionable --whether legally or in appearance.

**APPENDIX H. COMMITTEE SERVICES FORMS**

<b>FORM</b>	<b>PURPOSE</b>	<b>NOTES</b>
Administrator Checklist	Used by Administrator to track committee activities on measure. If you have subcommittees, use Sub Administrator checklist	Keep several sheets with unused folders
Agenda Prep	Used by Administrator to provide info for entering or revising agenda	Give supply of these forms to your Administrator
Committee Assistant Checklist	Guide to prepare for meetings and tasks to do during and after meetings	Keep several copies in folder on your desk top
House Agenda Receipt	Used to obtain signature of House Receptionist when you deliver your House Agenda Distribution list with agendas	Insert 5 copies in your Agenda Receipt folder and keep on your desk top
House Committee Letterhead	A formal letterhead for your committee	This skeletal heading is a Word header
House Committee Memo	A formal memorandum form for your committee	This skeletal heading is a Word header
Measure Folder Labels	Labels for Administrator and Office files when measures are referred to committee	A 2-page document. Print page 1 on Avery 6460 removable labels, and page 2 on regular 5160 labels. Keep labels with unused folders
Member Chart	A reference chart with your committee members' contact information and staff	Fill in chart. Keep in your Committee Notebook
Seating Chart	A diagram of where Chair assigns members to sit during committee meetings	Give copy for Chair to Administrator. Keep approved chart in Committee Notebook
Senate Agenda Receipt	Used to obtain signature of Senate Receptionist when you deliver your Senate Agenda Distribution list with agendas	Insert 5 copies in your Agenda Receipt folder and keep on your desk top
Senate Committee Letterhead	A formal letterhead for your committee	This skeletal heading is a Word header
Senate Committee Memo	A formal memorandum form for your committee	This skeletal heading is a Word header
Sub Administrator Checklist	Used by Administrator to track sub-committee and full committee activities on measure. Use only if your committee has subcommittees.	Insert in Administrator file when measures are received. Keep several with unused file folders

**APPENDIX I. JARGON**

<b>TERM</b>	<b>AS IN</b>	<b>MEANING</b>
<b>PLACES</b>		
LC	<i>Take this to LC.</i>	Legislative Counsel Office – Room S101
Counsel	<i>I'll meet you in Counsel.</i>	Legislative Counsel Office – Room S101
DESK(S)	<i>Take this to the desk. The desks will let you know...</i>	Chief Clerk's Office (House) – Room H271 Secretary of the Senate's Office – Room 233
Fiscal	<i>Go to Fiscal.</i>	Legislative Fiscal Office (LFO) Room H178
Revenue	<i>Go to Revenue.</i>	Legislative Revenue Office (LRO) Room 143
Floor	<i>Talk to him on the floor.</i>	The floor of either the House or Senate Chamber
Chamber	<i>When this bill comes from the other chamber...</i>	The House or the Senate
<b>THINGS</b>		
LC	<i>LC-1495 is ready. Always include a copy of the LC.</i>	Legislative concept (draft) processed by the Legislative Counsel Office
SMS	<i>Update your SMS after the meeting.</i>	Staff Measure Summary written by Committee Administrator
Fiscal	<i>We're still waiting for the Fiscal.</i>	Fiscal impact statement written by LFO
Revenue	<i>We're still waiting for the Revenue</i>	Revenue impact statement written by LRO
CASS	<i>Enter this into CASS when you get back.</i>	Committee Agenda Scheduling System --the scheduling system.
<b>PEOPLE</b>		
Member	<i>Members and committees can introduce bills. Your members will need this at the meeting.</i>	Can refer to any legislator or to members of a specific committee
LA	<i>Take this to Sen. Jones's LA</i>	Can refer to any legislator's personal or office staff (Legislative Assistant)
Counsel	<i>Ask Counsel.</i>	A drafter in Legislative Counsel (or the administrator of a Judiciary Committee)
IS	<i>Come back after your IS training.</i>	Information Systems – our computer staff
<b>VERBS</b>		
DROP	<i>Wait until I come back before you drop this bill.</i>	To deliver a bill (and required paperwork) to the desk after it has passed your committee.

**OUR MOST FAVORITE**

<i>Sine die</i>	<i>The bill will take effect 90 days after sine die.</i>	The end of the legislative session. Latin for <i>without day</i> . The full phrase is "Adjourn Sine Die" - literally adjourning without specifying a date for resumption.
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## APPENDIX J. EMPLOYEE SERVICES FAQ

**Personnel Policies and Procedures.** Complete employee policies for Legislative Administration can be found on the intranet under *Forms, Rules and Policies*.

**Hours.** Regular office hours are 8:00 a.m. to 5:00 p.m. Irregular hours including nights, weekends, and holidays may be required.

**Breaks.** Hourly employees are entitled to a rest period of 15 minutes in the middle of every four hours of working time. Rest periods may not be accumulated and may not be used to report to work late or leave work early.

**Smoking.** Tobacco use (including e-cigarettes) is prohibited in the Capitol and on the park properties surrounding it.

**Lunch.** Employees are entitled to a one hour lunch, toward the middle of the shift, if possible.

**Overtime.** Committee administrators are not eligible for overtime pay. Committee assistants are eligible for overtime but must receive approval from management prior to working more than eight hours a day.

**Sick Leave.** If you are unable to come to work due to an illness or emergency, please call (503) 986-1813 and your immediate co-worker. *If you have an early morning committee meeting and cannot come in, please try to contact Rick Berkobien (503-910-0925) or Patsy Wood (503-680-5948) as soon as possible so another staff person can cover your hearing.* An e-mail will be sent out notifying staff of your absence. You will also need to complete a Leave Request Form (found on the Intranet under “Forms”) upon your return to work (see the *New Employee Packet* for details).

**In/Out Board.** Staff members are asked to use the in/out board in their work area.

**Name Badges and Business Cards.** Name badges and desk name plates will be ordered for all new staff and business cards will be provided for the new administrators.

**ID Badges and Keys.** Obtain the request forms from Patsy Wood. Take the signed forms to Facilities Services (Room 49 in the basement) for a key to your room and building ID badge. The ID badge functions as a card key to open exterior doors equipped with capability. Please return the pink copy of the forms to Patsy.

**Supplies.** Basic office supplies to get you started are on your desk. Additional supplies are stored in Room 454. If you need something that is not in 454, please see Patsy Wood.

**Answering the Phone.** Appropriate wording for answering your phone is “Committee Name this is ...”

**Voicemail Recording.** Each employee is responsible for recording his or her own internal (in building) and external voice mail greetings. Detailed instructions are available on the Oregon Legislative Intranet under *Employee Information* tab in the Resource References Manual (#13 – Telephone System).

**Editing.** Gregg’s Reference Manual and the Legislative Form and Style Manual are used as guidelines for editing. There are several copies throughout the office. Please ask Patsy should you need to locate one.

**Cafeteria.** Café at the Capitol is located in the basement and is open to the public. “To go” orders for pick-up may be placed in advance by calling 503-585-4266. The menu can be viewed on the Legislative Intranet under *Capitol Resources*.

**Mail.** Mail pickup and delivery occurs twice daily in main office areas. Interdepartmental envelopes are available in the reception area for mail sent within the building and to other state agencies. If regular envelopes are used, internal building mail should be marked with an “x” in the upper right-hand corner. State shuttle mail may be used for most places listed in the State Telephone Directory. Items sent by shuttle should have a check mark or “shuttle” written in the top right-hand corner. If you want to confirm an address is on the shuttle route, call the mailroom (6-1179).

**Safety.** The sounding of a fire alarm generally requires evacuation of the building. In the event of an earthquake, DO NOT leave the building unless directed to do so. In the event of an evacuation, Committee Services staff should exit the building and immediately assemble on the Willamette University campus directly across from the middle State Street doors. Take your personal valuables with you. Do not lock office doors.

Any unsafe working conditions or other safety concerns should be reported to management. For further details, see the Emergency Action Plan posted in the 453 break room.

Uniformed and plain clothes Oregon State Police Capitol Mall Patrol provide property and person-related security services within the Capitol. Contact them (6-1122) with issues relating to personal safety, and loss or damage of property.

**Miscellaneous.** An ATM and vending machines are located in the basement. Postage stamps are available at the Gift Shop. Housing information is available at the kiosk or at the intranet under *Capitol Resources*. Daily parking passes can be purchased in Room 49.

## COMMITTEE MANAGEMENT

Building and maintaining good working relationships with the committee chair, committee members, members' personal staff, and leadership offices, is key to success. Appendix A, is a letter to committee chairs with tips on how to work with Committee Services staff – it provides some insight into their perspective but can also serve as guidance for administrators.

### Members

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Although committee staff work primarily with the chair of the committee to which they are assigned, they also work with other committee members and all members of the legislature. Keep members informed. If a member requests information, it is your responsibility to respond in a timely manner. Make sure to engage with ALL members, including both those in the majority and minority parties.

### Members' personal staff

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An important connection to the member is through his or her personal staff. Most information and materials are filtered through personal staff first (e.g., agendas, copies of a measure, etc.). However, your chair may prefer to communicate with you directly on certain items, like agendas. Be aware that members' assistants will most likely read and respond to e-mail sent to the member. Don't automatically assume that e-mail from a member's e-mail account was written by him or her; check the signature. Your chair may wish to provide a personal e-mail account and (in some cases) ask you to send information to both accounts in order to keep legislative staff in the loop. It is important to discuss these issues with your chair in order to ensure that everybody is "on the same page" as to the flow of information. The most common title among members' personal staff is "legislative assistant." They may be professionals, family members, or students.

If your chair shares his or her personal email address and or cell phone number with you, do not give it out to anyone unless the chairs says it is okay to do so.

During the first week of session, committee staff should visit each committee member's office. Introduce yourself and (if the member and/or staff are new) explain the role of committee services and how we can support their office. Encourage a relationship that will make them feel comfortable asking any questions.

## **Leadership Offices**

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Legislative leadership offices work with the committee chairs to develop committee work plans. (Chairs will often involve their administrators in the work plan development as well.) Committee staff help carry out committee work plans. As committee staff, you need to develop a positive relationship with all the leadership offices (see the organizational chart at 1-1). If you are assigned to a Senate committee, leadership includes the staff of the Senate President and the staff of the caucus office for each political party. If you are assigned to a House committee, leadership includes the staff of the Speaker of the House and each party's caucus office. Their titles include "chief of staff," "legislative director," "caucus director," and others who may be assigned to specific policy areas or to communications/public relations. Committee administrators respond to inquiries from the leadership offices and attend meetings with committee chairs concerning committee work plans. Administrators typically work closest with the legislative directors.

## **Committee Chair**

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### **Setting committee priorities and developing work plans**

The chair may or may not approach the legislative session with a specific plan. The administrator may be asked to help develop a plan. The format, content and timelines for work plans are often outlined by leadership offices at the beginning of and over the course of session.

The work plan may include priority topics and issues, as well as specific measures that are identified as particularly important to the chair. Priority-setting is often accomplished when you review measures referred to the committee with the chair. An up-to-date measure tracking report will facilitate work plan and agenda setting discussions. Priorities may also change as the session progresses; your committee work plan is adaptable. One or more of the leadership offices may be in frequent contact with you regarding your work plan.

### **Adapting to your chair's style**

There is no standard way that chairs steer their committees. Some, for example, make global decisions about which measures they want the committee to hear and then defer to the administrator to schedule those measures. Other chairs have a specific preference as to which measures to schedule and precisely when to schedule them. One chair may read every measure referred to his or her committee and dictate the exact order of how to schedule them, while another may ask his or her administrator to summarize the measures and then meet to discuss scheduling order. If your chair asks for your input on scheduling measures, you will want to consider how much time to

allow for testimony on a particular bill (and how many bills to schedule in a given hearing). Ask your mentor for advice if you don't have a sense of whether or not a measure will elicit significant public testimony. Also, legislative liaisons and lobbyists will appreciate it if you can schedule measures with similar topics on the same day so as to minimize multiple trips to the Capitol. Keep track of requests from measure sponsors to schedule a bill for a hearing and be sure to advise the chair.

Talk to your mentor or find another continuing administrator who may have staffed your chair's committee before. Often, these administrators can give a lot of valuable insight as to how your chair likes to operate.

## **Expectations**

Initially, you should meet with your chair to ascertain his or her expectations about committee management, in order to tailor your activities accordingly. Does she expect you to describe measures at the outset of each hearing? Does he encourage you to ask questions or offer explanatory or supplemental information during hearings?

## **Regular meetings**

At your initial meeting, try to establish a regular, set meeting day and time in your chair's office, for 20 to 30 minutes, to review new measures, set agendas, and update priorities. (If weekly meetings are scheduled on a variety of different days, they are less-likely to be considered inviolate, and you are apt to be cancelled or rescheduled.) Vice-chairs may also be invited to attend these meetings at the chair's request. Most administrators find it necessary to meet at least weekly, but some chairs may want to meet more often. Chairs go through training at the beginning of session, and the importance of holding regular, set meetings with their administrators is emphasized to ensure good communication and committee organization.

## **Be flexible**

The important thing to remember about your relationship with the chair and staff is to communicate with them in order to develop a clear understanding of their expectations and preferences, and then be willing to structure your activities around them. Do not assume responsibility without knowing how much responsibility your chair wants you to have. Another good resource for insight into a particular chair's style, is your colleagues – be sure to ask continuing staff for input about how best to work with him or her.

## **Building trust**

Make connections. Talk to lobbyists, agency liaisons, and special interest groups (SIGs) that may have an interest in the bills in your committee. Understand your chair's priorities and develop an interest and working knowledge of those issues. Be careful

you do not communicate information about your chair's preferences or intentions unless you have been asked to do so – do more listening than talking.

## **Giving advice**

As committee staff, you may be expected to offer advice to the chair and/or to members about the legislative process or other procedural matters. The information may relate to moving a measure through the legislative process; sources of opposition and support; the nature of that opposition or support; other member's issues; specific wording that may be of concern to particular interests; wording of amendments to accomplish a member's intent; fiscal impacts; or any of a variety of related aspects of how an idea becomes a law. Do not be afraid to volunteer professional, objective advice, but make sure that you are not injecting advice based on personal feelings about a bill or issue. Chairs and members already hear conclusory opinions from lobbyists, constituents and others with strong feelings about a bill – your job is to remain objective and, when necessary, provide factual information.

When you don't know something, just say so, and follow-up as quickly as you can. It doesn't matter where you are or who you're with – in a one-on-one meeting with your chair, in a hallway with a group of lobbyists, or on the record in the middle of a hearing. If you're in the middle of a hearing and a member asks you a procedural question and you're not sure, you say: "I'm not sure; the chair may want to have the committee stand at ease briefly while I contact the parliamentarian for clarification." It happens often, even with continuing staff.

## **Mediation**

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As committee staff, you may be asked to assist in resolving differences among various parties interested in a specific piece of legislation. As such, you may take on the role of facilitator or sometimes even mediator, apart from your regular committee management duties. Know the difference between being a mediator and decision-making. It is up to your chair and lawmakers to be the ultimate decision-makers regarding these issues.

## **Subcommittees**

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Subcommittees are typically not formed, but if you staff one, then the same process you develop in working with the committee chair should be followed in working with subcommittee chairs. It is important to remember that the full committee chair has authority over the subcommittee chair. If you are aware of any differences in priorities or agendas, you might want to advise the subcommittee chair to check with the committee chair.

# Work Groups

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A “**work group**” can be an integral part of the legislative committee process. Below is some basic information about work groups and some ideas and recommendations on their establishment and function.

## **What is a work group?**

A legislative work group is formed to bring together a group of people to discuss and reach resolution on an issue. Work groups do not hold formal public hearings or work sessions, and are not subject to the public meetings laws. During a legislative session, a work group may be appointed to reach agreement on a legislative concept (a new bill draft) or on amendments to a bill.

## **Who creates a work group and why?**

A committee chair typically decides to create a work group and sets expectations for the group, including how many meetings should be held and who should participate, as well as specific directions about the assigned task (e.g., address just certain sections of a bill). Some common reasons for a chair to appoint a work group include:

- The chair has a strong desire to see a bill succeed, but wants to negotiate an approach to an issue that is acceptable to the different stakeholders.
- It is clear that there are valid arguments on the (often diverse) positions of the interested parties.
- It appears the divergent interest may be able to negotiate a compromise in a short period of time outside of the formal committee meeting setting.

## **Who should participate in the work group?**

You may want to suggest a list of potential work group participants to a chair. If you do, consider the total number of members (too large a group may stifle discussion, too small may not be representative of those people interested in the bill) and try to create an opportunity for a balanced discussion of the issues by suggesting representatives of a diversity of interests. If bill or amendment language is being discussed, consider inviting Legislative Counsel to join the work group.

A chair may not want to directly participate in a work group. Work group members may give too much deference to a committee chair who participates; people may be less likely to speak up, and the group may be less likely to reach consensus.

Committee member(s) assigned to a work group can provide authority in the process, and be a conduit to report back to the chair on progress. If committee members do participate, ensure that you do not inadvertently allow a quorum to be present at a work group meeting.

### **Who should facilitate a work group process?**

A chair may decide to facilitate work group meetings him/herself or may assign a work group member or the committee administrator to facilitate meetings. You may also want to consider if a state agency, a commission or other entity might be a better or more appropriate facilitator of a work group; sometimes agency staff or a group that has been working on the issue may be better prepared to facilitate consensus.

### **What work group meeting logistics should be addressed?**

Once you have directions from the chair and a list of work group participants, you will need to:

- Identify meeting dates and times.
- Reserve meeting rooms. Consider whether meeting attendees will be only work group members or if you require a room where others can observe the meeting.
- Notify work group members of meeting information.
- Secure a conference line call in number, if necessary for long-distance participation by work group member(s).
- Prepare an agenda for the first work group meeting.

(Work group agendas are not posted on OLIS. These agendas are distributed to work group members either before or at a meeting to keep the discussion on track.)

After each work group meeting:

- Make sure the next meeting is scheduled if necessary;
- If the chair is not participating in the meetings, follow up with him/her regarding any resolution or progress; and
- If appropriate, deliver language to Legislative Counsel to be drafted.

### **A few additional work group “tips”**

- As a chair sets expectations for a work group, if it begins to appear that a significant task is being assigned to the group, consider recommending that s/he avoid trying to tackle issues that cannot be resolved in a short period of time; major and long-standing issues involving numerous stakeholders who oppose each other’s positions likely will not lead to resolution through a short-term work group. These issues may be best addressed through an interim task force or another approach.
- Watch the dynamics and amount of time a work group spends on an issue; sometimes participants will want to keep working on an issue until it is too late to get it back to committee for action.
- While administrators are often good facilitators, keep in mind that the responsibilities of staffing a work group can be as time-consuming as a committee.

Unfortunately, there is not one type of work group or one set process to follow to establish a work group. Although each work group is somewhat unique, the steps listed

above apply in most situations. If you have questions, don't hesitate to ask continuing staff for advice.

## **COMMITTEE MANAGEMENT – APPENDICES**

- A. [Chairing a Committee](#)
  - a letter to chairs from Committee Services
- B. [Tips for Legislative Assistants](#)
  - a letter to members' personal staff
- C. [Governor's Executive Order: Legislative Protocol for State Agency Personnel](#)
- D. [Department of Administrative Services Guidelines for Working with the Legislature](#)

## **Chairing a Committee and Working with Committee Staff**

**Each Chair has or will develop his or her own “style” in running a committee. However, below are ideas and methods that many committee Chairs use in working with their committee staff.**

**In early Session, start meeting with your committee staff to:**

1. Get to know each other, and discuss your plans for the committee.
2. Develop a committee work plan (as determined by you and chamber Leadership).
3. Discuss when you want to meet (set time each week, meet as necessary, confer while on Floor); it is preferable to have a set time and day of the week to meet to ensure uninterrupted and consistent communication.
4. Exchange contact information (especially phone numbers in case you need to speak after hours).
5. Decide on other planning meetings (meetings with vice chair, Leadership or caucus staff to discuss bills).
6. Review committee rules.
7. Decide on the dais seating order.
8. Decide on roll calls for voting (rotating, Chair called last, assistant to give vote count, etc).
9. Discuss role of administrator during hearings (administrator allowed to ask clarifying questions, administrator as “timekeeper”).
10. Clarify how much flexibility administrator has in scheduling bills you approve for hearings (administrator arranges bills on best dates, reviews draft agenda with Chair before posting).
11. Review how you would like to track and prioritize bills (use measure tracking, your own method for prioritizing).
12. Discuss your preference for hearing materials (prefer them in advance, at dais).
13. Determine how you would like your personal staff involved in committee activities and communications.
14. Discuss how you envision bills or other work being assigned if there are subcommittees.
15. Decide if you want meeting to begin if you are not available at start (e.g., allow vice-Chair to gavel in).

**As your committee begins meeting, regularly meet with your administrator to:**

1. Review bills assigned to your committee to decide ones that are to receive which type of hearing and any preferences of when to hear them; decide on those you want to hear and when, hearings to gather more information, etc.
2. Discuss progress of workgroups, or discussions that you or administrator have been having with stakeholders (i.e., compare notes).
3. Discuss known amendments (or plans for amendments) for upcoming bills.
4. Discuss situations that may be coming up such as introduction of a new measure, possible minority reports, etc.
5. Schedule hearings out as far as you can; agendas can always be revised as long as they are within posting rules.

### **At first Organizational Hearing**

1. Introduce members and staff; note meeting dates/times and other known activities (e.g., workgroups, special topics).
2. Discuss your vision for committee.
3. Remind members of your committee meeting dates and times; give dates of road hearings (and places) if known.
4. Adopt rules.
5. Remind members that:
  - microphones are sensitive and can pick up “side-bar” conversations.
  - hearings are televised and on the Internet.
  - members need to remember committee protocols – direct questions through Chair, encourage members to arrive on time and try to stay for the entire hearing.
  - excessive note passing, side discussions and joking with other members may be misconstrued by the audience.

### **At all hearings**

1. Start on time, even if all members are not present (i.e., gavel in as subcommittee for purpose of testimony only), and end on time or a little early (especially if you have another committee immediately following your committee in same room).
2. Treat all members, witnesses and staff with courtesy.
3. Attempt to stay on schedule; keep testimony moving to avoid having to carry over bills.
4. If you are not going to get to all bills on the agenda, ask audience if anyone has traveled far to testify on the bill to give them the opportunity to testify that day; people who have traveled over 100 miles are usually allowed to testify earlier.
5. Consider if you want to allow, as a practice, the general public to testify before lobby or agency representatives.
6. Let audience know, before a hearing is over, if you know a bill is going to be rescheduled later (and perhaps for the type of hearing, such as a work session).
7. Tell audience if you are not meeting on one of your assigned days, or that you intend on modifying a future meeting (e.g., you plan on having an evening or road hearing).
8. Consider how you would like written testimony distributed (before the hearing if available and then on the dais, or held until the person begins testimony).
9. Non committee lawmakers who attend a hearing to testify are normally given the courtesy of coming up first, and should be asked if they would like to “cut in.” Lawmakers will sometime decline so they can hear other testimony, but often must come up first as they may be missing their own committee. Sometimes this member will want to invite a constituent to testify alongside him or her.
10. It is usually customary to call up a bill’s sponsor or proponents first. If the sign up sheet does not list any or is unclear, the Chair can ask the audience if someone is there to testify in support of a bill.
11. Encourage witnesses to be succinct, especially if there are many signed up to testify and/or time is running short.

12. Discourage people from reading testimony word for word, but allow it if person is not able to comfortably summarize.
13. If a very large number people are present with the same concerns, and there is not enough time to hear from everyone, Chairs may want to see if there are representatives in the audience who could act as spokespeople.
14. Be reassuring and calming to people who are nervous about testifying.
15. Consider calling up people to testify in groups, especially when many people sign up to testify; avoid inviting a bill proponent and opponent to be at the table at the same time; it is often best to let proponents testify first as they can give a detailed overview of the measure.
16. If several people come up to testify, direct them to proceed in the order they wish or indicate the order in which you want them to testify.
17. Let members at the dais know if you would like questions held until after testimony is finished. When running late, indicate when you will allow one more question before proceeding to the next bill (and stick to that directive).
18. Consider if you want to defer to other members to ask questions first (to hear their concerns) before asking your questions.
19. During a work session only (non public hearing), there is normally not a sign up sheet for testimony; it is your prerogative to invite people to testify.
20. You can pass over any bill on an agenda. However, be aware that people may have traveled far to testify and may not be able to return. If you know a bill must be passed over, let the audience know immediately, and let them know if and when it will be rescheduled. Sometimes a Chair will open up a public hearing on such a bill just so people who cannot return later can be on the record.
21. A bill cannot have a work session if it was not posted for a work session (or any other type of hearing if it was not officially posted as such), and can only be carried over in a manner prescribed by committee rules.
22. Sometimes a person testifying will become emotionally distraught; it is appropriate to have your administrator or assistant get the person some water or tissue.
23. Your administrator should assist you by:
  - scripting out and having at the dais infrequently used motions (or even more commonly used motions if you like).
  - summarizing a bill and providing background information before you begin public testimony
  - assisting with general parliamentary procedures, or advising when to contact the Chief Clerk or Senate Secretary for assistance (stand the committee “at ease” if you need to discuss protocols or wait for the parliamentarian to arrive).
  - conferring with people in the audience on issues.
  - contacting bills’ sponsors (members, others) to see if they plan on testifying.
  - letting members in another meeting know when their bill is coming up for a hearing.
  - watching for lawmakers who may enter in the back of a crowded hearing room and cuing you to their presence.

### **After and in between hearings**

1. Committee staff must process paperwork and meet certain timelines when bills pass out of committee, so at times may have to focus on these important duties (e.g., they may have to leave the hearing room immediately after you gavel out).
2. Your administrator will be available on the Floor, when a bill from your committee comes up for a Floor vote, to assist the carrier with questions if necessary.
3. At your direction, administrators can schedule and facilitate workgroups or meet with individual stakeholders to gather information.
4. Per your approval, administrators can request bills and amendments for existing bills, and can give lobbyists and others a “note from mother” to have amendments drafted.
5. As approved by you and Leadership, committee staff will attend meetings with you, Leadership and their staff to discuss committee activities.

*Committee Services*

*January 2011*



Tips for Legislative Assistants to remember regarding Committee Services:

- After you learn what committees your member has been assigned to, it would be helpful to introduce yourself to the committee assistant for that committee. Then if you need to contact staff, you are familiar with each other.
- Your member may be on several committees. You can sign up to receive committee agendas through Gov Delivery by clicking on the “e subscribe” button at the legislative website: <http://www.leg.state.or.us/>
- If your legislative member is going to be late to committee, has to leave early or can’t make it at all to a meeting, please let committee staff know as soon as possible. The committee may be working legislation where a crucial vote will be taken and all votes are needed so it is sometimes vital to know where members can be located.
- When you inform staff that your member is unable to attend a particular committee meeting, please let staff know if you would like all materials distributed during the meeting saved for your member. You can then make arrangements for receiving those materials.
- If we abide by the committee rules that state: “Proposed amendments by other than members of the Legislative Assembly must be submitted in writing to committee staff at least 48 hours prior to the work session at which they are to be considered,” then your member shouldn’t wait until the last minute to get amendments drafted.
- Because a fiscal and revenue analysis need to be done on amendments prior to a work session and all amendments are released **ONLY** to the requestor (and have to be signed for), when Legislative Counsel calls to let you know that your amendments are ready for pick up, **PLEASE RETRIEVE THEM PROMPTLY**. Confirm with your member that copies of the amendment can be provided to Committee Services and provide them to CS staff ASAP. This will enable committee staff to get them to Fiscal and Revenue in a timely fashion. They can also be distributed to the other committee members so that when the bill and amendments are heard in committee, the members are familiar with the amendment and the bill can get out of committee.
- If committee staff contact you with questions about a bill sponsored by your member, or for the purpose of scheduling the bill, please return the call/email as soon as you can – committee staff are under tight timeframes (i.e., posting deadlines) to schedule a bill for a hearing.
- Take advantage of any training offered on “Measure Tracking.” This will help you track the bills sponsored by your member as well as all bills introduced. It will show the bill’s current location in the system and how it is progressing through the legislative process.
- Anyone from the public can sit in the audience during a hearing, including staff. If you are watching the hearing on TV/the Internet and you need additional information – like written testimony or a list of witnesses – don’t hesitate to contact committee staff.
- If your member is in a committee meeting and you need to get a note to them or call them out, you can leave a note with the committee assistant or you are free to come in the “staff” side door and walk behind the dais to your member. However, if someone at the dais is speaking, please be respectful and wait to proceed until they are finished.
- Committee staff is responsible for cleaning up the hearing room after every committee meeting, but it is not their responsibility to clean up after your member (e.g., folders on the bills heard that day in committee or materials for other meetings). As time allows, CS staff can deliver left-behind materials to your office, but you may be called upon to pick up materials left behind by your member.

## **APPENDIX C. GOVERNOR'S EXECUTIVE ORDER**

### **EXECUTIVE ORDER NO. EO 98-1**

#### **LEGISLATIVE PROTOCOL FOR STATE AGENCY PERSONNEL**

WHEREAS, the Governor of the State of Oregon is constitutionally required to propose the biannual state budget and is authorized to develop and introduce legislation; and

WHEREAS, the Governor of the State of Oregon authorizes Executive Branch agencies to recommend legislative concepts and budget proposals; and

WHEREAS, Executive Branch agencies are charged with implementing legislation adopted by the Oregon Legislative Assembly and signed by the Governor; and

WHEREAS, representatives of Executive Branch agencies often have a great deal of experience and expertise on matters relating to pending legislation under consideration by the Legislative Assembly; and

WHEREAS, Executive Branch agencies have a duty to provide clear, accurate, complete and useful information to the Legislative Assembly and the Governor about the potential effects of proposed statutory or constitutional changes on state policy.

**THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:**

The Department of Administrative Services, in conjunction with representatives from other Executive Branch agencies, shall develop and implement the following prior to the 1999 Legislative Assembly:

- a) A written code of conduct for agency personnel designated as legislative liaisons and for those agency personnel who are not designated legislative liaisons but may be called upon to interact with the Legislative Assembly; and
- b) Appropriate training opportunities for state personnel who interact with the Legislative Assembly; and
- c) An internal Executive Branch process by which complaints or concerns about the conduct of state agency personnel at the Legislative Assembly may be resolved; and
- d) A clear policy regarding when and how Executive Branch agencies may hire outside lobbyists for the purpose of communicating with or lobbying the Legislative Assembly; and
- e) A clear policy regarding who may register as lobbyists and represent Executive Branch agencies before the Legislative Assembly or individual members; and
- e) A clear policy addressing the expenditure of agency or outside funds for lobbying purposes by state employees or outside lobbyists; and
- f) An appropriate roster with photos of those persons registered and authorized to represent Executive Branch agencies before the Legislative Assembly; and
- g) A plan to participate in appropriate information sessions for new legislators at the start of each session to inform them of Executive Branch policies regarding agency lobbying.

*<http://www.governor.state.or.us/governor/legal/execords/eo98-01.pdf>*



## Department of Administrative Services (DAS) Guidelines for Working with the Legislature

### Statement of duties for representatives of all agencies in the Executive Branch of state government:

*All board and commission members and state employees involved in the legislative process shall perform professionally. They shall adhere to the highest principles of public service. They shall discharge their duties in keeping with the public trust and that of governor and their agency. Those duties include:*

- *To maintain the highest integrity at all times, acting for their agency and the governor; not themselves.*
- *To be respectful, clear and honest in all communications.*
- *To present all information fairly and completely.*
- *To respond to inquiries without delay.*

### **Those who lobby bear this further duty:**

*It shall be each lobbyist's duty to know and follow the laws and rules that apply to lobbying. Please see the Government Standards and Practices Commission's "Guide to Lobbying in Oregon" and [Attorney General Opinion No. 8259](#).*

## WHAT IS LOBBYING

### **You are lobbying when you:**

Talk or write to a legislator or to his or her staff to influence legislative action. This includes:

- Testimony favoring or opposing a bill or budget.
- Proposing amendments to a bill, including technical amendments.
- A letter, memo, or e-mail favoring or opposing a bill or budget.
- Formal or casual conversations favoring or opposing a bill or budget.
- Talk or write to a legislator or to his or her staff to promote *good will* toward an agency or program.

Talk or write to others with the intent to ask them to influence legislative action. This includes:

- Meetings where you ask people to support or oppose a bill or budget.
- Letters, memos, e-mails, or newsletters asking people to support or oppose a bill.

**You are not lobbying when you:**

- Talk or write to a legislator or to his or her staff merely to provide facts. (Facts may include fact estimates and expert opinions of fact.) The facts may apply to any program, budget, bill, or issue.
- Do work within your agency to research, write, or otherwise develop a bill or budget.
- Research or write testimony supporting or opposing a bill.
- Are waiting to present testimony or meet with legislators or staff.
- Write or talk to anyone to solicit their input on an agency's legislative proposals or budget.
- Do support work for an agency's lobbying activities, but do not communicate, yourself, with legislators or their staff.

### **WHO SHOULD LOBBY**

Agencies should limit lobbying activities to the minimum number of employees and board and commission members needed to effectively represent the governor and agency. In most cases, the agency head and one liaison will suffice.

Board and commission members and staff should register only if they meet the threshold of 24 hours per quarter of actual time spent lobbying. See ORS 171.735.

Before registering anyone, agencies must supply the Department of Administrative Services with a roster of those proposed to be registered.

### **BEHAVIOR**

**Guidelines for *all* who work with the legislature**

- Be flexible and patient. Legislative schedules are always subject to change.
- Remember you represent the governor. Act accordingly at all times.
- Treat all members of the public and their representatives with respect at all times. Do this even when you or your agency disagree with them.

- Avoid being in the Capitol except when you are directed to be there by your agency head, his or her legislative liaison, a legislator, or legislative staff. Use TV or audio coverage whenever possible.
- Avoid discussing sensitive issues or agency positions on legislation in public settings where conversations may be overheard.

## **INTERACTING WITH LEGISLATORS**

### **Guidelines for *all* who work with the legislature**

- In the Capitol, always acknowledge members with their formal title, no matter how well you know them.
- Promptly report to a supervisor any conflicts or unusual events involving legislators or their staff. When unsure how important something is, opt to report it.
- Never interrupt a conversation involving a legislator.

If you represent yourself or any outside interests before the legislature, you must:

- First, disclose to your supervisor that you intend to do so. It may preclude your official work with the legislature.
- Do so only on your own time.
- Make clear to legislators and staff that you are not acting in your official capacity.

Agency representatives may not be at the side aisles of the main floor of either legislative chamber if the main doors are closed. Also, please stay out of the halls behind the chambers during sessions unless your business is in offices that can only be reached through those halls or a member asks you to be there.

Do not communicate by signal, note, or *any* method from the balcony of a legislative chamber to anyone on the floor of the chamber.

*Never* enter the Senate or House member lounges.

Always abide by the rules of the House and Senate.

### **Added guideline for those who do *not* lobby**

Any request to meet, testify, or provide material about any issue or bill to a legislator or staff should be reported at once to your agency head or legislative liaison.

## TESTIFYING BEFORE LEGISLATIVE COMMITTEES

### Guidelines for *all* who work with the legislature

State personnel are to support or assist bills and budgets proposed by the governor or by any state agency with the governor's approval. If you are ever unwilling to do so, you must withdraw from the legislative process and resolve your concerns with your agency head or the governor's staff.

Always follow protocol:

- Address the chair formally.
- Do not speak unless recognized by the chair.
- Respond to questions through the chair.
- Do not get caught up in disputes between members.
- Never be in the audience unnecessarily. While there, do not talk or disrupt the meeting, even if others do so.

Learn to recognize rhetorical questions and do not try to answer them.

Answer briefly, simply using *yes* or *no* when practical.

- *Never* read your testimony. Summarize it in accord with the circumstances. The most effective testimony is given with conviction, confidence, and appropriate good humor.
- If you do not know the answer to a question, say so. Do not guess. Tell the chair you will be pleased to get the answer to him or her promptly.

### Added guidelines for those who lobby

- If you have a concern about a proposal or position, resolve it with the affected agency or the governor's staff as soon as possible. Do not raise it in a hearing.
- Avoid taking a position on a bill introduced by a member or a committee until you know the position, if any, that the governor may have toward it.
- Avoid taking a position on a bill introduced by a member or a committee until you contact any affected agencies to learn and resolve any issues. Seek a unified response.
- Don't agree to compromises unless you know the governor and your agency head will approve. Tell the chair that you will verify approval and promptly respond. This may not please a committee, but is far better than having to renege on an agreement.

- Don't surprise the chair, staff, or another agency. If the position is changing that was held by an agency or the governor or amendments are being proposed, let key people know before the public meeting.

**Added guidelines for those who do *not* lobby**

- Your primary role is to provide accurate and objective facts bearing on a bill.
- Do not express a position on a bill except in formal testimony that is approved by your agency head or governing board.
- Leave advocacy, negotiations or compromises to your agency head, the governor's staff, or your agency's lobbyist. Do not agree to the compromise or amendment of a bill.
- Data about fiscal or program impact of a bill should be reviewed and approved by your agency head or appropriate agency staff.

**Paying for Lobbying Activities**

**Guidelines for *all* who work with the legislature**

- State agencies may not expend funds to hire outside firms or consultants to lobby the Legislative Assembly, with the following exception.
- Fee supported agencies that do not have any other registered lobbyist may hire an outside lobbyist. They must first show the Director of the Department of Administrative Services that this is more cost-effective than using agency staff.

Agencies may use appropriate public funds to:

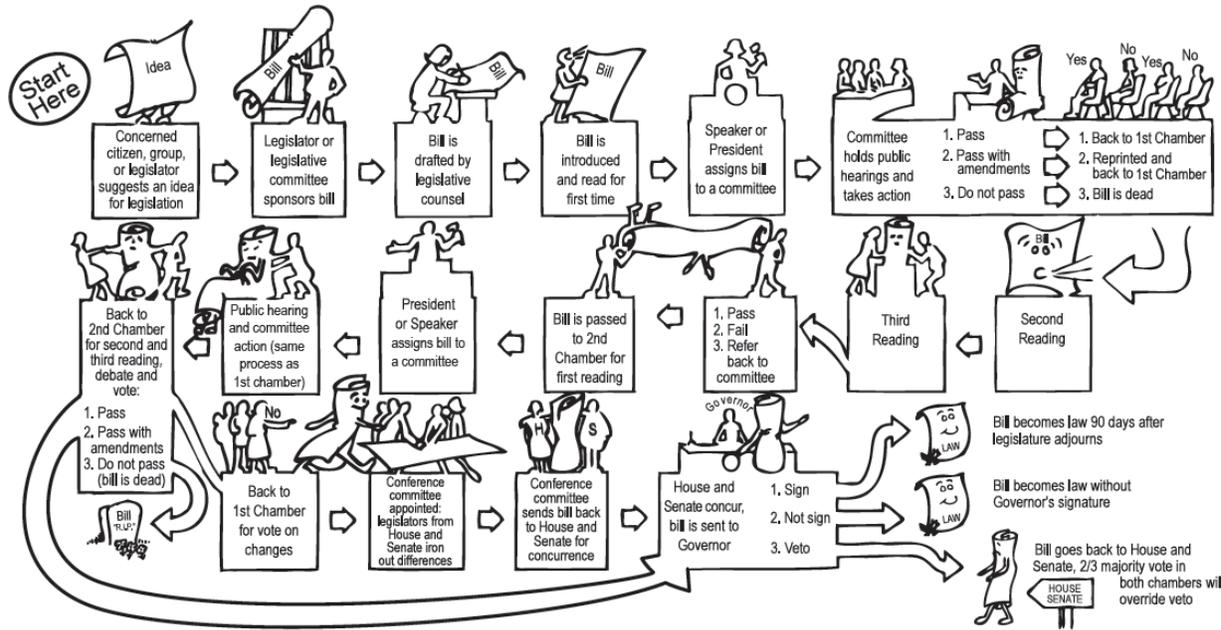
- Promote public involvement in their programs or efforts.
- Conduct other public outreach to help the success of state programs.
- Educate or inform the public about their programs or initiatives.

Agencies using outside firms must insure that there is not a conflict of interest between the agency's mission and other clients represented by the firm.

State agencies may not reimburse any state employee for expenses related to entertaining members of the Legislative Assembly. Employees are advised to avoid as much as possible spending personal funds for any purpose that may be construed as lobbying. Any personal funds spent on lobbying are subject to reporting to the Government Standards and Practices Commission.

# How an Idea Becomes Law

A simple view of the Oregon Legislative Process



## The Oregon Legislative Assembly

The Oregon Legislative Assembly is state government's "board of directors." It is responsible for making laws dealing with Oregon's well-being, adopting the state's budget, and for setting public policy. The Legislative Assembly is made up of two bodies: the Senate and the House of Representatives. The Senate consists of 30 members elected for four-year terms. The House consists of 60 representatives elected for two-year terms. Each member of the legislature represents a district (an area determined by population). Every Oregonian is represented by one state Senator and one state Representative.

The legislature convenes annually in February at the State Capitol in Salem, but sessions may not exceed 160 days in odd-numbered years and 35 days in even-numbered years, unless extended by a two-thirds vote in each chamber. About 3,000 bills are considered in each odd-year session. Relying largely upon work done in committees, the legislature enacts about one-third of these bills into Law

Please note that the above schematic does not account for subsequent referrals. In an average session, at least half of the measures that move through the system have a subsequent referral to the Joint Ways and Means Committee. In Joint Ways and Means, the measure is generally heard by a subcommittee before being voted out by the full Committee. It then goes to the floor of the chamber where it was first read for passage before proceeding to the second chamber for consideration. In these cases, the measure will usually not be heard by a policy committee in the second chamber.

Additionally, measures may have a subsequent referral to a second policy committee or may be referred to a Rules Committee for additional work (especially as chamber deadlines near, as these deadlines do not apply to Rules Committees).

# Legislative Measures

68th OREGON LEGISLATIVE ASSEMBLY—1965 Regular Session

## House Memorial 2

Sponsored by Representative RASMUSSEN

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

In memoriam: Former State Representative Shirley Field.

### HOUSE MEMORIAL

- 1
- 2 Whereas Shirley Field died May 11 in Portland at the age of 72; and
- 3 Whereas Shirley Field was elected to the Oregon House of Representatives in 1956, served two
- 4 consecutive terms before deciding not to run for reelection, then was elected again to the House in
- 5 1962 and served two more consecutive terms; and
- 6 Whereas Shirley Field's diverse civic activities ranged from membership in the Oregon
- 7 Cattlemen's Association and Isaac Walton League to seats on the boards of the Oregon Prison As-
- 8 sociation, the Governor's Committee on Children and Youth and the Urban League; and
- 9 Whereas Shirley Field was an active member of the Republican Party and in 1960 became the
- 10 first woman subcommittee chairman to be a delegate-at-large at the Republican National Convention;
- 11 and
- 12 Whereas in 1972 Shirley Field was appointed by Governor Tom McCall to the Multnomah
- 13 County District Court bench, where she served until 1978 when a massive brain tumor forced her
- 14 untimely removal; and
- 15 Whereas Shirley Field, a Fort Wayne, Indiana, native and Yale Law School graduate, from the
- 16 time of her arrival in Portland in 1946 to the time of her recent death was an articulate and per-
- 17 suasive advocate for extending political and economic opportunity to all Oregonians; now, therefore,
- 18 Be It Resolved by the House of Representatives of the State of Oregon:
- 19 That we, the members of the House of Representatives of the Sixty-eighth Legislative Assembly,
- 20 mourn the passing of Shirley Field and respectfully recall her eight years of service in this chamber
- 21 to the people of the State of Oregon.
- 22

NOTE: Matter in boldhead type is an amended section or new matter (italic New sections are in boldhead type.  
LC 3974

68th OREGON LEGISLATIVE ASSEMBLY—1965 Regular Session

## Senate Resolution 4

Sponsored by Senator SMITH

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Recognizes Imperial Tombs of China exhibit as opportunity to promote international, economic and educational goals.

### SENATE RESOLUTION

- 1 Whereas the Portland Art Museum will be the sole West Coast venue to welcome the Imperial
- 2 Tombs of China exhibit; and
- 3 Whereas this exhibit will have a profound significance to our international ties and encourage
- 4 hundreds of thousands to visit the State of Oregon; and
- 5 Whereas hosting the Imperial Tombs of China exhibit will benefit Oregon's business community,
- 6 the tourism and hospitality industry, the hotel and motel industry, the retail industry, the education
- 7 community, local governments and other agencies and ethnic and cultural communities; and
- 8 Whereas the Portland exhibit will involve as many as 2,000 volunteers and will stimulate eco-
- 9 nomic growth in the State of Oregon, attract new businesses, expand educational activities and en-
- 10 rich the cultural life of all Oregonians; now, therefore,
- 11 Be It Resolved by the Senate of the State of Oregon:
- 12 That we, the members of the Senate of the Sixty-eighth Legislative Assembly, recognize the
- 13 Imperial Tombs of China exhibit at the Portland Art Museum as a unique opportunity to promote
- 14 international ties with Asia, strengthen our long-term economic goals, provide educational benefits
- 15 and enhance the understanding of the diverse culture of China.

68th OREGON LEGISLATIVE ASSEMBLY—1965 Regular Session

## Senate Bill 124

Printed pursuant to Senate Joint Rule 212.2B by order of the President of the Senate in accordance with pro-  
cessing filing rules. Indenting neither advisory nor opposition on the part of the President (at the request  
of Public Utility Commission).

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Authorizes Public Utility Commission to establish reduction in weight-mile tax for carriers that transmit tax reports and payments electronically. Takes effect January 1, 1996.

### A BILL FOR AN ACT

- 1
- 2 Relating to motor carriers; and prescribing an effective date.
- 3 Be It Enacted by the People of the State of Oregon:
- 4 **SECTION 1.** Section 2 of this Act is added to and made a part of ORS chapter 767.
- 5 **SECTION 2.** (1) The Public Utility Commission of Oregon shall offer tax reductions to any
- 6 carrier that invests in technology that allows electronic transfer of reports and payments
- 7 to the commission. The commission shall establish the amount of reduction by rule but the
- 8 reduction may not exceed three percent of the amount due from a carrier.
- 9 (2) The reduction authorized by subsection (1) of this section shall be available to a car-
- 10 rier only if the commission approves the proposed data transmission system prior to imple-
- 11 mentation of the system by a carrier.
- 12 **SECTION 3.** This Act takes effect on January 1, 1996.
- 13

is new; matter [italic and bracketed] is existing law to be omitted.

# Types of Measures

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Oregon's legislature takes action on three types of measures:

- **Bills** are proposals to enact or amend statutory law and are the most common type of measure – abbreviated “HB” for House Bill or “SB” for Senate Bill.
- **Memorials** are measures adopted by either the House or the Senate or both, to make a request of or express an opinion to Congress or the President of the United States, or both.

Simple memorials (HM, SM) are heard and adopted in one chamber.

Joint memorials (HJM, SJM) are adopted by both chambers.

Memorials do not require the Governor's signature.

- **Resolutions** are measures used by the House or the Senate or both to take an action that would affect only its own members, such as appointing a committee of its members, or expressing an opinion or sentiment on a matter of public interest. Concurrent resolutions are used to express sympathy for, commend, and commemorate the dead.

Simple resolutions (HR, SR) are adopted by a single chamber.

Joint resolutions (HJR, SJR) and concurrent resolutions (HCR, SCR) are adopted by both chambers.

Joint resolutions that propose a constitutional amendment are referred to the voters for their approval or rejection. The referred measure will be voted upon at the next regular general election, unless the legislature orders a special election.

Resolutions do not require the Governor's signature.

Approximately 3,000 measures are introduced in the Oregon Legislature each session. Usually, about one-third become law.

# PARTS OF A MEASURE

68th OREGON LEGISLATIVE ASSEMBLY-1995 Regular Session

House of Origin

A-Engrossed

Version

Senate Bill 83

Date

Ordered by the Senate April 4  
Including Senate Amendments dated April 4

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of the Senate Interim Committee on Judiciary for the Washington County Surveyor)

Sponsor

Requester

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes State Board of Engineering Examiners as self-sufficient board. Limits review of budget of board by Legislative Assembly and Oregon Department of Administrative Services. Designates Governor as appointing authority for board members. Requires *[State Treasury to accept all moneys of board, with separate account for its funds]* transfer of funds on certain date to depository bank selected by board. Allows board to contract for certain state services. Requires comprehensive reports be made to Legislative Assembly and Governor. Specifies disciplinary powers of board. Authorizes board to adopt rules relating to certification and to standards of professional conduct. *[Makes other changes.]*

*[Appropriates money.]* Sunsets December 31, 1999.  
Declares emergency, effective July 1, 1995.

## A BILL FOR AN ACT

1  
2 Relating to the reorganization of the State Board of Engineering Examiners; and declaring an  
3 emergency.

4 Be It Enacted by the People of the State of Oregon:

5 **SECTION 1.** Sections 2 to 18 of this Act are added to and made a part of ORS 672.002 to  
6 672.325.

7 **SECTION 2.** Notwithstanding ORS 672.240, from the effective date of this 1995 Act until  
8 December 31, 1999:

9 (1) The State Board of Engineering Examiners is created as a self-sufficient board subject  
10 to and for the purpose of carrying out ORS 672.002 to 672.325. The board shall be composed  
11 of 11 members as follows:

12 (a) Two members shall be members of the general public.

13 (b) Two members shall be registered professional land surveyors.

14 (c) Seven members shall be registered professional engineers.

15 (2) Members of the board shall be appointed so that there is at least one member of the  
16 board from each congressional district in this state.

17 (3) Each engineer and land surveyor member of the board shall have been:

18 (a) A resident of this state for at least three years immediately preceding appointment;  
19 and

20 (b) Practicing as a registered professional engineer or as a registered professional land  
21 surveyor for at least five years since the date of the person's initial registration.

22 (4) The board shall elect biennially from among its members a president and a vice

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in boldfaced type.

LC 1225

## **Chamber of Origin**

- **Senate bills (SB)** are numbered starting with 1 and Senate appropriation bills are numbered starting with 5501.
- **House bills (HB)** are numbered starting with 2001, and House appropriation bills are numbered starting with 5001.

The Secretary of the Senate or the Chief Clerk of the House (each is referred to as “the Desk” for its chamber) assigns bill numbers when measures are introduced. (The example shows a Senate bill.)

## **Session Number**

The legislative session for which the measure was printed is located at the top of each measure. (The example is from the 1995 Regular Session.)

## **Version**

The original version of any measure is referred to by the measure number only (“SB 83” on the example). The “A-Engrossed” designation indicates that the original measure was amended once. A measure becomes “A-Engrossed” when a committee adopts amendments and reports (or “moves” or “votes”) the bill out of committee. Subsequent committees begin with the amended version. If a subsequent committee adopts additional amendments and reports it out, it becomes the “B-Engrossed” version, to indicate the original was amended twice. A measure can be amended an unlimited number of times, but only in committee (not on the floor of either chamber).

## **Date**

The date on an engrossed measure is the date the measure and amendments were officially reported to the Desk. The date is indicated after the phrase “Ordered by the Senate/House.” (The sample bill is dated April 4.)

## **Sponsor/Requester**

Following the dates are the sponsor and requester. The sponsor may be one legislator, many legislators, or an interim or session committee. A requester, if there is one, may be an agency, a group, an individual. (The example was pre-session filed by the Senate Interim Judiciary Committee at the request of the Washington County Surveyor.)

# A-Engrossed Senate Bill 83

Ordered by the Senate April 4  
Including Senate Amendments dated April 4

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of the Senate Interim Committee on Judiciary for the Washington County Surveyor)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes State Board of Engineering Examiners as self-sufficient board. Limits review of budget of board by Legislative Assembly and Oregon Department of Administrative Services. Designates Governor as appointing authority for board members. Requires *[State Treasury to accept all moneys of board, with separate account for its funds]* transfer of funds on certain date to depository bank selected by board. Allows board to contract for certain state services. Requires comprehensive reports be made to Legislative Assembly and Governor. Specifies disciplinary powers of board. Authorizes board to adopt rules relating to certification and to standards of professional conduct. *[Makes other changes.]*

*[Appropriates money.]* Sunsets December 31, 1999.  
Declares emergency, effective July 1, 1995.

Summary

Title

The Body

1 A BILL FOR AN ACT  
2 Relating to the reorganization of the State Board of Engineering Examiners; and declaring an  
3 emergency.

4 Be It Enacted by the People of the State of Oregon:  
5 **SECTION 1.** Sections 2 to 18 of this Act are added to and made a part of ORS 672.002 to  
6 672.325.

7 **SECTION 2.** Notwithstanding ORS 672.240, from the effective date of this 1995 Act until  
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20 (b) Practicing as a registered professional engineer or as a registered professional land  
21 surveyor for at least five years since the date of the person's initial registration.

22 (4) The board shall elect biennially from among its members a president and a vice

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.  
LC 1225

## Summary

Legislative Counsel writes the summary that appears on the bill. It is not necessarily a complete summary of the measure. These should not be copied routinely into Staff Measure Summaries (discussed in section 7) as they are typically too brief and often incomplete.

If the measure is amended, Legislative Counsel may change the summary that appears on the engrossed bill to account for amendment. (In the example, additions are indicated in bold, deletions by brackets and italics.)

## Title and “Relating to” Clause

The title gives a general indication of the subject of the measure. It is written by Legislative Counsel. The text preceding the first semicolon or period is referred to as the “relating to” clause. The Oregon Constitution requires that a measure or an Act embrace only one subject as stated in the relating to clause. (Oregon Constitution, Article IV, §20.) Legislators can recommend or ask for a specific relating to clause. The relating to clause cannot be amended.

Also listed in the title are:

- All amended and repealed Oregon Revised Statutes (ORS) or Session Laws
- Whether new statutory provisions are created
- Whether there is an effective date specified in the measure
- Whether there is an emergency clause
- Whether an appropriation is made or an expenditure limitation is stated
- Whether the measure is a referral to the people
- 3/5 vote (super majority) requirement on revenue raising measures
- 2/3 vote (super majority) requirement on criminal sentencing changes

Amendments to a measure must fit within the subject of the relating to clause. Regardless of amendments, the measure number and relating to clause do not change.

## The Body

The body of a measure contains changes to law. Existing text of a statute is set forth and changes to it are shown. The body contains new language or specifies repeal of statutes. It is broken down into sections that are numbered consecutively.

New language appears in **boldface** type and deleted language is *italicized* and [bracketed].

# **How to Analyze a Measure**

---

One hundred or so measures may be assigned to each committee during the legislative session. To understand measures assigned to your committee, and to prepare to summarize them, follow these steps:

## **Read the measure multiple times**

Skim the measure initially to get the gist, and then with increasing scrutiny each time. Underline, highlight, and make notes in the margins. Note especially where changes are made to existing law, what questions come to mind, and your observations. This can be helpful information for initial discussions with the committee chair.

Check the bill title for supermajority vote requirements (3/5ths or 2/3rds of a floor vote). If a measure requires local governments (cities, counties, special districts) to establish a program or increase the level of service of an existing program, it may be considered a "local mandate." The mandate may require an appropriation, additional consideration, or a 3/5 vote on the floor. (See Appendix A.)

## **Make initial contacts**

Persons and entities affected by a bill will have an interest in advocating their position, but are also knowledgeable about the subject matter:

- the sponsor or sponsor's staff
- the requester
- the person listed on the bill back in the original bill folder
- the agency responsible for implementation

## **Basic questions to ask the sponsor**

First, is the measure ready to be scheduled for a hearing (*if* your chair decides to schedule it)? Sometimes a sponsor is waiting for input from an interested party, or for amendments, or is waiting for a work group to conclude, and would prefer that the measure not be scheduled immediately. Try to ascertain what changes may be pending, and how long before the measure will be ready.

- What is the purpose of the measure?
- What is the current situation or problem the measure seeks to address?
- How does the measure change or solve the current situation?
- Has this change or solution been tried before, here or elsewhere?
- Who opposes it and why (if anyone)?

## Look up supplemental information

Look up statutory citations in the Oregon Revised Statutes that appear in the measure; review surrounding sections for context; review statutory definitions at the beginning of statutory chapters – [https://www.oregonlegislature.gov/bills\\_laws](https://www.oregonlegislature.gov/bills_laws).

Check for background briefs on the subject matter of the measure – [https://www.oregonlegislature.gov/citizen\\_engagement/Pages/Publications-Reports.aspx](https://www.oregonlegislature.gov/citizen_engagement/Pages/Publications-Reports.aspx)

A wide variety of research is also available through the National Conference of State Legislatures (303-830-2200, [www.ncsl.org](http://www.ncsl.org)) and the Council of State Governments, 859-244-8000, [www.csg.org](http://www.csg.org)).

Reach out to your fellow administrators and the drafter in Legislative Counsel.

## More questions

- Does the measure actually accomplish what it intends?
- Were other approaches considered?
- Can it be accomplished without legislation?
- Who will be affected? Who benefits, who pays, who loses?
- Are there unintended effects?
- Who enforces/implements? How? At what cost?
- Is the measure's application or effect retroactive?
- Is there a transition period? (For example, if there is a change to certification requirements, will previous certificates still be valid? If there is an application process being altered, what is the effect on applications that are pending?)
- Are other states taking similar action?

## Be prepared to communicate

Committee chairs may need this information prior to making a decision about whether to schedule a bill for a hearing; you will use this information to prepare a written Staff Measure Summary (SMS) on every measure; and you may be called on to summarize measures orally, at a variety of levels of detail.

- What the measure does
- Whether the measure is ready for a hearing
- What amendments, if any, might be expected
- Whether the measure requires a super majority vote on the floor
- When the measure becomes effective (covered in the following section)
- Who sponsored the measure and, if applicable, at whose request
- How the measure changes current law or practice

- Who opposes and who supports the measure
- General background information, and affected state agency/agencies

# Effective Dates

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**Determining effective dates of bills.** Unless a bill specifies otherwise, it becomes effective January 1 of the year following its passage. (ORS 171.022.) Measures can specify effective dates either before or after January 1, but if the measure is to take effect before the 91<sup>st</sup> day after the close of session, it will contain an “emergency clause.” (The emergency clause has the effect of preventing a citizen’s referendum on the measure and cannot be used on a measure regulating taxation.) Usually, the text specifying an effective date is located at or near the end of a measure.

IF THE BILL CONTAINS...	THE EFFECTIVE DATE IS:
<b>Nothing</b> about its effective date.	January 1, 2016
<b>An emergency clause</b> stating the bill is effective on passage. ( <i>“Declares emergency, effective on passage.”</i> )	the date the governor signs it
<b>A specific effective date.</b> The bill may or may not need an emergency clause depending on whether the date is before or after the 91 <sup>st</sup> day following the end of session.	the date specified
<b>Referral</b> to a vote of the people. ( <i>“This 2007 Act shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.”</i> )	30 days after approval of the measure by voters unless otherwise specified in the measure

**Operative Dates.** An operative date is used to delay the operation of specific sections of a bill. The bill, as a whole, takes effect on the effective date as determined above. This effective date allows certain administrative actions to be taken by an agency to prepare for a bill’s implementation while having certain provisions delayed by use of a later operative date. For example, a bill with an effective date of January 1, 2010, could also include language stating, “Sections 3-5 of this 2009 Act become operative on July 1, 2010.”

**Sunset Provisions.** Sunset provisions are used to make certain sections of a bill, or an entire bill, temporary. They do so by specifying a date that the new sections are repealed or that amended sections are returned to their original wording. For example, a sunset clause could state, “Sections 1 to 22 of this 2009 Act are repealed January 2, 2011.” See also the last page of the sample amendments that follow:

HB 2414-A3  
(LC 1668)  
5/27/09 (GMZ/ps)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2414**

1 On page 2 of the printed A-engrossed bill, after line 27, insert:  
2 **"SECTION 2.** ORS 254.135, as amended by section 1 of this 2009 Act, is  
3 amended to read:  
4 "254.135. (1) The official general or special election ballot shall be styled  
5 'Official Ballot' and shall state:  
6 "(a) The name of the county for which it is intended.  
7 "(b) The date of the election.  
8 "(c) The names of all candidates for offices to be filled at the election  
9 whose nominations have been made and accepted and who have not died,  
10 withdrawn or become disqualified. The ballot may not contain the name of  
11 any other person.  
12 "(d) The number, ballot title and financial estimates under ORS 250.125  
13 of any measure to be voted on at the election.  
14 "(2) The names of candidates for President and Vice President of the  
15 United States shall be printed in groups together, under their political party  
16 designations. The names of the electors may not be printed on the general  
17 election ballot. A vote for the candidates for President and Vice President  
18 is a vote for the group of presidential electors supporting those candidates  
19 and selected as provided by law. The general election ballot shall state that  
20 electors of President and Vice President are being elected and that a vote  
21 for the candidates for President and Vice President shall be a vote for the  
22 electors supporting those candidates.

1       “(3)(a) The name of each candidate nominated shall be printed upon the  
2 ballot in but one place, without regard to how many times the candidate may  
3 have been nominated. The name of a political party[, or names of political  
4 parties,] shall be added opposite the name of a candidate for other than  
5 nonpartisan office according to the following rules:

6       “(A) For a candidate not affiliated with a political party who is nomi-  
7 nated by a minor political party, the name of the minor political party shall  
8 be added opposite the name of the candidate;

9       “(B) For a candidate not affiliated with a political party who is nomi-  
10 nated by more than one minor political party, the [names of not more than  
11 three] **name of the** minor political [parties] **party** selected by the candidate  
12 shall be added opposite the name of the candidate;

13       “(C) For a candidate who is a member of a political party who is nomi-  
14 nated by a political party of which the candidate is not a member, the name  
15 of the political party that nominated the candidate shall be added opposite  
16 the name of the candidate;

17       “(D) For a candidate who is a member of a political party who is nomi-  
18 nated by more than one political party of which the candidate is not a  
19 member, the [names of not more than three] **name of the** political [parties]  
20 **party** selected by the candidate shall be added opposite the name of the  
21 candidate; **and**

22       “(E) For a candidate who is nominated [only] by a political party of which  
23 the candidate is a member, the name of the political party of which the  
24 candidate is a member shall be added opposite the name of the candidate[;  
25 and].

26       “[(F) For a candidate who is nominated by a political party of which the  
27 candidate is a member and by any political party or parties of which the can-  
28 didate is not a member, the name of the political party of which the candidate  
29 is a member and the names of not more than two other political parties selected  
30 by the candidate shall be added opposite the name of the candidate.]

1       “(b) If a candidate is required to select the name of a political party to  
2 be added on the ballot under paragraph (a) of this subsection, the candidate  
3 shall notify the filing officer of the selection not later than the 61st day  
4 before the day of the election.

5       “(c) The word ‘incumbent’ shall follow the name of each candidate for the  
6 Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is  
7 designated the incumbent by the Secretary of State under ORS 254.085.

8       “(d) The word ‘nonaffiliated’ shall follow the name of each candidate who  
9 is not affiliated with a political party and who is nominated by an assembly  
10 of electors or individual electors.

11       “(e) If two or more candidates for the same office have the same or simi-  
12 lar surnames, the location of their places of residence shall be printed op-  
13 posite their names to distinguish one from another.

14       “**SECTION 3. The amendments to ORS 254.135 by section 2 of this**  
15 **2009 Act become operative on July 1, 2011.**”

16       In line 28, delete “2” and insert “4”.

17       Delete lines 32 and 33.

18

## LEGISLATIVE MEASURES APPENDICES

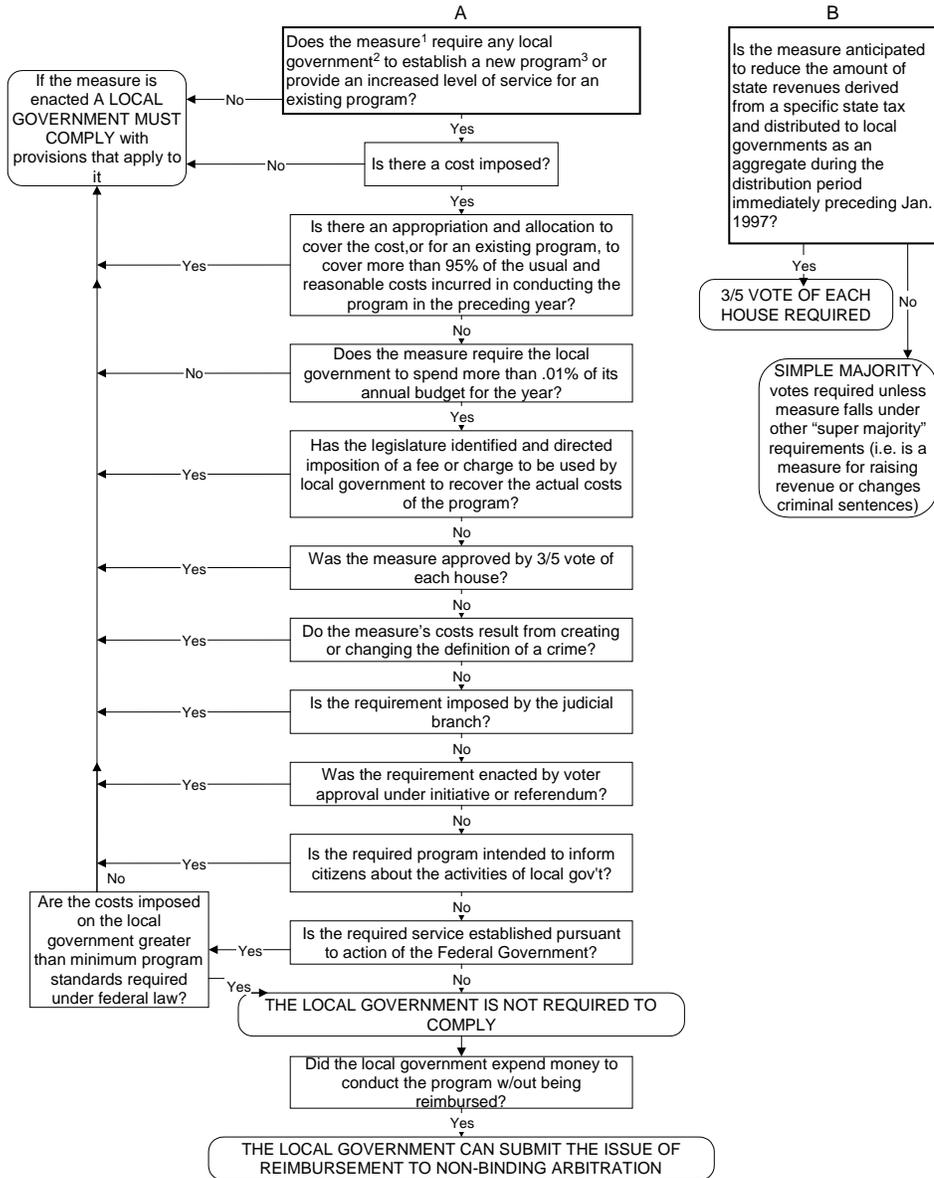
A. [Local Mandates Flow Chart](#)

# APPENDIX A. LOCAL MANDATES FLOWCHART

## LOCAL MANDATES STEPS IN LEGISLATIVE MEASURE ANALYSIS

Ballot Measure 30 was a constitutional amendment referred to voters by the 1995 Legislature and passed in November 1996. The measure was affirmed by voters in 2000. The measure allows local governments to not comply with "unfunded mandates" unless they are passed by 3/5 vote of each house or are otherwise exempt. It also requires 3/5 vote to reduce state shared revenues below specific aggregate 1996 distribution levels.

Part A of this flowchart lists steps specified in the measure for determining whether a local government must comply with a state mandate. Because this determination will not be the same for each local government, it will need to be made on a case-by-case basis, and may not necessarily be applied to the legislation itself. Note that a 3/5 vote is not required for legislation to pass under Part A, but without a 3/5 vote an unfunded mandate need not be complied with. Under Part B, the 3/5 vote is required for the legislation to pass.



<sup>1</sup> These provisions of Ballot Measure 30 also apply to rules and orders of state agencies.  
<sup>2</sup> Local Government is defined as a city, county, municipal corporation or municipal utility operated by a board or commission. The definition includes most special districts, but not school districts or community colleges.  
<sup>3</sup> Program is defined as a program or project under which a local government must provide administrative, financial, social, health or other specified services to persons, government agencies or to the public generally.

*Local Mandate provisions are found in Article XI, Section 15 of the Oregon Constitution*

# LEGISLATIVE CONCEPTS, INTRODUCTION, REFERRAL

## **Legislative Concepts**

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### **Pre-session**

Prior to introduction, legislative measures may be referred to as draft legislative concepts or "LC drafts." (See Appendix B for a measure in concept form, and the same measure printed in bill format.) Senate and House Rules contain the "filing deadlines" for legislative concepts to be introduced.

The Executive branch, the Secretary of State, the State Treasurer, the Attorney General, the Commissioner of Labor, and the Judicial branch can all have legislation drafted and file their concepts in advance of session, outside of the committee process. Their pre-session filing deadline is December 15 of the year prior to session. (ORS 171.130.)

Individual legislators and committees may also request draft legislation, and may presession file their concepts, by December 19, 2014.

### **During Session**

Once session is underway, rules will be adopted by each chamber establishing the deadlines for introduction of concepts. The specific rules for introduction of concepts may vary by chamber and committee, but any measure introduced by a committee must be approved by a majority of the committee members.

## **Requesting Legislative Concepts**

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A committee may introduce concepts requested by individual members and concepts requested on behalf of the committee.

Individual legislators submit requests to have legislation drafted, directly to the Office of Legislative Counsel, confidentially if they wish, using a "Member Request" form. Once the concept is drafted, it is released only to the requesting member.

Committee chairs may have concepts drafted through you on behalf of the committee. At the direction of the chair, you submit a "Committee Measure Request" (Appendix A) to the Office of Legislative Counsel via email. Upon completion, this draft is released only to you, along with its corresponding "bill back." (Appendix C.)

- **Request form.** The Committee Measure Request form (Appendix A) is found on the legislative intranet (<http://intranet/Pages/HomePage.aspx>), under the **resources** tab (Forms – Members and Staff).
- **Email.** Once completed, the form is sent to Legislative Counsel's Office via a dedicated email address, as an attachment. In the "to" field in Outlook, type "LC Request" to complete addressing. (You may also hand-deliver requests to S101.)
- **Receipt of draft.** When the concept is released to you, review it for accuracy. If accurate, forward the concept to your committee chair and the bill back to the committee assistant.

## **Measure Introduction**

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LC drafts are introduced during committee work sessions, and proper notice is provided via the committee's agenda. The work session must be listed on the agenda, along with a list of known LC drafts that are intended for introduction. Language is also included to state, "Possible Introduction of Committee Measures," and that "additional LC drafts may be considered for introduction." (For the first two or three weeks of session, most agendas will include this language, even if the chair doesn't anticipate any introductions, as a safeguard to permit spontaneous or last-minute decisions to introduce measures.)

During the committee meeting, a motion is made to introduce the concepts, and if a majority of committee members agrees, they are "introduced as committee measures." The committee chair signs the bill back for each measure and they are returned to the committee assistant to complete the process of delivering the measure to the Desk in the appropriate chamber. (The only notable limitation on introduction is that revenue-raising measures must be introduced on the House side.)

The Desks assign bill numbers, and have the drafts printed in bill format.

## **Referral**

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Once bill numbers are assigned and bills are printed, each Desk prepares a list for "first reading" on the chamber floor, which creates the formal record of receipt of bills by the chamber.

After first reading, the President of the Senate and Speaker of the House assign measures to specific committees, pursuant to deadlines set out in each chamber's respective rules.

Both Desks publish lists of committee referrals daily, which are forwarded electronically. Each Desk will also have links available on their respective legislative websites once the session is underway, and hard copies may also be available.

## **Processing referred measures**

Referred measures are delivered to committee staff from the Desks; original House bill folders are blue, Senate are yellow. The recipient, typically the committee assistant, will sign for receipt after checking the actual bill folders received, against the list of bills being delivered.

The committee assistant maintains the integrity of the original bill files by keeping them in a secure place and creating duplicates for administrators to use. Only original documents required to move the bill through the legislative process will be kept with the original bill file; the original bill file is returned to the Desks with all the required documentation when the measure passes out of your committee.

## **Subsequent Referral**

The President and Speaker may refer any measure to more than one committee in succession, as prescribed by chamber rules, at the same time they are making the original referral. In this instance, when the bill comes to you, the next committee to receive the measure after your committee is already named. The subsequent referral is effective after the measure is reported out of your committee.

Committees may also initiate a subsequent referral by asking leadership and voting to add a referral to another committee. Conversely, committees can also ask leadership if they may rescind a subsequent referral.

Many administrators indicate right on the face of their preliminary Staff Measure Summary whether a measure has a subsequent referral (discussed in section 7).

### **Chamber Differences**

Currently, the House requires written permission from the Speaker in advance, granting a committee's request to rescind or add a subsequent referral; the Senate does not. House committee staff are responsible for preparing a letter, obtaining the required signatures, and ensuring the original accompanies the measure to the Desk after it is reported out. (See Appendices D and E for sample letters.) Senate committee staff should keep leadership informed of its intent to rescind or add a referral (always good to let them know BEFORE the hearing), but are not required to obtain advance written permission, and the committee's addition of a subsequent referral is not guaranteed,

but rather treated as a recommendation to the Senate President. Below is the process generally.

### **Action on Subsequent Referrals, *with* recommendation as to passage**

When a committee votes out a measure with a subsequent referral, the motion and the committee report must reflect the committee's action on the subsequent referral (that it was adopted, or rescinded; or that the committee is adding a subsequent referral on its own initiative).

- An ordinary motion to move a bill out of committee states: "Senator X moves (measure number) to the floor with a DO PASS recommendation."
- A motion to move a bill *with* leadership's subsequent referral states: "Senator X moves (measure number) to the floor with a DO PASS recommendation and that the measure BE REFERRED to the committee on (committee name) by prior reference."
- A motion to move a bill *without* leadership's subsequent referral may require leadership's prior written approval and states: "Senator X moves (measure number) to the floor with a DO PASS recommendation and that the SUBSEQUENT REFERRAL to the committee on (name) BE RESCINDED."
- A motion to move a bill with a subsequent referral added by the committee, may require leadership's prior written approval and states: "Senator X moves (measure number) to the floor with a DO PASS recommendation and ADDS a subsequent referral to the committee on (committee name)."

### **Action on Subsequent Referrals, *without* recommendation as to passage**

Sometimes a committee chair receives a referred measure, but thinks it should be heard by another committee. This can be accomplished during a work session, without the measure ever having been scheduled for a public hearing. The work session is opened not for deliberations, but for the sole purpose of moving the measure to another committee, and no recommendation is made with regard to passage. Advance communication to leadership offices should occur at a minimum, and advance permission may be required.

- The motion and committee report should accurately reflect the committee's action: "Representative X moves (measure number) WITHOUT RECOMMENDATION as to passage and that it BE REFERRED to the committee on (name)."

## **LEGISLATIVE CONCEPTS, INTRODUCTION, REFERRAL – APPENDICES**

- A. [Committee Measure Request form to have a legislative concept drafted](#)
- B. [Example of measure in concept format \(pre-introduction\) and bill format \(post introduction\)](#)
- C. [Sample bill backs](#)
- D. [Sample Letter to Rescind Subsequent Referral](#)
- E. [Sample Letter to Add Subsequent Referral](#)

**APPENDIX A. COMMITTEE MEASURE REQUEST FORM**

**COMMITTEE MEASURE REQUEST**

\_\_\_ **2012 Session** (see House/Senate Rules for request limits)

Request Date: \_\_\_\_\_

\_\_\_ **2013 Session**

Phone: \_\_\_\_\_

Staff person making request \_\_\_\_\_ on behalf of \_\_\_\_\_  
(committee administrator's name) (committee name)

**SUGGESTED CONSULTATION**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

**PROVIDE THE FOLLOWING INFORMATION FOR THIS REQUEST**

**1** PROBLEM (describe the problem)

**2** PROPOSED SOLUTION TO THE PROBLEM

**3** HAS THIS BEEN INTRODUCED IN A PRIOR SESSION?

Year \_\_\_\_\_ Bill # \_\_\_\_\_

**4** DO YOU KNOW WHETHER THIS AMENDS CURRENT LAW OR PROGRAM?

Yes \_\_\_\_\_ (specify) \_\_\_\_\_ No \_\_\_\_\_

**ATTACHMENTS:** (please specify)

**NOTES:**

- Completing the Problem and the Solution statements (Parts 1 & 2, above) are the best way to ensure the measure accomplishes your objective. Attaching mock statutory language, without explaining the Problem and the Solution, lessens the likelihood of drafting the language correctly.
- Persons other than the committee Chair, the Chair's staff or committee staff **must** present a written note from the committee Chair, the Chair's staff or committee staff authorizing this request at the time this request is presented.

Draft Legislative Concept 2791 before introduction

LC 2791  
12/6/10 (GMZ/ps)

**D R A F T**

SUMMARY

Modifies provisions related to assessment of campaign finance penalties.  
Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to campaign finance reporting; creating new provisions; amending  
3 ORS 260.232; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 260.232 is amended to read:

6 260.232. (1) The Secretary of State may impose a civil penalty as provided  
7 in this section, in addition to any other penalty that may be imposed, for:

8 (a) Failure to file a statement or certificate required to be filed under  
9 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

10 (b) Failure to include in a statement filed under ORS 260.057, 260.076,  
11 260.078, 260.083, 260.102, 260.112 or 260.118 the information required under  
12 ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

13 (2)(a) If a person required to file has not filed a statement or certificate  
14 complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078,  
15 260.083, 260.085, 260.102, 260.112 or 260.118 within the time specified in ORS  
16 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by certified  
17 mail shall notify the person that a penalty may be imposed and that the  
18 person has 20 days to request a hearing before the Secretary of State.

19 (b) If the person required to file is a candidate or the principal campaign  
20 committee of a candidate, the Secretary of State shall send the notice de-  
21 scribed in paragraph (a) of this subsection by certified mail to the individual  
22 who is the candidate and by first class mail to the candidate's treasurer or

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.  
New sections are in boldfaced type.

1 the treasurer of the candidate's principal campaign committee. The notice  
2 sent by certified mail to the individual who is a candidate shall be used for  
3 purposes of determining the deadline for requesting a hearing under sub-  
4 section (3) of this section. The Secretary of State is not required to send two  
5 notices if the candidate serves as the treasurer of the candidate's principal  
6 campaign committee.

7 (3) A hearing on whether to impose a civil penalty and to consider cir-  
8 cumstances in mitigation shall be held by the Secretary of State:

9 (a) Upon request of the person against whom the penalty may be assessed,  
10 if the request is made not later than the 20th day after the person received  
11 the notice sent under subsection (2) of this section;

12 (b) Upon request of the filing officer with whom a statement or certificate  
13 was required to be filed but was not filed; or

14 (c) Upon the Secretary of State's own motion.

15 (4) A hearing under subsection (3) of this section shall be held not later  
16 than 45 days after the deadline for the person against whom the penalty may  
17 be assessed to request a hearing. However, if requested by the person  
18 against whom the penalty may be assessed, a hearing under subsection (3)  
19 of this section shall be held not later than 60 days after the deadline for the  
20 person against whom the penalty may be assessed to request a hearing.

21 (5) The Secretary of State shall issue an order not later than 90 days after  
22 a hearing or after the deadline for requesting a hearing if no hearing is held.

23 (6) The person against whom a penalty may be assessed need not appear  
24 in person at a hearing held under this section, but instead may submit  
25 written testimony and other evidence, subject to the penalty for false  
26 swearing, to the Secretary of State for entry in the hearing record. The tes-  
27 timony and other evidence must be received by the secretary not later than  
28 three business days before the day of the hearing.

29 (7) **Except as provided in subsection (8) of this section,** a civil penalty  
30 imposed under this section may not be more than the following:

31 (a) For failure to file a statement or certificate required to be filed under

1 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, 10  
2 percent of the total amount of the contribution or expenditure required to  
3 be included in the statement or certificate; or

4 (b) For each failure to include in a statement filed under ORS 260.057,  
5 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118 the information required  
6 under ORS 260.057, 260.076, 260.083, 260.102 or 260.118, 10 percent of the total  
7 amount of the contribution or expenditure required to be included in the  
8 statement.

9 **(8) The Secretary of State may not impose a penalty under this**  
10 **section that exceeds an aggregate total of \$5,000 for any one calendar**  
11 **month.**

12 **(9) The period for which a penalty may be assessed under this sec-**  
13 **tion shall begin on the date that is the final date by which a statement**  
14 **or certificate may be timely filed under ORS 260.044, 260.057, 260.076,**  
15 **260.078, 260.083, 260.102, 260.112 or 260.118.**

16 [(8)] **(10) The Secretary of State, upon a showing of mitigating circum-**  
17 **stances, may reduce the amount of the penalty described in subsection (7)**  
18 **of this section.**

19 [(9)] **(11) Except as otherwise provided by this section, civil penalties**  
20 **under this section shall be imposed as provided in ORS 183.745.**

21 **SECTION 2. The amendments to ORS 260.232 by section 1 of this**  
22 **2011 Act apply to statements required to be filed on or after the ef-**  
23 **fective date of this 2011 Act.**

24 **SECTION 3. This 2011 Act being necessary for the immediate pres-**  
25 **ervation of the public peace, health and safety, an emergency is de-**  
26 **clared to exist, and this 2011 Act takes effect on its passage.**

27

76th OREGON LEGISLATIVE ASSEMBLY--2011 Regular Session

## Senate Bill 270

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Modifies provisions related to assessment of campaign finance penalties.  
Declares emergency, effective on passage.

- 1 **A BILL FOR AN ACT**
- 2 Relating to campaign finance reporting; creating new provisions; amending ORS 260.232; and de-
- 3 claring an emergency
- 4 **Be It Enacted by the People of the State of Oregon:**
- 5 **SECTION 1.** ORS 260.232 is amended to read:
- 6 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in
- 7 addition to any other penalty that may be imposed, for:
- 8 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
- 9 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.
- 10 (b) Failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102,
- 11 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.
- 12 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-
- 13 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or
- 14 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary
- 15 of State by certified mail shall notify the person that a penalty may be imposed and that the person
- 16 has 20 days to request a hearing before the Secretary of State.
- 17 (b) If the person required to file is a candidate or the principal campaign committee of a can-
- 18 didate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by
- 19 certified mail to the individual who is the candidate and by first class mail to the candidate's
- 20 treasurer or the treasurer of the candidate's principal campaign committee. The notice sent by cer-
- 21 tified mail to the individual who is a candidate shall be used for purposes of determining the dead-
- 22 line for requesting a hearing under subsection (3) of this section. The Secretary of State is not
- 23 required to send two notices if the candidate serves as the treasurer of the candidate's principal
- 24 campaign committee.
- 25 (3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
- 26 shall be held by the Secretary of State:
- 27 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
- 28 not later than the 20th day after the person received the notice sent under subsection (2) of this
- 29 section;
- 30 (b) Upon request of the filing officer with whom a statement or certificate was required to be

**NOTE:** Matter in boldfaced type in an amended section is new; matter *italic and bracketed* is existing law to be omitted.  
New sections are in boldfaced type.

LC 2791

1 filed but was not filed; or

2 (c) Upon the Secretary of State's own motion.

3 (4) A hearing under subsection (3) of this section shall be held not later than 45 days after the  
4 deadline for the person against whom the penalty may be assessed to request a hearing. However,  
5 if requested by the person against whom the penalty may be assessed, a hearing under subsection  
6 (3) of this section shall be held not later than 60 days after the deadline for the person against whom  
7 the penalty may be assessed to request a hearing.

8 (5) The Secretary of State shall issue an order not later than 90 days after a hearing or after  
9 the deadline for requesting a hearing if no hearing is held.

10 (6) The person against whom a penalty may be assessed need not appear in person at a hearing  
11 held under this section, but instead may submit written testimony and other evidence, subject to the  
12 penalty for false swearing, to the Secretary of State for entry in the hearing record. The testimony  
13 and other evidence must be received by the secretary not later than three business days before the  
14 day of the hearing.

15 (7) **Except as provided in subsection (8) of this section,** a civil penalty imposed under this  
16 section may not be more than the following:

17 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
18 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, 10 percent of the total amount of the contri-  
19 bution or expenditure required to be included in the statement or certificate; or

20 (b) For each failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083,  
21 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or  
22 260.118, 10 percent of the total amount of the contribution or expenditure required to be included  
23 in the statement.

24 (8) **The Secretary of State may not impose a penalty under this section that exceeds an**  
25 **aggregate total of \$5,000 for any one calendar month.**

26 (9) **The period for which a penalty may be assessed under this section shall begin on the**  
27 **date that is the final date by which a statement or certificate may be timely filed under ORS**  
28 **260.044, 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.**

29 [(8)] (10) The Secretary of State, upon a showing of mitigating circumstances, may reduce the  
30 amount of the penalty described in subsection (7) of this section.

31 [(9)] (11) Except as otherwise provided by this section, civil penalties under this section shall  
32 be imposed as provided in ORS 183.745.

33 **SECTION 2. The amendments to ORS 260.232 by section 1 of this 2011 Act apply to**  
34 **statements required to be filed on or after the effective date of this 2011 Act.**

35 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**  
36 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
37 **on its passage.**

38

10/14/10

**SENATE/HOUSE BILL BACK - PRESESSION, NONMEMBERS**

\*\*This is an original bill back. Do not manually or electronically adjust the printed date, LC number or title.\*\*

**LC 2563**

**Bill** \_\_\_\_\_

Title: Relating to health professionals; and declaring an emergency.

- ( ) Ordered printed by the President of the Senate pursuant to Senate Interim Rule 213.28. Pre-session filed.
- ( ) Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed.

**Information must be typed and will be printed as submitted.**

At the request of

\_\_\_\_\_  
Chief Sponsor/Agency Head/Committee Chairperson

\_\_\_\_\_  
(Name Printed)

All agencies, organizations and persons that have formally requested the measure are named herein in accordance with ORS 171.127.

**FOR INFORMATION ONLY**

\_\_\_\_\_  
CONTACT PERSON (Name Printed)

\_\_\_\_\_  
TELEPHONE NUMBER

8/26/10

**SENATE/HOUSE BILL BACK - PRESESSION, MEMBERS**

\*\*This is an original bill back. Do not manually or electronically adjust the printed date, LC number or title.\*\*

**LC 1434**

**Bill** \_\_\_\_\_

Title: Relating to education; and declaring an emergency.

**Information must be typed and will be printed as submitted.**

At the request of \_\_\_\_\_

\_\_\_\_\_  
CHIEF SPONSOR SIGNATURE

\_\_\_\_\_  
(Name Printed)

All agencies, organizations and persons that have formally requested the measure are named herein in accordance with ORS 171.127.

**SENATE**

- \_\_\_\_\_ Atkinson
- \_\_\_\_\_ Bates
- \_\_\_\_\_ Bonamici
- \_\_\_\_\_ Boquist
- \_\_\_\_\_ Burdick
- \_\_\_\_\_ Courtney
- \_\_\_\_\_ Devlin
- \_\_\_\_\_ Dingfelder
- \_\_\_\_\_ Edwards
- \_\_\_\_\_ Ferrioli
- \_\_\_\_\_ George
- \_\_\_\_\_ Girod
- \_\_\_\_\_ Hass
- \_\_\_\_\_ Johnson
- \_\_\_\_\_ Kruse
- \_\_\_\_\_ Metsger
- \_\_\_\_\_ Monnes Anderson
- \_\_\_\_\_ Monroe
- \_\_\_\_\_ Morrisette
- \_\_\_\_\_ Morse
- \_\_\_\_\_ Nelson
- \_\_\_\_\_ Prozanski
- \_\_\_\_\_ Rosenbaum
- \_\_\_\_\_ Schrader
- \_\_\_\_\_ Shields
- \_\_\_\_\_ Starr
- \_\_\_\_\_ Telfer
- \_\_\_\_\_ Verger
- \_\_\_\_\_ Whitsett
- \_\_\_\_\_ Winters

**HOUSE**

- \_\_\_\_\_ Bailey
- \_\_\_\_\_ Barker
- \_\_\_\_\_ Barnhart
- \_\_\_\_\_ Barton
- \_\_\_\_\_ Bentz
- \_\_\_\_\_ Berger
- \_\_\_\_\_ Beyer
- \_\_\_\_\_ Boone
- \_\_\_\_\_ Bruun
- \_\_\_\_\_ Buckley
- \_\_\_\_\_ Cameron
- \_\_\_\_\_ Cannon
- \_\_\_\_\_ Clem
- \_\_\_\_\_ Cowan
- \_\_\_\_\_ Dembrow
- \_\_\_\_\_ Doherty
- \_\_\_\_\_ Edwards
- \_\_\_\_\_ Esquivel
- \_\_\_\_\_ Frederick
- \_\_\_\_\_ Freeman
- \_\_\_\_\_ Garrard
- \_\_\_\_\_ Garrett
- \_\_\_\_\_ Gelser
- \_\_\_\_\_ Gilliam
- \_\_\_\_\_ Gilman
- \_\_\_\_\_ Greenlick
- \_\_\_\_\_ Hanna
- \_\_\_\_\_ Harker
- \_\_\_\_\_ Holvey
- \_\_\_\_\_ Hoyle
- \_\_\_\_\_ Huffman
- \_\_\_\_\_ Hunt
- \_\_\_\_\_ Jenson
- \_\_\_\_\_ Kahl
- \_\_\_\_\_ Kennemer
- \_\_\_\_\_ Komp
- \_\_\_\_\_ Kotek
- \_\_\_\_\_ Krieger
- \_\_\_\_\_ Matthews
- \_\_\_\_\_ Maurer
- \_\_\_\_\_ Nathanson
- \_\_\_\_\_ Nolan
- \_\_\_\_\_ Olson
- \_\_\_\_\_ Read
- \_\_\_\_\_ Richardson
- \_\_\_\_\_ Riley
- \_\_\_\_\_ Roblan
- \_\_\_\_\_ Schaufler
- \_\_\_\_\_ Smith, G
- \_\_\_\_\_ Smith, J
- \_\_\_\_\_ Sprenger
- \_\_\_\_\_ Stiegler
- \_\_\_\_\_ Thatcher
- \_\_\_\_\_ Thompson
- \_\_\_\_\_ Tomei
- \_\_\_\_\_ VanOrman
- \_\_\_\_\_ Weidner
- \_\_\_\_\_ Whisnant
- \_\_\_\_\_ Wingard
- \_\_\_\_\_ Witt

FOR INFORMATION ONLY:

\_\_\_\_\_  
CONTACT PERSON (Name Printed)

\_\_\_\_\_  
TELEPHONE NUMBER

**APPENDIX D. RESCIND SUBSEQUENT REFERRAL**

**January 25, 2007**

**Honorable XXX XXX  
President of the Senate  
State Capitol  
900 Court Street NE, Room 203  
Salem, OR 97301**

**Dear President XXX:**

**Your Senate Education Committee recently completed hearings on SB 1 and recommends passage with amendments and that the subsequent referral to the Ways and Means committee be rescinded.**

**Amendments made by the committee to SB 1 have significantly reduced the fiscal impact to the Education Department. The committee agrees that review by the Ways and Means committee is unnecessary.**

**Thank you for your consideration.**

**Sincerely,**

**Senator Duckorbeaver,  
Chair**

These remarks may be adjusted by committee staff at the direction of the committee chair to explain the reason for referral alterations.

**APPENDIX E. ADD SUBSEQUENT REFERRAL**

Chair:  
Rep. Harry Whodunit

Vic-Chairs:  
Rep. Nextinline  
Rep. Secondinline

Staff:  
It'smyjob, Administrator  
It'smyjob2, Assistant



Members:  
Rep. So Muchfun  
Rep. Howru  
Rep. Beaverorduck  
Rep. Duckorbeaver  
Rep. Nosportsplz  
Rep. Notso Muchfun

74<sup>th</sup> LEGISLATIVE ASSEMBLY  
HOUSE COMMITTEE ON HEALTH CARE

State Capitol  
900 Court St. NE, Rm. 453-E  
Salem, OR 97301  
503-986-1286  
FAX 503-986-1814

April 6, 2007

Honorable XXXXXXXXX  
Speaker of the House  
State Capitol, Rm 269  
Salem, OR 97310

Dear Speaker XXXXXXX:

Your House Health Care Committee completed a public hearing and work session on HB 2524 A and recommends that a subsequent referral to the Joint Committee on Ways and Means be added.

The committee received testimony and received notification from the Legislative Fiscal Office that this measure has fiscal implications that are not anticipated in the Co-Chair's budget or the Governor's Budget.

We respectfully request that you add a subsequent referral to Ways and Means on HB 2524 A.

Thank you for your consideration.

Sincerely,

Representative Whodunit  
Chair

## Public Notice

---

The purpose of a committee agenda is to provide advance, public notice of the date, time and place of a committee meeting and the subjects and measures to be considered. In accordance with each chambers' rules, agendas must be posted outside the appropriate chamber. Committees should strive for as much advance public notice of committee meetings as possible.

### Minimum public notice requirements (subject to change)

<i>Senate</i>	<i>House</i>
48-hour notice for all meeting types	72-hour notice for <i>first</i> Public Hearings only
24-hour notice for Informational Hearings during the first week of session	48-hour notice for all other meeting types

**Example** for a committee that meets at 1:00 P.M. on Monday, Wednesday and Friday:

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
1 p.m. deadline to post agenda for <i>Wednesday</i>		1 p.m. deadline to post agenda for <i>Friday</i>	1 p.m. deadline to post agenda for <i>Monday</i>	
1 p.m. committee meeting		1 p.m. committee meeting		1 p.m. Committee meeting

### Changes to notice requirements

As the end of session approaches ("*sine die*") the rules may be suspended to provide for shorter notice requirements. Each chamber will announce when notice requirements change.

## **Who decides agenda items?**

The committee chair decides agenda items with input from committee members, leadership, committee staff, and others. Once the committee's priority bills are identified, the chair may give staff flexibility in setting meeting agendas.

An agenda remains in draft form until the chair has approved it. Sometimes leadership offices also ask to approve agendas before posting, but typically, once a chair approves it, an agenda can be finalized and scheduled.

Never commit or guarantee scheduling an item on the committee's agenda prior to obtaining the chair's approval. Some chairs may decide which bills they want to hear, then defer to the administrator to schedule them appropriately.

## **Basic agenda preparation**

Committee administrators will meet with chairs regularly to determine committee priorities, complete an Agenda Preparation Form (detailed below and at Appendix A), and coordinate with committee assistants who create agendas using the Committee Agenda Scheduling System (CASS). CASS requires the agenda information be entered in a particular way, in order to automatically populate a number of other legislative documents and the Measure Tracking database.

Agendas are formatted in a relatively uniform manner (see Appendix B for some examples): boldfaced headings indicate the types of meetings, followed by the subject matter to be heard. The type of meeting determines what may occur. For example, anyone may sign up to speak at a public hearing, but not at a work session.

Brief definitions of the various types of meeting appear below, with their corresponding, abbreviated "codes" for entry into CASS. (See the section on Meetings for further explanation of meeting types.)

- Organizational Meeting (ORG) – to adopt committee rules
- Public Hearing (PUB) – to receive public input
- Work Session (WRK) – to take committee action on a measure
- Public Hearing and Work Session (PAW) – combination of PUB and WRK
- Public Hearing and Possible Work Session (PPW) – self-explanatory
- Possible Reconsideration and Work Session (PRW) – to reconsider committee action
- Informational Hearing (INF) – to receive information from invited speakers
- Field Trip (FLD) – committee meeting away from the building, such as a tour

Notice of a work session or possible work session – indicating that the committee may take action – gets the attention of the Legislative Fiscal Office (LFO) and the Legislative

Revenue Office (LRO) – because administrators must request impact statements from each office in advance if the plan is for a committee to move a measure at a work session. See the section on Impact Statements for detailed information on making requests.

### **Attempt to schedule “first chamber” bills first**

Senate committees should schedule Senate bills first, and House committees, House bills first, to ensure measures move through the process and on to the other chamber in a timely fashion.

### **Schedule matters within the allotted meeting time**

Morning meetings must be finished in time for morning floor sessions and to allow afternoon committees time to set up for their meetings.

Early afternoon meetings may need to finish in time to accommodate other committees scheduled to meet in the same room in the late afternoon.

### **Finalize agendas as early as possible**

CASS may slow, depending on when you are posting your agenda. Agendas and other legislative materials that pull information from CASS are distributed statewide, and should be as current as possible.

## **Agenda Preparation Form**

---

An Agenda Preparation Form is found at Appendix A and will be available to complete on-line. The same form is used to create a new agenda, or to revise an existing one. After the committee assistant produces a draft agenda using CASS, the administrator reviews it and makes changes if needed, obtains the chair’s approval, and communicates with leadership (if directed) prior to asking the assistant to post it.

### **Revisions**

- *Revisions to add* agenda items can only be made if the posting deadline for the particular meeting type will be met and the same process must be followed as with creating new agendas, including chair approval and leadership notification.
- *Revisions to remove agenda items* can be made at any time at the discretion of the chair.

## **Notification and arranging appearances**

Notify the requester(s) and/or bill sponsor(s) when a bill is scheduled. It is also a good practice, whenever possible, to contact a sponsor in advance if your chair wants that particular measure scheduled, to ensure it is ready for a hearing. If a member is the requester or sponsor, ascertain whether the member wishes to speak to the bill. A sponsoring member will often want to be the first person to speak, or may want the requester to speak first, ahead of others who sign up. Every attempt is made to accommodate members who appear to speak to a bill, as they may have left another committee, or may have multiple committees to address.

Ask the committee chair for names of persons who may be interested in testifying or who should be notified when measures have been scheduled. Ask your colleagues, and if there's time, check sign-up sheets for similar bills or topics from past sessions, to find out who may have an interest. Bill files from 2011 – 2014 are located in the back of room 454.

Contact individuals and groups that have expressed an interest in the bill. Lobbyists and citizens stop by to inquire about bills, and their contact information can be kept in your bill file for later notifications.

Contact representatives of any agencies affected by the bill.

## **Obtain materials from witnesses in advance**

When you make notifications, advise presenters that meeting materials, if any, must be submitted at last 24 hours before the hearing. These may include written testimony, handouts or reports to distribute to the members or PowerPoint presentations. Provide the committee assistant's contact information for inquires about technology and other advance preparation of the hearing room, if needed. If witnesses are unable to provide advance materials, remind them to bring the minimum number of copies to the hearing for distribution (the number of members plus ten) and inform them about the OLIS desk in the lobby.

## **Miscellaneous**

**Multiple meetings** – Measures may be scheduled for one or multiple meeting types at different times or on different days.

**Meetings outside regularly scheduled meeting times** – Public interest or controversy may necessitate the scheduling of early or late meetings, or a weekend meeting. Keep Rick Berkobien and Patsy Wood informed; seek approval from leadership

offices as far in advance as possible; and inquire about each committee member's availability. If such a meeting is needed, committee assistants will reserve a hearing room and notify Facilities.

**Controversial topics** – Inform Rick Berkobien if your committee intends to hear any topic likely to attract large crowds. Patsy can arrange for overflow space and extra staff support to help. Your chair may want to consider holding an evening hearing, which allows for more overflow seating. Some hearings may require the presence of extra police security.

**Suspicious persons or items** – Alert the State Police at 503-375-3555.

**CASS is down and your agenda must be posted** – Ask for help – if absolutely necessary, agendas can be typed as word documents on committee letterhead, posted manually outside each chamber, and distributed as outlined in the Committee Assistant Manual. As soon as CASS is functioning, you must enter the agenda information the usual way, or other materials that pull information from CASS will not be accurate, but repeat distributions are not necessary.

### **Agenda Preparation and OLIS**

Print a draft agenda and review for accuracy.

Obtain the committee chair's approval of draft agenda.

Submit the approved agenda to the committee assistant, who will change agenda status to "scheduled," including the issue date, save, and print.

The committee assistant will make sufficient copies for committee staff, Agenda Notebook, and a few extra for the hearing room.

If the Agenda is Revised or Cancelled, include the revision number and the issued date and time will update automatically when the revision is scheduled and saved in CASS.

Agendas being posted accurately and with proper notice are ultimately the responsibility of the committee administrator. Make sure to carefully review the draft before telling the assistant to post it. Then make sure you receive a copy by email, and do one last review to make sure it is accurate (right measures, type of hearings, meeting time) and has proper notice. There are no "take backs" if one of your agendas get posted inaccurately, and you do not catch it in time to correct.

## **AGENDAS – APPENDICES**

- A. [Agenda Preparation Form](#)
- B. [Sample Agendas](#)



Staff:  
Beth Patrino, Committee Administrator  
Shelley Raszka, Committee Assistant



Members:  
Rep. Brad Witt, Chair  
Rep. Sal Esquivel, Vice-Chair  
Rep. Lew Frederick, Vice-Chair  
Rep. Brian Clem  
Rep. Wayne Krieger  
Rep. Jeff Reardon  
Rep. Jim Thompson  
Rep. Ben Unger  
Rep. Gail Whitsett

**HOUSE COMMITTEE ON  
AGRICULTURE AND NATURAL RESOURCES**

Oregon State Capitol  
900 Court Street NE, Room 347, Salem, Oregon 97301  
Phone: 503-986-1751  
Email: shelley.raszka@state.or.us

**AGENDA**

**Posted: FEB 03 09:55 AM**

**THURSDAY**

**Date: February 6, 2014**  
**Time: 8:00 A.M.**  
**Room: HR D**

**Informational Meeting**

**Water Rights: Law, Science and Administration**

Janet Neuman, Senior Counsel, Tonkon Torp LLP  
Marshall Gannett, Hydrologist, Oregon Water Science Center, US Geological Survey  
Roy Haggerty, Professor, Department of Geosciences, Oregon State University  
Phil Ward, Director and Doug Woodcock, Field Services Administrator, Oregon Water Resources Department

**Public Hearing**

- HB 4044 \*\* \*\*Subsequent Referral(s) to Ways and Means  
FIRST PUBLIC HEARING - Establishes standard for measuring distance between proposed or existing well and surface water source for purpose of determining probability or existence of impairment of, or substantial or undue interference with, existing rights of others to appropriate surface water.
- HB 4064 \*\* \*\*Subsequent Referral(s) to Ways and Means  
FIRST PUBLIC HEARING - Establishes standard for measuring distance between proposed or existing well and surface water source for purpose of determining probability or existence of impairment of, or substantial or undue interference with, existing rights of others to appropriate surface water.

**If you plan to submit materials to the committee, please send PDF electronically to the email address near the top of the agenda by noon the prior business day. For printed documents, please provide 15 paper copies to the assistant when you testify.**

**Persons making presentations including the use of video, DVD, PowerPoint or overhead projection equipment are asked to contact committee staff 24 hours prior to the meeting.**

**ADA accommodation requests may be submitted to [employee.services@state.or.us](mailto:employee.services@state.or.us) or by calling 1-800-332-2313 at least 72 hours prior to the meeting time.**

Staff:  
Beth Reiley, Committee Administrator  
Kristi Hauck, Committee Assistant

Members:  
Sen. Michael Dembrow, Chair  
Sen. Alan Olsen, Vice-Chair  
Sen. Alan Bates  
Sen. Bill Hansell  
Sen. Mark Hass



## SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Oregon State Capitol  
900 Court Street NE, Room 347, Salem, Oregon 97301  
Phone: 503-986-1755  
Email: [kristi.hauck@state.or.us](mailto:kristi.hauck@state.or.us)

### AGENDA

Revision 1 Posted: FEB 10 11:15 AM

#### MONDAY

**Date:** February 10, 2014  
**Time:** 3:00 P.M.  
**Room:** HR C

#### Public Hearing

SB 1510 \*\*

\*\*Subsequent Referral(s) to Ways and Means

Authorizes agencies of executive department, upon receipt of application for discretionary state permit for proposed action, to nominate proposed action to Economic Recovery and Environmental Review Council for enhanced review as project of statewide environmental significance.

#### Public Hearing and Possible Work Session

SB 1584

Allows State Department of Agriculture to issue person permit for keeping of qualifying exotic animal.

#### Work Session

SB 1511 \*\*

\*\*Subsequent Referral(s) to Ways and Means

Prohibits engaging in business of radon level testing or radon mitigation work without Department of Consumer and Business Services certification.

SB 1512

Makes Klamath Basin water right determined and established in order of determination existing water right for purposes of statute governing leasing of existing water rights for in-stream use.

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If you plan to submit materials to the committee, please send PDF electronically to the email address near the top of the agenda by noon the prior business day. For printed documents, please provide 10 paper copies to the assistant when you testify.

Staff:  
Beth Reiley, Committee Administrator  
Kristi Hauck, Committee Assistant

Members:  
Sen. Michael Dembrow, Chair  
Sen. Alan Olson, Vice-Chair  
Sen. Alan Bates  
Sen. Bill Hansell  
Sen. Mark Hass



**SENATE COMMITTEE ON  
ENVIRONMENT AND NATURAL RESOURCES**

Oregon State Capitol  
900 Court Street NE, Room 347, Salem, Oregon 97301  
Phone: 503-986-1755  
Email: [kristi.hauck@state.or.us](mailto:kristi.hauck@state.or.us)

**AGENDA**

**Posted: FEB 17 03:14 PM**

**WEDNESDAY**

*Peter Courtney*

**Date: February 19, 2014**  
**Time: 3:00 P.M.**  
**Room: HR C**

**Public Hearing and Possible Work Session**

- HB 4041 A  
Expands energy improvement program by authorizing local governments to facilitate private financing of energy improvements by property owners.
- HB 4139 A  
Requires Oregon State University, in consultation with State Department of Agriculture, to develop educational materials regarding best practices for avoiding adverse effects of pesticides on populations of bees and other pollinating insects.
- HJM 201 A  
Urges Congress to direct Pipeline and Hazardous Materials Safety Administration to enhance safety standards for new and existing tank rail cars used to transport crude oil and other flammable liquids.

**If you plan to submit materials to the committee, please send PDF electronically to the email address near the top of the agenda by noon the prior business day. For printed documents, please provide 10 paper copies to the assistant when you testify.**

**Persons making presentations including the use of video, DVD, PowerPoint or overhead projection equipment are asked to contact committee staff 24 hours prior to the meeting.**

**ADA accommodation requests may be submitted to [employee.services@state.or.us](mailto:employee.services@state.or.us) or by calling 1-800-332-2313 at least 72 hours prior to the meeting time.**

Senate Members:

Sen. Mark Hass  
Sen. Betsy Johnson  
Sen. Jeff Kruse

Staff:

Victoria Cox, Committee Administrator  
Patsy Wood, Committee Assistant



House Members:

Rep. Brian Clem, Chair  
Rep. John Davis  
Rep. Ben Unger

**CONFERENCE COMMITTEE ON  
HB 2898**

Oregon State Capitol  
900 Court Street NE, Room 453, Salem, Oregon 97301  
Phone: 503-986-1664  
Email: victoria.cox@state.or.us

**AGENDA**

**Posted: JUL 03 10:47 AM**

**WEDNESDAY**

**Date: July 3, 2013  
Time: 3:00 P.M.  
Room: HR D**

**Work Session**

HB 2898 A

Allows student with disability to earn credit at community college or public university as part of transition services.

**If you plan to submit materials to the committee, please send PDF electronically to the email address near the top of the agenda by noon the prior business day. For printed documents, please provide 15 paper copies to the assistant when you testify.**

**Persons making presentations including the use of video, DVD, PowerPoint or overhead projection equipment are asked to contact committee staff 24 hours prior to the meeting.**

**ADA accommodation requests may be submitted to [employee.services@state.or.us](mailto:employee.services@state.or.us) or by calling 1-800-332-2313 at least 72 hours prior to the meeting time.**

# TYPES OF MEETINGS AND MEETING DUTIES

## Types of Meetings

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Committees can have various types of meetings on the same agenda. The three-letter codes listed below are used for the Committee Agenda Scheduling System (CASS). Because different actions take place in different meeting types, it is important to give notice to the public of the type of meeting to be held. For example, lobbyists may decide to ignore an informational meeting, but will want to attend all work sessions.

### Organizational Meeting – ORG

An **organizational meeting** takes place at the committee's first hearing, and so will be included on the first agenda. Committee rules are adopted at this meeting.

#### Example agenda items:

- Adoption of committee rules
- Introduction of committee members and staff
- Discussion of committee work plan

### Informational Meeting – INF

An **informational meeting** is about a topic, rather than a specific bill.

Informational meetings may be scheduled at any time. They are commonly scheduled during the first weeks of session and the testimony is usually invited. No action may be taken during an informational meeting.

#### Example agenda items:

- Overview of Department of Corrections programs  
Colette S. Peters, Director.
- Education reforms  
(panel of speakers)

### Public Hearing – PUB

A **public hearing** is for the purpose of taking testimony on a bill. No committee action may occur on a bill during a public hearing.

Witnesses are asked to sign the Witness Registration form if they wish to speak. It is within the chair's discretion to impose time limits, to call witnesses in a particular order, to call witnesses in groups, etc.

**Example agenda items:**

- HB 2602 – (relating to clause or catch line)
- HM 32 – Urging Congress to reduce member's salaries

**Work Session – WRK**

A **work session** is scheduled for the committee to deliberate and take action on measures. If the chair intends to move a bill out of committee, remember that Fiscal and Revenue impact statements must be requested in advance, so they are ready in time for the work session. (See the section on Impact Statements.)

Testimony is not taken unless the chair invites someone in the room to explain, clarify, or answer a committee members' question. Drafters from Legislative Counsel's Office may be notified in advance to monitor the meeting should they be needed to walk members through a set of amendments. Agency representatives and other parties interested in a bill may be asked to be present in case they are needed as well.

**The committee may:**

- Propose amendments to the bill
- Adopt amendments to the bill
- Recommend passage of the bill
- Table the bill, or take any of a number of other actions

**Public Hearing and Work Session – PAW**

This designation is used to indicate a **public hearing** followed by a **work session**, when a chair anticipates that the bill can be heard and acted on at the same meeting.

Again, scheduling a work session puts Fiscal and Revenue Offices on alert and impact statements need to be requested in advance so they are ready for the work session in time. (See the section on Impact Statements.)

**Public Hearing and Possible Work Session – PPW**

This combination is used when a hearing *may* culminate in a work session.

In case you forgot: Scheduling a work session triggers Fiscal and Revenue to begin work on impact statements. If you are certain that a "possible" work session will occur, make sure you have requested impact statements in advance. If you are certain a work

session *will not* occur, notify your Fiscal and Revenue analysts as a courtesy. Also note that Fiscal and Revenue Offices assign a lower priority to finalizing statements for possible work sessions, so if it is critical that a measure move out of your committee at a given hearing, avoid using the possible work session designation.

### **Possible Reconsideration and Work Session – PRW**

This combination is used to indicate that the committee may reconsider its past action on a bill. For example, if a member complains after the fact that a committee vote was flawed in some way (such as having the wrong meeting materials), or you learn that conflict amendments are needed *after* a bill has been voted out of committee but before it has been forwarded to the Desk Reconsideration essentially enables the committee to take a step back.

Inform Rick Berkobien, your chair and leadership before scheduling this type of meeting if they are not already aware. Check with the parliamentarian for your chamber (Secretary of the Senate or Chief Clerk of the House) to ensure notice and other requirements are met for reconsideration. Prepare the appropriate motion scripts if needed (templates can be found at *I:\Motion Scripts*).

### **Field Trip – FLD**

This designation is used to inform the public that the committee will be away from the building. An audio recording is not made, rather a general description of the meeting is prepared and serves to document the trip. If a quorum of committee members attends the field trip, they should be reminded not to discuss or deliberate any committee matters so as not to violate public meetings laws. (Field trips are infrequent during session.)

### **Work Groups**

Work groups are unofficial/informal and do not require notices or recording.

They may be formed at the direction of the committee chair for the purpose of gathering information about a particular subject, to propose solutions to a problem, or reach consensus on pending legislation. Typically, interested parties meet together with one or two members (never a quorum) and attempt to work out a compromise of some kind; work group activity and any solutions are reported to the chair and the full committee.

## **Road Hearings (public meetings outside the Capitol)**

A **road hearing** is just like any other committee meeting – subject to the same notice and recording requirements – except it’s not held in a hearing room in the Capitol. (See Appendix B in the previous section on Agendas, for a sample agenda).

Road hearings must be approved by leadership offices. If your chair initiates a request for a road hearing, inform Rick Berkobien and contact leadership for approval. If leadership approves, contact Patsy Wood for instructions regarding travel, lodging, and meeting room reservations. Committee Services has the necessary portable recording equipment to create a record off-site.

## **Conference Committees**

A conference committee is created and scheduled when the chamber that first passed a bill does not concur with amendments adopted by the second chamber.

If the originating committee was staffed by Committee Services, Patsy Wood will make arrangements.

If the originating committee was staffed by the Legislative Revenue Office, they will make arrangements.

If the Joint Committee on Ways and Means originated the bill, the Legislative Fiscal Office will make arrangements.

(For further detail see the section on Conference Committees.)

## **Before Meetings**

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- Complete the Agenda Preparation Form for each meeting and provide it to the committee assistant.
- Prepare a preliminary Staff Measure Summary on each scheduled bill. (See the section on Staff Measure Summaries for detailed information).
- Notify sponsors, requesters and interested parties that their bill has been scheduled.
- Work with the committee assistant to obtain and distribute meeting materials in advance whenever possible.
- Request amendments as appropriate.

- Request fiscal and revenue impact statements on any bill you anticipate the committee will vote out.
- Prepare written scripts and motions as appropriate, if that is your chair's preference (templates can be found at *I:\Motion Scripts*).
- Work with the committee assistant if possible, to prepare the hearing room in advance and assist the public and interested parties who arrive early.

## **During Meetings**

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- Be prepared to summarize measures and answer procedural questions.
- Take notes to complete the "Issues Discussed" portion of the Staff Measure Summary when you update it after each meeting.
- Be sure to track motions and tally votes (who was a yes, no or excused) to compare with the assistant's record after the meeting.
- Note questions asked by members in order to follow up after the meeting if needed.
- Assist the chair in keeping track of witnesses.
- Summarize and/or acknowledge written testimony submitted to the record in advance, or remind the chair to do so.
- Leave the dais to acknowledge members or other public officials or dignitaries who enter the room and ascertain if they wish to testify if you did not expect them. Inform the chair.
- Recognize special needs of witnesses if known, such as the distance some may have traveled (written on the witness sign-up sheet).
- When bills are voted out, remind the chair to designate a "carrier" to talk about the bill when it is scheduled on the chamber floor.
- When indicated, make sure a subsequent referral is included in any final motion.
- Ensure proper decorum is maintained in the hearing room (e.g., signs, clapping, booing, e-cigarettes are not allowed). It is typically the chair who should enforce decorum. Security is available to assist if needed.

## **After Meetings**

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If possible, assist in clearing the hearing room for the next committee, so as to avoid delay. If your committee is running late, seek assistance from Committee Services before the conclusion of your meeting so clearing the room can begin immediately.

- Prepare any measures that were moved out of committee first.
  - Finalize Staff Measure Summaries and request other materials necessary to process the bill, immediately after the meeting. (Other materials include further fiscal and revenue impact statements, combining amendments, etc.)
  - Compare vote tallies with the assistant to ensure accuracy; if unsure, you may have to re-listen to the recording to double check.
  - Coordinate with the assistant to forward the final Staff Measure Summary electronically, simultaneous with the bill's delivery to the Desk.
- Update Staff Measure Summaries on all other measures.
- Prep work on any measures moving forward (requesting amendments, financial impact statements, etc.).
- Follow up on any outstanding requests or questions raised by members during the meeting.

## **Parliamentary Procedure**

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The operation of both chambers is guided by the following, in order of importance:

- The Oregon Constitution
- Oregon Revised Statutes
- Senate or House Chamber Rules
- Custom
- *Mason's Manual of Legislative Procedure* (adopted by reference in Rules)

Parliamentary procedure is intended to facilitate orderly discussion of issues by using common rules understood by all members of the governing body. (See Appendix B for more detail on the history and use of parliamentary procedure.)

Each committee is subject to the above guidelines, plus committee rules adopted at the committee's first meeting (see below, and Appendix D).

A standard set of motions, and their disposition, is used to move measures through the legislative process. They don't have to be recited word-for-word. (Appendix C sets out a table of motions and many scripts are found at *1: Motion Scripts* on your computer.)

# **Committee Rules**

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The Secretary of the Senate and the Chief Clerk of the House provide standardized, model committee rules based on the respective chamber's rules (see Appendix D for an example). Each committee receives the same copy for adoption at its first meeting. If a member proposes any changes, inform the Secretary of the Senate or the Chief Clerk of the House, as appropriate. If a member proposes changes on the record during your first meeting, advise the chair to stand at ease and inform the appropriate desk.

At press time of this manual, the model committee rules from either chamber may not yet be ready for distribution. You will receive a copy, which can be customized for your committee (with member's names, etc) as soon as possible.

## **Adoption**

The first committee meeting is usually an organizational meeting to make introductions and adopt rules.

## **Interpretation**

The committee chair is responsible for rule interpretation first; the ultimate arbiters of committee procedure are the Chief Clerk of House and the Secretary of the Senate; however, administrators are usually the first person the committee *asks*. Some chairs also ask their administrator to summarize the committee rules. The rules are typically in plain language and the meaning is ascertainable, but do not hesitate to contact the Clerk or the Secretary for clarification (they'll even come to the committee meeting to offer clarification on the record):

- Lori Brocker, Secretary of the Senate (6-1851) for Senate committees
- Tim Sekerak, Chief Clerk of the House (6-1870) for House committees

## COMMITTEE MEETINGS – APPENDICES

- A. [Parliamentary Process: Principles of Interpretation](#)
- B. [Parliamentary Procedure: Sample Scripts and Precedence Chart](#)
- C. [Sample Committee Rules](#)

## **APPENDIX A. PARLIAMENTARY PROCESS**

### **PRINCIPLES OF INTERPRETATION**

Parliamentary law is based primarily on a group of principles which underlie the whole scheme of parliamentary process. 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. Keep in mind these fundamental approaches to how a question will be answered.

#### **Rules should be Applied With Judgment**

Rules work best when applied with common sense and fairness in mind. Rigidity often produces injustice. Parliamentary process is not mere custom, but is founded on reasonable and equitable custom.

*"...what is not reason is not law..."  
Sir William Blackstone*

#### **There Is A Bias In Favor Of Closure**

The underlying philosophy of parliamentary law is constructive. These procedures are designed to work towards a resolution of business and assist the group's members in accomplishing their corporate purpose. This philosophy observes the rule of law, avoids confusion, and protects the rights of all equitably.

#### **Dilatory Motions Are Considered Out of Order**

Every legislative body has the inherent right to protect itself from dilatory motions. Any parliamentary procedure, when used for the improper purpose of obstructing 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 stop business.

### **FUNDAMENTAL PRINCIPLES 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.

## **1. Everyone Has Rights and Obligations**

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. Every member also has equal obligations to follow the rules and engage constructively in the process.

## **2. 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 majority. 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 decision of the “majority” becomes the decision of the “body.”

## **3. 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 and to be heard 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.

## **4. The Right of Discussion**

Full and free discussion of every 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.

## **5. 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.

## **6. 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 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 cause 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 manipulation 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

### 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, for example, or may be interrupted for a matter that has a definite time such as a point of order.

**Is the motion debatable?** A main motion or other question presenting a matter of business to the body for its decision 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 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 it can be made in only one form (i.e. adjourn), it is not amendable.

**Is a second required?** In the Oregon Legislative Assembly seconds are generally not required.

**What vote is required?** Ordinarily, a simple majority of the members present (a quorum of the group must be present) is sufficient. Occasionally 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 be addressed by reconsideration. Dissatisfaction with the result of a procedural motion, if the motion

was defeated, can be addressed by renewing the motion after intervening action or, if the motion carried, by subsequent affirmative action.

**APPENDIX B. SAMPLE SCRIPTS AND PRECEDENCE CHART**

Motion/Vote Options

<i>Bill/Memorial/Resolution to the Floor</i>		
005	Rep. Jones	MOTION: Moves HB 2321 to the floor with a DO PASS recommendation
010	Rep. Jones	MOTION: Moves HB 2333 to the floor with a DO PASS AS AMENDED recommendation
015	Rep. Jones	MOTION: Moves SB 233 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Judiciary.
020	Rep. Jones	MOTION: Moves SB 222 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Education by prior reference.
025	Rep. Jones	MOTION: Moves SB 222 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
030	Rep. Jones	MOTION: Moves SB 222 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means RESCINDED and BE REFERRED to the committee on Judiciary.
035	Rep. Jones	MOTION: Moves HB 2001 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on General Government.
040	Rep. Jones	MOTION: Moves HB 2001 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Commerce by prior reference.
045	Rep. Jones	MOTION: Moves HB 2001 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Revenue BE RESCINDED.
050	Rep. Jones	MOTION: Moves HB 2001 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and the measure BE REFERRED to the committee on Judiciary.
055	Rep. Jones	MOTION: Moves SB 234 to the floor WITHOUT RECOMMENDATION as to passage.
060	Rep. Jones	MOTION: Moves SB 234 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Judiciary.
065	Rep. Jones	MOTION: Moves SB 234 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
070	Rep. Jones	MOTION: Moves SB 234 to the floor WITHOUT RECOMMENDATION as to passage and the SUBSEQUENT REFERRAL to the committee on Trade and Economic Development BE RESCINDED

075	Rep. Jones	MOTION: Moves SB 234 to the floor WITHOUT RECOMMENDATION as to passage and the REFERRAL to the committee on Judiciary BE RESCINDED and the measure BE REFERRED to the committee on Ways and Means.
<b><u>Removing a Bill from a Subcommittee</u></b> <i>(Note: this motion is not generated by the motion/vote macro and must be entered manually)</i>		
080	Rep. Jones	MOTION: Moves that HB 3899 be withdrawn from the State and Federal Affairs Subcommittee.
<b><u>Bill/Memorial/Resolution from Subcommittee to Full Committee</u></b>		
085	Rep. Jones	MOTION: Moves HB 2030 to the full committee with a DO PASS recommendation.
090	Rep. Jones	MOTION: Moves HB 2345 to the full committee with a DO PASS AS AMENDED recommendation.
095	Rep. Jones	MOTION: Moves HB 2345 to the full committee without RECOMMENDATION to passage.
<b><u>Amendment to Bill</u></b>		
100	Rep. Jones	MOTION: Moves to AMEND SB 222 on page 12, in line 33, after "go," insert "too far".
105	Rep. Jones	MOTION: Moves to AMEND SB 222 on page 33, in line 12, after "the," delete "final".
110	Rep. Jones	MOTION: Moves to AMEND SB 222 on page 13, in line 13, by restoring "don't delete this.".
115	Rep. Jones	MOTION: Moves to ADOPT HB 2002-4 amendments dated 2/4/97.
120	Rep. Jones	MOTION: Moves to ADOPT HB 2134-3 amendments dated 3/24/97 and that the measure be FURTHER AMENDED on page 34, line 12, by inserting "there's more" after ", but wait" and on page 46, line 2, by restoring "ginsu knives."
125	Rep. Jones	MOTION: Moves to ADOPT amendments offered by the League of Oregon Cities to HB 2222.
135	Rep. Jones	MOTION: Moves to ADOPT amendments offered by the Associated Oregon Counties to HB 2456 and to FURTHER AMEND on page 33, line 3, by inserting "slam" before "dunk".
<b><u>Table in Committee</u></b>		
140	Rep. Jones	MOTION: Moves to TABLE SB 234.
145	Rep. Jones	MOTION: Moves to take SB 234 FROM THE TABLE.
<b><u>Adopt Rules</u></b>		
150	Rep. Jones	MOTION: Moves to ADOPT the proposed Committee Rules dated 1/15/97.
<b><u>Introduce Committee Bill</u></b>		
155	Rep. Jones	MOTION: Moves LC 2345 BE INTRODUCED as a committee bill.
<b><u>Amend Motion</u></b>		
160	Rep. Jones	MOTION: Moves to AMEND the motion (paste previous motion here) by inserting "yahoo" after "yippee".
<b><u>Suspend Rules</u></b>		
165	Rep. Jones	MOTION: Moves to SUSPEND the rules for the purpose of

		reconsidering the vote on SB 223.
170	Rep. Jones	MOTION: Moves to RECONSIDER the vote by which “(paste motion here)”.
175	Rep. Jones	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SMITH to BE RECORDED as voting AYE on the “(paste motion here.)”
180	Rep. Jones	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SMITH to CHANGE vote from AYE to NAY on the “(paste motion here)”
<b><u>Executive Appointments</u></b>		
185	Rep. Jones	MOTION: Moves the (re)appointment(s) of Jane Doe to the Pharmacy Board to the floor with the recommendation that the appointments be confirmed (en bloc).
<b><u>Conference Committee</u></b>		
190	Rep. Jones	MOTION: Moves SB 323 to the floor with the recommendation that the Senate concur in House amendments dated 3/30/97 and that the bill be further amended by (insert language) and the bill be repassed.
<b><u>Vote Text</u></b>		
195		Vote 8 - 0
	Chair Smith	Hearing no objection, declares the motion CARRIED. REP. BROWN will lead discussion on the floor.
VOTE: 8-0		
200		AYE: In a roll call vote, all members present vote AYE EXCUSED: 1 - Jones
	Chair Smith	The motion CARRIES
		REP. BROWN will lead discussion on the floor.
VOTE: 7-3		
205		AYE: 7 – Fisher, Lehman, Meek, Milne, Ross, Snodgrass, Starr NAY: 3 – Shields, Thompson, Wylie EXCUSED: 1 - Luke
	Chair Smith	The motion CARRIES
		REP. BROWN will lead discussion on the floor.
VOTE: 1-4		
210		AYE: 1 – Springer NAY: 4 – Adams, Gold, Miller, Phillips
	Chair Smith	The motion FAILS
VOTE: 4-1		
215		AYE: 4 – Brown, Johnson, Smith, Timms NAY: 1 – Young
	Chair Smith	The motion CARRIES
		REP. BROWN will lead discussion on the floor.

## Parliamentary Procedure Precedence Chart

		Debatable	Vote Required	Postpone Indefinitely	Amend	Refer to Committee	Postpone Definitely	Previous Question	Lay on Table	Reconsider
Highest Precedence  ↑                    ↓  Lowest Precedence	<b>Adjourn</b>	No	Majority							
	<b>Recess</b>	No	Majority		Yes					
	<b>Lay on Table</b>	No	Majority							
	<b>Suspend Rules</b>	No	2/3 of appointed							
	<b>Previous Question</b>	No	Majority							
	<b>Postpone Definitely</b>	Yes	Majority		Yes			Yes		
	<b>Refer to Committee</b>	Yes	Majority		Yes			Yes		
	<b>Amend</b>	Yes	Majority		Yes			Yes		Yes
	<b>Postpone Indefinitely</b>	Yes	Majority					Yes		
	<b>Main Question</b>	Yes	Set by Rule	Yes	Yes	Yes	Yes	Yes	Yes	Yes



**SENATE MODEL COMMITTEE RULES  
2015 SESSION**

Adopted: \_\_\_\_\_

1. A quorum shall be comprised of a majority of the members of the committee. In the absence of a quorum, the committee may convene as a subcommittee for the purposes of taking testimony.
2. Rules applicable to the committee shall be those of the Senate and of *Mason's Manual of Legislative Procedure* and those adopted by the majority of committee members. Committee rules may be amended by the affirmative vote of the majority of the committee, but at least one day's notice shall be given in writing to each committee member and the Secretary of the Senate.
3. The chair shall call meetings, set the agenda and cause notice of the time and place of the meeting to be posted in accordance with Senate Rules. The notice shall specify the type of meeting and, if applicable, whether testimony will be taken and whether a work session will be held. All meetings shall be open to the public and the press in accordance with the public meetings' law.
4. Meetings shall be held at the regularly scheduled hour, or at the call of the chair, for the purposes of considering such items as may be on the agenda. Meetings shall be recessed or adjourned either by the chair or by an affirmative vote of a majority of those members present.
5. Public notice must be posted within the time required under SR 8.15 or 8.16. In the event the committee does not complete the scheduled agenda, the items may be carried over to the next scheduled meeting with the following guidelines:
  - (a) The measure must have been initially scheduled within the time required under SR 8.15 or 8.16.
  - (b) The measure must be carried over for the same type of meeting.
  - (c) The chair announces in committee his/her intent to schedule the measure at the next meeting.

- (d) A revised agenda listing the measures that originally received the notice required under SR 8.15 or 8.16 shall be posted as soon as possible following adjournment of the committee meeting.
- 6. Measures that have had a work session and are waiting only for the fiscal/revenue review by the committee may be carried over until the impacts have been received at which time they may be taken up under a work session for final consideration in accordance with carryover provisions in SR 8.15.
- 7. Subcommittees may be appointed by the chair with specific instructions on matters to be investigated by the subcommittees. However, only the full committee is authorized to take final action on recommendations affecting any matter before the committee. A majority vote of the subcommittee shall be required to refer a measure to the full committee. The committee chair may remove a measure from a subcommittee and assign it to another subcommittee or the full committee. The full committee shall consider and take action on any item referred to it by the subcommittee.
- 8. The affirmative vote of a majority of the members of the committee is required as follows to:
  - (a) Cause a measure to be introduced as sponsored by the committee, if introduction is permitted by applicable rule;
  - (b) Table a measure;
  - (c) Remove a measure from the table;
  - (d) Amend a measure;
  - (e) Send a measure to the floor.
- 9. Upon written request of a majority of committee members, filed with the committee chair and the Secretary of the Senate, the chair shall order a hearing and/or work session on any measure in the possession of the committee. The hearing or work session shall be held only after appropriate public notice, but shall be held within a reasonable time after the date of the request.
- 10. A motion does not require a second.
- 11. A recording log of all meetings of the committee shall be produced to reference the sound recording. The recording log shall be available to the public within a reasonable time and shall include the following:
  - (a) Attendance of members and staff;
  - (b) Names of witnesses;

- (c) All motions and their disposition;
- (d) The recorded vote on official action;
- (e) Any announcements of conflicts of interest.

A written summary of the committee's activities may be prepared in lieu of a sound recording when the committee conducts a tour, inspection, or other similar activity outside the Capitol; provided, however, that a sound recording and recording log must be made if any public hearing or work session is held.

12. If permitted by applicable rule, measures introduced by the committee at the request of any organization or person other than a member of the committee shall indicate the person or organization interested in the measure by stating that the measure is introduced by the committee "at the request of . . ."
13. For minority reports during the Long Session when SR 8.16 has not been invoked:
  - (a) Members of the committee wishing to file a minority report must notify the chair or committee administrator by 5 p.m. of the day on which final action on the measure was taken, or before adjournment of the committee, whichever is later; and
  - (b) Members shall have until 5 p.m. of the second following session day to file the minority report and the Legislative Counsel draft with the committee staff.
14. For minority reports during the Short Session, any special session, or in the event that the one-hour notice has been invoked in accordance with SR 8.16 during the Long Session:
  - (a) Members of the committee wishing to file a minority report must notify the chair or committee administrator before adjournment of the committee meeting during which the action was taken;
  - (b) The minority draft amendments must be requested from the legislative counsel within an hour following adjournment of the committee meeting where notice was given; and
  - (c) In order for staff to complete their work in an orderly and practical manner, the draft amendments shall be submitted to committee staff within an hour after receipt from Legislative Counsel.
15. A minority report shall be filed jointly with the committee report in the Secretary of the Senate's office. Committee members may subscribe to a minority report only if present during the committee meeting when action was taken and at least

two members must sign on to a minority report. No member shall sign on a minority report unless they dissented when the final action of the measure was taken.

16. Proposed amendments, by other than members of the Legislative Assembly, must be submitted in writing to the committee staff at least 36 hours prior to the work session at which they are to be considered or at least 30 minutes prior to the work session when SR 8.16 has been invoked. The chair may waive the requirement of this rule.
17. No measure shall be reported out of committee unless the written Legislative Counsel amendments and any fiscal and/or revenue impact statements have been distributed and reviewed by the committee. This provision applies to all measures reported to the floor for action or measures with subsequent referral to the Committees on Finance and Revenue and/or Ways and Means.
18. The correction of clerical errors on amendments need not be approved by a majority of members but may be signed for by the committee chair. The corrected amendments must bear the written caption "corrected."

## **STAFF MEASURE SUMMARIES**

### **What is a Staff Measure Summary?**

- A Staff Measure Summary (SMS) provides an informative, impartial summary of a legislative measure. The SMS is written by the committee administrator. The SMS provides an outline for:
  - Effects of a measure
  - Issues discussed at committee hearings or work sessions
  - Effects of any amendments adopted by a committee
  - Background information to provide context

### **Why is a Staff Measure Summary Important?**

- SMSs are required by the rules of both the Senate and House as part of the chamber's committee report on each measure.
- SMSs are distributed to members and staff prior to floor debate (third readings), attached to the chamber's committee report list in the Senate ("pink sheet") and House ("blue sheet").
- Members rely on SMS accuracy prior to and during floor debate.
- Committee members appreciate a preliminary SMS at committee hearings to provide a basic understanding of each measure on an agenda.
- The Legislative Fiscal and Legislative Revenue Offices use the SMS in preparing fiscal and revenue impact statements.
- Final SMSs are accessible to all Capitol Building personnel and the public at large.

# Sample SMS

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77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Regular Session  
STAFF MEASURE SUMMARY  
House Committee on Staff Measure Summaries

MEASURE: HB 2001 A  
CARRIER: Rep. Smith

---

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

**Action:** Do Pass As Amended

**Vote:** 6 – 2 – 3

**Yeas:** Costello, Hancock, Jones, Leonard, Smith, Mitchell

**Nays:** Abbot, Miller

**Exc.:** Collins, Davis, Joseph

**Prepared By:** Jane Doe, Committee Administrator

**Meeting Dates:** 2/3, 5/7

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## WHAT THE MEASURE DOES:

Allows tenant-supported non-profit organization to act on behalf of tenants to purchase manufactured dwelling park or floating home facility in which tenants reside. Allows organization to receive technical assistance and loans and to waive, or reduce, time periods for certain notice requirements. Requires that facility proposed for purchase be predominantly occupied by lower income persons.

## ISSUES DISCUSSED:

- Availability of predevelopment loan funds
- Ownership of facility
- Free market process
- Private owner profits

## EFFECT OF COMMITTEE AMENDMENT:

Requires that tenants association members reside at facility proposed for purchase and that park be predominantly occupied by lower income persons.

## BACKGROUND:

Park tenants have not been able to purchase their facilities due to lack of equity, or unwillingness to assume park management responsibility. Park tenants have proposed that a non-profit entity, endorsed by the tenants, could act in their behalf to purchase and operate the facility in the best interests of the tenants. House Bill 2001A would allow a tenant-supported non-profit organization to purchase a park or floating home facility.

May 8, 2011 08:00 AM

*This summary has not been adopted or officially endorsed by action of the committee*

Committee Services Form – 2011 Regular Session

# Parts of an SMS

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## SMS Header

The SMS heading gives a “first glance” at the measure.

1  
2  
3  
6

77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Regular Session  
STAFF MEASURE SUMMARY  
House Committee on Staff Measure Summaries

REVENUE: No revenue impact  
FISCAL: Fiscal statement issued

4  
5

MEASURE: HB 2001 A  
CARRIER: Rep. Smith

The parts of the heading are:

1. Session year and regular or special session
2. Document name (Preliminary or Final SMS)
3. Committee that considered the measure
4. Measure number and version (A, B, or C-engrossed)
5. Carrier of measure on the House or Senate floor
6. Whether the measure has a revenue or fiscal impact

Committee action follows the heading:

7  
8  
9  
10

Action: Committee Recommendation (ex: Do Pass As Amended)  
Vote: 6 – 2 – 3 (yea – nay – excused)

Yeas: last names of members voting yea, in alphabetical order (chair last)  
Nays: last names of members voting nay, in alphabetical order (chair last)  
Excused: last names of members excused, in alphabetical order

Prepared By: Jane Doe, Committee Administrator  
Meeting Dates: 2/3, 5/7

7. Committee recommendation
8. Vote count, in alphabetical order with chair's name listed last
9. Name of SMS author (committee administrator or counsel)
10. Dates of committee consideration including public hearings and work sessions

Sample SMS headers are included at Appendix B illustrating preliminary, final, minority reports, and conference committees.

## SMS Body

The body of the SMS contains sections discussing:

- What the measure does
- Issues discussed at committee meetings
- Effect of committee amendment, if any
- Background information

## SMS Footer

The footer of the SMS signifies the date and time the document was *last saved*, as well as a disclaimer:

**May 8, 2013 08:00 AM**

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

Committee Services Form – 2013 Regular Session

## How to Write an SMS

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Committee Services is using a new on-line application this session to create, edit and finalize SMSs. Instructions for using the application follow this section on writing SMSs.

77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Regular Session  
STAFF MEASURE SUMMARY  
House Committee on Staff Measure Summaries

MEASURE: HB 2001 A  
CARRIER: Rep. Smith

---

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

**Action:** Committee Recommendation (e.g., Do Pass as Amended)

**Vote:** 6 – 2 – 3 (yea – nay – excused)

**Yeas:** last names of members voting yea, in alphabetical order (chair last)

**Nays:** last names of members voting nay, in alphabetical order (chair last)

**Exc.:** last names of members voting excused, in alphabetical order (chair last)

**Prepared By:** Jane Doe, Committee Administrator/Committee Counsel

**Meeting Dates:** 1/13, 1/23, 2/1

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### WHAT THE MEASURE DOES:

Start here with an *active verb in the present tense indicating what the measure does*, such as, “prohibits, requires, establishes, expands, modifies, extends, allows, assesses, adds,” etc. Complete sentences are unnecessary (no subject needed).

If more than one paragraph is needed, use a block format. Further information may include sentences that indicate when certain provisions in the measure apply and when they don't apply.

Do not report on the measure section-by-section, except in very limited circumstances. For instance, a complete (complicated) statute rewrite may necessitate an SMS that delineates the effect of each section, but this is the exception, not the rule.

Do not repeat the measure number or cite particular sections unless the complexity of the measure demands it. Do not use "as amended" to indicate the effects of amendments in the section of the SMS. **Remember: you are writing the SMS for the version indicated at the top of this page.** If the measure number ends with a letter, it is already obvious that the measure has been amended.

Upon review of a draft SMS, ask yourself:

- Am I confused by what I have written? If so, it is likely others will be, too.
- Does my description of the measure seem unbiased? SMSs should be as impartial and factual as possible.
- Have I used proper form and style? If not, correcting form and style alone might result in greater clarity.

#### **ISSUES DISCUSSED:**

- Using bullets, briefly describe the issues discussed during committee meetings
- Issues only discussed in subcommittee, should be included
- Sentences do not need to be complete – examples include:
  - The need for the statutory change in order to comply with federal law
  - Examples of dangerous unauthorized railroad crossings
  - Challenges presented to consumers by the current program structure
  - Widespread support among Coos County residents who would be affected by the statutory change
- **DO NOT** use acronyms to describe special interest groups

#### **EFFECT OF COMMITTEE AMENDMENT:**

Begin text here. If the committee did not amend the measure, write "No amendment." If the committee amended the measure describe the effects of amendment, without using bullets, for example: *Deletes penalties for failure to comply with notice requirements. Provides appeal process. Extends timeline for task force study of issue.*

Language describing the effect of amendments should also appear in the "What the measure does" section above.

#### **BACKGROUND:**

Begin text here. *For the first time on the SMS, use complete sentences in this section.* This section may contain legislative history, a description of how the committee arrived

at the version of the bill that was ultimately voted out of committee, and any other information that would assist a member's deliberations on the measure.

The background should provide some context – why the bill is coming up now; some facts and figures about agencies affected; national movement on a particular issue, etc. Try to prepare at least a couple of brief paragraphs, while keeping the SMS as a whole, to one page.

Use block paragraphs here, too. **CAUTION:** The information contained in this section must reflect a nonpartisan, unbiased description of the history of the concept. **The following terms raise red flags and should be avoided** (bullets used for emphasis only):

- The purpose of the measure is to ...
- Proponents of the measure believe/feel/hope/argue/allege ...
- The Governor was not aware of the ramifications of his budgetary proposal ...
- The majority of the members feel ...
- The fee has not been raised for several years

**Instead, use phrases such as:**

- Proponents assert ...
- Those in opposition testified ...
- The fee was last raised in 1980

**February 2, 2011 08:00 AM**

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

Committee Services Form – 2011 Regular Session

## **SMS Review**

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Some of your colleagues in Committee Services will be designated editors, responsible for reviewing each final SMS for proper form, style and understandability, before it is finalized. Every administrator has an assigned editor; you are encouraged to ask your mentor and/or your editor to review drafts anytime – but your draft SMS must be reviewed prior to being finalized. (For the first couple weeks of Session, your mentor will also want to review your *preliminary* SMS in order to give critical feedback. As your mentor and you become comfortable with writing preliminary SMSs, you will be “cut loose” to draft and post *preliminary* SMSs without a prior review.)

## Process

When you prepare your preliminary SMS, attach it to an email to your designated editor. Make sure to identify it as such, along with the bill number, in the subject line to distinguish it from all other emails (e.g., "SB 101 SMS for review.")

You will receive a response as soon as possible, but it should be within 24 hours. If you need it immediately – say so in the subject field or the body of the email.

The editor will make suggestions using the "Track Changes" feature in Word, and email it back to you.

- Save the edited SMS document
- Open the document and choose the "Review" tab
- Advance through your editor's suggestions by choosing to "Accept" or "Reject" – *do not ignore suggested changes*, rather, inquire with your editor if you are not certain why a change was made, or if you disagree
- Make sure "Track Changes" is off

# **Using the SMS Application**

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(This section is still in development.)

## **SMS – APPENDICES**

- A. [Committee Services Style Book](#)
- B. [SMS Sample Headers](#)

## **APPENDIX A. COMMITTEE SERVICES STYLE BOOK**

### **Committee Services STYLE BOOK**

This Style Book is intended for use in staff measure summaries, prepared by Committee Services staff. The following references may also be helpful:

- Legislative Counsel’s Form & Style Manual, <http://www.lc.state.or.us/pdfs/form-stylemanual.pdf>
- Online dictionary, <http://dictionary.reference.com/>
- Online thesaurus, <http://thesaurus.com/>

**Acronyms:** In general, spell out an acronym on first reference followed by the acronym in parentheses. Do **not** begin a sentence with an acronym or numeral. Look up correct agency names at [http://www.oregon.gov/pages/a\\_to\\_z\\_listing.aspx](http://www.oregon.gov/pages/a_to_z_listing.aspx). Do not use punctuation in acronyms. “ORS” is the official citation for Oregon Revised Statutes and does not require further definition.

**Examples:** The Department of Environmental Quality (DEQ) regulates ...  
In fiscal year (FY) 2009 ... By the end of FY 2009 ...

**Bullets/Tabs/Indents:** Use uppercase for the first word in items in a list. Bullets should **not** be indented on a staff measure summary.

**Examples:**

- How to determine a ballot is delivered
- Anecdotal examples
- Whether a line constitutes an intent to vote

**Capitalization:**

**Acts, Laws, Bills, and Treaties:** Capitalize formal titles of acts, laws, bills, treaties, and amendments.

**Example:** The Health Care Act (Act) specifies ... The Act specifies ...

Do **not** capitalize generic or informal references except for proper nouns and adjectives.

**Example:** Any act pertaining to ...

**Department names:** Always capitalize agency and department names and capitalize when the term is used after a previously defined reference to a department. Do **not** capitalize the word department when referring to several departments.

**Examples:** The Oregon Department of Transportation (Department) ... The Department ...  
The departments of Environmental Quality, Transportation, and Revenue ...  
The U.S. Department of Agriculture ...

**Cities:** Capitalize the proper names of cities. Do not capitalize when used as a general reference to cities.

**Examples:** New York City  
City of Salem  
Seven Oregon cities

**Commissions, Committees, Task Forces, and Boards:** Capitalize when referring to a specific commission or board or when the term is used after a previously defined reference to a commission or board.

**Examples:** The Water Resources Commission (Commission) requests ... The Commission ...  
The Senate Health Care Committee (Committee) met ... The Committee ...  
The Task Force on Veterans Services (Task Force) met ... The Task Force ...  
The State Board of Education (Board) proposes ... The Board ...

**Constitution and Constitutional Amendments:** Capitalize "constitution" when referring to a state or federal constitution or when the term is used after a previously defined reference. Capitalize "amendment" when referring to a specific constitutional amendment.

**Examples:** The Constitution of Oregon (Constitution) specifies ... The Constitution specifies ...  
First Amendment; 10th Amendment  
The first 10 amendments to the United States Constitution ...

**Directions:** Lowercase north, south, northeast, etc. when they indicate compass direction or when they describe a section of a state or city; capitalize when they designate regions:

**Examples:** Developments west of the Cascades ...  
In southwest Oregon ...

In the eastern part of the state ...

Regions: Compared to the Midwest ... We live in the Pacific Northwest.

**Directors and Superintendents:** Capitalize when using a title, referring to a specific director or superintendent, or when the term is used after a previously defined reference to a specific director or superintendent.

**Examples:** The Director of the Department of Education (Director) stated ... The Director ...

Seven agency directors ...

The Superintendent of Public Instruction (Superintendent) proposed legislation that ...

The Superintendent ...

School district superintendents ...

**Funds and Accounts:** Capitalize when referring to a specific fund or account or when the term is used after a previously defined reference to a specific fund or account.

**Examples:** Renovations will be funded by the General Fund (Fund) ... The Fund ...  
Monies are deposited into the Community Housing Maintenance Account.

**U.S. States:** Capitalize when referring to a specific state or when the term is used after a previously defined reference to the agency or department.

**Examples:** the State of Oregon

Two states have enacted laws to ...

**Titles and Officials:** Capitalize when referring to a specific office or title or when the term is used after a previously defined reference to a specific office or title. Capitalize officials' titles.

**Examples:** Governor in all references to the state's chief executive

The Secretary of State (Secretary) released ... The Secretary ...

President of the Senate/Speaker of the House of Representatives in the first references and President/Speaker in second and subsequent references

Senate President

Speaker of the House

Representative/Senator Smith

**Courts and Judges:** Capitalize “court” when referring to a specific court or when the term is used after a previously defined reference to a specific court. Capitalize “judge” when it is part of a title.

**Examples:** U.S. Supreme Court (Supreme Court) ... The Supreme Court  
U.S. Supreme Court Justice John Smith  
Court of Appeals (Court) ... The Court ...  
Judge John Smith  
The judges met today to ...  
The superior courts in five counties have ...

**Government:** Capitalize references to specific agencies, titles, or programs. Spell out the United States, unless it is part of an agency name.

**Examples:** the U.S. Department of Agriculture ...  
federal funds  
the federal government  
Seventy-sixth Legislative Assembly  
the state Legislature  
the Oregon Legislature  
the Legislature  
legislators passed House Bill ...  
The Salem City Council meets at City Hall

**Hyphens:** Hyphenate two words to prevent misreading. You can also hyphenate two or more words that are ordinarily used separately but are combined to form a compound adjective preceding a noun (except adverbs ending in ly).

**Examples:** full-time employee  
not-for-profit organization  
first-class ticket  
private-sector responses  
federally funded program

**Compounds:** Hyphenate when the second word in a compound is capitalized or a number.

**Examples:** mid-1980s  
post-World War II  
pre-Keynesian

**Number and Noun Combinations:** Hyphenate number and noun combinations unless they involve money or numeral fractions.

**Examples:** The biennium is a two-year process.

There is a 150-mile border between the counties.  
The 55-page bill passed on Monday. It passed with a two-thirds majority.

**Duplication of Letters:** Hyphenate to prevent confusion, misunderstanding, or peculiar multiplication of letters.

**Examples:** anti-inflation  
re-evaluate  
re-establish

**Lists:** It is the general practice to **not** use a comma before the last phrase in a list and begin with “and” or “or.” However, serial commas may be used for added clarity in a complex sentence.

**Examples:** Prohibits a public school administrator, teacher, counselor or nurse from recommending ...  
These interests include special hunts, modified sporting equipment, access to public lands, and increased hunting and fishing opportunities.

**Numbers:** Spell out zero through nine and fractions. Use figures for numbers 10 and above unless the number is the first word in the sentence. Use commas in four-digit numbers. Always use figures for percentages and money. When using a percentage spell out the word percent; only use the percent symbol in tables.

**Examples:** There were a total of five people inside the house and 15 people outside.  
Fifteen people attended the benefit.  
\$2,000 **not** \$2000  
15 percent of the General Fund  
Three percent of Oregonians

**Dates:** Usage according to the following.

**Examples:**

Correct	Incorrect
1990s	1990’s
March 1	March 1st
March 1, 2009	March 1 of 2009
the first of March	March first
In November 20 ... In November of 2010	November, 2010
In 2009, the...	In 2009 the ...
The 45th day or day 45	

**Money:**

**Examples:** 5 cents, 12 cents  
The book cost \$4 (not - \$4.00).

\$25, \$500, \$4,000, \$10 million (not - \$10,000,000)

There was a \$7 million budget proposal. (not - There was a seven million dollar)

**Time:**

**Examples:** 2:30 a.m., noon, or 12 noon (not 12 p.m.),

midnight or 12 midnight (not 12 a.m.),

In a series or list, use :00 (1:00, 2:30, 4:15, 5:00).

**Parentheses:** Avoid using, except to set off an acronym. In setting off elements - dashes emphasize – (parentheses) de-emphasize.

**Plurals:** When in doubt, refer to an online reference: <http://www.merriam-webster.com/> or <http://dictionary.reference.com/>.

**Example:** For most words - add s : boys, girls, legislators, budgets.

For words ending in ch, s, sh, ss, x, and z - add es: churches, lenses, messes.

For words ending in is - change is to es: parentheses, bases.

For words ending in y - change y to i and add es: cities, navies.

For words ending in ey – add s: moneys (or monies), chimneys.

**Possessives:**

Possessives of singular nouns use an 's.

**Examples:** The Legislature's role

constituent's concern

Senator Smith's term ...

the Congress's intent ...

the index's order ...

Possessives of plural nouns, ending in s, have an ' after the s.

**Example:** bills' deadlines

Members' seating

constituents' addresses

*Note:* Men's and women's, and other plural words not ending with s, use 's.

**Spacing after a period:** Use one space for all Committee Services publications.

**Spelling/Usage:** Some commonly misspelled and misused terms:

a lot

access - entry to

accept - to agree to something or receive

accommodate

affect - to cause

cancel; canceled; canceling; cancellation  
capital - capital budget  
capitol – building  
effect - the result  
except - exception to rule  
excess - abundance of  
in-between  
in-depth  
nationwide  
personal – private  
personnel - refers to employees  
principal - person  
principle - reason  
re-establish; re-established  
reviser  
statewide  
travel; traveled; traveling

**APPENDIX B. SAMPLE SMS HEADERS**

**PRELIMINARY**

76 <sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session <b>PRELIMINARY</b> STAFF MEASURE SUMMARY House Committee on Human Resources	MEASURE: HB 2001 CARRIER:
REVENUE: No revenue impact FISCAL: May have fiscal impact, but no statement yet issued	

**FINAL**

76 <sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session STAFF MEASURE SUMMARY House Committee on Labor	MEASURE: SB 332A CARRIER: Rep. Brooks
REVENUE: No revenue impact FISCAL: Fiscal statement issued	
<hr/>	
Action:	<b>Do Pass as Amended and Be Printed Engrossed</b>
Vote:	<b>5 – 1 – 0</b>
Yeas:	<b>Adams, Brooks, Clark, Duncan, Edwards</b>
Nays:	<b>Finns</b>
Exc.:	<b>0</b>
Prepared By:	<b>Jane Smart, Administrator</b>
Meeting Dates:	<b>2/3, 4/1, 4/3</b>

**MINORITY REPORT**

76 <sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session STAFF MEASURE SUMMARY Senate Committee on Natural Resources	<b>MINORITY REPORT</b> MEASURE: HB 2026A CARRIER: Rep. Brooks
REVENUE: No revenue impact FISCAL: Fiscal statement issued	
<hr/>	
Signers onto the Minority Report: <b>Sen. Murphy and Sen. Nolan</b>	
Prepared By:	<b>John Smart, Administrator</b>

**CONFERENCE COMMITTEE**

76 <sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session STAFF MEASURE SUMMARY Conference Committee on SB 332	MEASURE: SB 332A* CARRIER: Sen. Adams Rep. Brooks
REVENUE: No revenue impact FISCAL: Fiscal statement issued	
<hr/>	
Action:	<b>Concur in the Senate Amendments Dated 5/13 and Repass the Bill</b>
Vote:	<b>3 – 2 – 0</b>
Yeas:	<b>Adams, Brooks, Clark,</b>
Nays:	<b>Duncan, Edwards</b>
Exc.:	<b>0</b>
Prepared By:	<b>Jane Smart, Administrator</b>

**What is an Amendment?**

An amendment is a formal modification, deletion, or addition to a measure, requested by individual members for their personal bills, or requested by the committee, through the committee administrator, at the chair's direction.

Amendments to bills may be "adopted" into a measure by a majority of committee members. If amendments are adopted, and if the amended measure is voted out of committee, the Office of Legislative Counsel incorporates the amendments into the bill to produce an "engrossed" version of the bill before it is debated on the floor of the chamber. The engrossed bill is identified with a letter that follows the bill number ("A" for the first engrossed version, "B" for the second engrossed version, and so on). A space separates the bill number and the version letter (e.g., HB 3631 A).

**Who May Propose an Amendment?**

Anyone may suggest that a measure be amended, but only legislators and committees (or staff on their behalf) can submit Amendment Request Forms to the Office of Legislative Counsel for drafting. Lobbyists that want an amendment drafted and wish to work directly with the drafter need the chair's permission (sometimes in the form of a written note from the chair or the committee administrator, called a "note from mother").

**Who Drafts Amendments?**

Amendments are drafted by attorneys in the Office of the Legislative Counsel who are assigned to specific subject areas.

If you have advance knowledge that your committee or a member of your committee will be requesting an amendment, share that information and any supporting written material with Legislative Counsel. Legislative Counsel is under tremendous pressure during session; anything you provide (and as early as possible) can help expedite the process.

**When May a Measure Be Amended?**

Although witnesses and committee members often suggest amendments during meetings, action on measures (adopting amendments, voting, etc.) can only be taken by a committee during work sessions – measures cannot be modified on the floor of either chamber.

# Parts of a Formal Amendment

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE JOINT RESOLUTION 2**

7

1     On page 2 on the printed A-engrossed joint resolution, line 26, delete

2     “two-thirds” and insert “three-fifths”.

3     In line 30, delete “two-thirds” and insert “three-fifths”.

4     In line 36, delete “two-thirds” and insert “three-fifths”.

5

---

9

8

HJR 2-A18 5/22/95  
Proposed Amendments to HJR 2

- |    |  |
|----|--|
| 1. | Measure number and version   |
| 2. | Amendment (“dash”) number (“18” indicates this is the 18 <sup>th</sup> amendment prepared for HJR 2) |
| 3. | Original LC Draft number   |
| 4. | Date completed by LC   |
| 5. | Drafter’s initials (in Capitals)   |
| 6. | Proof read by Publication Services (lowercase)   |
| 7. | Line numbers   |
| 8. | Footer   |
| 9. | Amendment end line   |

# **Types of Amendments**

---

- Formal amendment – as appears on the previous page
- “Gut and stuff” amendment
- Final/combined amendment
- Conflict amendment
- “Conceptual” amendment

## **Formal Amendments**

Formal amendments are prepared by the drafter, at the request of a member or a committee. (See the example above.) Amendments contain instructions on the location within the original measure where content has been changed.

Amendments are named and referred to by the dash-number following the original bill number, e.g., “the -2 (dash two) amendments.” The “-2” means these amendments are the second amendments to be drafted for the bill. Bills may have only one set of amendments, or multiple amendment, requested by different members and/or the committee. You may never see all the amendments that have been drafted, but if the only amendments you have are the -6, you can infer there are at least five other amendments that might be brought forward at a committee meeting.

## **“Gut and Stuff” Amendments**

“Gut and stuff” amendments delete (gut) all the original text of a measure and replace (stuff) it with entirely new language. The “gut and stuff” amendments must fit within the original measure’s “relating to” clause. (See Appendix B.) If there is any question, the drafter can help determine whether the subject matter of the amendments fits within the original bill’s “relating to” clause.

## **Final/Combined Amendments**

Your committee may adopt several amendments into a bill – the final/combined amendments incorporate them all into one. A measure cannot be dropped at the Desk until the combined/final amendments are ready.

Front-load the process whenever possible, by requesting combined amendments and corresponding impact statements to be available for the meeting at which your committee intends to move the bill. (Impact statements are discussed in the next chapter.) If you aren’t able to do so, the committee can still adopt multiple amendments and move the bill; so long as each individual set of amendments has its own impact statements. In this instance, you have to request combined amendments

after-the-fact, along with the corresponding impact statements on the engrossed version of the bill.

## **Conceptual Amendments**

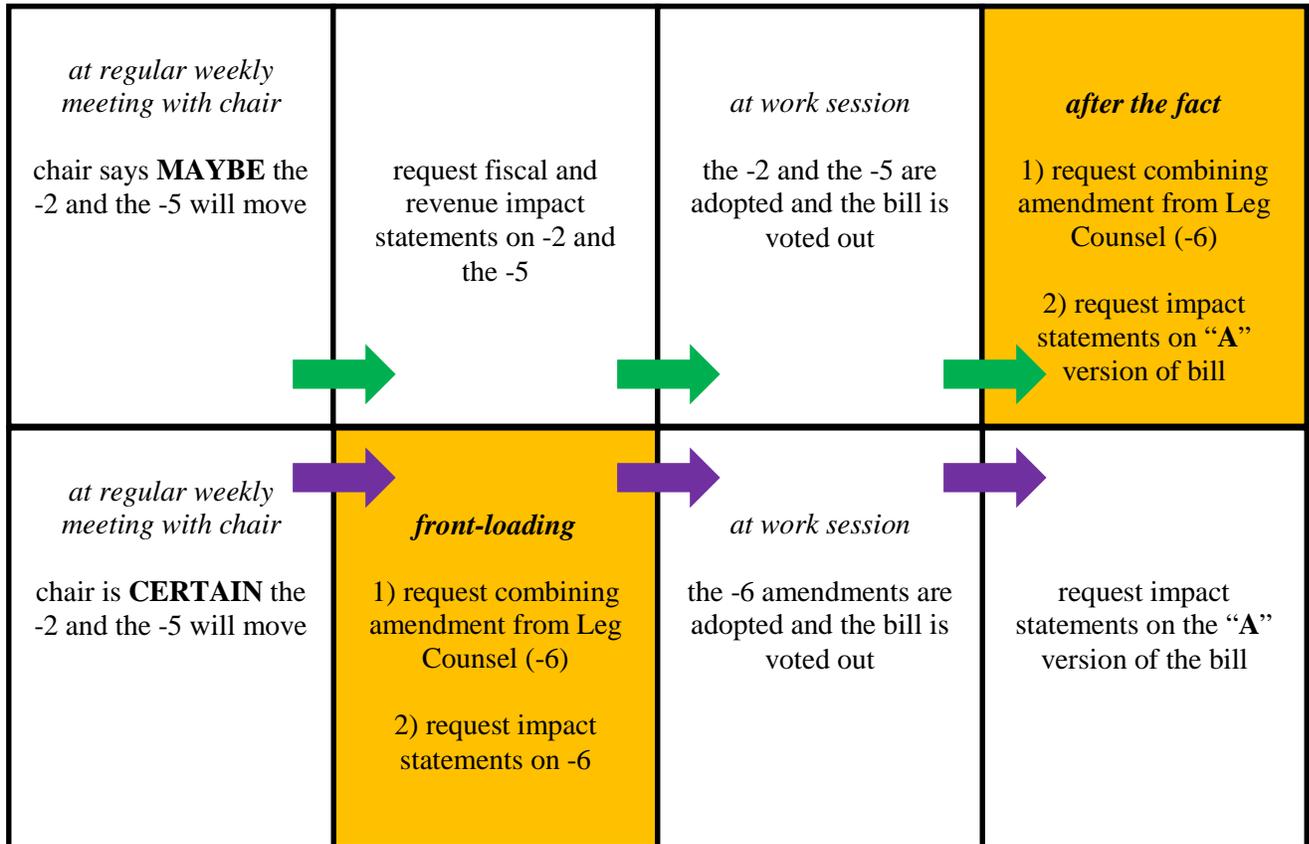
A member of your committee may propose adoption of “conceptual” amendments that have not been drafted by Legislative Counsel. These may be general or specific, but are considered “conceptual” until officially prepared by Legislative Counsel. Conceptual amendments should not be adopted if at all possible and Chamber rules may explicitly prohibit this action. If the rules permit, and your committee is determined to vote on the adoption of conceptual amendments, (1) have the drafter attend your meeting to minimize drafting problems later, and (2) remind the committee that they must wait for the formal amendment to be prepared before moving the bill out of committee, because impact statements on amendments are required.

- **Narrative example of after-the-fact requests:**

Committee X had a public hearing and two work sessions on HB 2001. The committee finally decided to adopt the -2 and -5 amendments. The appropriate fiscal and revenue impact statements were ready on both amendments, so the committee voted the bill out, Do Pass as Amended.

The committee administrator then requests that Legislative Counsel combine the -2 and -5 amendments into final combined amendments (creating the -6 amendments), and requests the corresponding impact statements from fiscal and revenue offices on the final version of the bill--*the “A” version--*, letting them know what the Committee did, and that combined amendments are pending. (Bill versions are discussed in Chapter 3.) That way, the fiscal and revenue offices can get started right away; when the combined -6 amendments are ready, the administrator forwards them to the Legislative Fiscal Office and Legislative Revenue Office, and receives the impact statements on the “A” version of the bill almost immediately. (When the bill is dropped at the Desk, Legislative Counsel’s office is directed to print the A-engrossed measure in bill format.)

- **Visual example: front-loading versus after-the-fact = same net result**



### Engrossing is not an amendment

When an amended measure is voted ("moved") out of committee, the original bill, along with the adopted amendments and their corresponding fiscal and revenue impact statements, are forwarded to the Desk. Legislative Counsel incorporates the adopted amendments into the text of the underlying bill and prints an "engrossed" version, in bill format, for floor debate.

### Conflict Amendments

- Must be requested before moving second chamber bills and for conference committees bills
- Prior to work session
- Via emailing the Committee Conflicts Request form ("resources" tab on the intranet)
- If amendments are needed, they must be adopted by the committee

The Oregon Constitution allows multiple changes to statutory sections unless the changes conflict (i.e., the changes cannot co-exist). When changes to the same statutes are proposed in two different measures, and the changes cannot coexist, the conflict

must be resolved by amendment or the last measure signed by the Governor takes precedence.

When a committee is considering a measure in the *second chamber* (e.g., a House bill in a Senate committee) or in a *conference committee*, either the administrator or the assistant must email the Conflicts Team in Legislative Counsel's Office for a "conflicts check" prior to the work session and before dropping the bill. = (See Appendix C.) Decide in advance.

The conflicts team will check the measure and any amendments the committee is considering, to see if they "conflict" with any another measure that has passed or is near passage. The conflicts team will catch *only* those conflicts that occur between sections that amend or repeal the same *existing* statute (not when two different measures create the same *new* statutes).

The team will check the measure and reply to your email to let you know if the measure conflicts with another measure and if amendments will be necessary to resolve a conflict.

If conflict amendments are needed, inform your chair, and notify the assigned analyst and economist that you will need quick turnaround on your impact requests. Legislative Counsel's Office will draft the amendments as quickly as possible and notify you when they are ready.

Conflict amendments must be officially adopted by the committee and the drafter may be asked to be present to explain the conflict if needed.

Coordinate with the assistant to follow through on conflicts checks:

### **Email repeatedly**

- Before the work session. (Only on measures that have already passed out of one chamber and/or measures in conference committee.)
- After the work session, **only** if the committee took action that was *not* included in your earlier conflicts request.
- Just before the measure is delivered to the Desk.

<p style="text-align: center;"><b>Conflicts Team</b> <a href="mailto:lc.conflicts@state.or.us">lc.conflicts@state.or.us</a></p> <p style="text-align: center;"><b>Call only when immediate turnaround is needed</b></p> <p style="text-align: center;"><b>6-1238</b></p>
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# **Amendment Requests**

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## **How and When are Amendments Requested?**

An Amendment Request Form, sent via email as an attachment (or hand-delivered), is used to request amendments from the Office of Legislative Counsel (Outlook username "LC Request" – do not email directly to drafters). The form can be found on the intranet, and at Appendix A.

Amendments are requested using the form:

- At the direction of the chair or a committee member
- When combined/final amendments are needed

Committee staff do not need to submit exact statutory language to Legislative Counsel. Describing the problem/proposed solution is far more important than submitting exact language. However, you may receive suggested language from interested parties, and this should accompany your request with the chair's permission.

Keep a copy of the submitted amendment request and any accompanying documentation. When amendments are returned, check to make sure they accurately reflect your request.

Be as specific as possible about your timeline so amendments will be produced in time for you to check their accuracy and request corresponding impact statements, with time enough for them to be completed before the bill is considered.

## **Receiving the Requested Amendments**

---

### **Check Amendments**

Although drafts you receive back from Legislative Counsel are almost always accurate, review each set to be certain.

There may be differences between your request and the draft for a variety of reasons:

- The wording must conform to certain form and style requirements
- Your request was not clear
- A mistake was made in drafting
- A mistake occurred in word processing
- The drafter had to make technical or collateral changes you did not anticipate

## **What to Check**

If the committee requested the amendments, check to be sure that they reflect the committee's request or intent.

If someone other than the committee requested the amendments, send that person a copy and solicit their feedback.

Check very carefully – one wrong word can completely change the intent of the measure (e.g., "shall" instead of "may").

If you have any questions about the amendments, contact the drafter to discuss your concerns.

Don't assume that amendments are accurate just because you haven't found any mistakes in previous amendments.

When you are satisfied that amendments are accurate, forward a copy to your chair and ask whether to distribute to other committee members and interested parties.

Chamber rules may require posting on OLIS one hour prior to a work session during which the amendments will be considered.

## **Hand-Engrossing**

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Hand-engrossing is a process by which amendments are inserted into the appropriate sections of a printed measure – a process that may require cutting with scissors and pasting with tape or glue. (If you cut and paste electronically, be sure the inserted amendments are clearly distinguishable from the content of the original bill.)

- Hand-engrossing creates a literal/visual illustration of the proposed changes, in context. It is incredibly helpful to members, but is also very time-consuming, and rarely made a routine practice.
- It is possible to engross more than one set of amendments into a single measure if the amendments are simple and can be easily distinguished from each other and from the content of the underlying bill.
- *All* measure and amendment language must appear in the hand-engrossed measure – including wording that the amendment would delete.

If you need to hand-engross a measure, see your mentor and the committee assistant manual for direction.

## **AMENDMENTS – APPENDICES**

- A. [Amendment Request Form](#)
- B. ["Gut and Stuff" Amendments](#)
- C. [Legislative Counsel Conflicts Checks Memo](#)
- D. [Sample Conflict Amendments](#)
- E. [Tips for Working with Legislative Counsel](#)

**APPENDIX A. AMENDMENT REQUEST FORM**

7/11/02

**COMMITTEE AMENDMENT REQUEST**

Request Date: \_\_\_\_\_

Measure # \_\_\_\_\_

LC Draft #: \_\_\_\_\_

Staff person making request: \_\_\_\_\_

On behalf of: \_\_\_\_\_  
(committee name)

Rm # \_\_\_\_\_ Phone \_\_\_\_\_

**DATE AND TIME NEEDED:** \_\_\_\_\_

**SCHEDULED ON:** \_\_\_\_\_

**TO BE SCHEDULED UPON RECEIPT:**    Yes    No

**DUE AT DESK ON:** \_\_\_\_\_

**REQUEST:** (Explain the problem, not just the "fix". Say why the change is needed.)

**ATTACHMENTS (please describe):**

**NOTE:**            Person other than legislator, legislator's staff or committee staff presenting this request **MUST** also present written note from committee administrator authorizing the request

LEGISLATIVE COUNSEL COMMITTEE, S-101 STATE CAPITOL, SALEM, OR 97310 503-986-1243/FAX 503-373-1043

**APPENDIX B. SAMPLE "GUT AND STUFF" AMENDMENTS**

**HB 2898 Original Bill**

69th OREGON LEGISLATIVE ASSEMBLY--1997 Regular Session

**House Bill 2898**

Sponsored by Representative JOSI (at the request of Oregon Realtors Association)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Establishes right to floatage use of all waters of state. Specifies additional rights to persons using navigable waterway. Allows portage routes around obstacles to be established. Requires Division of State Lands to quitclaim all rights, title and interest to all lands under surface waters of state that are not identified as navigable waters in division report dated January 1983.

**A BILL FOR AN ACT**

1  
2 Relating to waterways.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** As used in sections 1 to 9 of this Act:

5 (1) "Barrier" means an artificial obstruction located in or over a water body, restricting  
6 passage on or through the water, that totally or effectively obstructs the floatage use of the  
7 surface water at the time of use. "Barrier" may include but need not be limited to a bridge,  
8 fence or any other artificial obstacle to the natural flow of water.

9 (2) "Board" means the State Land Board.

10 (3) "Director" means the Director of the Division of State Lands.

11 (4) "Division" means the Division of State Lands.

12 (5) "Floatage use" means fishing, swimming, floating in small craft or other flotation  
13 devices, boating in motorized craft unless otherwise prohibited or regulated by law, boating  
14 in craft propelled by oar or paddle and other similar activities. "Floatage use" does not in-  
15 clude any activity that requires the use of the bed or banks of the waterway as a right-of-  
16 way for any purpose.

17 (6) "Line of ordinary high water" means the line that water impresses on land by cover-  
18 ing it for sufficient periods to cause physical characteristics that distinguish the area below  
19 the line from the area above it. Characteristics of the area below the line include, when ap-  
20 propriate, but are not limited to deprivation of the soil of substantially all terrestrial vege-  
21 tation and destruction of its agricultural and vegetative value. A flood plain adjacent to  
22 surface waters is not considered to lie within the surface waters' high-water marks.

23 (7) "Navigable waters" means either:

24 (a) Surface waters, other than lakes, that flow over lands that have been judicially de-  
25 termined to be owned by the State of Oregon by reason of application of the federal  
26 navigability test for state streambed ownership; or

27 (b) Waters identified as navigable under the process set forth in ORS 274.400 to 274.412.

28 (8) "Surface waters" includes any natural water body that is not a lake.

29 **SECTION 2.** (1) Except as provided in subsection (2) of this section, all surface waters  
30 capable of floatage use may be so used by the public without regard to the ownership of the

**NOTE:** Matter in boldfaced type in an amended section is new; matter *(italic and bracketed)* is existing law to be omitted.  
New sections are in boldfaced type.

LC 2207

## HB 2898 Original Bill, continued

HB 2898

face waters of lakes.

2       (2) As used in this section, "lake" means a body of water where the surface water is re-  
3       tained by either natural or artificial means and the natural flow of water is substantially  
4       impeded.

5       **SECTION 7.** (1) A landowner may create a barrier across a nonnavigable waterway for  
6       purposes of land or water management or to establish land ownership as otherwise allowed  
7       by law. If a landowner erects a structure that does not interfere with the floatage use of the  
8       surface waters, the public may not portage around the structure.

9       (2) If a landowner creates a barrier across a nonnavigable waterway that interferes with  
10      the floatage use of the surface waters, a member of the public making floatage use of surface  
11      waters may portage around the barrier in the least intrusive manner possible, avoiding  
12      damage to the landowner's land and violation of the rights of the landowner.

13      (3)(a) A portage route may be established when either a landowner or a member of the  
14      public submits a request to the Division of State Lands that such a route be established.

15      (b) Within 45 days after receiving a request under paragraph (a) of this subsection, the  
16      division, in consultation with the landowner, shall examine and investigate the barrier and  
17      the adjoining land to determine a reasonable and safe portage route.

18      (c) Within 45 days after examining the site, the division shall make a written finding  
19      setting forth the most appropriate portage route.

20      (d) The cost of establishing and maintaining a portage route around an artificial barrier  
21      shall be borne by the landowner installing the barrier.

22      (e) After a portage route is established, the division shall post and maintain notices near  
23      the waterway of the existence of the portage route and the public's obligation to use the  
24      portage route as the exclusive means around the barrier.

25      **SECTION 8.** (1) A person who makes floatage use of surface waters flowing over or  
26      through land in the possession or under the control of another, or who enters upon privately  
27      owned land while portaging around or over barriers, is owed no duty by a landowner or an  
28      agent or tenant of the landowner other than that provided in subsection (2) of this section.

29      (2) A landowner or an agent or tenant of a landowner is liable to a person making  
30      floatage use of surface waters or portaging on land described in subsection (1) of this section  
31      only for an act or omission that constitutes willful or wanton misconduct.

32      (3) No employee of the Division of State Lands is liable to any person who is injured or  
33      whose property is damaged because of placement or use of the portage route except for an  
34      act or omission that constitutes willful and wanton misconduct.

35      **SECTION 9.** (1) A prescriptive easement is a right to use the property of a landowner  
36      that is acquired by open, exclusive, notorious, hostile, adverse, continuous and uninterrupted  
37      use for a period of 10 years.

38      (2) A prescriptive easement cannot be acquired through:

39      (a) Floatage use of surface waters, including:

40      (A) The beds underlying the surface waters;

41      (B) The banks up to the line of ordinary high water; or

42      (C) Any portage over and around barriers; or

43      (b) The entering or crossing of private property to reach surface waters.

44      **SECTION 10.** (1) Notwithstanding any other law, the Division of State Lands, on behalf  
45      of the State of Oregon, shall remise, release and forever quitclaim all rights, title and in-

## HB 2898 Original Bill, continued

HB 2898

1 terest that may remain or be vested in this state with respect to all submerged and  
2 submersible lands under the surface waters of this state that are not identified as navigable  
3 waters in the report of the division entitled "Report and Recommendation on the Navigable  
4 Waters of Oregon" and dated January 1983, if such lands are possessed under color of title  
5 by a person or governmental entity on the effective date of this Act.

6 (2) For the purposes of section 5, Article VIII, Oregon Constitution, lands described in  
7 subsection (1) of this section are not under the jurisdiction of the State Land Board on or  
8 after the effective date of this Act.

9

---

[4]

**HB 2898-1 "Gut and Stuff" Amendment**

**GUT AND STUFF AMENDMENT**

HB 2898-1  
(LC 2207)  
3/20/97 (JH/ps)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2898**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages  
2 2 through 4 and insert:

3 **"SECTION 1. Sections 2 and 3 of this Act are added to and made a  
4 part of ORS 274.400 to 274.412.**

5 **"SECTION 2. Without first submitting a report to the Joint  
6 Legislative-Executive Committee on Waterways created under section  
7 3 of this 1997 Act and obtaining an advisory opinion on the proposed  
action, the State Land Board shall not:**

8 **"(1) Direct the Division of State Lands to conduct a navigability  
9 study under ORS 274.404; or**

10 **"(2) Assert or waive a state ownership claim to submerged or  
11 submersible lands in any waterway of this state under ORS 274.406.**

12 **"SECTION 3. (1) There is created a Joint Legislative-Executive  
13 Committee on Waterways consisting of nine members. The President  
14 of the Senate shall appoint three members from among members of  
15 the Senate, the Speaker of the House of Representatives shall appoint  
16 three members from among the members of the House of Represen-  
17 tatives and the State Land Board shall appoint three members. The  
18 members of the committee shall select a member to serve as chair-  
19 person of the committee and shall establish procedures and a work  
20 plan necessary to complete its duties.**

21 **"(2) The committee shall:**

22 **"(a) Review all complete navigability study requests submitted to  
23 the Division of State Lands and the State Land Board under ORS  
24**

**HB 2898-1 "Gut and Stuff" Amendment, continued**

1 274.400 to 274.412;

2       “(b) Examine issues and concerns relating to navigability determi-  
3 nations and associated rights of waterway users and riparian property  
4 owners;

5       “(c) Review past legislative proposals and approaches taken by  
6 other states to address public use and ownership of waterways and  
7 related riparian property owner rights; and

8       “(d) Submit a report to the Legislative Assembly on or before De-  
9 cember 1, 1998, that shall include legislative concepts and other rec-  
10 ommendations relating to navigability determinations, public use of  
waterways and riparian property owner rights.

11       “(3) The Division of State Lands shall provide staff support to the  
12 committee. The State Marine Board, the State Department of Fish and  
13 Wildlife and the State Parks and Recreation Department also shall  
14 provide information and assistance to the committee as required.

15       “(4) Except as provided in this section, the committee created under  
16 subsection (1) of this section is subject to the provisions of ORS 171.605  
17 to 171.635 and has the authority contained in ORS 171.505 to 171.530.  
18 Notwithstanding the provisions of ORS 171.206, the committee may file  
19 its written report at any time within 30 days after its final meeting,  
20 or at such later time as the appointing authorities may designate.

21       “(5) Members of the committee who are members of the Legislative  
22 Assembly shall be entitled to an allowance as authorized by ORS  
23 171.072. Public members of the committee shall be entitled to com-  
24 pensation in accordance with ORS 292.495. Claims for expenses in-  
25 curred in performing functions of the committee shall be paid out of  
26 funds appropriated for that purpose.

27       “(6) Official action by the committee established pursuant to sub-  
28 section (1) of this section shall require the approval of a majority of  
29 the quorum of the members of the committee. All legislation recom-  
30 mended by official action of the committee must indicate that it is  
31

**HB 2898-1 "Gut and Stuff" Amendment, continued**

1 introduced at the request of the committee. Such legislation shall be  
2 prepared in time for pre-session numbering and pre-session filing pur-  
3 suant to ORS 171.130.

4 "SECTION 4. Sections 2 and 3 of this Act are repealed on December  
5 31, 1999."  
6

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# HB 2898 A-engrossed

69th OREGON LEGISLATIVE ASSEMBLY--1997 Regular Session

## A-Engrossed House Bill 2898

Ordered by the House May 5  
Including House Amendments dated May 5

Sponsored by Representative JOSI (at the request of Oregon Realtors Association)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Establishes right to floatage use of all waters of state. Specifies additional rights to persons using navigable waterway. Allows portage routes around obstacles to be established. Requires Division of State Lands to quitclaim all rights, title and interest to all lands under surface waters of state that are not identified as navigable waters in division report dated January 1983.] Establishes Joint Legislative-Executive Committee on Waterways. Specifies duties of committee. Directs committee to examine issues and concerns relating to navigability determinations and associated rights of waterway users and riparian property owners. Directs Division of State Lands to provide staff support to committee.*

Sunset December 31, 1999.

### A BILL FOR AN ACT

Relating to waterways.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** Sections 2 and 3 of this Act are added to and made a part of ORS 274.400 to  
5 274.412.

**SECTION 2.** Without first submitting a report to the Joint Legislative-Executive Com-  
6 mittee on Waterways created under section 3 of this 1997 Act and obtaining an advisory  
7 opinion on the proposed action, the State Land Board shall not:

9 (1) Direct the Division of State Lands to conduct a navigability study under ORS 274.404;  
10 or

11 (2) Assert or waive a state ownership claim to submerged or submersible lands in any  
12 waterway of this state under ORS 274.406.

**SECTION 3.** (1) There is created a Joint Legislative-Executive Committee on Waterways  
13 consisting of nine members. The President of the Senate shall appoint three members from  
14 among members of the Senate, the Speaker of the House of Representatives shall appoint  
15 three members from among the members of the House of Representatives and the State  
16 Land Board shall appoint three members. The members of the committee shall select a  
17 member to serve as chairperson of the committee and shall establish procedures and a work  
18 plan necessary to complete its duties.

20 (2) The committee shall:

21 (a) Review all complete navigability study requests submitted to the Division of State  
22 Lands and the State Land Board under ORS 274.400 to 274.412;

23 (b) Examine issues and concerns relating to navigability determinations and associated  
24 rights of waterway users and riparian property owners;

NOTE: Matter in boldfaced type in an amended section is new; matter *(italic and bracketed)* is existing law to be omitted.  
New sections are in boldfaced type.

LC 2267

## HB 2898 A-engrossed, continued

A-Eng. HB 2898

1 (c) Review past legislative proposals and approaches taken by other states to address  
2 public use and ownership of waterways and related riparian property owner rights; and

3 (d) Submit a report to the Legislative Assembly on or before December 1, 1998, that shall  
4 include legislative concepts and other recommendations relating to navigability determi-  
5 nations, public use of waterways and riparian property owner rights.

6 (3) The Division of State Lands shall provide staff support to the committee. The State  
7 Marine Board, the State Department of Fish and Wildlife and the State Parks and Recreation  
8 Department also shall provide information and assistance to the committee as required.

9 (4) Except as provided in this section, the committee created under subsection (1) of this  
10 section is subject to the provisions of ORS 171.605 to 171.635 and has the authority contained  
11 in ORS 171.505 to 171.530. Notwithstanding the provisions of ORS 171.206, the committee may  
12 file its written report at any time within 30 days after its final meeting, or at such later time  
13 as the appointing authorities may designate.

14 (5) Members of the committee who are members of the Legislative Assembly shall be  
15 entitled to an allowance as authorized by ORS 171.072. Public members of the committee  
16 shall be entitled to compensation in accordance with ORS 292.495. Claims for expenses in-  
17 curred in performing functions of the committee shall be paid out of funds appropriated for  
18 that purpose.

19 (6) Official action by the committee established pursuant to subsection (1) of this section  
20 shall require the approval of a majority of the quorum of the members of the committee.  
21 All legislation recommended by official action of the committee must indicate that it is in-  
22 troduced at the request of the committee. Such legislation shall be prepared in time for  
23 pre-session numbering and pre-session filing pursuant to ORS 171.130.

24 SECTION 4. Sections 2 and 3 of this Act are repealed on December 31, 1999.

25

**APPENDIX C. CONFLICTS CHECK MEMO**

Dexter A. Johnson  
LEGISLATIVE COUNSEL

S101 STATE CAPITOL  
SALEM, OREGON 97301-4065  
(503) 986-1243  
FAX: (503) 373-1043



STATE OF OREGON  
Office of the Legislative Counsel

Date: January 10, 2011  
To: Committee Administrators and Assistants  
From: Anne O'Brien and Mike Stock, Senior Editors  
Subject: Conflict Checks

When your committee is considering a measure that is in the *second* house (e.g., a House bill in a Senate committee) or in conference committee, you must e-mail the conflicts team in Legislative Counsel for a conflict check. We will check the measure, along with any amendments the committee is considering, to determine whether it “conflicts” with another measure and needs amendments to resolve the conflict. Be aware, however, that in a conflict check, we will catch only those conflicts that occur between sections that amend or repeal the same *existing* law.

**WHEN TO E-MAIL:** Before a final work session on the measure. You will need to e-mail us again if the committee makes any changes to the measure or amendments at the final work session and again before sending the measure to the desk if it is sent much later\* than the original conflict check.

**WHAT TO TELL US:** Your name and phone number, the name of the committee, the measure number (engrossing level is unnecessary), and the amendment number(s), if any (e.g., -1, -A2).

**WHERE TO E-MAIL:** The e-mail address for the conflicts team is [lc.conflicts@state.or.us](mailto:lc.conflicts@state.or.us). We will check the measure and reply to your e-mail to let you know if the measure is okay at that time or if it will need amendments to resolve a conflict. If the bill needs conflict amendments, our office will draft the amendments and notify you when they are ready.

**WHY:** When a measure amends or repeals an existing statutory section, it is possible that another measure (or measures) may amend or repeal the same section. The Oregon Constitution allows the compilation of more than one amendment to a statutory section unless the amendments conflict. When the changes proposed to the same section by different measures cannot co-exist, the conflict must be resolved by amendment or the measure last signed by the Governor will control.

(Why e-mail? Due to budget cutbacks, editors in LC no longer have telephones on their desks. If you need to reach the conflicts team by phone, call 6-1238. We will try to answer or return your call as quickly as possible.)

\* “Much later” changes as session progresses—from two days in February to an hour on the last day of session.  
Use 24 hours as the rule of thumb for most of session.

**Conflict Amendments Incorporated into Regular Amendments**

SB 945-1  
(LC 1234)  
6/30/99 (ZZ/ps)

**PROPOSED AMENDMENTS TO SENATE BILL 945  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1           On page 1 of the printed bill, line 4, delete “657.350,”.

2           In line 7, after “348.990” insert “and sections 1, 2 and 3, chapter 224, Oregon  
3 Laws 1997 (Enrolled Senate Bill 294), section 1, chapter :HR3., Oregon Laws 1997  
4 (Enrolled Senate Bill 825), and section 7, chapter 61, Oregon Laws 1997 (Enrolled  
5 House Bill 2124)”.

6           One page 27, after line 26, insert:

7           **“SECTION 64. Sections 1, 2 and 3, chapter 224, Oregon Laws 1997 (Enrolled Senate  
8 Bill 294) (amending ORS 348.835, 348.885 and 348.990), are repealed.”**

9           **“SECTION 65. Section 7, chapter 61, Oregon Laws 1997 (Enrolled House Bill 2124)  
10 (amending ORS 329.900), is repealed.”**

11           **“SECTION 66. If Senate Bill 825 becomes law, section 1, chapter\_\_\_\_, Oregon Laws  
12 1997 (Enrolled Senate Bill 825) (amending ORS 329.940), is  
13 repealed.”.**

14           On page 28, line 4, delete “and” and insert “in addition to and notwithstanding”.

15           On page 33, line 12, delete the comma and insert “notwithstanding any other  
16 provision of law, including and not limited to ORS 123.456, the forms shall be submitted as  
17 follows:”.

18           On page 55, line 21, after “is” insert “not”.

19           On page 82, after line 18, insert:

20           “(h) Forms submitted pursuant to ORS 123.456;”

21           -----

## Pure Conflict Amendments

SB 945-1  
(LC 1234)  
6/30/99 (ZZ/ps)

### **PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO SENATE BILL 945**

On page 1 of the printed bill, line 4, delete “657.350.”.

In line 7, after “348.990” insert “and sections 1, 2 and 3, chapter 224, Oregon Laws 1997 (Enrolled Senate Bill 294), section 1, chapter 3., Oregon Laws 1997 (Enrolled Senate Bill 825), and section 7, chapter 61, Oregon Laws 1997 (Enrolled House Bill 2124)”.

On page 27 after line 26, insert:

**“SECTION 64. Sections 1, 2 and 3, chapter 224, Oregon Laws 1997 (Enrolled Senate Bill 294) (amending ORS 348.835, 348.885 and 348.990), are repealed.**

**“SECTION 65. Section 7, chapter 61, Oregon Laws 1997 (Enrolled House Bill 2124) (amending ORS 329.900), is repealed.**

**“SECTION 66. If Senate Bill 825 becomes law, section 1, chapter \_\_\_\_, Oregon Laws 1997 (Enrolled Senate Bill 825) (amending ORS 329.490), is repealed.”.**

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## APPENDIX E. TIPS FOR WORKING WITH LEGISLATIVE COUNSEL

### Tips for working with Legislative Counsel

- Use the Committee Amendment Request form (on the Intranet) and fill it out completely. Make sure you know and understand what the Chair or person requesting the amendment wants so you can accurately describe it. If you are unsure of what is being requested, there is a good chance the drafter may not understand, and then time is wasted having to track down information. Provide as much background as possible or offer to find background information.
- Know who is doing the drafting (probably the same attorney who did the original legislative draft).
- Stay knowledgeable on your drafters' workloads; usually they will tell you in general terms. For example, most will tell you that they will have difficulty getting to amendments quickly while they are drafting new measures (through February). Remember, they work for all the Representatives, all the Senators, all six Leadership offices, plus all committees, including yours.
- Give as much time as you can realistically. Let LC know your deadline, which may be just the day before you plan to work the bill. If you know the amendments are going to be difficult and think the Chair would be willing to delay a work session, discuss this with your Chair and let LC know that you can delay the need for the amendments. If the need changes, be sure to e-mail that information to your drafter. Convey the chair's desires and why.
- If you request amendments for a specific hearing date, and the Chair decides to delay the hearing, let LC know immediately. They often have numerous priority deadlines, and will benefit from being able to re-arrange their workload.
- Try to consolidate requests for amendments to a single request.
- Communicate with LC in advance about plans for amendments, especially if the bill is complex or has complex amendments.
- Give as much specific information as you can. Don't say "add some time to this statutory deadline." Rather say "postpone this deadline by one month".
- Do not tell the drafter what language is required. The attorneys will choose the correct language. Do suggest language.
- Try to connect the drafter with the member or lobbyist if there is concern or disagreement about amendments.
- If the amendment language needs to be changed after you submit it, let the drafter know changes immediately, or tell them to stop work on that request until a new request is submitted. Prevent drafters from wasting time working on "stale" concepts or drafts that the Chair and committee will not want to adopt.
- Consider not just giving a note to a stakeholder to work directly with LC. Ask them to give you the language, and then request the amendment (you can put the stakeholder's name on the contact line). However, there will be amendment requests when it might be best for the lobbyist to communicate directly with LC. In these cases, write a "note from mother."\*
- If you do submit a request for a stakeholder, give the person a copy of the request form, and a copy of the amendments as soon as it comes back.

- If necessary, make an appointment to visit with your drafter, and bring along anyone else who may understand the concepts being requested. You can also give your drafter a "heads up" to watch your committee meeting and maybe even be ready to come to the meeting to explain an amendment or why a particular concept may not work. Do not insist your drafter be in the hearing room unless your bill is being heard (i.e., while other bills are being heard). It is better to stand at ease for a few minutes and give your drafter a quick call; he or she can be down to the room in a minute or two.
- Stay on good terms with LC receptionist desk, they are the air traffic controllers for a lot of confidential bills and amendments, and gatekeepers to help ensure the process runs smoothly.
- Respect the drafters time. Use brief e-mail messages with your drafter; try not to make multiple telephone calls to your drafter as that just delays their time in drafting bills and amendments.
- Be aware that LC is under similar time-lines and pressures as the ones we are under—and at times much more. Your communications or contact may occasionally catch someone at an extremely stressful time, which may affect your interaction. We ask other departments to try and understand our job and situations; do your best to understand their situation.
- Amendments and LC drafts requested by your committee are delivered electronically via email to your email account. Never delete email from "LC Delivery." Check your email inbox before calling the LC receptionist looking for an expected amendment.
- Review amendments immediately or ask the stakeholder to do so.
- When calling down to LC, identify yourself and which committee you are working. With many new staff, just giving your name does not always tell the LC reception desk what they need to know.
- If amendments are going from one policy committee to another, confer with the Chair to see if the amendments can wait until the measure gets to the next policy committee [i.e., are amendments more germane to the next committee]? Note, do not expect Ways and Means Committee to amend bills. Also, don't assume the second chamber will make amendments to a bill that your Chair or committee thinks need to be made.
- If you involved in a work group and the stakeholders are close to agreeing on recommended changes to a bill, check with the bill's drafter to see if the person is available to attend. The drafter being present to hear what has been agreed on may help speed up the amendment drafting, or clarify that the "solution" will not work.
- If you have a complicated measure coming up for Third Reading, and you think there may be specific legal questions raised, let the drafter know as perhaps he or she may be helpful on the floor as well.

\*Use "notes from mother" judiciously. Don't give a note to a lobbyist or other stakeholder unless you are sure your Chair is okay with the concept. If in doubt, check with the Chair to make sure it is okay.

## **Fiscal and Revenue Impact Statements**

Committee staff are the only people in the building who may submit formal requests for impact statements from the Fiscal and Revenue Offices, and these impact statements are required to move (vote) measures out of committee.

To move bills out of committee, impact statements are required:

- On the original measure if it is unchanged
- On each set of amendments adopted
- On combined amendments
  - AND on the engrossed (lettered) version of the bill if the combined amendments were available and ready to move before the work session
  - OR on the engrossed (lettered) version of a bill, if the combined amendments were requested after the work session

(See section 8 for details on combined amendments.)

These statements are used by legislators, committees, the Governor, state agencies, local governments and the public in determining the immediate and long-term financial effects of proposed legislation on state and local budgets.

### **Fiscal = LFO**

The Legislative Fiscal Office (LFO) generates Fiscal Impact statements. LFO defines the fiscal impact statement "... as an independent, objective analysis of the expenditure, revenue, staffing, and organization effects of a legislative measure on state and local governments."

The Legislative Fiscal Office assigns a Fiscal Analyst to measures when they are scheduled for a hearing. These assignments are based on subject or program area and can be viewed using the Measure Tracking System.

### **Revenue = LRO**

The Legislative Revenue Office (LRO) generates the Revenue Impact statement, which "shows how much additional tax revenue or reduction in revenue for state or local governments will result from a proposed law change."

The Legislative Revenue Office assigns a Revenue Economist upon first reading, to measures determined to have the possibility of generating revenue. These assignments are based on program area and can be viewed using the Measure Tracking System.

## **Requesting Impact Statements – the FIS/RIS system**

- Fiscal and revenue impact statements are both **required**, pursuant to chamber rules, before a measure may be voted out of committee, so you must **request them in advance** of the work session during which the committee will move the bill.
- Near the end of session, chamber leadership may allow committees to vote on whether to “suspend the rules” for the limited purpose of moving a measure without its corresponding impact statements.
- The request process is automated via a web-based application called “FIS/RIS.” You will receive separate, classroom-style training on the use of this system, and screen shots and detail from the 2013 training are attached at Appendix B. Your basic activity will involve:

Entering required identifying information into appropriate fields (the bill number, the amendment number, etc.), and attaching corresponding documents (amendments, the SMS, etc.) prior to submitting the request.

## **Types of Impact Statements**

Prior to the issuance of financial impact statements, your preliminary SMS will generally reflect “No revenue impact” and “May have fiscal impact, statement not yet issued.”

Many more measures referred to policy committees (by far) have fiscal impact than revenue impact. Bills with revenue impact are usually identified very early in the legislative process (at first reading) for referral to a revenue committee.

### **LFO**

No Expenditure – the bill has no fiscal impact on state or local governments.

- *Appears as “No fiscal impact” in the appropriate field on your final SMS*

Minimal Expenditure – the bill will have minimal fiscal impact – below a threshold set by leadership.

- *Appears as “Minimal fiscal impact” on your final SMS*

Fiscal Analysis of Proposed Legislation – the bill will have a fiscal impact above the threshold that is detailed for the committee in the statement, and will usually require a subsequent referral to Way and Means.

Indeterminate – LFO is not able to ascertain with a reasonable level of certainty what the fiscal impact may be and provides an explanation to the committee in the statement.

Notice of Potential Fiscal Impacts – referred to as a “fiscal lite” or “hall pass” – the bill has a subsequent referral to the Joint Committee on Ways and Means, where it will be subject to further analysis.

- *These all appear as “Fiscal statement issued” on your final SMS*

## **LRO**

No Impact – the bill has no revenue impact.

- *Appears as “No revenue impact” in the appropriate field on your final SMS*

Minimal Impact – the bill will have a minimal revenue impact – less than a threshold set by leadership.

- *Appears as “Minimal revenue impact” on your final SMS*

Revenue Impact – the bill will have a revenue impact above the threshold that is detailed for the committee in the statement – a measure with revenue impact will likely be referred to Ways and Means or Revenue at the outset.

Indeterminate – LRO is not able to ascertain with a reasonable level of certainty what the revenue impact may be and provides an explanation to the committee (in the statement).

Notice of Potential Revenue Impacts – referred to as “revenue lite” – the bill has a subsequent referral to the Joint Committee on Ways and Means or Revenue, where it will be subject to further analysis.

- *These all appear as “Revenue statement issued” on your final SMS*

## **Legislative Fiscal Office (Room H-178)**

If you have questions about the status or progress of a Fiscal Impact Statement, email and call the Fiscal Impact Coordinator at **986-1819**.

If you have questions about the content of a Fiscal Impact Statement, contact the assigned Fiscal Analyst.

## **Legislative Revenue Office (Room 140 C)**

If you have questions about the status or progress of a Revenue Impact Statement, email and call Corinne Gavette at **986-1266**.

If you have questions about the content of a Revenue Impact Statement, contact the assigned Revenue Economist.

## **IMPACT STATEMENT – APPENDICES**

- A. [Tips on Working with Legislative Fiscal and Revenue](#)
- B. [FIS/RIS application screen shots and detail from 2011 training](#)

## **APPENDIX A. TIPS FOR WORKING WITH LEGISLATIVE FISCAL AND REVENUE OFFICES**

### **Working with Legislative Fiscal and Revenue Offices**

LFO and LRO track the scheduling of bills. They ignore public hearings but pay particular attention to bills posted for work sessions, because a work session indicates there may be committee action.

A committee cannot move a bill out of committee without impact statements, so they must be requested in advance in order to be ready in time for the work session.

LFO and LRO prioritize bills posted for work sessions (WRK) over those posted for possible work sessions (PPW).

Whenever possible, request impact statements as soon as you know a bill is likely to move; do not wait until it is actually scheduled for a PPW or WRK.

Communicate with LFO/LRO freely about the chair's interest in particular bills, and particular amendments, and conversely, if you know what bills or amendments LFO/LRO may ignore.

Any time you have submitted a request and you later learn your chair has decided not to move the bill, or the bill is being pulled from the agenda, or another set of amendments is pending – enter a "HOLD" on your request in the FIS/RIS system so no one's time is wasted preparing impact statements unnecessarily.

#### **Before work sessions are scheduled – request impact statements**

1. It is better to over-communicate than under-communicate with LFO/LRO regarding your bills.
2. When possible, use the FIS/RIS system to communicate with LFO/LRO; it ensures information reaches the right person.
3. Whenever possible, upload your updated SMS as an attachment to your request in the FIS/RIS system. This information is valuable to the analysts.
4. Give LFO/LRO advance notice, if you know, about measures the chair plans to move *before* they are scheduled.
5. Send the FIS/RIS request and upload amendments as soon as you get them. Do not request fiscal or revenue impacts on measures or amendments that you know your chair will not move.
6. If, for example, you have a bill posted for any kind of work session (PPW or WRK), but you know the chair does not intend to pass that bill out of committee that day, do not request that the impact statements be ready in time for *that* meeting and let the fiscal analyst know by posting a brief message in the "COMMENT" field in the FIS/RIS system.

## **After work sessions – request impact statements on any amended bills**

If the committee adopted amendments (with the fiscal/revenue statements) and passed a bill out of committee (DO PASS WITH AMENDMENTS), submit a request for impact statements on the engrossed version of the bill.

Amendments may be adopted into a measure without their corresponding impact statements, but the bill cannot be voted out of committee until the impact statements are ready.

## **Fiscal and Revenue Request Examples**

The committee must have the fiscal and revenue statements available for examination for the measure you report out of committee. Below are examples of a committee holding a work session on a fictitious bill, HB 2525 (the process is the same for Senate and House bills).

### **Example 1:**

You have the fiscal and revenue impact statements for the original measure. The committee can take action to move the bill out: DO PASS.

### **Example 2:**

You have the -1 amendments and corresponding impact statements. You also have -4 amendments, but no corresponding impact statements.

- (a) The committee adopts only the -1s into the bill, so the bill may be moved out of committee: DO PASS AS AMENDED. Once voted out of committee, HB 2525 as amended by the -1s, becomes HB 2525 **A**. When the committee adjourns, request impact statements on the A version of the bill in the normal way, uploading the -1 amendments that were adopted – the fiscal and revenue offices will simply change the bill number on the statement.
- (b) The committee adopts only the -4s, so they cannot move the bill out of committee. When the meeting adjourns, make sure you have requested the impact statements, and schedule the bill for another work session.
- (c) The committee adopts both the -1s and the -4s, so it cannot move the bill out of committee. When the committee adjourns:
  - submit an amendment request to Legislative Counsel to create a combined amendment of the -1s and -4s

- make sure you have requested impact statements on the -4s, and inform LFO/LRO to anticipate another request when you receive the combined amendments
- schedule the next work session
- when the combined amendments arrive, request fiscal and revenue impact statements, so the bill can be prepared to drop quickly

At the next work session, the impact statements are ready on the -4s. They have already been adopted into the measure, so the committee can move the bill immediately: DO PASS AS AMENDED. Once the bill is voted out, HB 2525 as amended by the -1s and -4s (already in the form of one combined amendment) becomes HB 2525 **A**. When the committee adjourns, request fiscal and revenue statements on the engrossed version the usual way, uploading the *combined* amendment – so all they have to do is change the bill number on the statement.

**APPENDIX B. FIS/RIS APPLICATION SCREEN SHOTS AND DETAIL**

**See next page for updated FISRIS manual**

# RECORDING LOGS

## Introduction

The various committee tasks are divided between the committee assistant and the administrator. Although the committee assistant is responsible for recording, transcribing and archiving the Recording Log, the administrator is part of the process. Therefore, the following information is included to provide understanding of the process and protocol.

## Why Recording Logs?

The recordings of legislative meetings constitute the official record of committee activities. Oregon statute, Senate and House Rules, and Committee Rules require that meetings be sound recorded and that a "Meeting Index" be prepared in a timely manner. The Recording Logs serve as a guide to the recordings.

After session, the recordings, Recording Logs, and exhibits are filed with the Secretary of State Archives Division and are the historical record of committee proceedings. The Recording Log may be used for research, perhaps to find out how a member voted or his/her attendance record, or may be used as a reference to the recording for in-depth research of a measure for personal or legal reasons.

## What is Included in Recording Logs?

Chamber rules specify what must be included:

- Name of the committee
- Date, time, and location of the meeting
- Members present, absent, or excused
- Staff present
- Measures and issues discussed by the committee
- References to the recording log numbers sufficient to serve as **an index to the original sound recording**
- Motions and their disposition
- Results of all votes
- Statements of conflicts of interest and potential conflicts of interest
- **Testimony or statements submitted in writing are to be attached (EXHIBIT) to the meeting index and considered a part of the record.**
- Citation of witnesses' names and organizations they represent or identify person as a citizen.

## **What is an Exhibit?**

Literally, an exhibit is something put up for public viewing. An exhibit may be a prepared statement, a staff report, an agency or organization report, a brochure, other written material, or an object. Proposed amendments are always exhibits when submitted in writing.

Documents and objects when submitted by witnesses are identified as exhibits and are part of the legislative committee record. Witnesses are not required to submit prepared statements, videos, or other physical objects displayed and discussed. The Committee Chair may request that the document or object be made a part of the committee record; the witness is then expected to submit the document or object to committee staff.

## **Recording Log Review and Edit**

To ensure that all Recording Logs are accurate and consistent, the assistant mentors will review the Recording Logs until the assistant consistently produces Recording Logs with the correct form and style, at which time, the assistant will be released from the mentor's review.

Since Oregon statute, Senate and House Rules, and Committee Rules require that meetings be sound recorded and that Recording Logs be prepared in a timely manner, it is Committee Services' goal to have the Recording Logs completed and given to Committee Records within 72 hours of the scheduled meeting.

## **When is the Record Open/Closed?**

You should always solicit and try to post on OLIS in advance all materials related to your upcoming hearing. However, there may be times after your hearing ends when you are asked to post information to OLIS on a measure or issue.

Technically, the record is closed when the gavel drops to adjourn the hearing. There are times, however, when the Chair will announce, during the hearing, that he or she intends to bring this measure back for another hearing and/or work session, and notes that the "record will remain open" until that time (or even say the record will remain open for X number of days). This allows people to submit additional information that the committee can then review in advance of that next hearing or perhaps before it comes to the floor for a vote.

There may be times when, after a hearing ends and the Chair does not keep the record open, someone wants to have a letter or other testimony posted on OLIS in regard to the hearing that just ended. Since the record is now closed (and all materials submitted in advance are in the log and have an exhibit number), do not post these materials on

OLIS. Instead, perhaps offer to send the materials via email to committee members, and encourage the submitter—should the measure be scheduled again—to be sure to submit the testimony to you in advance.

Someone testifying may find a minor error (typo, etc.) in the testimony he or she turned in, and (after the hearing) would like to replace what is on OLIS with corrected written testimony. This is okay, but should only be done if it is to correct *minor* errors. Don't allow someone to replace existing testimony with something they have re-written with *substantive* changes.

During a hearing the Chair or Members may ask someone testifying to answer questions and respond with answers, after the hearing, to the committee administrator. Once you receive this written response, you can send it to Members by e-mail, but do not post it on OLIS as an exhibit that was received during the hearing. If the measure is posted for another hearing, you should post the letter (response) as a meeting material and give it an exhibit number for that hearing.

### Committee Reports document actions taken by committees

After a committee has taken final action on a measure, Senate and House Rules require a **Committee Report** indicating the action taken and signed by the chair to be submitted to the respective chamber Desk. Committee assistants are primarily responsible for preparing Committee Reports in collaboration with administrators; for complete details, see the Committee Assistant Manual.

Committee Reports should be completed within an hour of the committee's adjournment, to update OLIS for the public and others to view. If time permits, assistants may complete Committee Reports before adjournment, allowing administrators to review them and obtain chair signatures before leaving the hearing room.

Committee Reports must also be submitted with the original bill folder, the final SMS, final amendments, if applicable, and final Fiscal and Revenue Impact statements, to the appropriate chamber Desk according to strict deadlines (see "bill dropping" below).

### “Bill Dropping”

In order to complete the committee process on a bill passed out of committee, it must be "dropped" at the Desk of the appropriate chamber within a very short period of time. (In the past, House committees had three days; Senate committees had three days for unamended/original measures, and five days for amended measures; and permission was required from the Desk to exceed these deadlines.)

"Dropping" is the term used to describe the return of a measure from a committee to a Desk, for consideration by the full membership of a chamber or subsequent referral to another committee. Committee assistants have primary responsibility for dropping bills, and depend upon administrators to finalize staff measure summaries *without delay*. For complete details on dropping bills, see the Committee Assistant Manual.

The following documents are required to drop a bill:

- Original Bill Folder
- Committee Report
- Original letters from leadership, if any
- Final Staff Measure Summary
- Final/Combined Amendments, if any
- Final Fiscal and Revenue Impact Statements
- Conflict Check, when appropriate

## **COMMITTEE ACTION – APPENDICES**

### A. [Sample Committee Reports](#)

**APPENDIX A. SAMPLE COMMITTEE REPORTS**

**HOUSE COMMITTEE REPORT**

Friday, April 10, 2009

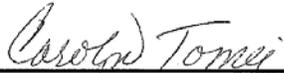
Speaker Hunt

Your committee on Human Services  
to whom was referred HB 2144  
having had the same under consideration, respectfully reports it back recommending

**DO PASS AS AMENDED, BE PRINTED ENGROSSED, AND RESCIND SUBSEQUENT  
REFERRAL TO WAYS AND MEANS.**

**-2 Amendments**

**Rep. VanOrman**  
Carrier(s) of Measure

  
**Rep. Tomei, Chair**

---

**FOR INFORMATION ONLY - NOT PART OF COMMITTEE REPORT**

VOTING AYE: 8 - Boone, Cowan, Dembrow, Huffman, Maurer, Olson, VanOrman, Tom

VOTING NAY: 1 - Freeman

EXCUSED

ABSENT:

---

**FOR OFFICE USE ONLY**

**Second Reading Date :**

CR ID: 11194

**SENATE COMMITTEE REPORT**

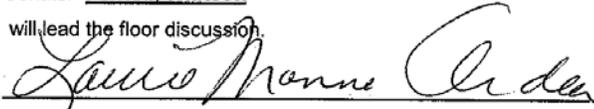
Thursday, March 12, 2009

President Courtney

Your committee on **Health Care and Veterans' Affairs**  
to whom was referred **SB 449**  
having had the same under consideration, respectfully reports it back recommending

**DO PASS.**

Senator **Ferrioli, Whitsett**  
will lead the floor discussion.



Sen. Monnes Anderson, Chair

**FOR INFORMATION ONLY - NOT PART OF COMMITTEE REPORT**

VOTING AYE: 4 - Bates, Kruse, Morse, Monnes Anderson

VOTING NAY:

EXCUSED 1 - Morrisette

ABSENT:

CR ID: 10862

## **MINORITY REPORTS**

A minority report is an alternative to the final version of a measure passed out of committee (called the “majority report” when there is a minority report, to distinguish between them). It can be filed by any two or more committee members who disagree with the final form of the bill approved by the majority. It accompanies the bill to the Desk and the floor.

If you hear that a minority report might come up in your committee, seek out your mentor for assistance and let Patsy know.

### **Intent of Notice to File a Minority Report**

Committee and chamber rules specify notice and filing requirements for minority reports. Following is a general description of the process followed in 2013, subject to change with the adoption of 2015 chamber rules:

- Members must inform the chair or committee staff by 5 p.m. of the session day when the measure was voted out of committee, or before the committee adjourns, whichever is later. (Usually, the member will provide notice of intent to file a minority report while the vote is being taken or soon thereafter.)
- Notice of intent to file does not require that the members actually follow through with filing a minority report. (They can change their minds and not inform you.)
- There must be at least two members who support the minority report.
- They must have been present and voted “no” on the bill that moved.
- There must have been some committee discussion of the alternative on the record. (In 2011, the House chamber required that minority reports be prepared as formal amendments to a measure (if appropriate), and distributed to committee members in advance; the Senate chamber did not require formal amendments distributed in advance.)

(A minority report may be the original measure, instead of a formal amendment: If two members prefer an original measure and vote “no” to amend it, they may offer the original measure as the minority report.)

- Members may only sign one minority report per measure (unless the measure is re-referred to committee, and voted out a second time).

- While it is possible for there to be more than one minority report on a particular measure, it is highly unlikely. (For instance, with an 11-member committee, 6 yes votes and 5 no votes, there could only be two separate minority reports.)
- Minority reports are not allowed on measures with a subsequent referral to another committee.
- Minority reports are not allowed in the Joint Committee on Ways and Means.

## **Filing the Minority Report**

Minority filers have until 5 p.m. of the second session day after the committee moved the measure out of committee, to provide committee staff with formal amendments drafted by Legislative Counsel that give effect to the alternative they propose.

- If they haven't requested formal amendments already, they should be requested immediately. The amendments must fit within the relating clause on the original measure. (See Appendix A for a sample.)

You have three days from the committee meeting to get the minority amendments to LFO and LRO to produce impact statements.

In the House, you have six days total, from the committee meeting, to drop the minority report at the Desk. In the Senate, you have five days total.

### **House – Notice and Filing Deadlines**

<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Following Wed</b>
1 p.m. committee takes action on measure  5 p.m. notice must be made to chair or committee staff		5 p.m. formal minority amendments due with committee staff	5 p.m. majority and minority reports due with LFO/LRO.	5 p.m. reports due at Desk

### **Senate – Notice and Filing deadlines**

<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Following Tue</b>
1 p.m. committee takes action on measure		5 p.m. formal	5 p.m. majority	5 p.m. reports

5 p.m. notice must be made to chair or committee staff		minority amendments due with committee staff	and minority reports due with LFO/LRO.	due at Desk
--	--	--	--	-------------

## **Administrator Duties – the same, but expedited**

**Offer assistance immediately, and request amendments if needed.** Offer assistance to minority filers immediately upon notice of their intent to file.

- Offer to help the members have their alternative drafted by Legislative Counsel's Office, in the form of an amendment to the bill that was voted out (if it hasn't been drafted already).
- Remind them of filing deadlines.
- Assure them of confidentiality, if provided for in chamber rules.
- Let the appropriate Desk and leadership offices know (majority *and* minority).

### **Request impact statements.**

- If the minority filers' amendments are ready, and fiscal and revenue impacts have not been requested, request them immediately and inform the LFO analyst and the LRO economist assigned to the underlying measure that they are needed quickly.
- If the amendment is not yet ready, inform the analyst and the economist assigned to the measure, that a minority report is pending, and that you will be requesting rushed fiscal and revenue impacts upon receipt of the amendments.

**Prepare a Staff Measure Summary.** Prepare a slightly modified final SMS, through the same editorial process as any other SMS, *as if the minority filers' amendments had been adopted into the measure, and moved out of committee.* (See Appendix B.) See section 7 on Staff Measure Summaries to name the document properly.

**Prepare a Committee Report.** The Assistant will prepare a slightly modified Committee Report, the same as accompanies any measure moved out of committee, except it will be signed by the minority filers. (See Appendix C.)

**Floor action.** The majority and minority reports will be scheduled on the floor at the same time, usually with the minority report second. Be ready to assist both carriers.

**Confidentiality.** Minority amendments may be confidential. See the appropriate chamber rules for the 2015 session; and/or check with your mentor, Patsy or Rick, for certainty.

## **MINORITY REPORT APPENDICES**

- A. [Sample Minority Amendments](#)
- B. [Sample Minority Report SMS](#)
- C. [Sample Minority Committee Report](#)

**APPENDIX A. SAMPLE MINORITY AMENDMENTS**

HB 2591-MR2

(LC 1234)

3/29/97 (ZZ/ps)

**PROPOSED MINORITY AMENDMENTS TO HOUSE BILL 2591**

On page 1 of the printed bill, line 2, after the semicolon insert "creating new provisions; and" and delete "and" and insert a comma and after "98.338 insert ", 98.354 and 98.992."

In line 27, restore the bracketed material and after "certificates" insert "that have a face value, but not including discount certificates or promotional certificates."

On page 2, after line 21, insert:

**"SECTION 2. Section 3 of this Act is added to and made a part of ORS 98.302 to 98.436.**

**"SECTION 3. (1) A gift certificate issued in the ordinary course of an issuer's business that remains unclaimed by the owner for more than three years after becoming payable is presumed abandoned.**

**"(2) For a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate.**

**"(3) As used in this section, 'gift certificate' does not include a discount certificate or promotional certificate."**

**"SECTION 4. ORS 98.354 is amended to read:**

"98.354. (1) Every holder required to file a report under ORS 98.352 as to any property for which the holder has obtained an address of the owner, shall maintain a record of the name and last-known address of the owner and such signature cards and other evidence which would assist in the identification of the owner for five years after the property has been remitted to the Division of State Lands.

"(2) Any business association that sells in this state traveler's checks,

money orders or other similar written instruments, other than third party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of those instruments while they remain outstanding, indicating the state and date of issue, for five years after the date the property has been remitted to the division.

**"(3) Any person who sells in this state gift certificates shall retain a copy of each gift certificate issued that includes the name and address of the purchaser. At the time the person reports an unclaimed gift certificate as abandoned property, the person shall submit to the division a copy of the gift certificate or other evidence acceptable to the division that assists in identifying the purchaser.**

**"SECTION 5. ORS 98.992 is amended to read:**

**"93.992. (1)** A person who willfully fails to render any report, to pay or deliver property or to perform other duties required by ORS 98.302 to 98.436 [*and 98.992*] may be required to forfeit and pay to the State Treasurer to be deposited in the Common School Fund Account, an amount determined by the Division of State Lands pursuant to ORS 183.090 of not more than \$1,000 for individuals and \$50,000 for corporations. This penalty shall be assessed only after at least one reporting cycle, and only after the division has provided the person with written instructions, including copies of applicable laws and policies. The division may waive any penalty due under this section with appropriate justification.

**"(2) In addition to any other requirements for notice, the division shall give any person who fails to comply with the requirements of ORS 98.302 to 98.436 pertaining to gift certificates 90 days' notice before imposing a penalty under subsection (1) of this section.**

**"SECTION 6. The requirements of this Act shall become operative six months after the effective date of this Act."**

In line 22, delete "2" and insert "7".

---

## APPENDIX B. SAMPLE MINORITY REPORT SMS

76<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY - 2011 Regular Session  
STAFF MEASURE SUMMARY  
House Committee on Education

MINORITY REPORT  
MEASURE: HB 2727 A  
CARRIER: Rep. Mouse

**REVENUE:** Revenue statement issued

**FISCAL:** Fiscal statement issued

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<b>Action</b>	<b>Do Pass as Amended and Be Printed Engrossed</b>
<b>Signers of the Report:</b>	<b>Rep. Duck and Rep. Mouse</b>
<b>Prepared By:</b>	George Goofy, Administrator
<b>Meeting Dates:</b>	4/8, 5/4

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**WHAT THE MEASURE DOES:** Beginning July 1, 2009 there is appropriated to the Department of Education for the biennium out of the General Fund \$5,103,350,000 for the State School Fund. Beginning July 1, 2005 there is the maximum limit for payment of expenses from lottery moneys to the Department of Education for the biennium from the Administrative Services Economic Development Fund \$295,700,000 for the State School Fund. Beginning July 1, 2005 there is the maximum limit for payment of expenses by the Department of Education from monies received from the Western Oregon Timber Tax Account, the Eastern Oregon Timber Tax Account, the Western Oregon Timber Severance Tax Fund and the Eastern Oregon Timber Severance Tax Fund in the amount of \$950,000 for the State School Fund. Declares an emergency, effective July 1, 2009.

**ISSUES DISCUSSED:**

- History of the National School Lunch Program
- Requirements for school districts to participate
- Eligibility for free or reduced lunch
- Funding from State and Federal programs
- Impact on State reimbursement
- Number of school districts that are not self-supporting

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the bill.

**BACKGROUND:** The National School Lunch Act (NSLA) was passed by Congress in 1947 which states “It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation’s children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants in aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation, and expansion of non-profit school lunch programs.” The reimbursement rate for the NSLA is \$2.14 for free lunches, \$1.74 for reduced price lunches and \$0.20 for paid lunches. The State of Oregon contributes \$0.05 for each lunch served. The Department of Education Child Nutrition Program has stated that approximately half of the school districts are not self-supporting and transfer General Fund dollars to support their programs. The Child Nutrition Department has indicated that there are various reason school districts do not have self-supporting program and they have resources available to assist those school districts.

House Bill 2727 A (Minority) appropriates \$5,103,350,000 out of the General Fund for the State School Fund, from the Administrative Services Economic Development Fund \$295,700,000 for the State School Fund and from various timber tax accounts \$950,000 for the State School Fund.

12/30/2014 3:39:00 PM

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

**APPENDIX C. SAMPLE MINORITY COMMITTEE REPORT**

HOUSE MINORITY REPORT

March 17, 2009

Speaker XXXX:

A Minority of your Committee on General Government to whom was referred HB 2591 having had the same under consideration, respectfully reports it back with recommendation that it

**DO PASS AS AMENDED AND BE PRINTED ENGROSSED**

Rep. Duck  
**Carrier of Minority Report**

\_\_\_\_\_  
Rep. Daffy Duck

\_\_\_\_\_  
Rep. Minnie Mouse

\_\_\_\_\_  
**FOR OFFICE USE ONLY**

\_\_\_\_\_  
Action Code:  
\_\_\_\_\_

## **What are third readings?**

---

Under the Oregon Constitution, measures must be read on the floor of each chamber on three days before they can be voted on by the full membership of the chamber. "Read" in this context means that measure number, e.g.: "Senate Bill 123," and the Relating To clause, e.g.: "Relating to education," are physically read out loud, from the dais in the chamber, by a member of the chamber staff.

## **Why are third readings important?**

---

Third readings are important because the third reading of the measure is when the actual discussion of, and vote on, the measure occurs.

- This is in contrast to first and second readings. Those readings are important procedurally, but do not normally deal with the substance of a measure.

## **How does a measure get a third reading?**

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Measures are introduced by a committee or a member. They are then first read on the relevant chamber floor. After first reading they are referred to a relevant committee by the chamber's Presiding Office (Speaker of the House or President). The committee may then consider the measure, possibly amend it, and vote to move it to the floor of the relevant chamber. Once the measure returns to the floor, (unless it has a subsequent committee referral) it gets a second reading. After a measure is second read, it gets a third reading, typically the day after the second reading.

## **Is this always the case for every measure?**

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No. All measures are first read and referred to a committee, but that is as far as some go. Many measures are not given a public hearing, and many measures that are heard are not voted out of committee. But if a measure is up for third reading, then it has gone through, at the minimum, those steps.

- A committee can decide not to act on a measure for a variety of reasons. The most common reason is that the chair of the committee decided not to hold a hearing or a work session on the measure.

## **Okay, I think I understand the general overview. What do I need to do once my committee votes a bill out to the floor?**

Once your committee votes a measure out to the floor, the first action you want to accomplish is to finish the normal in-room duties of an administrator: check the vote with your committee assistant, verify the carrier, etc.

When you return to your office, make a note that the measure is going to come up on the floor.

- The note should include the bill number and the carrier.
- Creating this tracking note can be done in a variety of ways. You, as the administrator, have the discretion to determine what works best for you and your assistant. Some administrators manage a list electronically; others use a whiteboard; others delegate it partially to their assistants. There is no best way.

Look at the third reading calendar Appendix A and B of your chamber daily. Check to see if any measures you are tracking have been scheduled on the floor.

- The third reading calendar of each chamber is emailed out to committee services by the parliamentarians of each chamber, and is posted on OLIS.

## **What do I do before I go to the floor?**

Before you go to the floor you should prepare the administrator folder of the scheduled measure. This includes:

- A copy of the final SMS for the measure;
- Printed copies of floor notes for the measure; and,
- Any other materials that you think will be helpful (e.g., notes from the hearing, witness lists, etc.).

## **Wait, I'm going to the floor?! Why? What should I expect?**

Expect to be on the side aisle of the chamber with your materials. You are there to assist the carrier of the measure.

Assisting the carrier often means that you will be asked to sit at his or her desk for the vote.

If this happens, **remember to adhere to all protocol for how to behave on the chamber floor** (i.e., sit at the correct seat, walk up from the back of the chamber to the desk, and do not, for any reason, set foot in the center aisle).

Assisting the carrier may also mean answering questions from other members or caucus staff.

You should wait for the carrier to ask you for assistance. Generally, if they want your help, they will look to the side aisle and motion you over.

## **When do I go to the floor?**

Plan to be on the side aisle of the floor for every bill that has come from your committee to the floor for third reading.

## **What are floor notes?**

Floor notes, Appendix C, are a short document that the committee administrator drafts for the carrier prior to the third reading of a measure.

Each administrator has personal discretion to best draft floor notes. Some administrators draft floor notes that use bullet points. Others draft notes that can be read verbatim. (Large, easy-to-read typefaces are appreciated.)

Floor notes should be concise, contain relevant information about the measure, and contain important points from committee hearings. Floor notes should not contain language that promotes passage of the measure, even if the entire committee voted in favor of it. As nonpartisan staff, we need to always be neutral in how we present legislative information.

If, during drafting, you are unsure exactly what to include in a set of floor notes, it can be useful to consider whether or not the notes will be helpful to someone who was not a part of the committee hearing process. This is a good way to determine what is actually worth including in the notes.

Plan to include floor notes to the carrier along with your e-mail indicating the date the measure is scheduled for consideration so that he or she may edit them as desired. (See example at the end of this chapter.)

## **Is this always how it happens?**

No. This is normally how it happens. However, there are variations on the process, such as rule suspensions. The main point is to track your measures, pay attention to the third reading calendar, and watch the floor proceedings on the day you have measures scheduled.

## **What if I have a conflict and cannot be on the floor?**

Get coverage from another administrator. If you are unsure how to do this, speak to the Committee Services Manager (Rick).

- The worst possible thing you can do in this situation is not to tell anyone that you are unavailable when a bill from your committee is on the floor. Having a bill on the floor that is not staffed can be a disaster, and the situation is easily avoided with good communication.

## **Is that it? What else do I need to know?**

There is more to know, but you will figure it out as the session progresses. If you have questions, **ask them!** Ask your mentor; ask another administrator with more experience; ask anyone!

## **THIRD READ – APPENDICES**

- A. [Sample House Third Read Alert](#)
- B. [Sample Senate Third Reading](#)
- C. [Sample Floor Notes](#)

**HOUSE OF REPRESENTATIVES**  
**THIRD READING ALERT**  
**PROJECTED THIRD READINGS FOR FRIDAY, MARCH 7, 2014**  
**HOUSE RECONVENES AT 2:00 P.M.**

**LIST #2**

BILL#	COMM	RECOMMENDATION	Filed	CARRIER
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**PROPOSITIONS AND MOTIONS:**

**(Possible Consideration of Senate Amendments)**

<b><u>HB 4023</u></b>	C-Eng	VETS	03/07/2014	Matthews
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Permits dedication of "Warm Springs Veterans Memorial Highway" on a portion of U.S. Highway 26 within Warm Springs Reservation. States that private employers may prefer to hire and promote service members; veterans; surviving spouses of deceased veterans; and spouses of veterans totally disabled from enemy action or service-related accident. Declares emergency, effective on passage. Senate amendment strikes language related to a lottery game, of which proceeds were directed to benefit education and economic development for veterans. (Senate vote: 30-0)

**Please note:** Has minimal fiscal impact, no statement issued.

**HOUSE BILLS:**

**(Requires Rule Suspension)**

<b><u>HB 5201</u></b>	A-Eng	WM	dpa PE	03/06/2014	Buckley
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Budget reconciliation bill that adjusts the state budget for 2013-15 biennium. Includes technical adjustments and actions approved by the Interim Joint Committee on Ways and Means. (Committee vote: Ayes, 11 – Barker, Frederick, Huffman, Jenson, Komp, Nathanson, Read, Smith, Tomei, Williamson, Buckley; Nay, 4 – Freeman, Hanna, McLane, Richardson)

**Please note:** Has Budget Report.

<b><u>HB 5202</u></b>	WM	dp	03/06/2014	Huffman
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Ratifies fee changes approved by the Department of Administrative Services and adopted administratively by the Construction Contractors Board, the Department of Consumer and Business Services, and the Oregon Health Authority. The measure provides the enabling legislation necessary to approve fees adopted through Administrative Rule. (Committee vote: Ayes, 11 – Barker, Frederick, Huffman, Jenson, Komp, Nathanson, Read, Smith, Tomei, Williamson, Buckley; Nay, 4 – Freeman, Hanna, McLane, Richardson)

**Please note:** Has Fiscal Impact Statement

**LEGEND**

<p>AGNR...Agriculture &amp; Natural Resource</p> <p>BL.....Business &amp; Labor</p> <p>CPGE...Consumer Protection &amp; Government Efficiency</p> <p>ED.....Education</p> <p>EE.....Energy &amp; Environment</p> <p>HC.....Health Care</p> <p>HEWD...Higher Education &amp; Workforce Development</p> <p>HS.....Human Services &amp; Housing</p>	<p>JUD.....Judiciary</p> <p>REV.....Revenue</p> <p>RULES...Rules</p> <p>RC.....Rural Communities</p> <p>TED.....Transportation &amp; Economic Development</p> <p>VET.....Veterans' Services &amp; Emergency Preparedness</p> <p>WM.....Ways and Means</p>	<p>dp=do pass</p> <p>dpa=do pass with amendments</p> <p>Aa=adopt with amendments</p> <p>PE=print measure engrossed</p> <p>A=adopt</p> <p>re=referred or referral</p> <p>res=rescind</p> <p>sub=subsequent</p>
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# Senate Third Readings

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FRIDAY, MARCH 7, 2014  
SENATE CONVENES AT 10:30 A.M.

REVISED: INCLUDING MEASURES REQUIRING RULES SUSPENSION

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**PROPOSITIONS AND MOTIONS:**

Possible Consideration of House Amendments:

- [SB 1531](#) C-Eng. .... Prozanski
- [SB 1534](#) C-Eng. .... Burdick

**THIRD READING OF SENATE MEASURES:**

- [SB 1506](#) B-Eng. .... Boquist
- [SB 1559](#) B-Eng. .... Girod

**THIRD READING OF SENATE MEASURES REQUIRES RULES SUSPENSION:**

- [SB 5701](#) A-Eng. .... Johnson
- [SB 5702](#) A-Eng. .... Girod
- [SB 5703](#) A-Eng. .... Girod

**THIRD READING OF HOUSE MEASURES:**

- [HB 4023](#) C-Eng. .... Boquist

**THIRD READING OF HOUSE MEASURES REQUIRES RULES SUSUPENSION:**

- [HB 4018](#) B-Eng. .... Girod
- [HB 4020](#) B-Eng. .... Girod

**FLOOR NOTES**

**House Committee on Higher Education  
& Workforce Development**

**MEASURE: SB 1524 B**

**CARRIER: Rep. Gorsek**

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

---

**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 9 - 0 - 0

**Yeas:** Gallegos, Gilliam, Gorsek, Greenlick, Huffman, Johnson, Smith  
Warner, Whisnant, Harker

**Nays:** 0

**Exc.:** 0

**Prepared By:** Victoria Cox, Administrator

**Meeting Dates:** 2/17, 2/19, 2/21

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While increasing college costs put achievement of our 40-40-20 goals at risk, rising student debt threatens our overall economic recovery.

Senate Bill 1524-B addresses these issues by directing the Higher Education Coordinating Commission to study the feasibility of funding two years of community college for Oregon high school graduates.

The measure specifies consideration of the following issues:

- The anticipated number of participants and annual cost
- Current capacity of community colleges
- Potential eligibility criteria
- And the possibility of requiring use of federal aid first

As the result of previous legislation, the HECC is currently reviewing other initiatives to improve college access and affordability, including Pay it Forward and the Western Promise.

Senate Bill 1524-B adds the concept of two years of free community college, known as the Oregon Promise, to the concepts currently under HECC review.

## **Conference Committees**

---

### **General**

For a measure to become law, both the Senate and House must pass the same version. The second chamber frequently amends measures, which results in the measure being returned to the chamber of origin for concurrence. If the chamber of origin does *not* concur with the amendments from the second chamber, the bill is sent to a conference committee made up of members from both chambers to seek compromise on final bill language.

### **Detail**

When a measure is amended in the second chamber, the second chamber Desk informs the Desk of the chamber of origin, that the measure has been amended.

The Desk of the chamber of origin sends notice to the committee chair, committee administrator, and chief sponsor of the measure. The committee chair returns the notice to the Desk indicating a recommendation to concur, or not concur, with the changes made by the other chamber. Administrators typically make sure the notice from the Desk to the chair has not been overlooked – that the chair has completed it and returned it to the Desk – and assist if any clarification is needed.

**In the Senate** The measure is scheduled on the Senate Floor under Possible Consideration of House Amendments *after* the recommendation is received from the committee chair, to concur or not.

**In the House** The measure is scheduled on the House Floor under Possible Consideration of Senate Amendments for the next session day and the motion to concur/not concur is made by the chair or the chair's designee.

If the chamber of origin concurs in the amendment, the chamber must repass the measure as amended by the other chamber (a majority of members voting "yes"). If the original chamber does not concur, a conference committee will be appointed.

### **How many members are on a conference committee?**

The Senate President appoints two or three members to represent the Senate. At least one member appointed will have served on the Senate committee that considered the measure. The President may request that the committee chair designate one of the members.

The House Speaker appoints at least two members to represent the House.

The conference committee chair is designated by the presiding officer of the chamber where the bill originated.

A conference committee may not meet until members from both chambers are appointed and are announced by the President and Speaker during a floor session.

### **After conference committee members are appointed**

The Conference Committee Coordinator (Patsy Wood 986-1474) will contact the conference committee chair. The chair may suggest several meeting dates and times. Patsy will schedule a meeting at the direction of the conference committee chair, make arrangements with committee members, and notify assigned staff.

If you are assigned to staff a conference committee, coordinate with Patsy (she'll prepare motion scripts and ensure other documents are in the proper form for the appropriate chamber) and meet with the conference committee chair.

### **If the committee convenes**

The conference committee has a number of options for action (see Appendix B for motions and scripts).

- The members representing one chamber or the other may recede from their chamber's amendments and repass the measure.
- The members may draft new amendments to the measure.
- The members may agree to disagree.
- A majority of the members in each chamber is required to adopt the conference committee report.

### **If the committee does not convene**

The measure dies. (If no meeting will be held, notify Patsy immediately, at 6-1474.)

# **Administrator Duties – the same but expedited**

## **Before the meeting**

- **Prepare an agenda.** Meeting agendas are posted under the rules governing the process at the time (may be less than one-hour notice).
- The committee name is *Conference Committee on (bill number)*.
- Notify the bill's chief sponsor of the meeting.
- Notify state agencies and interested parties.
- Study the SMS and amendments from both chambers.
- Prepare an explanation of the effect of the amendments adopted in each chamber.
- **Request amendments**, as directed by the chair, from Legislative Counsel. Drafting for conference committees is given priority. Label all requests CONFERENCE COMMITTEE.
- **Write preliminary SMS** on amendments. Be certain the SMS reflects: *Conference Committee on (bill number)* – see page 7-20 (Appendix C in the SMS section) for an example.
- **Request Fiscal and Revenue Impact Statements** on all amendments. Conference committee Fiscal and Revenue Impact Statements are given priority. Again, label all requests CONFERENCE COMMITTEE.
- Legislative Counsel will prepare the committee report and any requested amendments. They will call the committee office as soon as the packet is available. Make sure the number in the bottom left-hand corner of the committee report matches the amendment number.
- **Confirm that the measure has been checked for conflicts** (6-1238).
- Make sure conference committee members' names appear on the conference committee report. You will need three copies.
- Take the conference committee reports with you to the meeting to obtain signatures.
- Notify the Legislative Counsel drafter of meeting date, time, and location. It is often helpful if the drafter is able to attend the meeting.

- Review legislative procedure and protocols. Script anticipated motions (see Appendix B). Discuss technical questions with the Secretary of the Senate or the Chief Clerk of the House.

### **During the meeting**

- The meeting is conducted in the same manner as other committee work sessions, but may last only a few minutes. (There is also no need to adopt rules for a conference committee).
- Public testimony may be taken, but conference committees generally hold work sessions.
- See Appendix B for “Possible Motions and Scripts.”
- Ask members where they may be contacted if they leave the meeting before a vote is taken.
- Remind the chair to assign a carrier in each chamber.
- Obtain conferees’ signatures on all three committee reports.

**Senate Measures**—a **majority** of the conferees from each house must sign the report.

**House Measures**—all conferees **must** sign the report **regardless of their vote**.

- If any members vote no, note that on the committee reports.

### **After the meeting**

- If the measure is reported out of the conference committee, you have three session days to drop the committee report. If it is late in session, you may need to process it immediately.
- The SMS is finalized and edited according to the regular editing process (Appendix C).
- Submit any additional amendments to LC for drafting as soon as possible. Request a committee report from LC if the meeting action differs from the original committee report.

- Obtain updated Fiscal and Revenue Impact Statements, if the measure is amended, using the same process as for your regular committee.
- Measures are dropped at the Desk in the chamber of origin in accordance with regular bill dropping procedures.
- Notify carriers of the measure's projected Third Reading dates.

### Preparing for floor debate

Depending on the motion that passes in conference committee, the bill will have to be re-passed by the full Senate, full House or both:

Action	Original Chamber	Second Chamber
House concurs in Senate amendments and repass the bill  Senate concurs in House amendments and repass the bill	Bill needs to be debated and repassed	No action
House concur in Senate amendments, be further amended and repassed  Senate concur in House amendments, be further amended and repassed	Bill needs to be debated and repassed	Bill needs to be debated and repassed
House agrees to motion for Senate to recede from Senate amendments and repass the bill  Senate agrees to motion for House to recede from House amendments and repass the bill	No action	Bill needs to be debated and repassed

- Assist the carriers as you would for any other measure. If debate should occur simultaneously (both the House and Senate debate), assess which carrier may need the most assistance. Another committee administrator can assist one of the carriers if necessary.
- Note the other chamber's action (acceptance or rejection of the conference committee report) and report to the conference committee chair.

## CONFERENCE COMMITTEE – APPENDICES

- A. [Flow Chart: What determines if a measure will go to a Conference Committee](#)
- B. [Motions and Script](#)

# APPENDIX A. WHEN DOES A MEASURE GO TO CONFERENCE COMMITTEE?

## MEASURE AND ADMENDMENT

SENATE  
Chamber of Origin

House  
Chamber of Origin

## NOTIFICATION

- The chamber of the measure's origin receives a message from the opposite chamber indicating the measure has been amended.
- The Secretary of the Senate sends a notice to the committee chair of the measure's origin and the committee administrator.
- The Chief Clerk of the House sends a notice to the committee chair of the measure's origin, the chief sponsor, and committee administrator.
- The committee chair reviews the amendments and makes the recommendation to either concur with the amendments or to not concur. The committee chair fills in the appropriate spaces on the notice and returns it to the Clerk or Secretary.
- **Senate** – Measure is scheduled under Possible Consideration of House Amendments after the notice is received back from committee chair with the recommendation to concur/not concur.
- **House** – Measure is scheduled under Possible Consideration of Senate Amendments for the next session day and the motion to concur/not concur is made by the chair or designee.

## RECOMMENDATION TO CONCUR

- If motion to concur *carries*, the measure is sent to Legislative Counsel for enrolling, and signed by the Secretary of the Senate, Chief Clerk, President, Speaker, and Governor.
- If motion to concur *fails*, a conference committee is appointed.

## RECOMMENDATION TO NOT CONCUR

- If motion to not concur *carries*, a conference committee is appointed.
- If motion to not concur *fails*, a motion to concur and repass is in order.

## APPENDIX B. MOTIONS AND SCRIPTS

*Legislative Counsel will provide a conference committee report, along with amendments, if any, for recommendations 1-4:*

### **1. CONCUR AND REPASS**

The Senate/House concur in the House/Senate amendments dated \_\_\_\_\_ and that the bill be repassed.

### **2. CONCUR AND AMEND**

The Senate/House concur in the House/Senate amendments dated \_\_\_\_\_, and that the bill be further amended and repassed.

### **3. RECEDE AND REPASS**

The Senate/House recede from the Senate/House amendments dated \_\_\_\_\_ and that the bill be repassed.

### **4. RECEDE AND AMEND**

The Senate/House recede from the Senate/House amendments dated \_\_\_\_\_ and that the bill be further amended and repassed.

### **5. FAIL TO AGREE – *Committee staff produces the report.***

Fail to agree and request conferees be discharged.

(This is not a motion, but a statement and request made by the conference committee chair.)

## COMMITTEE RECORDS

Committee records consist of session and interim recording logs, exhibits, and audio recordings of public meetings. The legislature's public records include these, plus records of floor sessions in each chamber.

### Recent Records

- **Committees staffed by Committee Services.** The Legislative Library, a component of Committee Services, maintains copies of the recording logs and exhibits from the two most recent legislative sessions and interims. In addition, staff maintains a second copy of the recording logs and exhibits for the current session in their workspace. There may be fees associated with public records requests.
- **Committees staffed by others.** Recording logs and exhibits for committees staffed by Legislative Counsel's Office, the Legislative Fiscal Office (including Ways and Means) and the Legislative Revenue Office are kept in their respective offices.
- **Chamber floor sessions.** Records of House and Senate floor sessions are maintained by the Chief Clerk of the House and the Secretary of the Senate, respectively.

### Archived Records

Committee records prior to 2011, and other past legislative records, are maintained by the Archives Division of the Secretary of State's office (503-373-0701; website <http://arcweb.sos.state.or.us/pages/records/legislative/index.html>; email [reference.archives@state.or.us](mailto:reference.archives@state.or.us)).

## SINE DIE – THE END OF SESSION

### Closing Committees

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*Sine die* is the last day of the legislative session. Long before *sine die*, the introduction of new measures ceases, many committees close down, conference committees are appointed, and the pace quickens. As the legislature gets caught up in the last few weeks, days, and hours of the session, the job of committee staff is to document what happened and close committees in an orderly and complete fashion. Some committees close well before *sine die* while others stay active to the very end. You may be asked to assist with another committee if yours closes; or you may leave employment with the legislature for whatever awaits you next. Either way, **you've survived!** Let out a sigh of relief and pat yourself on the back – you have played a small but critical role in Oregon's legislative process, and hopefully enjoyed your time here.

#### Transition Duties

Keep your administrator bill files intact. The administrator files are maintained for two sessions. Administrators or assistants will merge the administrator and office files for each committee.

- Please review materials in the administrator and office files.
- Retain at least one copy of each document; recycle extra copies. Items you'll find and keep in the merged file:
  - Original measure and final version
  - All versions of the SMS
  - Fiscal and revenue impact statements
  - All amendments, even those that were not adopted by the committee
  - Witness sheets
  - Testimony
  - Meeting notes
  - Other information that would be helpful for research

Materials not kept in bill files, but worthy of keeping (reports, studies, articles, etc.) can be left for "subject files" or given to the Legislative Library.

#### Desk Supplies

As session winds down, you will be notified about consolidation of office supplies and other materials. Reference materials can remain on bookshelves in your office area.

## Summary of Legislation

Towards the end of session, administrators will be asked to identify and summarize measures in their committees that should be included in the *Summary of Legislation* that is prepared after session. More information will be provided as the end of session nears. Previous editions are available on the Oregon Legislative web page at [https://www.oregonlegislature.gov/citizen\\_engagement/Pages/Publications-Reports.aspx](https://www.oregonlegislature.gov/citizen_engagement/Pages/Publications-Reports.aspx)

# Legislative Glossary

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*The glossary is designed to familiarize you with many of the terms and definitions used within the Legislative Assembly.*

**A & R Tables:** Tables of Oregon Revised Statutes (ORS), Oregon Rules of Civil Procedure (ORCP), session laws, and Constitutional provisions amended, repealed, or "added to" by measures and approved initiatives. The tables are printed in the Weekly Cumulative Index to Legislative Measures and in the Final Calendar. The A & R tables are useful when researching changes made to particular statutes over the years.

**Act:** A bill which has been made law by passing both houses of the Legislature, and which has been signed by the Governor, filed without the Governor's signature, or passed over the Governor's veto.

**Administrative Rule:** Any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency. (ORS 183.310{8})

**Advance Sheets:** The compilation of laws enacted and selected memorials and resolutions adopted during a single legislative session, issued periodically in paperback volumes before the publication of the *Oregon Laws*.

**Agenda:** The official work plan for a committee meeting.

**Amendment:** An alteration made or proposed to be made to a measure. Measures may be amended more than once.

**Appropriation:** A sum of money designated for a particular purpose by an act. For example: an *appropriations* bill funds a state agency over the upcoming biennium.

**AVS (Avis):** The Audio Video System, or Granicus.

**Bar:** The railing along the sides of the House and Senate chambers which separates the chamber floor (see *Floor*) and the side aisle. Only legislators and certain legislative staff may be within the bar; only invited guests and staff may occupy the side aisles. The press is allowed both within the bar (in the press area) and in the side aisles.

**Benchmark:** General term for a standard or point of reference, but often refers to an Oregon Benchmark. See *Oregon Benchmarks*.

**Bicameral:** A body made up of or having two houses, branches, or chambers. Oregon, for example, has a *bicameral* Legislature.

**Biennial:** Occurring every two years.

**Biennium:** A two-year period. The Oregon Legislature meets twice per *biennium*.

**Biannual:** Occurring every six months.

**Bill:** A measure that creates new law, amends or repeals existing law, appropriates money, prescribes fees, transfers functions from one agency to another, provides penalties, or takes other action.

**Bill Back:** The green “cover” of a measure, showing the bill number, title, and sponsor signatures. It is also used with resolutions and memorials.

**Blue (pink) Sheet:** Lists of measures filed with the desks and eligible for floor debate. Published by the Chief Clerk of the House and the Secretary of the Senate, *Blue Sheets* signify House measures eligible for floor debate, and *Pink Sheets* signify Senate measures.

**Calendar:** See *Status Report*.

**Call of the House/Call of the Senate:** The requirement that all members of the chamber be present for a vote on a particular matter unless they have been excused. If it comes time for a vote, and it appears to members that other members are not present in the chamber, a motion from the floor directs the presiding officer to issue a call of the House or Senate. The call empowers the Sergeant-at-Arms to lock the chamber, preventing those present from leaving, and to bring in absent members—under arrest, if necessary—for the vote.

**Capital:** Refers to the capital city of the state: Salem is the *capital* of Oregon.

**Capitol:** The Statehouse, or Capitol building. Its address is: 900 Court St. NE., Salem, OR, 97301.

**Carrier:** The representative or senator assigned by the committee chair to explain and speak in favor of a measure on the floor of the House or Senate and to answer questions about the measure during floor debate. The carrier is usually, but not always, a member of the committee that recommended the measure’s passage. The committee chair may ask a measure’s sponsor or a knowledgeable member to carry the measure. (More than one carrier may be assigned.)

**Caucus:** Used as both a noun and a verb. A *caucus*, n., is a group of people who share something in common (e.g. members of the same political party, such as the Senate Republican Caucus or the House Democratic Caucus, or from the same area of the state, such as the Coastal Caucus or the Eastern Oregon Caucus). When such

groups *caucus*, v., they meet to discuss policy questions or political leadership. Both major party caucuses have meeting rooms in the Capitol.

**Chair:** The legislator appointed by the Speaker of the House or the President of the Senate to preside over an individual committee; for example: the *Chair* of the House Revenue Committee. Also known as *chairperson*.

**Chief Clerk of the House:** The chief administrative officer of the House of Representatives. The Chief Clerk is elected by a majority of the House, and is responsible for keeping records of the proceedings of the House, supervising House employees, acting as parliamentarian of the House and advising members on parliamentary procedures, and preparing all House publications for printing.

**"Christmas Tree" Bill:** A "Christmas Tree" bill is generally passed late in a legislative session and contains funding for particular projects. It gains its name from the provisions or "ornaments" that are attached.

**Committee Administrator:** The staff "manager" of a committee, responsible for measure management, meeting logistics, background materials and information, and measure analysis.

**Committee Assistant:** Works with the Committee Administrator in providing assistance to legislative committees. The assistant is responsible for recording meetings, preparing and maintaining the committee records, and submitting reports to the office of either the Secretary of the Senate or Chief Clerk of the House.

**Committee Counsel:** A staff attorney for a committee. Performs the functions of a committee administrator and provides legal analysis.

**Committee Records:** Office that provides copies of minutes/tape logs, exhibits, and audio tapes of legislative committee meetings. Located in Room 453 of the Capitol.

**Committee Report:** A one-page report made to the Speaker of the House or the President of the Senate by a standing, special, or conference committee, which recommends further action on a measure, or reports the measure without recommendation.

**Committee Services:** The unit of Legislative Administration which provides non-partisan, ongoing staff research, policy analysis, and committee staff support to the Legislative Assembly.

**Concurrent Resolution:** A measure affecting actions or procedures of both houses of the Legislature. A concurrent resolution is also used to express sympathy, commendation, or to commemorate the deceased.

**Conference Committee:** A committee usually consisting of two or three members of each chamber, appointed by their respective presiding officers. A conference committee is appointed when one chamber declines to concur with amendments to a measure adopted by the other chamber. Its goal is to prepare a version of the measure acceptable to both chambers. A conference committee may require one or more meetings, or it may not meet at all.

**Conflict:** A conflict occurs when two or more measures amend or repeal the same ORS section, and the changes cannot be blended, even if the measures do not conflict in purpose. The Oregon Constitution allows the compilation of more than one amendment unless the amendments conflict in purpose. If conflicting amendments become law, the measure last signed by the Governor prevails. Also see *conflict amendment*.

**Conflict Amendment:** An amendment drafted for the purpose of resolving conflicts between two or more measures.

**Consent Calendar:** Measures reported out of a House committee unanimously may be placed on the *Consent Calendar* at the recommendation of the committee. Such measures must be held at the Desk for two days prior to being scheduled for consideration. If four written objections are received, signed by members of the House, the measure will be placed in its proper order on the daily calendar. Measures scheduled on the *Consent Calendar* are not debatable.

**Constituent:** A citizen residing within the district of a legislator (or other elected official).

**Continuously Appropriated:** Moneys received by an agency other than *General Fund* that are deposited into a fund or account for specified uses by the agency. The amount of money that the agency can spend from the continuously appropriated fund or account is restricted by the legislature through the budget process in the form of an *expenditure limitation*.

**Desk:** The station of the Chief Clerk of the House or the Secretary of the Senate and assistants at the front of the Senate or House chamber. Also refers to the offices of the Chief Clerk of the House and the Secretary of the Senate.

**Desk Personnel:** The people who work at the desks: the Secretary of the Senate, the Chief Clerk of the House, and their staff, which include, for example, the Journal Editor, Reading Clerk, and Calendar Composer.

**Digest:** The brief measure summary found at the top of a measure. The digest is written by Legislative Counsel.

**Digital Board:** The touchscreen screens outside the chamber doors, on Senate member floors, by Visitor's Kiosk and in room 453 where agendas post.

**District:** A geographical area designated for representation by a senator or representative. Legislative districts are drawn to ensure that a nearly equal number of constituents reside in each legislator's district, and are re-drawn by the legislature every ten years to accurately reflect changes in population.

**Do Pass:** The recommendation by a committee for passage, abbreviated "DP." "DPA" means "do pass with amendments."

**Drop:** Refers to submitting a committee report and required paperwork on a measure to the appropriate desk, as in "I *dropped* the measure at the desk at 6:20 p.m."

**Effective Date:** The date on which a bill's provisions take effect. In the absence of a provision that specifies an earlier effective date or a delayed effective date, the normal effective date for a bill is January 1 of the year after passage of the bill.

**Emergency Board:** The joint committee of senators and representatives authorized by the constitution and created by statute with specific fiscal and budgetary responsibilities during the interim between legislative sessions. Members of the Emergency Board are appointed by the presiding officers at the end of a legislative session.

**Emergency Clause:** A statement added to the end of a measure which causes it to become effective before the normal date of January 1. An emergency clause may either set a specific date or makes the measure effective immediately, which means that the measure will take effect on the date it is signed into law. NOTE: Emergency clauses may not be attached to bills which would raise revenue.

**Employee Services:** The unit of Legislative Administration (LA) which manages personnel and payroll, including recruitments, for Legislative Administration, Fiscal, Counsel and Revenue.

**Engrossed Bill:** A measure that is printed with its amendments included. Such a bill will have "A (or B or C, etc.) Engrossed" printed at the top, which is a signal to legislators before a vote that the measure before them has changed from its original version.

**Enrolled Bill:** A final copy of a bill which has passed both houses of the legislature and has been specially reprinted in preparation for the signatures of the President of the Senate and the Speaker of the House. After these confirmatory signatures, the enrolled bill goes to the Governor.

**Essential Budget Level:** An estimate, required by law, of the cost to continue current legislatively approved programs at their current levels. The essential budget level is built on the base budget plus essential packages.

**Executive Branch:** The branch of state government that carries out and enforces state laws. It includes state agencies and the Governor's Office, Secretary of State, State Treasurer, Superintendent of Public Instruction, and Commissioner of Bureau of Labor and Industries. The other two branches of government are the legislative and judicial.

**Exhibit:** Anything submitted for the record which supplements a witness' oral testimony. An exhibit can also be a copy of a witness' oral testimony.

**Expenditure Limitation:** A spending limit set by the Legislative Assembly directing state agencies as to the level of Other Funds, Lottery Funds, or Federal Funds they can spend in a biennium. If an agency receives more Other Funds or Federal Funds than the legislature approved them to spend, they must obtain an increase in their expenditure limitation from the legislature or the Emergency Board in order to spend the revenue.

**Facility Services:** The unit of Legislative Administration (LA) which maintains the Capitol, including heating and cooling, custodial service, and ongoing maintenance, as well as telephone service, supplies and distribution services.

**Financial Services:** The unit of Legislative Administration (LA) which manages finances and accounting for LA and the Assembly, as well as member service and supply accounts. Financial Services is also responsible for preparation of the LA and Assembly budgets.

**First Reading:** The recitation on the chamber floor of the measure number and title (relating clause). After the first reading, the measure is referred to committee by the Speaker or President.

**Fiscal Impact Statement:** A printed statement that estimates future state and local government costs resulting from the passage of a measure. Fiscal impact statements are prepared by the Legislative Fiscal Office with assistance from the Oregon Department of Administrative Services. House and Senate rules require committees to have a fiscal impact statement before they take final action on a measure, unless the measure has a subsequent referral to the Ways and Means Committee.

**Floor:** The area within the bar in both the House and Senate Chambers.

**Floor Personnel:** This term refers to staff that work in either the Senate or the House chamber, i.e. sergeants-at-arms, distribution managers, pages, and doorkeepers.

**Form and Style Manual for Legislative Measures:** The manual that explains the official, uniform system for preparation of all legislative measures.

**General Fund:** Money available for the state budget that is not dedicated to a specific agency or purpose and that that can be used for general purposes of state government. Most *General Fund* money in Oregon derives from personal and corporate income taxes. Some revenues from liquor, cigarettes, and other sources also go into the *General Fund*.

**General Election:** An election involving most or all constituencies in a state (or nation) in choosing candidates for office and voting on ballot measures. In Oregon, the general election is held on the first Tuesday following a Monday in November.

**Germane:** Appropriate, relevant, pertinent. As the term is used in relation to legislation, "germane-ness" is a parliamentary determination as to whether or not a provision fits into a measure.

**Governor's Recommended Budget:** The budget proposed by the Governor. A second-term Governor must send a recommended budget to the Legislative Assembly by December 1 in even-numbered years. A newly elected Governor must submit a recommended budget by February 1 after the election.

**"Gut and Stuff":** A slang term which refers to removing the text of a measure and inserting entirely new language which, while it may change the nature of the measure completely, still must fall under the measure's title, also known as the "relating-to" clause.

**Hand-engrossed:** A copy of a bill that has had its amendments manually inserted (by physically cutting out the amended sections of the bill and writing or pasting in the new amendments). This is done to show clearly how a bill will read with proposed amendments.

**Hearing:** A public meeting of a legislative committee held for the purpose of taking testimony concerning proposed legislation.

**House of Representatives:** The legislative body of 60 members, called representatives, each of whom represents a district of approximately 57,000 Oregon citizens.

**Information Systems (IS):** The unit of Legislative Administration which manages all computer and media systems (known as Legislative Media or Media Technologies), including closed circuit television, within the Capitol.

**Interim:** The period of time between regular sessions of the Legislative Assembly.

**Interim Committee:** A legislative committee authorized by the Legislative Assembly to study a particular subject or subjects between sessions. Interim committees are appointed by the presiding officers after the end of session.

**Initiative:** A procedure enabling a specified number of registered voters by petition to place proposed laws, changes to laws, or changes to the State Constitution on a general election ballot. In Oregon, the number of signatures required is determined by a fixed percentage of the votes cast for all candidates for governor at the general election preceding the filing of the petition. (*See Referendum*)

**Joint Committee:** A legislative committee composed of members of both houses (the Senate and the House of Representatives). NOTE: Committees may also *meet jointly*: that is, two committees may meet together, for example, to hear testimony on matters of interest to both committees. Such a meeting does not constitute a joint committee.

**Joint Memorial:** A measure adopted by both houses and used to make a request of, or to express an opinion to, Congress, the President of the United States, or both. A joint memorial is not used to commemorate the deceased (*See concurrent resolution*).

**Joint Resolution:** A measure adopted by both houses to propose a constitutional amendment, create an interim committee, give direction to a state agency, express legislative approval of action taken by someone else, or authorize temporary action

**Journal:** The edited record of all the proceedings on the floors of each house, published after each legislative session.

**Judicial Branch:** The branch of state government that interprets the Oregon Constitution and state laws. It includes the courts of the state, with the Supreme Court having general power over all other courts. The other two branches are the legislative and executive.

**LC Draft:** Refers to "legislative concept" - a draft of an idea for legislation, prepared by Legislative Counsel. Each LC draft has its own number—LC 345, for example—but *if the draft is introduced as a measure, it assumes a different number, its bill number*. For example, LC 345, if introduced in the House, could become HB 2040, or whatever number it is assigned.

**Leadership:** The presiding elected officers of each house: the President of the Senate and the Speaker of the House. (*See Legislative Leadership*) They are elected by the members of each chamber when the body organizes for a legislative session following a general election. On occasion, "leadership" also refers to the majority and minority leaders, who are elected by their respective caucuses.

**Legislative Administrator:** The chief administrative officer of the Legislative Administration Committee who coordinates service functions—visitor services, personnel

and payroll, facilities, financial services, information systems, committee staffing, and mail and distribution—for the Legislative Assembly.

**Legislative Branch:** The branch of state government that creates state laws. It also decides how state government will be financed. The legislative branch in Oregon consists of a Senate with 30 members and a House of Representatives with 60 members. The other two branches are the executive and judicial.

**Legislative Counsel (LC):** The bill drafter for and legal adviser to the Legislative Assembly and the chief administrative officer for the Legislative Counsel Committee. The Legislative Counsel office also publishes and distributes Oregon Laws and edits, indexes, annotates, and publishes the Oregon Revised Statutes. *NOTE: "LC" also refers to "legislative concepts", which are bill drafts that have not yet been introduced.*

**Legislative Fiscal Officer:** The statutory fiscal advisor to the Legislative Assembly and chief administrative officer for the Emergency Board, the Joint Committee on Ways and Means, the Joint Legislative Audit Committee, and the Joint Legislative Committee on Information Management and Technology. The Legislative Fiscal Office (LFO) provides staff to these committees, analyzes budgets, and prepares fiscal impact statements for bills.

**Legislative Guide:** A directory listing the names and office locations of all members, names and room locations of all committees, a Capitol floor plan, telephone numbers, and other pertinent legislative information.

**Legislative Schedule:** A document published daily during legislative sessions identifying planned committee meetings, locations, and bills scheduled to be discussed.

**Legislative Leadership:** The presiding elected officers of each house: the President of the Senate and the Speaker of the House. (See *Leadership*)

**Legislative Library:** Located in Room 446 of the Capitol, the Legislative Library is a collection of catalogued documents on legislative issues; periodicals and newspapers; legislative committee minutes, measures and measure analyses from recent sessions and interims; and legislative measures, status reports, journals, and laws from past sessions. The library collection and research services are available to legislators and legislative staff, committees and committee staff, and the general public.

**Legislative Publications and Distribution Services:** A section of Facility Services popularly known as "distribution" or "the bill room," this legislative service unit receives all printed measures, measure status reports, and digests from the State Printer and distributes these publications to legislators and members of the public on call or by mail upon request.

**Legislative Revenue Officer:** The statutory chief revenue analyst for the Legislative Assembly and chief administrative officer for the interim revenue committees and the separate standing House and Senate Committees on Revenue. The Legislative Revenue Office (LRO) provides staff to these committees and prepares revenue impact statements for bills.

**Lobbyist:** A person who is employed by an organization to represent its interests before the legislature.

**Majority Leader:** A legislator elected by the majority caucus in the House or Senate to lead the party having the majority each Chamber. The majority leader is responsible for the development and implementation of the caucus agenda.

**Mason's Manual:** The source document for legislative parliamentary procedures. It is used in Oregon only in instances which are not provided for in the Oregon Constitution or the rules of either house.

**Measure:** A written document used by the Legislative Assembly to propose a law or to express itself as a body. A measure may be a bill, a memorial, or a resolution.

**Measure Status Report:** A document published daily during a legislative session listing the measures introduced to date, the action taken on each measure, the dates of hearings and work sessions, and other legislative information. After adjournment, a compilation of every measure introduced during the session is published in the *Final Legislative Measures -- Status Report*.

**Measure Tracking System (MTS):** An on-line, integrated information system for tracking measures through the legislative process. With the MTS the user can search for specific measures, categorize them by putting them into "bins" that the user creates, and run customized reports on them. The system provides for customized search templates and allows addition of comments and notes under bill information, which only the user can see.

**Meeting Index (Indices):** A written record of the proceedings of a committee. By Oregon statute, the official record of a meeting is the recording of its proceedings; the meeting indices accompanying it serve as an index to the contents of the recording (*see Recording Log*).

**Memorial:** A measure adopted by either the House or the Senate (a measure adopted by both is a *joint memorial*) to make a request of or express an opinion to Congress or the President of the United States, or both. It is not used to commemorate the deceased. (*See Concurrent Resolution*)

**Minority Leader:** A legislator elected by his or her caucus to lead the party in the minority in each Chamber. The minority leader is responsible for the development and implementation of the caucus agenda.

**Minority Report:** A committee report signed by at least two committee members who are in the minority *on the issue in question* on a particular bill (not necessarily in the political minority party) for the purposes of officially stating their position on the issue.

**Motion:** A formal proposal for action during debate on the floor or in committee. For example, a member may move that an amendment to a bill be adopted in committee, or that a measure be recommended for passage by the committee, or a member may move adoption of a measure on the floor.

**“Note from Mother”:** A slang term for a note from a legislator or committee administrator authorizing Legislative Counsel (LC) to work with the person possessing the note on drafting a measure or amendments.

**OLIS:** (Oregon Legislative Information System) Website that aggregates legislative information including measures, floor session information, committee webpages, and additional information.

**Oregon Administrative Rules (OAR):** A compilation of the administrative rules of Oregon state agencies, compiled, indexed, and published by the Secretary of State’s Archives Division.

**Oregon Benchmarks:** High level measures of societal well-being identified by the Oregon Progress Board to measure the state’s social, economic, and environmental progress. State agencies are expected to link to these benchmarks when developing strategic plans and budget requests.

**Oregon Laws:** Also known as “session laws,” the collected laws and selected memorials and resolutions of a single legislative session. They are published in bound volumes with tables and an index. NOTE: *the Oregon Laws are not the same as the ORS: the ORS is the 18-volume codified set of all current Oregon laws, while Oregon Laws volumes cover one session only.* Each bill that passes is given an Oregon Laws chapter number. This number is unrelated to the ORS number or numbers where the bill is codified.

**Oregon Revised Statutes (ORS):** The current codified laws of the State of Oregon. The ORS is published every two years to incorporate changes adopted each session. The most recent version of the ORS will have the date of the most recent legislative session.

**Original Bill File:** The file folder that contains official bill documentation: a copy of the bill and any committee reports, staff measure summaries, and fiscal and revenue

impact statements that have been produced for the bill. The original bill file is distributed to committee staff when the bill is referred to committee and is returned to the desks with the official committee documentation when the bill is reported out of committee. Original House Bill Files are blue and Senate Bill Files are yellow.

**Other Funds:** Money received by state agencies that does not come from the *General Fund* or from the federal government. *Other Funds* come from sources such as gasoline taxes, driver licenses fees, fishing license fees. *Other Funds* may be dedicated, requiring the revenue to be spent for specific purposes. Examples of dedicated funds are park user fees dedicated to parks programs and gasoline taxes dedicated to highway programs.

**Page:** A person who works on the chamber floors, and occasionally in committees, to distribute materials, open doors, pass notes, and generally facilitate the legislative work flow. Honorary pages are guests of members who serve as pages for a day.

**Parliamentary Inquiry:** An inquiry of the committee chair, in committee, or of the presiding officer on the floor, concerning parliamentary process.

**Passage:** Favorable action on a measure before either house.

**Per diem:** "For the day" - an allowance made to legislators for expenses when on legislative business.

**Pink Sheet:** See *Blue Sheet*.

**Point of Inquiry:** A motion from a member on the floor or in committee in order to ask a question. Typically, such questions are about such issues as parliamentary procedures or agenda items under consideration.

**Point of Order:** A motion from a member on the floor or in committee calling attention to a breach of order or a breach of rules.

**Point of Personal Privilege:** A way in which a legislator can get the attention of the presiding officer on the floor of either chamber. It is used when a question requires immediate consideration, such as making a parliamentary inquiry, calling attention to disorderly conduct or words, or raising the question of a quorum.

**Postpone/Postpone Indefinitely:** A motion from the floor to postpone further consideration of a bill. A motion to postpone will contain a time certain for further consideration. A motion to postpone indefinitely does not contain a time certain and in most cases, bills that are indefinitely postponed are not heard again.

**President of the Senate:** The presiding officer of the Senate, elected by a majority of members of the Senate when the Senate organizes for a regular legislative session.

**President Pro Tempore:** President "for a time" - a Senator elected to serve as the temporary President in the absence of the President of the Senate.

**Primary Election:** A preliminary election in which the registered voters of a political party nominate candidates for office. A political party may allow registered independents to vote in a primary election.

**Propositions and Motions:** A traditional order of business on the floor where legislators may make a motion if they wish. Otherwise, motions cannot be made until the third reading of a bill.

**Quorum:** The number of members required to be present before business can be transacted in the House, Senate, or a committee. In the House, 40 members must be present; in the Senate, 20 members; and in committees a constitutional majority constitutes a quorum. NOTE: *According to House and Senate Rules, if a quorum is not present, the chair can convene the committee as a subcommittee for the purposes of taking testimony ONLY.*

**Reapportionment:** *See Redistricting.*

**Reconsideration:** Taking a second vote on a measure after a motion to do so. A bill may be *reconsidered* by a committee after being voted out of committee, if it has not yet been dropped at the desk. If notice of possible reconsideration has not been given, a reconsideration may require a vote to suspend the rules. A vote on a bill may also be reconsidered on the floor.

**Recording Logs/Meeting Index (Indices):** A written record of the proceedings of a committee. By Oregon statute, the official record of a meeting is the recording of its proceedings; the Recording Logs accompanying it serve as an index to the contents of the recording.

**Redistricting:** The redrawing of legislative and congressional district boundaries following the federal census to reflect changes in population distribution. In Oregon, the legislature is responsible for legislative and congressional redistricting. If the legislature does not agree on a redistricting bill or does not obtain the Governor's signature on such a bill, the authority transfers to the Secretary of State.

**Refer/Referral:** (1) To direct a bill to a committee. For example, HB 2000 was *referred* to the Ways and Means Committee. Bill referrals are made by the President of the Senate and the Speaker of the House. (2) To direct a measure to a vote of the people. For example, the 2003 Legislative Assembly *referred* HB 2001 to the ballot (see Referendum).

**Referendum:** The submission of a measure passed by the legislature to a vote of the people. In Oregon, either the legislature or citizens, by petition, may cause a measure

passed by the legislature to be placed on the ballot for a vote. In the case of a legislative referral, both houses of the Legislature must vote to refer the measure. Such referrals cannot be vetoed by the governor. In the case of a citizen referendum, supporters of the referendum must obtain a specified number of signatures from registered voters. The number of signatures required is determined by a fixed percentage of the votes cast for all candidates for governor at the general election preceding the filing of the petition. Any change to the Oregon Constitution passed by the legislature requires referral to voters. (*See Initiative*)

**Referendum Clause:** A clause added to the end of a measure which causes the measure to be referred to a vote of the people for approval before it takes effect. The referred measure goes on the ballot at the next general election, unless the Legislative Assembly calls a special election for the vote.

**Relating (to) Clause:** The first clause of a bill identifying its subject matter: for example, HB 2000, *Relating to* charter schools. In Oregon, a bill may only address one subject as stated in the relating clause. The clause becomes an important element of the bill because amendments must be consistent with the relating clause. Relating clauses may be broad or narrow.

**Remonstrance:** A protest. It is a Constitutional right of legislators that "any member of either house shall have the right to protest, and have his or her protest, with his reasons for dissent, entered on the journal." (*Oregon Constitution, Article IV Section 26*)

**Report Out:** To return a measure from a committee to the Senate or House desk with or without recommendation as to further action.

**Resolution:** A measure used by the House or the Senate (a measure used by both would be a *joint resolution*) to take an action that would affect only its own members, such as appointing a committee of its members, or expressing an opinion or sentiment on a matter of public interest.

**Revenue Impact Statement:** An analysis of a measure done by the Legislative Revenue Office (LRO) which identifies any potential state or local revenue changes that might result from the measure's passage.

**Roll Call:** A recitation by the reading clerk of each legislator's name, at the beginning of a floor session, or during a call of the House or Senate, for the purposes of identifying those present.

**Rules:** The guidelines by which the Senate, the House of Representatives, or a committee governs its meetings. Rules are formally adopted at the first convening of the Legislative Assembly or of a committee, and require a majority vote for official adoption.

**Second Reading:** Like the First Reading, a recitation of the measure's number and title (*relating clause*). Second Reading occurs after the measure has been referred to committee, worked on, and reported back to the floor for a vote.

**Secretary of the Senate:** The chief administrative officer of the Senate. The Secretary of the Senate is elected by a majority of the Senate, and is responsible for keeping records of the proceedings of the Senate, supervising Senate employees, acting as parliamentarian of the Senate and advising members on parliamentary procedures, and preparing all Senate publications for printing.

**Senate:** The legislative body consisting of 30 members, called senators, each representing districts of approximately 114,000 Oregon citizens.

**Sergeant-at-Arms:** A non-legislator selected (elected in the Senate, appointed in the House) to maintain order within that chamber.

**Session:** The period of time in which the Legislative Assembly officially convenes. In Oregon, the regular session begins on the second Monday in January of every odd-numbered year. Special sessions may be convened at the call of the Governor or of a majority of the members of the Legislative Assembly.

**Session Laws:** See *Oregon Laws*.

**Sine Die:** "Without fixing a day for a future meeting" - the final adjournment of a legislative session.

**Speaker of the House:** The presiding officer of the House of Representatives, elected by a majority of the House when it convenes for a regular legislative session.

**Speaker Pro Tempore:** Speaker "for a time" - a representative elected to serve as the temporary Speaker in the absence of the Speaker of the House.

**Special (select) committee:** A committee authorized by Senate or House Rules to study a limited subject.

**Special Session:** A convening of the Legislature called by the Governor or a majority of the members of the Legislative Assembly, at a time other than during a regular session. Typically, special sessions of the Legislature are called for the purpose of addressing a specific state problem or issue.

**Sponsor:** The legislator(s) or legislative committee introducing a measure. The name of this person or committee is printed at the top of the measure.

**Staff Measure Summary (SMS):** A brief, impartial description of a measure that must accompany the measure when it is reported out of committee.

**Standing Committee:** A permanent committee during a session authorized and named by Senate or House Rules.

**Status Report:** A document published daily (*Joint Legislative Status Report*) listing measures introduced thus far, the action taken on each measure, dates of hearings and work sessions, and other information. After adjournment, the Final Status Report is published which is a compilation of the history of every measure introduced during session.

**Statute:** A codified law. NOTE: "Codify" means "to arrange laws systematically." A codified law is one that has been incorporated into that section of the ORS that it amends, modifies, or accompanies.

**Statutory Committee:** A legislative committee established by statute.

**Subcommittee:** A subordinate committee composed of members appointed by the chair (or by House or Senate leadership) from the full committee. A subcommittee will consider a narrower range of topics than the full committee, and generally is authorized only to make recommendations to the full committee.

**Subsequent Referral:** When the Speaker or President designates a bill to go to two committees, one after the other: for example, a tax measure might first be referred to a committee to consider the substantive issues, and then to the Revenue Committee to consider the revenue issues.

**Summary:** The measure summary or digest found printed near the top of a bill. Measure summaries are written by Legislative Counsel.

**Sunset Clause:** A statement added to the end of a measure which causes the act to "sunset," i.e., to be repealed, after a date specified.

**Table:** "Table" is used as both a noun and a verb. *Tables*, n., are found at the back of the calendars, and display legislative information in a variety of ways. *Table*, v., is used in reference to stopping bills from further action in committees or on the floor: a bill is *tabled* by a majority vote, after a non-debatable motion from a member.

**Task Force:** A legislative committee authorized by legislative leadership to study a specific subject for a specified period of time. A task force may contain lay members and is different from a committee in that it typically considers a narrow subject within a broader topic area: for example a task force might consider *mental health in Oregon* rather than *health issues in Oregon*.

**Third Reading:** The scheduled debate of a measure on the floor of the House or Senate. The debate begins by a recitation of a measure's number and title (*relating clause*) by the reading clerk and then a motion recommending adoption by the carrier

of the bill. This is followed by the carrier's speech which typically summarizes the bill and gives its merits. Member debate is then allowed followed by the carrier's closing comments.

**Third Reading Calendar:** A publication listing all measures on the agenda for Third Reading and final passage on a given day. It lists the measures in order.

**Time Certain:** A means of designating a definite time for a certain activity, for example, to hear a particular bill.

**Unfunded Mandate:** A requirement that a lower level of government provide a program or perform an activity with their own resources. Under a federal mandate, the federal government may require a state or local government to provide a service and not provide the federal funding to pay for it. Under a state mandate, the state may require a local government to provide a service, but under the Oregon Constitution, the local government is not required to comply with certain new state mandates unless the state pays the costs of the new services. The constitution provides exceptions.

**Veto:** An action of the Governor in disapproval of a measure that has passed both houses. After a veto, the bill is returned to its house of origin with written objections. A Governor's veto may be reconsidered by both houses, and if it passed by two-thirds of the members present in each house, the veto is considered overridden and becomes law. It is reconsidered upon a motion from the floor, and must be reconsidered at the very next legislative session following the veto.

**Vice-Chair:** A committee member chosen by the Speaker or President to serve as the committee chair in the chair's absence.

**Visitor Services:** The unit of the Legislative Administration Committee which provides Capitol tours and video presentations on the legislative process and Capitol history. They also schedule and coordinate special events in the Capitol and operate the Capitol Gift Shop.

**Vote Explanation:** On occasion, a legislator may wish the official record to reflect the reason for a vote on a particular bill. This *vote explanation* is found in the Journal, following the vote record of a bill.

**Weekly Cumulative Index to Legislative Measures:** A subject index to measures, published weekly during legislative sessions.

**Whip:** A term used at the federal level to refer to the deputy majority leader. It derives from the British fox-hunting term "whipper-in," which described the person responsible for keeping the foxhounds from leaving the pack. Some, but not all, of the caucuses in the Oregon Legislature use the term "whip" in reference to the deputy majority or minority leader.

**Witness:** A person who testifies before a legislative committee.

**Work Group:** An informal group of members and/or stakeholders that meets to work toward consensus on an issue. (Members may NOT include a quorum of any Committee.) Public meeting notices and recordings are not required.

**Work Session:** A committee meeting held for the purpose of determining the contents of a measure to be reported out of committee. A work session is different from a public hearing: in a work session, no testimony is taken from the public, although the public may attend the hearing.