

Following vote explanation is submitted in regard to HCR 11.

HCR 11 as a resolution is unconstitutional under Article IV, Section 10 of the Oregon Constitution. Measures, bills and resolutions cannot be passed in an organizational session. This was stated on the Floor of the Oregon State Senate. Dexter Johnson of Legislative Counsel first alleged that a 'resolution' was not a measure under the Constitution. Next Dexter Johnson then alleged that HCR 11 was not a resolution but instead a rule. The common text proved this wrong. Lastly, Dexter Johnson of Legislative Counsel settled on the notion that it is OK to violate the Constitution as it has been done in the past by the Legislature, therefore, it is custom now to violate the Oregon Constitution. HCR 11 intentionally violates federal law in an effort to cover up past violation along with future violations. The retroactive nature of the unconstitutional resolution appears intentional as an effort to conceal past harassment investigations. Senators report this change will be used by leadership lawyers to appeal the Labor Commissioner's discovery and findings to the Courts. This appears to be a result of alleged leadership deals falling to materialize with the new Commissioner of Labor. Further, it will block public records requests this Senator submitted in regard to past harassment. This is noteworthy given the resignation yesterday of a member of the President of the Senate's staff. HCR 11 does not implement the recommendations in full from the Oregon Law Commission but instead cherry picks their recommendations to protect past failures. Lastly, the HCR did not originate in a legal Committee nor did it have a public hearing or work session. It is nothing more than continuing institutionalized discrimination at expense of past, present and future victims.

Respectfully submitted,

Brian J. Boquist  
Oregon State Senator