
SENATE

SPECIAL SESSION LEADERSHIP

OFFICERS OF THE SENATE

PETER COURTNEY, President

MARGARET CARTER, President Pro Tempore

JUDY HALL, Secretary of the Senate

SENATE CAUCUS LEADERS

KATE BROWN, Majority Leader

ALAN BATES, Deputy Majority Leader

RICHARD DEVLIN, Deputy Majority Leader

CHARLIE RINGO, Majority Whip

AVEL GORDLY, Assistant Majority Leader

LAURIE MONNES ANDERSON, Assistant Majority Leader

FLOYD PROZANSKI, Assistant Majority Leader

FRANK SHIELDS, Assistant Majority Leader

JOANNE VERGER, Assistant Majority Leader

TED FERRIOLI, Republican Leader

JACKIE WINTERS, Deputy Republican Leader

BRUCE STARR, Assistant Deputy Republican Leader

CHARLES STARR, Assistant Deputy Republican Leader

FRANK MORSE, Assistant Deputy Republican Leader

SENATE DESK PERSONNEL

ROBIN WILTON, Publications Coordinator

CHRISTOPHER HAMPTON, Reading Clerk

CYNDY JOHNSTON, Calendar Composer/Journal Editor

CERTIFICATE OF APPROVAL

We, the undersigned, having supervised the revision of the Journal and Status Report of the Senate covering the Special Session of the Seventy-third Legislative Assembly, hereby certify that such Journal and Status Report are correct to the best of our information and belief.

PETER COURTNEY
President of the Senate

JUDY HALL
Secretary of the Senate

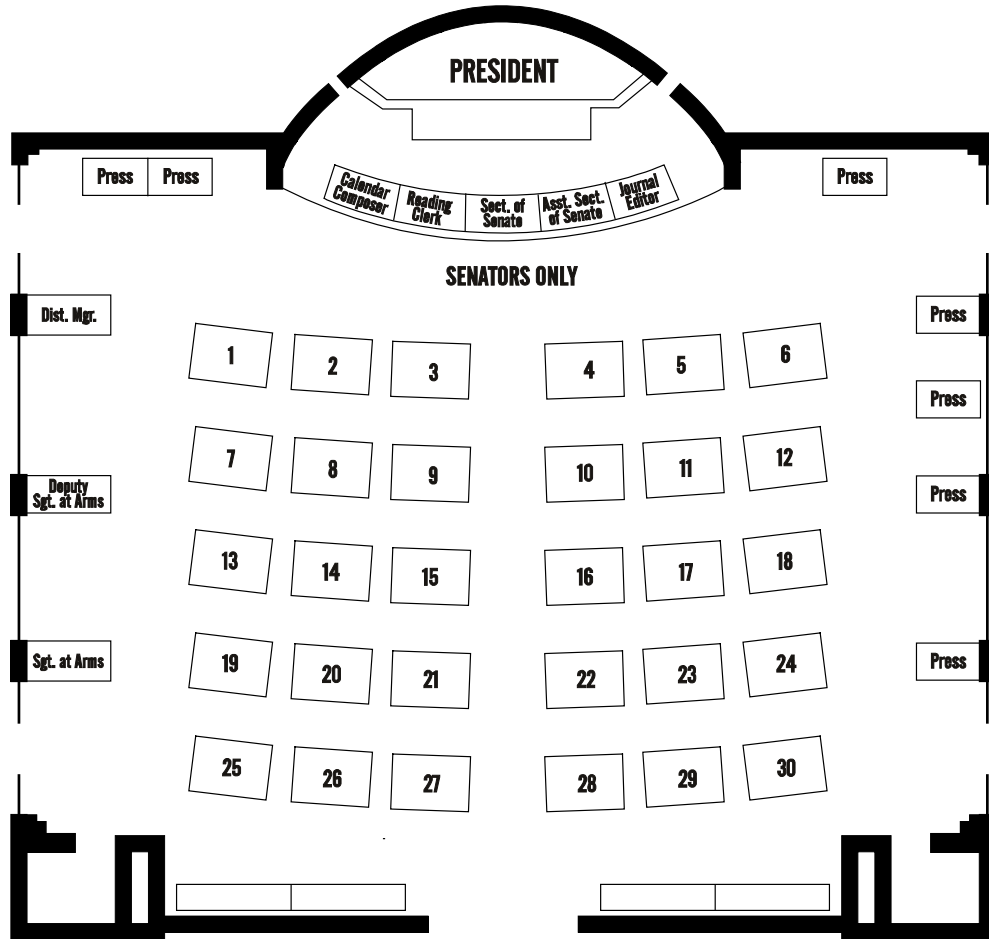
SENATORS' ADDRESSES – SPECIAL SESSION 2006

Atkinson, Jason.....	P.O. Box 1704, Grants Pass, OR 97528.....	Rep	2
Bates, Alan.....	344 E. Ashland Lane, Ashland, OR, 97520	Dem	3
Beyer, Roger.....	39486 S. Cooper Rd., Molalla, OR 97038	Rep	9
Brown, Kate	900 Court St. NE, S-323, Salem, OR 97301	Dem	21
Burdick, Ginny	4641 SW Dosch Rd., Portland, OR 97239	Dem	18
Carter, Margaret.....	P.O. Box 3722, Portland, OR 97208	Dem	22
Courtney, Peter	900 Court St. NE, S-203, Salem, OR 97301	Dem	11
Deckert, Ryan.....	P.O. Box 2247, Beaverton, OR 97075.....	Dem	14
Devlin, Richard.....	10290 SW Anderson Ct., Tualatin, OR 97062	Dem	19
Ferrioli, Ted.....	900 Court St NE, S-223, Salem, OR 97301	Rep	30
George, Gary	15195 NE Ribbon Ridge Rd., Newberg, OR 97132	Rep	12
(1) Gordly, Avel.....	10809 NE Fremont, Portland, OR 97220	NA	23
Johnson, Betsy.....	P.O. Box R, Scappoose, OR, 97056.....	Dem.....	16
Kruse, Jeff.....	636 Wild Iris Lane, Roseburg, OR, 97470	Rep.....	1
Metsger, Rick	P.O. Box 287, Welches, OR 97067.....	Dem	26
Monnes Anderson, Laurie.....	P.O. Box 1531, Gresham, OR, 97030.....	Dem.....	25
Morrisette, Bill	348 G Street, Springfield, OR 97477.....	Dem	6
Morse, Frank.....	221 NW 2 nd St., Corvallis, OR 97330	Rep	8
Nelson, David	1407 NW Horn Avenue, Pendleton, OR 97801.....	Rep	29
Prozanski, Floyd.....	P.O. Box 11511, Eugene, OR, 97440.....	Dem.....	4
Ringo, Charlie	4085 SW 109 th Avenue, Beaverton, OR 97005	Dem	17
Schrader, Kurt	900 Court St. NE., S-209, Salem, OR, 97301	Dem	20
Shields, Frank	7802 SE 111 th Avenue, Portland, OR 97266.....	Dem	24
Starr, Bruce.....	22115 NW Imbrie Dr. #290, Hillsboro, OR 97124	Rep	15
Starr, Charles.....	8330 SW River Rd., Hillsboro, OR 97123	Rep	13
Verger, Joanne.....	2285 N 13 th Ct., Coos Bay, OR, 97420.....	Dem.....	5
Walker, Vicki.....	P.O. Box 10314, Eugene, OR 97440	Dem	7
(2-3)Westlund, Ben.....	20590 Arrowhead Drive, Bend, OR 97701	NA	27
Whitsett, Doug.....	23131 North Poe Valley Rd., Klamath Falls, OR, 97603.....	Rep.....	28
Winters, Jackie	P.O. Box 126, Salem, OR 97308.....	Rep	10

Democrats - 17
 Republicans - 11
 Non-Affiliated - 2

- (1) Changed party affiliation from Democrat to Non-Affiliated 7/11/06
- (2) Changed party affiliation from Republican to Non-Affiliated 2/14/06
- (3) Changed party affiliation from Non-Affiliated to Democrat 12/12/06

SENATE SPECIAL SESSION SEATING CHART



- 1-Courtney
- 2-Metsger
- 3-Gordly
- 4-Verger
- 5-Johnson
- 6-Carter
- 7-Monnes Anderson
- 8-Bates
- 9-Whitsett
- 10-Winters

- 11-Ringo
- 12-Shields
- 13-Schrader
- 14-Westlund
- 15-Prozanski
- 16-Morse
- 17-Kruse
- 18-Starr, B.
- 19-Deckert
- 20-Walker

- 21-Devlin
- 22-Beyer
- 23-Atkinson
- 24-Morrisette
- 25-Burdick
- 26-George
- 27-Brown
- 28-Ferrioli
- 29-Nelson
- 30-Starr, C.

SENATE INTERIM STANDING COMMITTEE MEMBERSHIP

CONDUCT

(Senate Interim Rule 208.01) –

Margaret Carter, Chair
Laurie Monnes Anderson
Charles Starr

RULES AND EXECUTIVE APPOINTMENTS

(Senate Interim Rule 208.01) –

Kate Brown, Chair
Ted Ferrioli, Vice-Chair
Alan Bates (discharged 3/15/06)
Betsy Johnson
Laurie Monnes Anderson (appointed 3/15/06)
David Nelson

SENATE INTERIM COMMITTEE AND TASK FORCE MEMBERSHIP

ALTERNATIVE FUELS (ORS 171.640) – (committee dissolved 2/14/06)

Frank Shields, Chair
Gary George, Vice-Chair
Ginny Burdick
Ryan Deckert
David Nelson

CHILDREN'S HEALTH CARE (ORS 171.640) –

Laurie Monnes Anderson, Chair
Jackie Winters, Vice-Chair
Margaret Carter
Jeff Kruse
Bill Morrisette

CONSUMER PROTECTION (ORS 171.640) –

Floyd Prozanski, Chair
Bruce Starr, Vice-Chair
Jason Atkinson
Richard Devlin
Charlie Ringo (discharged 5/12/06)
Rick Metsger (appointed 5/12/06)

ECONOMIC DEVELOPMENT AGENCY OVERSIGHT (ORS 171.640) –

Betsy Johnson, Chair
David Nelson, Vice-Chair
Laurie Monnes Anderson

EDUCATIONAL EXCELLENCE, COMMISSION ON (ORS 171.640) –

Ryan Deckert, Co-Chair
Rick Metsger, Co-Chair
Jeff Kruse, Vice-Chair
Richard Devlin
David Nelson
Vicki Walker
Jackie Winters

HEALTH CARE ACCESS AND AFFORDABILITY, COMMISSION ON (ORS 171.640) –

Alan Bates, Chair
Ben Westlund, Vice-Chair
Laura Monnes Anderson
Frank Morse
Vicki Walker
Jackie Winters

HUMAN SERVICES AGENCY OVERSIGHT (ORS 171.640) –

Margaret Carter, Chair
Ben Westlund, Vice-Chair
Alan Bates (discharged 2/14/06)
Richard Devlin
Vicki Walker (appointed 2/14/06)
Jackie Winters

JUDICIARY (ORS 171.640) –

Ginny Burdick, Chair
Charles Starr, Vice-Chair
Roger Beyer
Floyd Prozanski
Charlie Ringo
Vicki Walker
Doug Whitsett

NATURAL RESOURCE AGENCY OVERSIGHT (ORS 171.640) – (committee dissolved 2/14/06)

Charlie Ringo, Chair
Roger Beyer, Vice-Chair
Alan Bates
Gary George
Frank Shields

NATURAL RESOURCES AND ALTERNATIVE ENERGY (ORS 171.640) –

Frank Shields, Chair (discharged 5/01/06)
Vicki Walker, Chair (appointed 5/01/06)
Roger Beyer, Vice-Chair
Alan Bates
Ryan Deckert
Gary George
David Nelson
Charlie Ringo
Charles Starr (appointed 5/01/06)

PUBLIC HEALTH (ORS 171.640) –

Bill Morrisette, Chair
Jeff Kruse, Vice-Chair
Avel Gordly
Charles Starr
Joanne Verger

REVENUE (ORS 171.640)–

Ryan Deckert, Chair
Charles Starr, Vice-Chair
Floyd Prozanski
Frank Shields
Doug Whitsett

SENATE INTERIM COMMITTEES STAFF

Committee/Task Force	Staff	Phone	Location
Children's Health Care	Rick Berkobien, Administrator Patsy Wood, Committee Assistant	503-986-1485 503-986-1474	453 -D 354
Consumer Protection	Judith Callens, Administrator Linda Gatto, Committee Assistant	503-986-1688 503-986-1745	453 -C 453
Economic Development Agency Oversight	Jim Keller, Administrator James Goulding, Committee Assistant	503-986-1644 503-986-1747	453 453
Educational Excellence	Paul Warner, Legislative Revenue Officer Robin Wilton, Office Manager	503-986-1266 503-986-1264	H-197 H-197
Health Care Access and Affordability Commission	Rick Berkobien, Administrator Patrick Brennan, Committee Assistant Patsy Wood, Scheduler	503-986-1485 503-986-1674 503-986-1474	453 -D 453 354
Human Services Agency Oversight	Rick Berkobien, Administrator Patrick Brennan, Committee Assistant	503-986-1485 503-986-1674	453 -D 453
Judiciary	Bill Taylor, Counsel Joe O'Leary, Counsel Patsy Wood, Committee Assistant	503-986-1694 503-986-1666 503-986-1474	354 354 354
Natural Resources & Alternative Energy	Judith Callens, Administrator Linda Gatto, Committee Assistant	503-986-1688 503-986-1745	453 -C 453
Public Health	Rick Berkobien, Administrator Patsy Wood, Committee Assistant	503-986-1485 503-986-1474	453 -D 354
Revenue	Paul Warner, Legislative Revenue Officer Robin Wilton, Office Manager	503-986-1266 503-986-1264	H-197 H-197
Rules & Executive Appointments	Marjorie Taylor, Administrator James Goulding, Committee Assistant	503-986-1755 503-986-1747	349 349

MESSAGES FROM THE GOVERNOR

September 2, 2005

Veto Message on SB 1083 (Seventy-third Regular Session)

SJ-252

Thursday, April 20, 2006—Morning Session

**SPECIAL SESSION RULES OF THE SENATE
SEVENTY-THIRD LEGISLATIVE ASSEMBLY**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Laurie Monnes Anderson, Gresham.

The following proclamation from the Governor was read:

PROCLAMATION

WHEREAS: The Oregon Department of Human Services is facing a projected \$136 million dollar shortfall, primarily due to reductions in federal assistance and caseload increases that have occurred since the passage of the agency budget in August, 2005; and

WHEREAS: Oregon's public education system, including Portland Public Schools, the largest school district in the state, requires additional resources in order to budget for and provide an appropriate education to Oregon's students for the 2006-07 school year.

NOW, THEREFORE, I, Theodore R. Kulongoski, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, hereby proclaim the 20th day of April, 2006, at 9 a.m. to be

**THE CONVENING OF THE OREGON
LEGISLATIVE ASSEMBLY**

for the purposes of addressing the projected budget shortfall of the Department of Human Services and providing additional resources to Oregon's public education system for the 2006-07 school year.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this 6th day of April, 2006, at 6:30 o'clock p.m.

Theodore R. Kulongoski,
Governor

Bill Bradbury,
Secretary of State

The Credentials Committee report of January 20, 2005 stands and all members of the Senate are eligible to serve in the Special Session of the Seventy-third Legislative Assembly.

Brown moved that the 2005 Regular Session Senate Rules, as amended, be adopted as the Senate Rules for this Special Session of the Seventy-third Legislative Assembly. On adoption the vote was: Ayes, 26; nays, 3 - Atkinson, Kruse, Whitsett; absent, 1 - George. Special Session Rules adopted.

DEFINITIONS

1.01 Definitions.

- (1) "Chamber" means the entire area of the Senate Floor and the side aisles.
- (2) "Chamber area" includes the entire area of the Senate Floor including the areas immediately adjacent to the Senate Chamber, with the exception of Room 231.
- (3) "Constitutional majority (16)" means a majority of the members of the Senate except in the case of those measures requiring an otherwise constitutionally designated majority vote.
- (4) "Courtesy of the floor" means admittance within the bar granted upon request of a member in accordance with SR 17.01 (2).
- (5) "Majority" means a majority of those members present.
- (6) "Measure" means bill, resolution or memorial, but does not include amendments.
- (7) "Member" means member of the Senate.
- (8) "Printing" includes printing and other means of reproducing copy.
- (9) "Remonstrance" may be considered as a "protest" under section 26, Article IV of the Oregon Constitution.
- (10) "Within the bar" means within the area of the Chamber that is enclosed by waist-high partitions and that contains the members' desks and the rostrum.
- (11) "Special Session" means the Special Session of the Seventy-third Legislative Assembly convening April 20, 2006 at 9:00 a.m.

RULES

2.01 Use of Mason's Manual of Legislative Procedure.

Mason's Manual of Legislative Procedure shall apply to cases not provided for by the Oregon Constitution, the Senate Rules or custom of the Senate..

2.05 Procedure for Amending Rules.

No standing rule of the Senate shall be adopted, amended or rescinded except upon the affirmative vote of

a constitutional majority (16). After the organizational meeting of the Senate, the adoption, amendment or rescision of rules shall be proposed in writing, read at a regular business session, printed, distributed to members' desks, and allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules.

(1) No rule of the Senate shall be suspended except by unanimous consent of the members or by the affirmative vote of two-thirds of the members (20). In suspending a provision of the Oregon Constitution, as provided by the Oregon Constitution, an affirmative vote of two-thirds of the members is required. The vote shall be a roll call vote.

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

2.20 Rules of the Senate.

The amendments to the Rules of the Senate adopted for the special session are repealed upon the adjournment of sine die of the special session.

2.30 Policy for Open Caucus Meetings.

It is the policy of the Senate that the public have as much information as possible regarding matters relating to the conduct of Senate business. Consistent with that policy, caucus leaders are strongly encouraged to allow the presence of accredited representatives of the news media in caucus meetings, except during discussions of personnel matters, organizational meetings to elect officers of the caucus and the Senate, and other matters not involving deliberation of the business of the Senate.

CONVENING

3.01 Quorum.

(1) A quorum of the Senate is 20 members.

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

3.05 Session Hour; Deliberations Open.

(1) Unless otherwise ordered by a majority of the members present, the hour of meeting shall be designated by the President.

(2) All deliberations of the Senate and its committees shall be open to the public. However, this provision does

not prohibit clearing the gallery or hearing room in the event of a disturbance, during which time deliberations shall be in recess.

3.10 Attendance.

(1) A member shall attend all sessions of the Senate unless excused by the President. The Journal Editor will record on each roll call all members "present," "excused," "attending legislative business," or "absent."

(2) The President or committee chair may excuse a member from committee meetings. The minutes of the committee shall record all committee members as "present," "excused," or "absent."

VOTING

3.15 Roll Call.

(1) A roll call vote of "ayes" and "nays" shall be taken and recorded on the final passage of all measures, with the exception of memorials and resolutions that affect only the Senate and do not appropriate money.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question.

(3) If the presiding officer is in doubt on any motion considered on voice vote, the presiding officer shall order a roll call vote.

3.20 Requirements for Voting.

(1) Every member who is in attendance when the question is stated shall vote.

(2) Except by unanimous consent, no member shall be permitted to vote on any question unless in attendance at the time the question is put. A member shall be considered in attendance if the member is in the Chamber area. However, a member must be within the bar to vote.

3.30 Voting by President.

The President shall vote whenever a roll call is required. The President's name is called last.

3.33 Announcement of Conflict of Interest.

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

The member's announcement of a potential conflict of interest shall be recorded in the Journal or in the

committee minutes. If the member desires to have more than the announcement recorded, the member shall reduce to writing the nature of the potential conflict as given in the oral explanation and file it with the Secretary of the Senate or the committee assistant. The written statement must be filed by 5 p.m. of the next session day following the vote on the measure .

Failure to comply with section (1) of this rule may constitute improper conduct as determined by the Special Committee on Conduct appointed in accordance with Senate Rule 18.04 (1), Regular Session rules of the Seventy-third Legislative Assembly.

During the special session, the Senate shall observe the policy on announcement of conflict of interest in accordance with SR 3.33 Regular session Rules for the Seventy-third Legislative Assembly.

3.35 Explanation of Vote.

(1) Any member may explain a vote on any matter for which a roll call vote is taken. The member may submit a written explanation in lieu of an oral explanation following announcement of the result of the vote. Oral explanations shall not exceed two minutes.

(2) The vote explanation must be germane to the subject and shall not reflect on the honor or integrity of other members of the Legislative Assembly. If the explanation offered from the floor does not meet the requirements of this subsection, the President may call the member to order. The President may direct the Secretary of the Senate to delete out-of-order material from the Journal.

(3) If the member wishes the explanation to be entered in the Journal, the member must indicate that request at the time the explanation is given. The member shall reduce to writing the substance of the oral explanation. The written explanation must be filed with the Secretary of the Senate by 5 p.m. of the day the vote was taken.

3.45 Printed Measures Required for Voting.

(1) No measure, or amendment to a measure, shall be finally voted on until it has been printed and placed on the desks of the members, except as provided by Rule 5.40.

(2) A printing error in a printed measure or printed amendments to a measure under consideration of the Senate shall be considered corrected if the correction is made on the original copy and initialed by the appropriate member. The original measure is found in the original measure folder at the Senate Desk.

3.50 Third Reading Requirements.

Except for resolutions and memorials that affect the Senate only, no measure shall pass the Senate until after

third reading nor shall any measure be read more than once in any one day.

3.55 Call of the Senate.

(1) Three members may demand a Call of the Senate at any time there is a pending question and before a roll call has commenced.

(2) Upon a Call of the Senate, the Chamber doors shall be closed until proceedings under the Call have been terminated. No other business shall be transacted until the proceedings under the Call are terminated. A member must remain in attendance until proceedings under the Call are terminated. A member shall be considered in attendance when in the Chamber area. However, a member must comply with the provisions of Senate Rule 3.20 for the purpose of voting.

(3) Upon a Call of the Senate, the Sergeant at Arms shall cause all members not excused to come to the floor. If the Sergeant at Arms cannot locate an unexcused member, that fact shall be reported to the President who shall announce the fact to the members.

(4) Proceedings under a Call of the Senate shall be considered terminated only when the question and subsidiary motions for which the Call was invoked have been voted on, or when a motion to remove the Call is approved by at least two-thirds (20) of the members of the Senate.

(5) A motion to remove the Call shall be in order when the Sergeant at Arms reports that unexcused members cannot be located. If there is no quorum, after the report of the Sergeant at Arms is received, the Senate may remove the Call by the consent of the majority of the members present.

(6) Under the proceedings of a Call of the Senate:

(a) Senate guests may leave the Chamber at will; however, they shall not be permitted to return until the proceedings are terminated or the Call has been removed.

(b) Members of the House, the press and Senate staff on Senate business may leave the Chamber and return at will during the proceedings under the Call.

ORDER OF BUSINESS

4.01 Order of Business.

(1) The general order of business shall be:

(a) Roll Call

(b) Honors to the Colors and the Pledge of Allegiance

- (c) Invocation
 - (d) Courtesies of the Senate
 - (e) Remonstrances
 - (f) Reports from conference committees
 - (g) Reports from special committees
 - (h) Propositions and motions
 - (i) Action on Executive Appointments requiring Senate confirmation
 - (j) Introduction and first reading of Senate measures
 - (k) Second reading of Senate measures
 - (l) Third reading of Senate measures
 - (m) First reading of House measures
 - (n) Second reading of House measures
 - (o) Third reading of House measures
 - (p) Other business of the Senate
 - (q) Announcements
- (2) Messages from the Governor or the House may be read at any time. Courtesies may be extended at any time.
- (3) Questions relating to the priority of business shall be decided without debate.
- (4) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the Senate may be made a special order of business upon the vote of a majority of the members present. When the appropriate time for consideration of the subject arrives, the Senate shall take up the subject.
- (5) When scheduled for third reading, appropriation bills shall take precedence over all other bills from the same house of origin.
- (6) Under the order of business Remonstrances, no member may speak for longer than two minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or Senate shall not be impugned.

MOTIONS

5.01 Moving a Motion.

(1) When a motion is moved, it shall be stated by the President. If the motion is in writing, it shall be handed to the Secretary of the Senate and read aloud before debate on the motion begins.

(2) A motion shall be reduced to writing upon request of any member.

No second to a motion is required.

5.05 Motion in Possession of the Senate.

After a motion is stated by the President or read by the Secretary of the Senate or the Reading Clerk, it is in the possession of the Senate. The motion may be withdrawn only with the permission of the Senate and prior to a decision on the motion.

5.10 Precedence of Motions.

(1) When a question is under debate, only the following motions shall be made:

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

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

5.15 Undebatable Motions.

(1) The following motions are undebatable:

- (a) To adjourn
- (b) To recess
- (c) To suspend the Rules
- (d) To lay on the table

- (e) To move the previous question
- (f) To amend an undebatable motion
- (g) To take from the table.

(2) All incidental questions shall be decided without debate.

(3) An appeal to the committee chair or the President is undebatable, although the member making the appeal may state briefly the reason for the appeal, and the chair or the President may state briefly the rationale for the ruling.

5.17 Form of Previous Question.

- (1) The previous question shall be put in this form: "Shall the main question be now put?" The main question is the question immediately under consideration.
- (2) The previous question shall only be admitted when demanded by a majority of the members present. Until it is decided, it shall preclude all amendments and further debate on the question, except for closing arguments.

5.20 Form of Question on a Motion.

The question on a motion shall be put in this form: "Those in favor say, 'aye'" and after the response, "Those opposed say, 'no'."

5.25 Effect of Motion to Indefinitely Postpone.

- (1) When a measure or question has been indefinitely postponed, no further action on the measure or question shall be allowed in the same session of the Legislative Assembly. The vote is not subject to a motion for reconsideration.
- (2) When the motion to indefinitely postpone a measure or question fails, the motion shall not be allowed again on the same day or at the same stage of the measure or question.

5.30 Division of the Question.

- (1) Any member may call for a division of a question if the question presents propositions so distinct in substance that if one is taken away, a substantive proposition remains for the decision of the Senate.
- (2) The question of final passage or adoption of any measure is not subject to division.

5.40 Amendments from the Floor.

No measure shall be amended on the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Secretary of the Senate.

DEBATE AND DECORUM

6.01 Decorum.

When a member is speaking, no one shall walk between the member and the rostrum. No one shall leave the Chamber or hearing room in a manner disruptive of the proceedings. When the Senate is in daily session, or a hearing is being conducted, no one in the Chamber, gallery or hearing room shall act in a manner disruptive of the proceedings.

6.05 Recognition of Members.

When a member seeks to be recognized by the chair, the member shall use the electrical signal device at the member's desk, or the member shall rise and respectfully address the chair. Exceptions to this rule are:

- (a) When demanding a Call of the Senate or a roll call.
- (b) When allowed to interrupt a speaker for one of the purposes listed in Mason's Manual of Legislative Procedures, section 92.

6.10 Conduct in Debate.

- (1) In speaking, a member must confine remarks to the question under debate and shall avoid personalities. A member may refer to the actions of a committee if such actions are relevant to the debate, but a member shall not impugn the motives of another Senate or House member's vote or argument.
- (2) In speaking, a member may address another member by using the appellation of Senator or the appellation of Senator and the member's district number or other description of district.
- (3) A member's right to read from any paper or book as a part of a speech is subject to the will of the Senate. If any member objects to such reading, the matter shall be immediately put to a vote without debate.
- (4) No member is permitted to use audio or video reproductions during debate. As used in this rule, "audio and video reproductions" include films, audio and video tapes or slides.
- (5) No one other than a member may speak during debate.

6.20 Questioning a Member.

(1) All questions asked of a member shall be addressed through the chair.

(2) Members responding to a question shall confine remarks to the question only.

6.25 Frequency with Which Member May Speak.

(1) The mover of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

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

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

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

6.30 Limitation on Duration of Debate.

The following rules apply to the length of time a member shall have the floor in debate:

(1) On the final passage of a measure, the chair of the committee reporting the measure, or a member designated by the chair, may speak for ten minutes. In the case of multiple carriers, each member may speak for five minutes. Other members may speak for five minutes.

(2) On a motion to adopt or substitute a committee report, the member who moves the motion may speak for ten minutes. Other members may speak for five minutes.

(3) The member closing debate on final passage or moving to adopt or substitute a committee report, may speak for ten minutes. In the case of multiple carriers, one member shall be designated to close.

(4) On other debatable motions, a member may speak for five minutes.

(5) Any member may yield the time allowed under this rule to another member. However, no additional time can be yielded to a member closing debate.

(6) When a member who has the floor asks a question of another member, the time used in answering shall be taken from the questioning member.

6.35 Call to Order.

(1) If a member transgresses the rules of the Senate, the President, or any member through the President, may call the member to order. Unless permitted by the President to explain, the member called to order shall be seated immediately.

(2) The member who is called to order may appeal the ruling of the President. If the Senate decides the appeal in favor of the member, the member may proceed with the debate. If the Senate decides the appeal against the member, the member may proceed "in order" or be liable to a motion of censure of the Senate.

6.40 Discipline.

If a member is called to order for words spoken in debate, the member objecting shall immediately repeat the words to which objection is taken and they shall be recorded by the Journal Editor. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection was made, the member shall not be held answerable or subject to censure.

PRESIDING OFFICER

7.01 Officers of the Senate.

(2) The officers of the Senate shall be those elected by the Senate for the Seventy-third Legislative Assembly under Regular Session Rules 7.01, 7.05 and 15.01 and interim Rule 207.01.

7.05 Temporary Presiding Officer.

(1) The President may designate a member other than the President pro tempore to act temporarily as the presiding officer. The designation shall not extend beyond adjournment on the day of the appointment. The member does not lose the right to vote while presiding. The President may resume the chair at his or her pleasure.

(2) If, at any time, the office of the President of the Senate becomes vacant, the President pro tempore shall become President until a new President is elected.

7.10 Duties of Presiding Officer.

(1) The President shall take the chair every day at the hour as provided in Senate Rule 3.05.

(2) The President shall immediately call the members to order and have the roll called.

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

(4) The President shall have general control and direction of all Senate employees and all employees of the Legislative Assembly when they are in the Senate Chamber.

(5) The President shall have control of the Senate Chamber and adjacent areas.

8.05 Committee Appointments.

(1) The President may establish special committees and conference committees.

(2) Members of all standing and special committees, and the chairs and vice-chairs thereof, shall be appointed by the President.

(3) The President shall appoint members to other committees as necessary or as required by law.

(4) The President shall be an ex officio member of each committee and have the power to vote. As an ex officio member on a standing committee the President does not increase the size of the respective committees. Ex officio membership does not increase the number of members required to provide a quorum.

8.10 Committee Quorum; Rules.

(1) A majority of the members appointed to a special committee shall constitute a quorum for the transaction of business before the committee.

(2) Final action on a measure in committee shall be taken only on the affirmative vote of a majority of the members.

(3) All committees shall be governed by committee rules adopted by a majority of committee members, the Senate Rules and Mason's Manual of Legislative Procedure and statute.

8.15 Committee Meetings.

(1) All committees shall meet at the call of the committee chair. The chair shall cause notice of the meeting to be given to the public. The chair may designate a time certain for an agenda item. The chair shall begin a time certain agenda item at the appointed time and accommodate witnesses wishing to testify to the extent practicable.

(2) No committee shall meet during the time the Senate is in session without approval of the President.

(3) Any meeting of a Senate committee held through the use of telephone or other electronic communication shall be conducted in accordance with SR 8.15 and upon approval of the President.

8.16 Committee Meeting--Less Than 48 Hours' Notice.

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

(2) The committee chair or the President shall cause notice of each committee meeting to be given to the public, and written notice to be given to the Secretary of the Senate's office and posted outside the Senate Chamber, in the lobby areas of the 2nd and 3rd floor wings, in the Press Room and in any other place reasonably designed to give notice to the public and interested persons. Whenever possible, such meetings shall be announced on the floor while the Senate is in session.

8.20 Committee Action Required.

(1) Each committee shall act upon referred measures as soon as practicable.

(2) Upon written request of a majority of committee members filed with the committee chairperson and the Secretary of the Senate, the chairperson shall order a hearing or work session on any measure in the possession of the committee. The hearing or work session shall be held only after notice as required by Rule 8.15(1), but shall be held within a reasonable time.

8.25 Committee Meeting Records.

(1) Each meeting of a committee or subcommittee shall be sound recorded. As soon as practicable after each meeting, written minutes of the meeting shall be prepared and distributed. The minutes shall contain at least the following information:

(a) Attendance of members and staff

(b) Names of all witnesses

(c) Recorded vote on all official actions

(d) Any announcements of conflicts of interest

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

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

REFERRAL OF MEASURES TO COMMITTEE

8.40 Referral to Committee.

(1) Within seven calendar days following first reading of a measure, the President shall refer the measure to an appropriate committee and may refer it to not more than one additional committee. Any measure appropriating money or requiring the expenditure of money may also be referred to the Joint Committee on Ways and Means. The referral may occur before or after it has been referred to and reported out of any other committee. The President may, at any time, rescind a subsequent referral.

(2) At the request of a committee reporting on a measure, the President may rescind or add a subsequent referral to another committee.

(3) The President may either announce the referral decisions or order the referrals made in accordance with a printed list.

8.42 Withdrawing Measure from Committee.

A measure, including one referred by the President to a joint committee, may be withdrawn from a committee by a motion to withdraw, and by the affirmative vote of a constitutional majority (16) of the members of the Senate.

8.43 Motion to Refer or Rerefer.

A measure may be referred or rereferred to committee either under Propositions and Motions or on third reading. An affirmative vote of a majority of those present is necessary. A measure may be referred or rereferred with recommendations to a committee. These recommendations must be in writing and filed with the Secretary of the Senate before the vote is taken on the motion to refer with recommendations.

COMMITTEE REPORTS

8.50 Committee Reports.

(1) All committee reports on measures shall be signed by the committee chair. Committee reports must be submitted to the Secretary of the Senate following final committee action on the measure. When a committee requests a subsequent referral or requests a referral be rescinded, the request shall be in writing and accompany the committee report.

(2) All committee reports shall be filed in a manner prescribed by the Secretary of the Senate. Reports which are not in the proper form and style may be returned to the committee or corrected by the Secretary of the Senate and the President or their designees. Any substantive changes must be approved by the committee.

(3) In reporting a measure out, a committee shall include in its report:

(a) The measure in the form reported out

(b) The recommendation of the committee

(c) A staff measure summary for all measures except appropriation bills and joint memorials

(d) A fiscal impact statement, if applicable, prepared by the Legislative Fiscal Officer

(e) A revenue impact statement, if applicable, prepared by the Legislative Revenue Officer

(f) Budget notes, if applicable, as adopted by a majority of the Committee on Ways and Means.

(4) If the committee is of the opinion that a fiscal impact statement or a revenue statement is not applicable, the report shall state that decision and be filed without such statements.

8.52 Committee Reports--Read or Announced.

(1) At the discretion of the President, committee reports at the Senate Desk may be either read or announced under the proper order of business. If reports are announced, the Secretary of the Senate shall distribute to the members a summary of all reports and measures passed to calendar.

(2) The Secretary of the Senate shall cause the committee report to be entered in the Status Report and Journal.

8.55 Second Reading of Measures.

(1) Measures reported favorably without amendments and having no subsequent referral shall be placed on the second reading calendar for the same session day on which the report is read or announced.

(2) Measures reported favorably with amendments and having no subsequent referral shall be placed on the second reading calendar for the same session day on which printed amendments are distributed.

8.75 Germaneness.

If, at any time after filing of a committee report, including a conference committee report, and before final action by the Senate on the measure, a member raises the question of the germaneness of the amendments, the President shall decide the question based on section 402 of Mason's Manual of Legislative Procedure and announce the decision from the rostrum.

8.80 Third Reading and Final Passage.

(1) Except as provided in Senate Rule 3.50, measures shall be placed on the calendar for third reading and final passage the next session day following second reading.

(2) When a measure is reported favorably but with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for third reading and final passage. The measure shall be placed on the calendar for third reading and final passage following distribution of the printed amendments.

(3) Upon the recommendation of the committee chair reporting a measure with amendments, or at the President's discretion, the President may order a measure printed with the amendments engrossed therein. If the measure is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measure unless the amendments have been distributed to the desks of the members.

(4) Measures passed to the calendar in the regular order of business which, according to Legislative Counsel, conflict with measures previously passed in the current session, may be taken from the calendar for the purpose of resolving the conflict. A motion by the chair of the committee that considered the measure is in order for removal of the measure from the calendar.

(5) Notwithstanding the provisions of this rule, it shall be in order for the Secretary of the Senate to replace a measure on the calendar for third reading and final passage in the regular order of business immediately after the committee report resolving the conflict has been read. If changes other than resolving conflicts or minor corrections are made, consideration of the measure must comply with the regular procedure.

8.85 Order of Consideration for Final Passage.

(1) When placed on the calendar for final passage, measures shall be considered in their numerical order. However, appropriations measures shall precede other measures.

(2) Except as otherwise provided in these rules, no motion is required to adopt a committee report.

8.95 Substitute Measure.

A substitute measure shall be treated as a newly introduced measure providing it is relevant to the title and subject of the original measure. After first reading, the measure shall be placed on second reading, on the next session day, without referral to committee.

RECONSIDERATION

10.01 Reconsideration.

(1) A motion for reconsideration may be made by a member who voted on the prevailing side when:

(a) A measure or executive appointment has passed or been confirmed;

(b) A measure or executive appointment has failed to pass or has been denied;

(c) A non-procedural motion has been adopted; or

(d) A non-procedural motion is defeated.

A motion for reconsideration is not in order on a vote whereby a measure was indefinitely postponed.

(2) Notice of intent to move for reconsideration must be given orally by the member who intends to move the motion. Notice must be given prior to adjournment on the day on which the vote to be reconsidered was taken.

(3) A motion to reconsider may be debated together with the main question, if the subject of the main question is debatable.

(4) The motion to reconsider must be made immediately after the vote to be reconsidered was taken.

(5) A majority affirmative vote of those present and voting is required to reconsider a vote, including a measure requiring an otherwise constitutionally designated majority vote. There shall be only one reconsideration of any final vote even though this action reverses the previous action.

10.10 Recall of a Measure.

In order to reconsider the vote on a measure no longer in possession of the Senate, a motion to recall the measure is in order. Measures originating in either the House or the Senate may be recalled from the Governor at any time prior to signing and filing of the measure by the Governor. A motion to request the return of a measure shall be acted upon immediately and without debate.

CONFERENCE

11.01 Vote to Concur in Amendments of Other House.

(1) Upon return to the Senate of a Senate measure which has been amended in the House, the vote to concur and repass the measure, or not to concur with the House amendments, shall be taken after the message from the House has been read.

(2) A motion to concur and repass the measure, or not to concur with the House amendments, shall come under the order of business of Propositions and Motions and is not subject to referral to a committee.

(3) On the motion to concur and repass the measure, a roll call vote is required and a constitutional majority (16) is needed for concurrence and repassage, except in the case of a measure requiring an otherwise constitutionally designated majority vote.

(4) On a motion not to concur, the affirmative votes of a majority of the members present is needed. If the motion not to concur is adopted, the President shall appoint a conference committee.

(5) If a motion not to concur is defeated, the President shall immediately order a roll call vote on the question of concurrence and repassage of the measure.

(6) If the motion to concur and repass the measure is defeated, the President shall appoint a conference committee.

11.05 Conference Committee.

Upon receipt of a message from the House that it has failed to concur with Senate amendments to a House measure, the President shall appoint a conference committee of two or more members to represent the Senate and meet with a similar committee of the House. At least one member appointed shall have served on the Senate committee that considered the measure. The President may request the committee chair to designate one of the members.

11.10 Authority of Conference Committee.

(1) The conference committee has authority to propose amendments only within the scope of the issue between the houses.

(2) The Senate conferees shall meet with the House conferees as soon as is practicable after appointment. The time and place shall be agreed upon by a majority of all the conferees. The committee shall immediately notify the President and the Secretary of the Senate of the time and place of the meeting. The Secretary of the

Senate shall immediately cause notice of the meeting to be given to the public and posted outside the Senate Chambers. Notice of the meeting shall be announced on the floor, if the Senate is in session.

11.15 Adoption of Conference Committee Report.

(1) If a majority of conference committee members of each house agree to an amendment, or otherwise resolve the issue between the houses, the report shall be filed with both houses. A majority of conferees from each house shall sign the report. A dissenting conferee may indicate that fact when signing the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. When repassage is required, a motion to adopt the conference committee report and repass the measure is necessary. A motion shall not be made until the conference committee report has been printed and then may be made at any time.

(3) On the motion to adopt the conference committee report and repass the measure, a roll call vote is required and the affirmative votes of a constitutional majority (16) is needed, except in the case of a measure requiring an otherwise constitutionally designated majority vote.

(4) If the motion to adopt the conference committee report and repass the measure fails, the President may appoint another conference committee.

(5) On a motion to refuse to adopt the conference committee report, the affirmative vote of a majority of those present is needed. If the motion is adopted, the President may appoint a conference committee.

(6) It shall not be in order to refer, rerefer or amend a conference committee report.

(7) When the conference committee report concerns a measure that originated in the House, the Senate may take action in accordance with subsections (1) and (2) without waiting for action by the House.

11.20 Discharge of Conferees.

(1) If a majority of conference committee members cannot agree within a reasonable time, the Senate conferees shall advise the President of their inability to agree with the House conferees and request discharge. The President shall then discharge the Senate conferees and may appoint a new conference committee to represent the Senate.

If a conference committee does not report within a reasonable period of time after its appointment, the President may discharge the Senate conferees and

appoint new conference committee members to represent the Senate.

SPONSORSHIP

12.01 Sponsorship.

Every measure introduced in the Senate shall bear the name of the chief sponsor(s) and shall comply with ORS 171.127.

(2) Upon written request, filed with the Secretary of the Senate, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(3) When the measure is in the possession of the Senate, the President may order the name of a sponsor deleted from a printed engrossed or enrolled measure if a sponsor requests in writing to have the name removed because it was placed on the measure by error or because the measure has been so substantially altered that the sponsor can no longer sponsor it. If the removal is so ordered, the name shall be removed from the list of sponsors at the next printing of the measure, and from the measure history in the Status Report at the next printing.

(4) If removal of the sponsor's name leaves the measure without sponsorship, the President may order the name of the committee that reported the measure to be named as sponsor.

12.02 Requester.

(1) Every measure introduced at the request of an individual, organization, state agency, or legislative interim committee shall indicate that it is introduced by request and identify the requester.

(2) When the measure is in the possession of the Senate, the President may order the name of a requester added or deleted from a printed engrossed or enrolled measure if the chief sponsor or the requester asks in writing to have the name added or removed.

(3) A requester's name may be removed because it was placed on the measure by error or because the measure has been so substantially altered that the requester can no longer support the measure.

(4) If the addition or removal is so ordered, the requester's name shall also be added or removed from the measure at the next printing and from the measure history in the Status Report at the next printing.

12.05 Committee Sponsorship.

Any measure to be sponsored by a committee must be approved for such sponsorship by a majority of the committee members and must be signed by the committee chair.

INTRODUCTION OF MEASURES

13.01 Requirements for Presentation of Measures for Introduction; Bill backs.

(1) All measures must be approved for introduction by the President.

(2) The sponsor of a measure for introduction shall present to the Secretary of the Senate two copies of the measure, one of which has a bill back initialed by the sponsor(s). Such presentation may be made only by a member, authorized staff of a member or, in the case of a committee, by the chair or authorized committee staff. The Secretary of the Senate or a person authorized by the Secretary of the Senate shall, upon request, provide a time-dated receipt to the person presenting the measure.

(3) A copy of the measure designated as the original shall be placed in the original measure folder. Copies of all amendments and reports, and a record of all actions on the measure shall be maintained with the original measure folder.

(4) Immediately after presentation to the Secretary of the Senate, the measure shall be sent to Legislative Counsel for examination and compliance with the "Form and Style Manual for Legislative Measures" and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

13.02 Measure Summary.

(1) No measure shall be accepted by the Secretary of the Senate for introduction without an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Secretary of the Senate which does not comply with this requirement shall be returned to the member or committee that presented it.

(2) The summary may be edited by Legislative Counsel and must be printed on the first page of the measure. The summaries of measures may be compiled and published by the appropriate legislative agency.

(3) If a material error in a printed summary is brought to the attention of Legislative Counsel, Counsel shall cause a corrected summary to be prepared which shows the changes made in the summary. Changes shall be shown in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected

summary to the Secretary of the Senate. The President may order the corrected summary printed and distributed as directed by the Secretary of the Senate.

(4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the printed amendment. The summary shall be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.

(5) All summaries must comply with ORS 171.134.

13.11 Confidentiality; Consolidation of Requests.

(1) A member may designate that a request for measure drafting services be treated as confidential in accordance with ORS 173.230. Requests from a committee may not be treated confidentially.

(2) Whenever a request is made for measure drafting services, Legislative Counsel shall inform the requester of all nonconfidential requests for similar measures and attempt to consolidate all such requests in one measure. Legislative Counsel shall also inform requesters of confidential drafts when similar but nonconfidential requests are made. This will be done in order to determine whether the requester wishes to consolidate the confidential request with similar but nonconfidential requests.

PUBLICATIONS AND RECORDS

14.01 Journal; Status Report

(1) The Senate shall cause a Journal of its proceedings to be maintained. The Journal shall contain a full, true and correct chronological record of all proceedings of the Senate.

(2) The Senate shall cause a Status Report to be composed and printed during the special session of the Legislative Assembly. The measures shall be listed in numerical order and shall contain title, sponsor and a history of actions taken in each house.

(3) The President may direct publication of the Status Report on a weekly cumulative basis, with daily supplements reflecting the proceedings of the previous day.

14.03 Senate Records.

(1) As used in this rule, "Senate record" means a measure or amendment of a measure, a document, book, paper, photograph, sound recording or other material produced by the Senate, a Senate committee or staff member, in connection with the exercise of legislative or

investigatory functions, but does not include the record of an official act of the Legislative Assembly kept by the Secretary of State under section 2, Article VI of the Oregon Constitution.

(2) Subject to the needs of Senate members and Senate staff in the performance of official duties, Senate records in the possession of the Senate shall be available for public inspection, subject to such requirements as may be imposed by the President to insure their safety.

(3) Sound recordings shall be made of every floor session of the Senate and be kept in the custody and control of the Secretary of the Senate. Sound recordings shall be made of every committee meeting and be kept in the custody and control of the Legislative Administrator.

(4) A Senate committee or Senate staff member having possession of Senate records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of the session, deliver all such Senate records to the Legislative Administrator.

(5) Senate records shall not be loaned except to staff of the Legislative Assembly who require access to such records in the performance of official duties. Arrangements for having records copied may be made and an appropriate fee to meet costs may be imposed. All monies collected under this rule shall be promptly turned over to the Legislative Administrator or designee.

14.05 Other Legislative Publications.

(1) Unless otherwise directed by resolution, the President is authorized to implement the powers vested in the Senate by ORS 171.206.

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

14.10 Distribution of Legislative Publications.

(1) In implementation of ORS 171.206, and for the proper functioning of the Senate, the Secretary of the Senate shall order from the Legislative Administrator a sufficient number of copies of all publications printed for either house of the Legislative Assembly.

(2) Unless otherwise directed by joint resolution or otherwise provided under ORS 171.206, 171.236 or 182.070, the Legislative Administration Committee shall, upon request, cause to be distributed, without charge, the publications of each session of the Legislative Assembly to boards of county commissioners, cities, public libraries,

law schools in the state and accredited representatives of the news media as considered appropriate.

(3) Each member is authorized up to 15 mailings of weekly Status Reports, indexes and Legislative Schedules without charge.

(4) Each member is authorized a maximum of 50 additional copies of measures without charge.

(5) Mailings of legislative publications requested by members shall not be made to any person who is a lobbyist, as defined in ORS 171.725.

14.20 Legislative Newsletters.

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

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

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

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator or actions occurring before the Legislative Assembly or its committees or affecting its activities when such material is not campaign material and does not serve partisan political purposes.

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

OFFICERS; PERSONNEL

15.01 Secretary of the Senate; Election and Duties.

Under the direction of the President, the Secretary of the Senate, in addition to performing those duties provided by law or other provisions of these rules, shall:

(a) Authorize and supervise the preparation and distribution of all measures, Status Reports, Journals and related publications of the Senate.

(b) Be responsible for the keeping of the measures, papers and records of the proceedings and actions of the Senate and have charge of the publications and distribution of publications related thereto.

(c) Instruct and supervise staff of Senate committees in the preparation of official Senate records.

(d) Receipt for documents transmitted to the Senate and take receipts from persons, including Senate committees, receiving documents from the Senate.

(e) Serve as parliamentarian for the Senate.

(f) Instruct and supervise Senate employees engaged in carrying out the duties described in paragraphs (a), (b) and (c) herein, and employees, other than members' personal staff, assigned to duties in or related to the Chamber area.

15.02 Sergeant at Arms; Appointment and Duties.

The Sergeant at Arms, assisted by the Capitol Executive Security when directed by the President, shall maintain order in the chamber and other areas assigned to the Senate, execute all processes issued by authority of the Senate or any of its committees, and perform such other duties as the President may direct. The Sergeant at Arms shall permit such ingress and egress to the chamber during sessions as may be directed by the President or allowed by the rules.

15.04 Senate Desk and Floor Personnel.

(1) The Secretary of the Senate, in consultation with the President of the Senate, shall appoint Senate desk staff, floor personnel and receptionists as necessary to conduct the business of the Senate and in accordance with the current Legislative Assembly budget.

(2) Personnel assigned to the Senate Desk and the Senate floor, including receptionists shall perform duties as directed by the Secretary of the Senate and the President.

15.05 Other Personnel.

(1) The caucus leaders may each appoint such staff as is necessary to conduct the business of the caucus as provided in the current Legislative Assembly budget.

(2) The President may appoint such staff as is necessary to perform the duties of the offices of the President or to assist the Senate.

(3) In consultation with each committee chair, the President may appoint a committee administrator and committee assistant to conduct the business of the committee and in accordance with the current Legislative Administration budget, may appoint other personnel as determined necessary for the proper operation of the committee.

(4) Employees of the Senate serve at the pleasure of the appointing authority and shall be appointed or dismissed by written notice thereof to the Legislative Administrator.

(5) The time of service for all employees begins on the date contained in their letter of appointment, which shall be filed with the Legislative Administrator's office.

(6) To maintain professionalism in the legislative process, dress code policies may be established for positions which support decorum and protocol of the Senate.

SERVICES AND SUPPLIES

16.01 Office Supplies, Stationery and Equipment.

(1) The Legislative Administrator shall issue office supplies directly to Senate members and staff in accordance with the Rules of the Senate and policies of the Legislative Administration Committee. Members and staff shall comply with ORS 171.136.

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

- (a) Postage (all classes)
- (b) Subscriptions to newspapers and periodicals
- (c) Office supplies
- (d) Copying, facsimile charges
- (e) Newsletter printing, postage and labels
- (f) Any other service or supply authorized by the President.

(3) All orders for stationery and printing may be placed with the Secretary of the Senate.

(4) Any member who spends in excess of the allowance provided under these rules shall reimburse the Legislative Assembly for the overdraft.

16.05 Requests for Attorney General Opinions.

Requests for opinions from the Attorney General require approval of the President as a necessary condition for authorizing payment from legislative funds. This rule takes precedence over subsection (2) of ORS 180.060. Legislative Counsel shall provide legal advice and opinions to the members of the Senate without prior approval of the President.

PRIVILEGES

17.01 Floor Privileges.

(1) When the Senate is in session, no person shall be permitted within the bar except:

- (a) Members of the Senate;
- (b) Desk and floor personnel of the Senate;
- (c) Members of the House of Representatives;
- (d) Accredited representatives of the news media;
- (e) One member of the staff of caucus offices; and

(f) One member of a Senator's personal staff or a member of the staff of a Senate standing committee, statutory committee, special committee, caucus offices may be seated at a member's desk. Additional Senate staff members are permitted on the side aisles.

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

(3) No person who is a lobbyist as defined in ORS 171.725 shall be permitted in the Senate Chamber area during its daily session. Any person transgressing this subsection shall be removed from the Chamber and shall be subject to the penalties provided by law for violation of lobbying regulations.

(4) Admission to the side aisles beyond the bar shall be reserved for the families and guests of members of the Senate, local and state-elected officials and such other persons as may be authorized by the President. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure,

except during consideration of Concurrent Resolutions as may be authorized by the President.

(5) No food, beverage or smoking is permitted on the side aisles or within the bar.

(6) While the Senate is in daily session, the center aisle of the floor shall be kept clear of all persons, except members and the Secretary of the Senate or someone acting under the direction of the Secretary of the Senate and conducting the business of the Senate. Access to the Chamber during a daily session shall be by the side doors and side aisles.

(7) Beginning 15 minutes before the opening of each session and ending 15 minutes after the session, no person shall be permitted in the Chamber area except those authorized to be in the Chamber under this rule.

17.02 Accreditation of News Media.

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

In order to obtain accreditation, representatives of the news media shall register in the office of the President, indicating the publication, news wire service, radio or television station represented. However, any representative of a news media who is attending the session as a lobbyist, as defined in ORS 171.125, shall not be entitled to accreditation or the privileges of the floor.

(3) Accredited representatives of the news media may use still cameras on the side aisles. The use of motion picture or television cameras in the Chamber, or still cameras within the bar, may be permitted by the President. The Secretary of the Senate shall provide adequate camera locations for accredited representatives of the news media in the Senate gallery. Personnel of Legislative Media Services are subject to this rule.

17.03 Distribution of Materials on Floor.

(1) No materials on any measure which is on the third reading calendar or on the agenda may be distributed on the floor except materials prepared for, or by, a member of the Senate.

(2) No anonymous material shall be distributed to members on the floor at any time. A copy of any material distributed to members' desks must be filed with the Secretary of the Senate prior to distribution.

(3) Nothing in the rule prohibits a member from requesting and receiving specific material delivered by legislative staff.

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

17.05 Lounge Privileges.

The lounge is for the convenience of Senators. Supervision, operation and use of the Senate Lounge shall be directed through agreement of the Caucus Leaders.

IMPROPER CONDUCT

18.01 Work Environment.

During the special session, the Senate shall observe the policy on improper conduct in accordance with SR 18.01-18.12 Regular Session Rules for the Seventy-third Legislative Assembly.

EXECUTIVE APPOINTMENTS

19.10 Referral to Committee.

Following reading of the message from the Governor appointing a person to a position or office requiring confirmation by the Senate, the President shall refer the appointment to an appropriate standing or special committee and may refer it to not more than one additional committee. The committee shall consider the appointment as soon as practicable.

19.20 Committee Review of Appointees.

(1) All persons initially appointed to boards, commissions or agencies, subject to the provisions of section 4, Article III of the Oregon Constitution, shall appear before the appropriate Senate committee prior to confirmation by the Senate.

(2) The chair of the Executive Appointments Committee, with the consent of the President of the Senate and a majority of the committee members, may waive appearance before the committee of persons appointed by the Governor.

19.35 Committee Action.

(1) The committee may, after public hearing, take action on the appointment and promptly file the report with the Secretary of the Senate. On final action the committee shall recommend that:

(a) the Senate confirm;

(b) the Senate refuse to confirm; or

(c) the appointment be reported to the Senate without recommendation.

19.40 Additional Time for Consideration.

(1) If any appointment submitted by the Governor and subject to Senate confirmation is submitted too late for the Senate to review the recommendation of the committee or otherwise consider the appointment, that appointment shall be carried over to the next convening of the Senate as required by section 4, Article III of the Oregon Constitution and ORS 171.562 and 171.565.

(2) The proposed appointment shall not be considered rejected, or confirmation denied, if the appointment is carried over. The action of carrying over consideration of the appointment shall be duly recorded in the Journal.

19.55 Consideration of Committee Reports.

(1) Action on a committee report recommending Senate confirmation shall be placed on the calendar as soon as practicable following reading or distribution of the report.

(2) The vote on confirmation shall be taken by roll call. The affirmative vote of a Constitutional majority (16) is necessary for confirmation.

19.60 Confirmation en bloc.

(1) If a committee reports on nominees en bloc, the report shall be placed on the calendar for confirmation as soon as practicable after reading or distribution of the list of appointments.

(2) When there is more than one appointee to an individual board, commission or agency, a motion to confirm en bloc, when recommended by the committee, shall be in order.

(3) Any member may require a separate vote by requesting that an appointee be considered separately. The request shall be submitted in writing to the Secretary of the Senate one hour before the session on the day that the confirmation is on the calendar. The request will be announced at the appropriate time and

the appointee considered separately from the en bloc vote.

The Secretary of the Senate was directed by the President to notify the Governor and the House of Representatives that the Senate has completed its organization and is ready for the business of the Special Session of the Seventy-third Legislative Assembly.

President Courtney announced the Special Session Committee assignments as follows:

JOINT SPECIAL SESSION COMMITTEE

Senator Peter Courtney, Co-Chair

Senator Kate Brown

Senator Ted Ferrioli

Without objection, the Senate dispensed with reading the veto message from the Governor in its entirety. Copies of the veto message and vetoed bill together with the measure history were distributed to members' desks. Veto message ordered placed in the original documents file. (Veto messages, in their entirety, printed in 2005 Regular Session Journal following Sine Die Adjournment.)

Vetoed SB 1083 (2005 Regular Session) -- Brown moved bill, together with the Governor's message, be laid on the table. Call of the Senate demanded by Brown joined by Devlin and Metsger. The vote was: Ayes, 20; nays, 10 – Atkinson, Beyer, Ferrioli, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters. Motion to lay on table carried.

Brown moved that in compliance with Article IV, section 19 of the Oregon Constitution, and notwithstanding any provision of the Senate Special Session Rules for the Seventy-Third Legislative Assembly, the requirement that on its final passage each bill shall be read section by section be suspended for the duration of this special session of the Seventy-third Legislative Assembly and the requirement that every bill shall be read by title only on three several days in each house be suspended.

On suspension of the constitutional provisions, the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, Kruse, Starr, C., Whitsett; absent, 1 – George. Constitutional provisions suspended.

Senate recessed until 9:45 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 9:45 a.m. President Courtney in Chair. All present.

Message from the House announcing that the House of Representatives has organized and is ready for the business of the Special Session of the Seventy-third Legislative Assembly.

Senate, having recessed following the order of Action on Executive Appointments, resumed under the general order of business by unanimous consent at the request of the Chair.

SCR 12; SB 5644; 1105, 1106 -- Introduced, read first time and referred to Joint Special Session Committee.

Senate recessed until 11:30 a.m. by unanimous consent at the request of the Chair.

Recess extended until 12:30 p.m.

Senate reconvened at 12:30 p.m. President Courtney in Chair. All present.

HB 3510, 3511 -- Message from House announcing passage.

Senate having recessed following the order of Introduction and First Reading of Senate Measures, proceeded to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 3510, 3511 -- First read and referred to Joint Special Session Committee.

Senate reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

The following reports were read:

SCR 12 -- Report by Joint Special Session Committee recommending adoption.

SB 5644 -- Report by Joint Special Session Committee recommending adoption.

SB 1105 -- Report by Joint Special Session Committee recommending passage.

SB 1106 -- Report by Joint Special Session Committee recommending passage.

SCR 12; SB 5644; 1105, 1106 -- Rules suspended by unanimous consent in order that the Senate may take final action. Call of the Senate demanded by Brown joined by Devlin and Gordly. All present.

Senate reverted to the order of Second Reading of Senate Measures by unanimous consent at the request of the Chair.

SCR 12; SB 5644; 1105, 1106 -- Under rules suspension, read second time and passed to third reading.

SB 5644 -- Under rules suspension, read third time. Carried by Schrader. Call of the Senate demanded by Brown joined by Gordly and Bates. All present. On passage of bill the vote was: Ayes, 23; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Whitsett. Bill passed.

SB 5644 -- Beyer requested the following explanation of vote be entered into the journal:

I opposed Special Session SB 5644 and HB 3510 which together distribute \$42 million in unanticipated lottery revenues to public schools. This is a projected amount of money that, if we receive it, should be held for future use.

We passed a school budget during last session that increased funding for k-12 education by about 8% over

the previous two year period. In addition to that there was also \$23 million allocated if the economy and revenue projections reached a certain level. That trigger is expected to be reached in the next forecast, so local schools will receive about \$35 per student that they had not anticipated. This amounts to about \$900 per class room of additional revenue.

I believe the \$42 million should be held as a reserve at this time. Just as your local school board has a reserve fund, I feel the state should also hold some money in case the revenue projections don't materialize. The \$42 million is about 1/2 of 1% of the remaining state general fund budget and less than two percent of the remaining k-12 state budget. Most prudent budget analysts recommend having a minimum of a 2% reserves to cover unanticipated shortfalls. The passage of special session SB 5644 and HB 3510 reduces the remaining unallocated balance to less than \$8.5 million. I don't feel that is prudent management of our state funds.

Another reason I am opposed to spending this money now is the effect it will have on the budget for next biennium. The \$42 million in revenue today will cost us about \$100 million in the next budget cycle. Without spending that money there is already a \$600 million projected shortfall for the 2007-2009 budget cycle. SB 5644 and HB 3510 will increase that to more than \$900 million. The passing of these bills creates an unsustainable budget that will likely lead to reductions in the next year.

I have always pledged to only support fiscally prudent and sustainable budgets and I don't feel these bills meet either definition.

SB 1105 -- Under rules suspension, read third time. Carried by Prozanski. Call of the Senate demanded by Prozanski joined by Bates and Burdick. All present. On passage of bill the vote was: Ayes, 22; nays, 8 -- Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Whitsett. Bill passed.

SB 1106 -- Under rules suspension, read third time. Carried by Deckert. Call of the Senate demanded by Brown joined by Devlin and Gordly. All present. On passage of bill the vote was: Ayes, 22; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett. Bill passed.

Senate reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

The following reports were read:

HB 3510 -- Report by Joint Special Session Committee recommending passage.

HB 3511 -- Report by Joint Special Session Committee recommending passage.

Senate resumed under the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 3510, 3511 -- Rules suspended by unanimous consent in order that the Senate may take final action on second and third reading on motion of Brown.

HB 3510, 3511 -- Under rules suspension, read second time and passed to third reading.

HB 3510 -- Under rules suspension, read third time. Carried by Walker. Call of the Senate demanded by Brown joined by Walker and Bates. On passage of bill the vote was: Ayes, 26; nays, 4 – Beyer, George, Kruse, Whitsett. Bill passed.

HB 3510 -- Beyer requested the following explanation of vote be entered into the journal:

I opposed Special Session SB 5644 and HB 3510 which together distribute \$42 million in unanticipated lottery revenues to public schools. This is a projected amount of money that, if we receive it, should be held for future use.

We passed a school budget during last session that increased funding for k-12 education by about 8% over the previous two year period. In addition to that there was also \$23 million allocated if the economy and revenue projections reached a certain level. That trigger is expected to be reached in the next forecast, so local schools will receive about \$35 per student that they had not anticipated. This amounts to about \$900 per class room of additional revenue.

I believe the \$42 million should be held as a reserve at this time. Just as your local school board has a reserve fund, I feel the state should also hold some money in case the revenue projections don't materialize. The \$42 million is about 1/2 of 1% of the remaining state general fund budget and less than two percent of the remaining k-12 state budget. Most prudent budget analysts recommend having a minimum of a 2% reserves to cover unanticipated shortfalls. The passage of special session SB 5644 and HB 3510 reduces the remaining unallocated balance to less than \$8.5 million. I don't fee that is prudent management of our state funds.

Another reason I am opposed to spending this money now is the effect it will have on the budget for next biennium. The \$42 million in revenue today will cost us about \$100 million in the next budget cycle. Without spending that money there is already a \$600 million projected shortfall for the 2007-2009 budget cycle. SB 5644 and HB 3510 will increase that to more than \$900 million. The passing of these bills creates an un-sustainable budget that will likely lead to reductions in the next year.

I have always pledged to only support fiscally prudent and sustainable budgets and I don't feel these bills meet either definition.

HB 3511 -- Under rules suspension, read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Starr, B. and Shields. All present. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 5644; 1105, 1106 -- Message from the House announcing passage.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SCR 12 -- Under rules suspension, read in its entirety and placed on final adoption. Carried by Carter. On adoption of resolution, the vote was: Ayes, 29; nays, 1 – Kruse. Resolution adopted.

Senate adjourned sine die at 3:06 p.m., April 20, 2006.

SCR 12; SB 5644; 1105, 1106; HB 3510, 3511 -- President Courtney signed on April 24.

SCR 12; SB 5644; 1105, 1106 -- Message from the House announcing the Speaker signed on April 24.

SB 1105 -- Message from the Governor announcing he signed on April 26.

SB 1106 -- Message from the Governor announcing he signed on April 28.

SB 5644 -- Message from the Governor announcing he signed on May 3.