

Friday, December 14, 2012 – Morning Session

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Boquist, Burdick, Close, Devlin, Edwards, Ferrioli, George, Girod, Hass, Johnson, Kruse, Monnes Anderson, Monroe, Nelson, Olsen, Rosenbaum, Shields, Starr, Steiner Hayward, Telfer, Thomsen, Verger, Whitsett, Winters; excused – Bates, Dingfelder, Prozanski. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Steiner Hayward, Portland.

The following proclamation from the Governor was read:

PROCLAMATION

WHEREAS: The State of Oregon seeks to create 25,000 new jobs a year, boost per capita income above the national average and reduce poverty to 10 percent by 2020; and

WHEREAS: The Oregon Legislature has an opportunity to authorize the Governor to enter into agreements to attract significant capital investment and investments that have high jobs to investment ratios; and

NOW, THEREFORE: I, John Kitzhaber, M.D., Governor of Oregon, find an extraordinary occasion exists and I do by this proclamation, pursuant to Article V, section 12 of the Oregon Constitution, call the 76th Oregon Legislative Assembly of the State of Oregon to convene in special session on December 14, 2012, at 9:00 a.m. The Constitution does not empower me to limit the time of the special session or specify matters which may be considered, but it is my earnest hope that the members of the Assembly may act most expeditiously in enacting the legislation referenced above, addressing no other subjects.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, December 10, 2012.

John A. Kitzhaber, M.D., Governor

Kate Brown, Secretary of State

The Credentials Committee report of December 12, 2012, stands and all members of the Senate are eligible to serve in the Special Session of the Seventy-sixth Legislative Assembly.

Rosenbaum moved that the February 29, 2012 Regular Session Senate Rules, as amended, be adopted as the Senate Rules for this Special Session of the Seventy-sixth Legislative Assembly. On adoption, the vote was: Ayes, 27; excused, 3 – Bates, Dingfelder, Prozanski. Special Session Rules adopted.

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

Adopted December 14, 2012

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.

(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) “Legislative assistant” means a person employed to assist a member of the Senate, to assist the Senate President or to assist the majority or minority offices of the Senate.

(9) “Distributed” includes printing and electronic delivery and other means of reproducing a copy.

(10) “Remonstrance” may be considered as a “protest” under section 26, Article IV of the Oregon Constitution.

(11) “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.

(12) “Long Session” means the regular annual session of the Legislative Assembly beginning in an odd-numbered year under section 10(a), Article IV of the Oregon Constitution.

(13) “Short Session” means the regular annual session of the Legislative Assembly beginning in an even-numbered year under section 10(b), Article IV of the Oregon Constitution.

(14) Appendix A - Interim Rules identifies specific rules governing the interim periods.

(15) “Special session” means the Special Session of the 76th Legislative Assembly convening December 14, 2012 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, custom of the Senate or statute.

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.

These rules adopted for the special session shall expire upon the adjournment *sine die* of the special session, at which time the Senate Rules as last amended on February 29, 2012, shall continue in effect. Notwithstanding the special session, all rules governing drafting requests and measure introductions in advance of the Long Session remain in effect without regard to whether the rules are termed interim or session rules.

~~(1) — Except as modified or rescinded under Rule 2.05, these rules shall be in effect for the entire term of the Legislative Assembly whether the Senate is in session or has adjourned *sine die*.~~

~~(2) — The Senate shall follow the recommendations of the concurrent resolution (s) if any, adopted by the 76th Legislative Assembly to set the legislative schedule for the regular session. The provisions of any such concurrent resolution may be suspended by a two-thirds majority (20) of elected members. If no concurrent resolution sets a legislative schedule for the session, the Senate may adopt rules setting its own legislative schedule.~~

2.50 ORGANIZATIONAL SESSION

(1) In accordance with Art. IV, sections 4,10 and 11 of the Oregon Constitution, an organizational session shall be held on the second Monday of January of the odd-numbered years for the following purposes only:

- (a) Credentialing of Senate members
- (b) Administration of the oaths of office to Senate members
- (c) Election of Senate officers for the Seventy-sixth Legislative Assembly
- (d) Adoption of Senate Organizational Session Rules, Regular Session Rules and Interim Rules
- (e) Appointment of Regular Session Committees for the Long Session
- (f) Introduction of measures for the Long Session.

(2) Senate Rule 2.50 shall apply during the period between January 10, 2011 and the convening of the Long Session.

(3) The Regular Session and Interim Rules, as approved by the Senate on January 10, 2011, will go into effect on February 1, 2011.

(4) The committees may meet during the period from January 10, 2011 through January 12, 2011 for the purpose of adopting rules only. Committees may not hold public hearings or work sessions on legislative measures and may not meet after January 12, 2011.

(5) All committee meetings occurring on or before January 12, 2011, are subject to 24 hours public notice requirements.

(6) During the period between the adjournment of the Organizational Session and the convening of the Long Session on February 1, 2011 the President shall refer all measures within eight calendar days following first reading.

(7) Before the Long Session, Senate members may submit drafting requests to the Legislative Counsel until 5:00 p.m., January 14, 2011. Requests made after January 14 shall be counted toward the five requests that members are allowed any time during the Long Session in accordance with Senate Rule 13.15.

(8) At the completion of the Organizational Session, the Senate shall adjourn until the convening of the Long Session on February 1, 2011.

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," 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.

(2) 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 5:00 p.m. of the next session day following the vote on the measure.

(3) 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).

(4) A complaint against a Senate member alleging violation of section (1) of this rule must meet the following criteria:

- (a) The complaint must be in writing;
- (b) The complaint must be specific in its allegations and be accompanied by documentation supporting the allegations;
- (c) The complaint must be signed by at least two persons who witnessed the conduct that is the subject of the complaint; and
- (d) The complaint, in the manner prescribed by the Secretary of the Senate, must be filed with the Secretary's office within 10 days of the alleged violation.

(5) The Secretary shall transmit copies of the written and signed complaint to the President of the Senate and the Senate Caucus Leaders as soon as practicable.

(6) The President shall refer any written complaint that has been filed in accordance with section (4) of this rule to the Special Committee on Conduct within 30 days of receipt of the complaint.

(7) The committee shall investigate any written complaint to determine whether the alleged conduct constitutes violation of section (1) of this rule and shall conduct such investigation in accordance with procedures set forth in the committee rules.

(8) The committee must complete the investigation and report recommended sanctions, if any, to the full Senate within 45 days of receiving the complaint as referred by the President. The President may permit a reasonable extension of time at his or her discretion.

(9) Any recommended sanction resulting from a written complaint against a Senate member must be proportionate to the seriousness of the offense. The committee may recommend the following sanctions:

- (a) Reprimand;
- (b) Censure; or
- (c) Expulsion.

(10) In reporting to the full Senate, the committee shall include in its report:

- (a) A copy of the complaint;
- (b) Whether or not there was a violation of Section (1) of this rule;
- (c) Recommended sanctions, if any; and
- (d) The basis for the committee's recommendation.

(11) The committee report must be signed by the committee chair and submitted to the Secretary of the Senate within 3 days of final committee action.

(12) The report shall be placed on the calendar for final consideration on the session day following the reading and distribution of the report.

(13) Before taking action against a Senate member under this section, the Senate must approve the committee report recommending a sanction by a two-thirds majority vote (20).

(14) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed. The report shall be submitted in accordance with Section (11) of this rule and read under reports from committees on the session day following distribution of the report.

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 make the oral explanation from the floor following completion of the roll call and announcement of the result. 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 file a written explanation with the Secretary of the Senate by 5:00 p.m. of the day following the day the vote was taken.

3.45 Distributed Measures Required for Voting.

(1) No measure, or amendment to a measure, shall be finally voted on until it has been distributed except as provided by Rule 5.40.

(2) An error in a measure or 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 for which the Call was invoked has 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 committees
- (g) Propositions and motions
- (h) Action on Executive Appointments requiring Senate confirmation
- (i) Introduction and first reading of Senate measures
- (j) Second reading of Senate measures

(k) Third reading of Senate measures

(l) First reading of House measures

(m) Second reading of House measures

(n) Third reading of House measures

(o) Other business of the Senate

(p) Announcements

(2) Special performances for opening ceremonies shall be in accordance with policies developed by the President.

(3) Messages from the Governor or the House may be read at any time. Courtesies may be extended at any time.

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

(5) 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.

(6) When scheduled for third reading, appropriation bills shall take precedence over all other bills from the same house of origin.

(7) Under the order of business of 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.

(3) 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.

(1) 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.

(2) Laptop computers and hand-held electronic devices used as a computer may be used by members and staff in the Senate Chamber at all times. Any device making an audible noise including cellphones and computers that distract from the decorum of the Senate is prohibited inside the bar of the Senate. Cellphone conversations may be conducted in the Senate phone booths at the back of the Chamber.

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 their 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 visual aides during debate unless unanimous consent has been granted.

(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 Election of Presiding Officer; Pro Tempore Presiding Officer.

(1) During the Organizational Session under SR 2.50, the members of the Senate shall elect by a roll call vote a President of the Senate. A constitutional majority (16) is required to elect a President.

(2) During the Organizational Session under SR 2.50, the members shall also elect by a roll call vote a President pro tempore of the Senate. A constitutional majority (16) is required to elect a President pro tempore.

(3) The officers of the Senate for the Long Session, Short Session, and any special sessions shall be those elected during the Organizational Session under SR 2.50.

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.

COMMITTEES

8.05 Committee Appointments.

1) The President shall establish standing committees to operate during the Long Session, interim committees to operate during the interim periods, and standing committees to operate during the Short Session. The President may establish special committees and conference committees.

(2) Members of all 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 committees the President does not increase the size of the respective committees, but is counted for purposes of quorum. 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 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 membership.

(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.

(4) Approval of an affirmative vote of a majority of the Senate members appointed to joint committees is required for final action.

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, and notice of all committee meetings shall be made available electronically to all members. 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.

(a) During the Long Session, written notice is to be posted outside the Senate Chamber and in the lobby areas of the 2nd, 3rd and 4th floor wings at least 48 hours in advance of the meeting, except during the first week of session when notice for informational meetings is to be posted at least 24 hours in advance of the meeting only.

(b) During the Short Session, any special session, and interim periods, written notice is to be posted outside the Senate Chamber at least 24 hours in advance of the meeting and, whenever possible, such meetings shall be announced on the floor while the Senate is in session.

(c) Except for a sine die resolution, the substance of any measure considered by a committee during the special session convened on December 14, 2012, shall have received a public hearing by an interim committee on December 13, 2012. Committee meeting notices posted before the convening of the special session are effective so long as they are posted outside the Senate Chamber at least 24 hours in advance of the scheduled meeting under paragraph (b) of this subsection.

(2) In the event that 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 with the notice required under SR 8.15(1)(a) or (b).

(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(1)(a) or (b) shall be posted as soon as

possible following adjournment of the committee meeting.

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

(4) Committee meetings held at a time or place not provided for in the Joint Legislative Schedule require the advance approval of the President.

(5) Approval of the President must be obtained if the location of a meeting will require the expenditure of state monies for travel.

(6) 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.

8.16 Committee Meeting—Less Than Notice Required Under SR 8.15.

When the President has reason to believe that adjournment sine die of the session is imminent, the President may invoke the following provisions by announcement from the rostrum during floor session.

Notwithstanding the provision of Senate Rule 8.15, the committee chair may call a meeting of a committee with less than the notice required under SR 8.15(1)(a) or (b) if, at least one hour prior to the meeting, notice is given to the Secretary of the Senate's Office and posted outside the Senate Chamber 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.

For the purpose of expediting the Short Session and any special session, committees may hold informational meetings on the afternoon of the first day and the morning of the second day of the Short Session and any special session, provided that, at least one hour prior to the meeting, notice is given to the Secretary of the Senate's Office and posted outside the Senate Chamber and in any other place reasonably designed to give notice to the public and interested persons.

8.20 Committee Action Required.

(1) 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.

(2) The committee shall not report a measure to the floor of the Senate unless the written Legislative Counsel amendments accompanying the report have been approved by a majority of the members of the committee at a meeting called for that purpose.

8.25 Committee Meeting Records.

(1) Each meeting of a committee or subcommittee shall be sound recorded. A recording log shall be maintained to provide reference to the sound recording. The recording log 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.

(2) Testimony and exhibits submitted in writing shall be attached to the recording log 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. Subsequent referrals may occur before or after having 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 Secretary of the Senate shall publish and distribute to the members a current listing of measures referred. A list of measures referred shall be placed in the Journal. The President may either announce the referral decisions or order the referrals made in accordance with the 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 and shall comply with the following rules:

- (a) During the Long Session, committee reports on bills with no amendments must be submitted to the Secretary of the Senate on or before the third day following final committee action on the measure.
- (b) During the Long Session, committee reports with amendments must be submitted to the Secretary of the Senate on or before the fifth day following final committee action on the measure.
- (c) During the Short Session and any special session, committee reports on all bills, with or without amendments, must be submitted to the Secretary of the Senate as soon as possible following final committee action on the measure.
- (d) 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) If a minority report is to be filed, notice must be given to the committee on the day the report was adopted. The minority report, together with the committee report, shall be filed jointly in accordance with SR 8.50(a), (b) or (c).

(3) 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.

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

(a) The measure in the form reported out.

(b) The recommendation of the committee.

(c) A staff measure summary for all measures except appropriation bills.

(d) A fiscal impact statement, if applicable, prepared by the Legislative Fiscal Officer for all measures except for concurrent resolutions of a congratulatory or memorial substance.

(e) A revenue impact statement, if applicable, prepared by the Legislative Revenue Officer, for all measures except for concurrent resolutions of a congratulatory or memorial substance.

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

(g) Revenue notes, if applicable, as adopted by a majority of the Committee on Revenue.

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 amendments are distributed.

8.60 Dissents; Minority Reports.

(1) Any member of a committee who dissents from the

committee recommendations may request to be listed in the committee report as not concurring. The names of members not concurring shall be recorded in the Status Report and Journal. No minority reports may be filed in the Joint Committee on Ways and Means.

(2) If a minority report, subscribed to by at least two members dissenting from the committee report, accompanies the committee report, both reports shall be filed jointly. On the day next following distribution of amendments, it shall be in order under Propositions and Motions to move the adoption of the committee report and then to move that the minority report be substituted for the committee report. When action on the minority report is completed, the measure shall be read for the third time and considered immediately.

(3) No member of a committee may subscribe to more than one minority report respecting a given committee report.

(4) Committee members may subscribe to a minority report only if present during the committee meeting when action was taken.

(5) During the Short Session and any special session, and notwithstanding any committee rule to the contrary, members of the committee wishing to file a minority report must notify the chair or committee staff before adjournment of the committee meeting during which the action was taken, and the minority draft amendments must be requested from Legislative Counsel within one hour following the adjournment of the committee where notice was given. In order for staff to complete their work in an orderly and practical manner, the draft amendments shall then be submitted to committee staff within an hour after receipt from Legislative Counsel.

8.65 Without Recommendation.

If a measure is reported without recommendation by a committee, the report shall be filed and the measure placed on the Second reading calendar for that day, and on the Third reading calendar in accordance with SR 8.80. If the measure has amendments, second reading shall occur on the same day on which amendments are distributed. The measure shall be carried on the floor by the chief Senate sponsor, the committee chair, or committee member designated by the committee chair at the discretion of the committee chair.

8.70 Adverse Committee Report.

(1) When a measure is reported with a do not pass recommendation, the effect of the adoption of an adverse

committee report is the indefinite postponement of the measure. A motion to adopt the report is required.

(2) The Secretary of the Senate must notify, in writing, the President and the sponsors of the measure of an adverse report within 24 hours of receipt of the report by the Secretary of the Senate. No action shall be taken on any adverse report until 24 hours after the Secretary of the Senate has notified the President and the sponsors of the measure.

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 distributed 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 on the session day following the day of distribution of the printed amendments.

(3) Upon the recommendation of the committee chair reporting a measure with amendments, the amendments shall be engrossed within the measure. 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.

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.

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) During the Long Session, the motion to reconsider may be voted on the day when the vote to be reconsidered was taken, or on the next session day. During the Short Session or any special session, the motion to reconsider must be made prior to adjournment on the day 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.

10.05 Transmitting Measures which may be Reconsidered.

When a member has given notice of intention to move for reconsideration of the final vote passing a measure, the Secretary of the Senate shall not transmit that measure until a motion for reconsideration has been made or the time for making a motion has expired. However, if the measure subject to reconsideration was passed on what the President has reasonable cause to believe is one of the final days of the session, the President shall immediately put the motion for reconsideration before the Senate.

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 not be taken:

- (a) before the next session day after the message from the House has been read during the Long Session; or
- (b) sooner than one hour after the message from the House has been read during the Short Session or any special session.

(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 vote 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 Chamber. 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) During the Long Session, a motion shall not be made sooner than the next session day after the conference committee report has been distributed and then may be made at any time.

(b) During the Short Session and any special session, the motion shall not be made sooner than one hour after the conference committee report has been distributed 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.

(2) 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.

(1) 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 name of the committee that reported the measure shall 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 in accordance with ORS 171.127.

(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) The sponsor of a measure for introduction shall present to the Secretary of the Senate one copy of the measure, 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.

(2) 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.

(3) 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.

(4) All measure drafting requests from Legislative Counsel and measures introduced during the special session must be approved by the President.

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 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 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.

13.05 Deadline on Introductions

During the Long Session, no measure shall be accepted by the Secretary of the Senate for introduction in the Senate after 5:00 p.m. on February 17 except:

(1) Measures approved by the President and so identified for introduction by a member or a committee.

(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.

(3) Measures drafted by Legislative Counsel and introduced as provided in Senate Rule 13.15.

13.08 Introduction of Agency Bills During the Long Session.

A state agency that did not file a measure prior to the Long Session pursuant to ORS 171.132 may request, in writing, to have the measure introduced during the Long Session by

submitting the measure to the Senate Committee on Rules. If the committee concludes that the agency's reason for not filing the measure under ORS 171.132 is adequate, the committee may introduce the measure as a committee bill or with whatever other sponsorship is requested.

13.10 Legislative Counsel Drafting Services During the Long Session

(1) During the Long Session, by February 14, 2011 at 5:00 p.m., Legislative Counsel shall return all drafts requested by members prior to January 14, 2011. Once these drafts are returned, Legislative Counsel shall discontinue drafting of all measures except:

(a) Member or committee proposals approved for drafting by the President.

(b) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means; or

(c) A proposal requested for drafting by a member, caucus, or committee under Senate Rule 13.15.

(2) Nothing in this rule prohibits Legislative Counsel from providing drafting services for amendments to measures at the request of a member or a committee.

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.

13.15 Drafting Requests.

(1) During the Long Session, every member shall be entitled to not more than five drafting requests after the January 14 deadline.

(2) Senate committees shall have four measure drafting requests that may be submitted to the Legislative Counsel any time during the Long Session. Of the four drafting requests, the committee chair is allowed two drafting requests, and the committee chair and vice-chair in agreement are allowed two drafting requests.

(3) After the February 17 deadline during the Long Session, Senate committees are allowed to introduce only drafts that have been requested as designated by this rule.

(4) Each caucus shall be allocated two drafting requests, as determined by the caucus leader, that may be used during the Long Session.

(5) Every measure requested under this rule must be presented to the Secretary of the Senate for introduction within seven session days after delivery of the measure to the member, caucus or committee by the Legislative Counsel. The Secretary of the Senate shall not accept any measure showing that it was delivered by Legislative Counsel to the member, caucus or committee more than seven session days before it is presented to the Secretary of the Senate.

(6) For the Short Session, all drafting requests and measure introductions are governed by SIR 213.20, SIR 213.21, and the applicable concurrent resolution adopted by the Seventy-sixth Legislative Assembly.

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 daily during the regular and any special sessions 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.

14.08 Records Retention

(1) Except as provided in section (2) of this rule, records of members of the Senate and their legislative assistants that contain information relating to the conduct of the public's business must be retained for one year after the records are created.

(2) The following subsections are exceptions to section (1) of this rule.

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

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

(c) A member of the Senate must retain relevant documents that are in the member's possession when the member receives a public records request, or a request for

discovery of records issued in a court or administrative proceeding, until the request for records is resolved.

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

(4) In order to ensure consistent and timely compliance with the disclosure provisions of the Public Records Law, a member of the Senate may designate the Legislative Administrator to receive public records requests on their behalf. The Legislative Administrator then will assist the member in preparing responses to requests. Regardless of whether or not a member has designated the Legislative Administrator to receive their public records requests, the member may request assistance from the Legislative Administrator or Legislative Counsel in responding to public records requests at any time.

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

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) 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. The following subsections explain in detail acceptable and unacceptable mailings:

(a) Press Releases: Members may issue press releases to members of the news media (as well as other legislators, Capitol staff, the lobby, etc.) during the 60-day window; however, copies may not be distributed directly to a list of constituents or be posted on members' legislative websites (or even on an external website), if the press release was produced with a state computer or by staff on state time.

(b) Legislative E-Mail: Members may not send electronic publications like electronic newsletters, press releases, town hall meeting notices, or other e-mail to a list of constituents from legislative e-mail accounts (or even from personal e-mail accounts, if the material was produced with a state computer or by staff on state time) during the 60-day window. Members may, however, respond to inquiries from individual constituents.

(c) Legislative Website: Members may not post copies of newsletters, press releases, town hall meeting notices, or other materials to legislative websites during the 60-day window. Materials posted prior to the deadline do not need to be removed; however, such materials may not be revised during the 60-day window. Members may not communicate broadly by any media (including a link on any external website) urging members of the public to visit the legislative website. It is permissible, however, if the legislative website address appears on state business cards or state stationery.

(d) Town Hall Meetings & Other Meetings With Groups Of Constituents: Members may not spend state funds or use staff on state time to advertise a town hall meeting or other meeting with a group of constituents that takes place during the 60-day window, even if the expenditure occurs prior to the deadline in accordance with SR 14.20(1). Members may not distribute a written handout at a town hall meeting or other meeting with a group of constituents that takes place during the 60-day

window, if the handout was prepared by staff on state time, even if they completed their work on the handout prior to the deadline in accordance with SR 14.20(1). Handouts produced by other legislative offices or other government agencies are permissible. State business cards may be made available at a town hall meeting or other meeting with a group of constituents during the 60-day window.

(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.

(1) The members shall elect a Secretary of the Senate who shall be considered an officer of the Senate and shall serve at its pleasure until the convening of the next Long Session of the Legislative Assembly. In the event the office becomes vacant at a time when the Senate is not in session, the President may appoint an acting Secretary of the Senate to serve until the next regular or special session or meeting of the Senate to consider executive appointments, at which time the members shall elect a Secretary of the Senate.

(2) 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) Provide receipts 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.

(1) The Secretary of the Senate, in consultation with the President, shall appoint a Sergeant at Arms.

(2) Under direction of the President, the Sergeant at Arms, assisted by the Capitol Executive Security when directed by the President/Secretary, 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/Secretary 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) Subject to the provisions of this rule, a member may appoint personal staff for a session or the interim or both, according to the allowance provided in the current Legislative Assembly budget.

(a) A member shall establish salaries payable to persons appointed under subsection (1) of this rule and in accordance with the policies and procedures as adopted by the Legislative Assembly. Compensation must be no less than the State of Oregon minimum wage at full-time.

(b) During the Long Session, each member may employ such staff as the member deems appropriate; provided that no more than two staff persons per member may receive health and dental insurance during session. One staff person is eligible for full benefits. A second staff person is eligible for session only benefits, for a maximum of six months, and is required to make a contribution to a portion of his or her insurance premium that ranges in cost depending on the insurance plan they choose.

(c) During the interim periods and the Short Session, each member is allowed to have the equivalent of one full-time employee. Compensation must be no less than the State of Oregon minimum wage at full-time. One full-time employee is eligible for 100% benefits, or two part-time employees are eligible for 50% benefits. A part-time

employee must earn at least 50% of the State of Oregon minimum wage to be eligible for benefits.

(d) Any staff person employed by a member may choose to opt out of insurance coverage if he or she is covered under qualified group health insurance coverage and may receive additional compensation per month in salary in lieu of benefits in an amount determined annually by the Public Employees' Benefit Board.

(e) If a member has a balance in his/her staff allowance account at adjournment sine die of the preceding regular session, the member may use the balance during the interim for personnel or for legislative newsletters or other informational material.

(2) 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.

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

(4) 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.

(5) 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.

(6) 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.

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

15.10 Salaries.

All salaries for Senate employees shall be reported in the Journal.

15.20 Expense Allowance.

(1) During the -Long Session for the 76th Legislative Assembly, each member has an allowance of \$27,615 for personal staff as defined in Senate Rule 15.05, services and supplies as defined in Senate Rule 16.01, and legislative newsletters as defined in Senate Rule 14.20.

(2) During the interim periods and the Short Session for the 76th Legislative Assembly, each member has an allowance of \$62,172 for personal staff as defined in Senate Rule 15.05, services and supplies as defined in Senate Rule 16.01, and legislative newsletters as defined in Senate Rule 14.20.

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) New members will receive a one-time allowance of \$200 for start-up expenses. The costs of requisitioned services and supplies shall be charged against the member's individual services and supplies account. Monthly reports of the status of the member's services and supplies accounts shall be provided to each member.

(3) 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.

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

(5) Each member's office in the Capitol Building and committee office in the Capitol Building shall be provided with office furniture and equipment necessary to assist in the conduct of Senate business. Requests for additional furniture or equipment shall be placed with the President.

(6) Any amount remaining unexpended or unobligated in the member's individual services and supplies account upon adjournment sine die of the preceding regular session may be used during the interim for the following:

(a) Postage (all classes)

- (b) Office supplies
- (c) Copying, facsimile charges
- (d) Newsletter printing, postage and labels
- (e) Interim staff.
- (f) Any other service or supply authorized by the Senate President.

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

16.02 Assembly Transition

Those members not returning to serve in the next Long Session shall have until December 1 of the even-numbered year to vacate their office space in the State Capitol.

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) Staff of the Senate President's office and caucus offices; and
- (f) One member of a Senator's personal staff or a member of the staff of a Senate committee, 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 in accordance with policies as set by the President. 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. Notes from a lobbyist are prohibited while the Senate is in daily floor session.

(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) To be accredited and receive privileges of the floor news media shall register with the Oregon Legislative Correspondents Association and be approved by the Secretary of the Senate. The Secretary of the Senate shall provide a list of accredited news media representatives to the Offices of the President of the Senate, the Majority Leader and the Minority Leader. 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.

(2) 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.

(1) The Senate is committed to providing a work environment free from improper conduct, which includes any conduct, including workplace harassment that discredits the integrity of the Senate.

(2) "Workplace harassment" means treatment or behavior that to a reasonable person creates an intimidating, hostile or abusive work environment, and includes violent acts for which employers could be held liable. Harassment may be based on a person's sex, race, religion, age, disability, national origin or status as a member of a protected class.

(3) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(a) A person says or suggests that declining to submit to the conduct will affect a person's job, benefits or business before the Legislative Assembly;

(b) A person uses submission to or rejection of the conduct as the basis for decisions affecting another person's employment; or

(c) The conduct has the purpose or effect of unreasonably interfering with a person's performance or creating an intimidating, hostile or offensive environment in which the person works.

(4) "Sexual harassment" includes the following conduct:

(a) Verbal abuse of a sexual nature;

(b) Graphic comment about a person's body or attire;

(c) Touching of a sexual nature;

(d) Sexual advances and propositions;

(e) Sexually degrading words used to describe a person;

(f) Display in the workplace of any sexually suggestive object or picture; and

(g) Any threat or insinuation that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts or any other condition of employment or business before the Legislative Assembly.

(5) A supervisor engages in improper conduct by failing to take appropriate action when the supervisor knows or should have known that improper conduct is or was occurring.

18.02 Scope.

The Senate rules on improper conduct apply to complaints brought against Senate members, Senate employees, Senate caucus employees, lobbyists or the personal staff of a Senate member. Senate personal staff includes legislative assistants, secretaries, interns, volunteers and other staff working in the offices of individual members, the President's office and the caucus offices.

18.03 Notice.

(1) When a legislative session commences, the President shall give the following notice to all Senate members and Senate employees:

If you believe you have been a victim of improper conduct, you have options. You can tell the offender about the action that disturbed you and ask the offender to stop. You can communicate with the offender in person or in writing. You may also use the informal or formal procedures

established by the Rules of the Senate as set forth in 18.05 and 18.06 to pursue a complaint of improper conduct if you:

- (a) Do not want to confront the offender directly;
- (b) Have talked to the offender and the offensive behavior has not stopped; or
- (c) Believe your complaint has resulted in retaliation.

In addition, you have the right to file a complaint with administrative agencies and the courts.

- (2) Notice of the Senate policy shall be posted in all work areas.

18.04 Special Committee on Conduct.

(1) The President shall appoint members of each party in equal numbers to the Special Committee on Conduct for the purpose of handling the formal procedure set forth in Rules 18.06 to 18.09. The chair shall be a member of the majority party and the vice chair shall be a member of the minority party.

(2) The committee shall adopt rules as necessary, including rules to govern the nature and scope of any investigation conducted pursuant to the Senate rules on improper conduct.

18.05 Informal Procedure.

Persons who believe they have been subjected to improper conduct may simply want the improper conduct to end; they may not want to go through a formal or legal procedure. The following informal procedure addresses this need. However, a person making a complaint need not use this informal procedure before filing a formal complaint with the Senate, administrative agency or court. The informal and formal procedures in the Senate rules on improper conduct are optional; a person may or may not use them.

(1) The person making the complaint must submit the complaint to an intermediary designated pursuant to subsection (5) of this rule within 30 days of the improper conduct.

(2) The intermediary has two roles. First, the intermediary ensures that the person making the complaint has a safe and nonhostile work environment. The President or the Secretary of the Senate shall assist the intermediary in making the appropriate arrangements. Second, the intermediary listens, answers questions and explains options. The intermediary is not an advocate but a mediator who, with the permission of the person making the

complaint, may explore various paths to resolution. An intermediary does not have authority to impose disciplinary action.

(3) The identities of the parties to the informal procedure shall be confidential. Any records related to the informal procedure shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502 without regard to the public's interest in their disclosure. Confidentiality shall extend until such time as a formal written complaint, if any, is filed with the Legislative Counsel as provided in Rule 18.06.

(4) After meeting with an intermediary, the person making the complaint may decide to take further action and institute formal complaint procedures.

(5) The Caucus Leaders shall designate as intermediaries a reasonable number of Senate members and staff of the Senate, including the Secretary, the Legislative Administrator and the Employee Services Manager. A description of the function of the intermediary shall be prepared by the Legislative Administrator and approved by the Special Committee on Conduct. Designated intermediaries shall be identified by name, with contact telephone number and office location, and a list of the designated intermediaries shall be given to all Senate members and Senate employees. The Senate shall save harmless and indemnify any intermediary against any tort claim or demand arising out of an alleged act or omission occurring in the performance of duty under these rules.

18.06 Formal Procedure.

A person may file a formal written complaint instead of participating in the informal complaint procedure described in Rule 18.05, or may file a formal written complaint if, after participating in the informal procedure, the person is not satisfied with its resolution. The formal complaint procedure shall consist of the following steps:

(1) During a legislative session, the person must file a formal written complaint with the Caucus Leaders. If the person filing the complaint agrees, the Caucus Leaders may work to resolve the complaint informally. However, if there is no informal resolution, the formal written complaint shall be filed by the Caucus Leaders with Legislative Counsel within seven days of the determination that there is no consent or no resolution. During the interim between legislative sessions, the person must file a formal written complaint with the Legislative Counsel.

(2) The person must file the formal written complaint within 30 days of the improper conduct or, if the person has timely begun an informal procedure, within 14 days of the end of the informal procedure.

(3) Upon receipt of a complaint, the Caucus Leaders shall:

(a) Provide the person filing the complaint with a safe and nonhostile work environment with a comparable work assignment; and

(b) Notify the accused of the complaint, the name of the person making the complaint and the nature of the complaint.

(4) After the filing of a formal written complaint with Legislative Counsel, the Caucus Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of improper conduct of the type alleged. If the respondent is either Caucus Leader, or the Caucus Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, Legislative Counsel shall appoint the independent investigator.

(5) The investigator shall conduct an investigation and, within 14 days after being appointed, present findings of fact and recommendations to the President and the Caucus Leaders, the person filing the complaint, the person who is the subject of the complaint and the members of the Special Committee on Conduct.

(6) If the person accused of improper conduct is a Caucus Leader, the obligations of that Caucus Leader under this rule shall be assumed by the President.

18.07 Time Limits.

(1) The Special Committee on Conduct has jurisdiction over conduct occurring from 30 days before the convening of a regular session of the Legislative Assembly to adjournment sine die. However, if the complaint is filed less than 10 days before adjournment, the President may refer the complaint to an interim committee on conduct.

(2) If a person files a formal complaint with Legislative Counsel during the interim between legislative sessions as provided in Rule 18.06, the President may appoint an interim committee on conduct for the sole purpose of hearing that complaint.

(3) Neither committee shall have jurisdiction over any complaint that is:

(a) Based on conduct that occurred before the effective date of these Senate rules on improper conduct; or

(b) Filed after the deadline prescribed by Rule 18.06.

18.08 Hearing.

(1) Upon receipt of the formal written complaint and the investigator's report, the Special Committee on Conduct shall schedule a public hearing on the complaint. The committee shall notify the Caucus Leaders, the President, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with Legislative Counsel.

(2) At the hearing, only the members of the committee may ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the committee by suggesting witnesses and documents to be presented to the committee and by suggesting questions that the committee may address to the witnesses. Questions by committee members must be those that a court of law would deem relevant to a civil action involving the same conduct.

(3) Audio recordings of the committee hearing shall be made by committee staff and shall be made available on an expedited basis to the person filing the complaint and to the person who is the subject of the complaint. No television equipment or tape recording devices other than those used for official committee recording shall be permitted at the hearing.

(4) If the person filing the complaint or the person who is the subject of the complaint disagrees with the recommendations of the Special Committee on Conduct, either person may request that the committee review the recommendations. The request must be made in writing within 10 days after receiving written notice of the committee's action. The committee must complete the review not later than 10 days after receiving the request.

18.09 Sanctions.

(1) Any sanction the Special Committee on Conduct recommends must be proportionate to the seriousness of the offense.

(a) For Senate personal staff, recommended sanctions may include reprimand, suspension or termination. The supervising Senate member must impose the sanction recommended for personal staff.

(b) For Senate members, recommended sanctions may include reprimand, censure or expulsion.

(c) The President must impose any sanction

recommended against persons other than Senate personal staff and members. Recommended sanctions may include, as appropriate, reprimand, censure or exclusion from part or all of the Senate.

(2) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed.

(3) Any recommended sanction resulting from a formal complaint against a Senate member must be recommended to the floor by the Special Committee on Conduct. Any formal sanctions recommended against a Senate member must be referred to the floor for approval by a two-thirds majority vote of the Senate before final action is taken against a Senate member.

(4) The person who filed the complaint may determine that no further action is necessary but is not precluded from pursuing other appropriate remedies, including court action.

18.10 Malicious or Frivolous Claims.

If, after a hearing, the Special Committee on Conduct determines that a complaint of improper conduct is frivolous, the person filing the complaint shall be subject to appropriate disciplinary action, including the sanctions set forth in Rule 18.09. A complaint is frivolous only if the complaint was not grounded in fact or warranted by existing law, or was brought forward solely to harass the accused person or to interfere with the work of the Senate.

18.11 Retaliation Prohibited.

Retaliatory action against any person who participates in any activity authorized or directed by Senate rules is prohibited and constitutes improper conduct within the meaning of Rule 18.01.

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 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 confirm en bloc;

(c) the Senate refuse to confirm; or

(d) 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 for the session day immediately following reading or distribution of the report during the Long Session, or as soon as possible following reading or distribution of the report during the Short Session.

(2) If the committee recommendation is to refuse to confirm or no recommendation, action on the report shall take place on the second session day after the session day the report is read or distributed during the Long Session, or as soon as possible following reading or distribution of the report during the Short Session.

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

VOTING

19.60 Confirmation en bloc.

(1) If a committee reports on nominees en bloc, the report shall be placed on the calendar for confirmation the next session day after reading or distribution of the list of appointments during the Long Session, or as soon as possible following reading or distribution of the list of appointments during the Short Session.

(2) The motion to recommend a list of multiple boards and commissions to the full Senate is in order. Individuals whose appearance before the committee has been waived under Senate Rule 19.20, may be considered en bloc upon recommendation of the committee.

(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.

Appendix A

INTERIM RULES OF THE SENATE
Seventy-sixth Legislative Assembly

202.01 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, custom of the Senate or statute.

203.05 Session Hour; Deliberations Open.

(1) The Senate shall meet at the call of the President, or when requested by a Constitutional majority (16) of the members.

(2) All deliberations of the Senate and its committees shall be open to the public. However, nothing in this provision limits the procedures used for a Call of the Senate. This provision does not prohibit clearing the gallery in the event of a disturbance, during which time the Senate shall be in recess.

203.11 Interim Meetings.

When the full Senate meets to consider executive appointments and other interim business, it shall not be considered to be in regular or special legislative session or meeting as a committee of the whole.

203.15 Roll Call.

(1) A roll call vote of "ayes" and "nays" shall be taken.

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

(3) If the presiding officer is in doubt on an oral vote, the presiding officer shall order a roll call vote.

(4) The affirmative vote of a Constitutional majority (16) is necessary for Senate confirmation of Executive Appointments.

ORDER OF BUSINESS

204.01 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 committees

(g) Propositions and motions

(h) Action on Executive Appointments requiring Senate confirmation

(i) Reading of Senate petitions, memorials and resolutions

(j) Other business of the Senate

(k) Announcements

(2) Messages from the Governor 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

by 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.

PRESIDING OFFICER

207.01 Presiding Officer; Other Officers.

The officers of the Senate, during the interim, shall be those elected by the Senate for the 76th Legislative Assembly, under Senate Rules 7.01 and 15.01.

COMMITTEES

208.01 Names of Committees.

(1) The President shall establish interim committees, including a Committee on Rules and Executive Appointments; provided, however, the Committee on Rules and Executive Appointments shall have at least five, but not more than 11 members.

(2) The President may appoint special committees. Referral of executive appointments to special committees requires approval of a majority of the members of the Senate.

EXECUTIVE APPOINTMENTS

209.15 Transmittal of Executive Appointments.

(1) Upon receipt of a message from the Governor appointing a person to a position or office requiring the confirmation by the Senate, the Secretary of the Senate shall transmit the message to the chair of the Committee on Rules and Executive Appointments.

(2) A summary list of executive appointments received by the Secretary of the Senate and transmitted to committee shall be distributed to members at least 72 hours in advance of the scheduled convening of the Senate.

209.20 Committee Review of Appointees.

The chair of the Committee on Rules and Executive Appointments, 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.

209.35 Committee Action Required.

(1) The committee shall, after public hearing, take action on the appointment and promptly file its report with

the Secretary of the Senate. The committee shall recommend that:

- (a) The Senate confirm;
- (b) The Senate confirm en bloc;
- (b) The Senate refuse to confirm;
- (c) Report the appointment to the Senate without recommendation; or
- (d) Report that no final action was taken and that the appointment shall be carried over.

(2) The committee may include material in its report that the committee deems appropriate.

209.40 Additional Time for Consideration.

(1) If any appointment submitted by the Governor and subject to Senate confirmation does not receive final action by the committee, the appointment shall be carried over to the next convening of the Senate or shall be considered at the next special session.

(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 recorded in the Journal.

209.45 Dissents.

Upon request, any member of the committee who dissents from the committee recommendation shall be listed in the committee report as not concurring therein. The names of the members not concurring shall be recorded in the Journal and Status Report.

ACTION ON COMMITTEE REPORTS

209.50 Reading of Committee Reports.

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' desks a Status Report with the pertinent information included. Committee reports shall be recorded in the Journal.

209.55 Consideration of Committee Reports.

(1) Reports from committees shall be considered in appropriate order at the next convening of the Senate. The Status Report for such meeting shall be distributed to each

Senator at least 72 hours prior to the convening of the Senate.

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

209.60 Confirmation en bloc.

(1) The motion to recommend a list of multiple boards and commissions to the full Senate is in order. Individuals whose appearance before the committee has been waived under Senate Interim Rule 209.20, may be considered en bloc upon recommendation of the committee.

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

209.65 Withdrawing Appointment from Committee.

(1) An appointment by the Governor requiring Senate confirmation may be withdrawn from a committee by a motion to withdraw the appointment. The motion requires a Constitutional majority (16) for adoption.

(2) The effect of withdrawal shall be the same as if the committee had reported the appointment to the Senate without recommendation.

RECONSIDERATION

210.01 Reconsideration of Executive Appointments.

(1) When an executive appointment has been confirmed, or the Senate has refused to confirm, it shall be in order for any member voting on the prevailing side to move for reconsideration of the vote. A motion for reconsideration is not in order on a vote which indefinitely postponed an appointment.

(2) Notice of intent to move for reconsideration must be given orally by the member who intends to move the motion.

(3) The motion to reconsider shall be moved and voted upon before final adjournment of the Senate meeting during which the vote being reconsidered was taken.

(4) A motion to reconsider may be debated together with the main question, providing the subject of the main question is debatable. There shall be only one

reconsideration of any final vote, even though this action may reverse the previous action.

(5) The affirmative vote of a Constitutional majority (16) is required to adopt a motion to reconsider the vote.

PRESESSION FILING

213.06 Pre-session Filing.

Pre-session filing and printing of measures shall be in accordance with the rules and practices of the preceding sessions, customs of the Senate, and statutes. Members, members-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charge the Legislative Counsel imposes under ORS 173.130.

213.07 Measure Drafting and Filing by the Executive and Judicial Branches of State Government Before the Long Session.

(1) The Executive Department, administrative agencies, boards and commissions, and the Judicial Branch, shall have all measures for pre-session filing with the Senate drafted by Legislative Counsel.

(2) All pre-session filing drafts shall be submitted in the manner prescribed by the Secretary of the Senate and shall include, but not be limited to:

- (a) Two backed copies of the proposed measure;
- (b) Measure Summary;
- (c) Agency name;
- (d) Signature of agency director or designee; and
- (e) Contact person and telephone number.

(3) All pre-session filing drafts must be submitted to the Secretary of the Senate by 5:00 p.m. on December 15 of the even numbered years. If the 15th falls on a weekend, the last business day prior to the deadline will apply.

213.09 Measure Drafting and Pre-session Filing Before the Long Session by Statutory Committees, Interim Committees and Task Forces of the Legislative Assembly.

(1) All measures for pre-session filing must be drafted by Legislative Counsel.

(2) All pre-session filing drafts shall be submitted in the

manner prescribed by the Secretary of the Senate and shall include, but not be limited to:

- (a) Two backed copies of the proposed measure;
- (b) Measure Summary;
- (c) Name of committee or task force;
- (d) Signature of Committee Chair; and
- (e) Contact person and telephone number.

(3) All pre-session filing drafts must be submitted to the Secretary of the Senate by 5:00 p.m. on December 21st of the even numbered years. If the 21st falls on a weekend, the business day prior to the deadline shall apply.

213.15 Measure Drafting and Pre-session Filing Before the Long Session by Members Who Will Serve in the Regular Session.

(1) Drafts may be filed after the 2nd Monday in November of the even-numbered year, or following certification of election if a recount is required, or has been requested, under ORS 258.150 to 258.300.

(2) Every pre-session filing draft submitted by a member shall bear the name of the chief sponsor(s) and shall comply with ORS 171.127 and 171.130.

(3) All pre-session filing drafts shall be submitted in the manner prescribed by the Secretary of the Senate, and shall include, but not be limited to:

- (a) Two backed copies of the proposed measure;
- (b) Measure Summary;
- (c) Name of the Requester;
- (d) Signature of the member or newly-elected official; and
- (e) Contact person and telephone number.

(4) All pre-session filing drafts must be submitted to Secretary of the Senate by 5:00 p.m. on December 21st of the even numbered years. If the 21st falls on a weekend, the last business day prior to the deadline shall apply.

213.16 Measure Drafting and Pre-session Filing Before the Long Session by Newly Elected Statewide Officials.

(1) Drafts may be filed after the 2nd Monday in

November of the even-numbered year, or following certification of election if a recount is required, or has been requested, under ORS 258.150 to 258.300.

(2) All pre-session filing drafts shall be submitted in the manner prescribed by the Secretary of the Senate, and shall include, but not be limited to:

- (a) Two backed copies of the proposed measure;
- (b) Measure summary;
- (c) Name of requester;
- (d) Signature of the newly elected statewide official; and
- (e) Contact person and telephone number.

(3) All pre-session filing drafts must be submitted to the Secretary of the Senate by 5:00 p.m. on December 21st of the even numbered years. If the 21st falls on a weekend, the last business day prior to the deadline shall apply.

213.20 Measure Drafting and Pre-session Filing Before the Short Session for Members, Caucuses, and Interim Committees.

(1) Except as otherwise provided herein, pre-session drafting requests and bill introductions shall be governed by the applicable concurrent resolution adopted by the Seventy-sixth Legislative Assembly.

(2) Of the five drafting requests for each committee granted under the concurrent resolution, the committee chair is allowed three drafting requests, and the committee chair and vice-chair in agreement are allowed two drafting requests.

(3) Each Senate caucus may request from the President, and the President shall grant pursuant to his authority under the concurrent resolution, no more than two drafting requests and bill introductions, as determined by the caucus leader, that may be used before or during the - Short Session.

(4) Committees appointed for the interim shall vote on bill introductions no later than January 20, 2012.

(5) Every pre-session filing draft submitted under this rule shall bear the name of the chief sponsor(s) and shall comply with ORS 171.127 and 171.130.

(6) All pre-session filing drafts shall be limited to:

- (a) Two backed copies of the proposed measure;
 - (b) Measure Summary;
 - (c) Name of Requester;
 - (d) Signature of the member, committee chair, or caucus leader; and
 - (e) Contact person and telephone number.
- (7) The Joint Committee on Ways and Means is exempt from this rule such that drafting and introduction of appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means is allowed before or during the Short Session without limitation.
- (8) Any exceptions to this rule are subject to approval by the President. Unless permitted under this rule, the concurrent resolution, or otherwise approved by the President, there shall be no other measure drafting requests or bill introductions by members, committees, or caucuses before or during the Short Session. Measures introduced in a prior regular or special session do not carryover for continued consideration during the next regular or special session.

213.21 Measure Drafting and Pre-session Filing Before the Regular Session in the Short Session by the Executive and Judicial Branches of State Government.

- (1) Except as otherwise provided herein, pre-session drafting requests and bill introductions by the Executive and Judicial Branches shall be governed by the applicable concurrent resolution adopted by the Seventy-sixth Legislative Assembly.
- (2) All pre-session filing drafts shall be submitted in the manner prescribed by the Secretary of the Senate and shall include, but not be limited to:
 - (a) Two backed copies of the proposed measure;
 - (b) Measure Summary;
 - (c) Branch or specific agency name;
 - (d) Signature of the Governor, Chief Justice, or their respective designee; and
 - (e) Contact person and telephone number.
- (3) Unless permitted under the concurrent resolution, there shall be no other drafting requests or bill

introductions by the Executive Branch or Judicial Branch before or during the Short Session. Measures introduced in a prior regular or special session do not carryover for continued consideration during the next regular or special session.

213.28 Introduction Ordered by the President.

(1) A pre-session filing measure may be introduced by order of the President. The measure shall bear a statement that introduction is by order of the President and by request. The measure must identify the sponsor and indicate neither advocacy nor opposition on the part of the President.

(2) The measure must be filed in conformance with Interim Rules 213.07, 213.09, 213.15, 213.16, 213.20, or 213.21.

213.30 Confidentiality; Consolidation of Requests.

(1) A requester may designate that a request for a Legislative Counsel draft be considered confidential in accordance with ORS 173.230. Requests from a legislative committee shall not be treated confidentially.

(2) When a request is made for measure drafting services, Legislative Counsel shall inform the requester of all nonconfidential requests of a similar nature previously submitted. An attempt shall be made to consolidate all such requests in one measure.

PUBLICATIONS

214.01 Journal.

(1) The Senate shall maintain a Journal of its proceedings. The Journal shall contain a full, true and correct chronological record of all proceedings.

(2) At the discretion of the President, the Secretary of the Senate shall publish such information as may be required to inform the public of Senate actions and proceedings.

(3) Newsletters may be distributed in accordance with Senate Rule 14.20.

PERSONNEL

215.07 Interim Staff.

A member may employ interim staff subject to the provisions of Senate Rule 15.05 and as limited by the Legislative Assembly budget. Funds allocated for interim

staff salaries may also be used to reimburse a member for vouchered in-district travel expense and vouchered services and supplies.

SERVICES AND SUPPLIES

216.01 Services and Supplies.

(1) Any amount remaining unexpended or unobligated in the member's individual services and supplies account upon adjournment sine die of the preceding regular session may be used during the interim for the following:

- (a) Postage (all classes);
- (b) Office supplies;
- (c) Copying, facsimile charges;
- (d) Newsletter printing, postage and labels;
- (e) Interim staff; and

(f) Any other service and supply approved by the Senate President.

(2) Any member who spends in excess of the allowance provided under Senate Rule 216.01 shall reimburse the Legislative Assembly for the overdraft.

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 2012 Special Session of the Seventy-sixth Legislative Assembly.

President Courtney announced the following Special Session committee assignments:

JOINT SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT

Ginny Burdick, Co-Chair
Chris Telfer, Co-Vice Chair
Betsy Close
Mark Hass

President Courtney announced that in accordance with Senate Interim Rule 209.40 consideration of the appointments that did not receive final action by the Senate Interim Rules and Executive Appointments Committee will remain in committee at the end of the interim.

Rosenbaum 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-sixth Legislative Assembly, the requirement that on its final passage each bill shall be read section by section be suspended, and that the requirement that every bill shall be read by title only on three several days in each house be suspended for the duration of this 2012 Special Session.

On suspension of the constitutional provisions, the vote was: Ayes, 28; excused, 2 - Bates, Prozanski. Constitutional provisions suspended.

Senate at ease. Senate reassembled.

Message from the House announcing that the House of Representatives has organized and is ready for the business of the 2012 Special Session of the Seventy-sixth Legislative Assembly.

Senate at ease. Senate reassembled.

SCR 221 - Introduced, read first time and referred to the Joint Special Committee on Economic Development.

Senate recessed until 11:15 a.m. by unanimous consent at the request of the Chair.

Senate recess extended until 5:15 p.m. by unanimous consent at the request of the Chair.

Friday, December 14, 2012 - Evening Session

Senate reconvened at 5:15 p.m. President Courtney in Chair. All present except Atkinson, Bates, excused.

HB 4200 - Message from the House announcing passage.

Senate, having recessed under the order of Introduction and First Reading of Senate Measures, reverted to the order of Reports from Committees by unanimous consent at the request of the Chair.

The following committee report was read:

SCR 221 - Report by Joint Special Committee on Economic Development recommending adoption.

Senate proceeded to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 4200 - Read first time and referred to the Joint Special Committee on Economic Development.

Senate at ease. Senate reassembled.

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

The following committee report was read:

HB 4200 - Report by Joint Special Committee on Economic Development recommending passage of the A-Engrossed bill.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

HB 4200; SCR 221 - Rosenbaum moved to suspend the rules in order to take action immediately on second and third reading. Motion carried by unanimous consent.

Senate proceeded to the order of Second Reading of House Measures by unanimous consent at the request of the

Chair.

HB 4200 - Under rules suspension, read second time and passed to third reading.

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

SCR 221 - Under rules suspension, read second time and passed to final reading.

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

HB 4200 A-Eng. - Under rules suspension, read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 22; nays, 6 - Boquist, George, Kruse, Olsen, Shields, Whitsett; excused, 2 - Atkinson, Bates. Bill passed.

HB 4200 - Close requested the following explanation of vote be entered into the Journal:

"HB 4200 A-Engrossed allows the Governor, the Department of Revenue, and the Business Services Director to negotiate with certain companies who agree to create a minimum of 500 jobs and \$150 million in new capital investment. The Governor and associates can agree to lock-in the single-sales factor tax policy for that company for a period of thirty years.

"I served as one of eight members of the Joint Special Committee for Economic Development. I offered an amendment to the bill, the "dash five" amendment, that would have allowed all Oregon companies to exercise the opportunity to enter into a similar contract.

"The Dash five amendment was voted on in committee and failed. It was unfortunate that what is to become a good law will not include all the innovative and productive small business in Oregon that very much need those kinds of incentives to grow and provide new jobs for Oregonians. It could have been a great law.

"I voted for HB 4200 A-Engrossed because it will bring many new jobs to Oregon. An expansion of this bill may be considered during the 2013 regular session, according to the Co-chairs of the special committee.

"As an Oregon Senator, I will continue to advocate for small businesses to ensure that every business has all the tools and opportunities they need to be successful. They are a vital group of taxpayers whose revenue is sorely needed."

HB 4200 - Kruse requested the following explanation of vote be entered into the Journal:

"I voted against this measure because of two Constitutional issues. First the measure compels a future Legislative Assembly and second because it creates an inequity in the tax code. The Constitution is very clear on both of these points and it is very short sighted of us not to recognize this point.

"I want to make it very clear I fully support Nike and their expansion, but there was a better way to accomplish this and we chose not to do the right thing."

HB 4200 - Olsen requested the following explanation of vote be entered into the Journal:

"I need not expound on the benefits that Nike brings to our state. It is apparent. The permanent jobs and the temporary jobs that will be created is a benefit to our communities. My NO vote was for all those companies that do not reap the benefits of this legislation."

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

SCR 221 - Under rules suspension, read in its entirety and placed on final adoption. Carried by Burdick. On adoption of resolution, the vote was: Ayes, 27; excused, 3 - Atkinson, Bates, Starr. Resolution adopted.

Senate adjourned sine die at 6:09 p.m., December 14, 2012.

SCR 221; HB 4200 - President Courtney signed December 14.

SCR 221; HB 4200 - Message from the House announcing the Co-Speakers signed December 14.

HB 4200 - Message from the Governor announcing he signed on December 18.