

Monday, September 30, 2013 – Morning Session

Senate convened at 8:00 a.m. President Courtney in Chair. The following members were present: Baertschiger, Bates, Beyer, Boquist, Burdick, Close, Devlin, Ferrioli, Girod, Hansell, Hass, Johnson, Knopp, Kruse, Monnes Anderson, Monroe, Olsen, Prozanski, Roblan, Rosenbaum, Shields, Starr, Steiner Hayward, Thomsen, Whitsett, Winters; excused – Dingfelder, Edwards, George. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Bill Hansell, Athena.

The following proclamation from the Governor was read:

PROCLAMATION

WHEREAS: Rising costs and inadequate funding mean Oregon students face the prospect of ongoing teacher layoffs, lost school days and rising tuition; and

WHEREAS: Small and family businesses continue to struggle to recover from the economic downturn; and

WHEREAS: We have an opportunity to combine cost savings from reforms to the Public Employee Retirement System (PERS) and new revenue to restore lost school days, provide tuition relief, fund mental health and senior services, and provide targeted tax relief for small business owners and working families.

NOW THEREFORE: I, John A. Kitzhaber, M.D., Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, find an extraordinary occasion exists and do by this proclamation call the Seventy-seventh Oregon Legislative Assembly to convene in special session on September 30, 2013, at 8:00 a.m. The Constitution does not empower me to limit the length of the special session or to specify matters that may be considered, but it is my earnest hope that the members of the Assembly act most expeditiously in enacting the legislation referenced above.

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, September 23, 2013.

John A. Kitzhaber, M.D., Governor

Kate Brown, Secretary of State

The Credentials Committee report of January 14, 2013, stands and all members of the Senate are eligible to serve in the Special Session of the Seventy-Seventh Legislative Assembly.

Rosenbaum moved that the Senate Rules of the Seventy-Seventh Legislative Assembly, as amended September 30, 2013, be adopted as the Senate Rules for this Special Session of the Seventy-Seventh Legislative Assembly. On adoption, the vote was: Ayes, 25; nays, 2 – Boquist, Starr; excused, 3 – Dingfelder, Edwards, George. Special Session Rules adopted.

SPECIAL SESSION RULES OF THE SENATE**77th LEGISLATIVE ASSEMBLY**

Adopted January 14, 2013 and amended July 8,

2013 September 30, 2013

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

(6) “Informational meeting” means a committee meeting during which only invited or public testimony is taken on an issue. No public hearing or work session on a measure may be held during an informational meeting.

(7) “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.

(8) “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.

(9) “Majority” means a majority of those members present.

(10) “Measure” means bill, resolution or memorial, but does not include amendments.

(11) “Member” means member of the Senate.

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

(13) “Session day” means a day during which the Senate is convened in floor session with a quorum present.

(14) “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.

(15) "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.

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

(17) "Special session" means the Special Session of the 77th Legislative Assembly convening September 30, 2013.

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 session 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 July 8, 2013, shall continue in effect. Notwithstanding the special session, all rules governing drafting requests and measure introductions in advance of the Short Session remain in effect without regard to whether the rules are termed interim or session rules.

~~(1) Except as modified or rescinded under SR 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 77th Legislative Assembly to set the legislative schedule for the regular sessions. 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 sections 4, 10 and 11, Article IV 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 77th 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; and
- (f) Introduction of measures for the Long Session.

(2) SR 2.50 shall apply during the period between January 14, 2013 and the convening of the Long Session; provided, however, that SR 13.15 sets deadlines for requesting measures before and during the convening of the Long Session.

(3) The Regular Session and Interim Rules, as approved by the Senate on January 14, 2013, will go into effect on February 4, 2013.

(4) The committees may meet during the period from January 14, 2013 through January 16, 2013 for the purpose of adopting rules only. Committees may not hold public hearings or work sessions on measures and may not meet after January 16, 2013.

(5) All committee meetings occurring on or before January 16, 2013, 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 4, 2013, the President shall refer all measures within eight calendar days following First Reading.

(7) At the completion of the Organizational Session, the Senate shall adjourn until the convening of the Long Session on February 4, 2013.

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 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 an actual or 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 actual or potential conflict prior to voting on the issue giving rise to the actual or potential conflict.

(2) The member's announcement of an actual or 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 actual or 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) A complaint against a Senate member alleging violation of subsection (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 calendar days of the alleged violation.

(4) 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.

(5) The President shall refer any written complaint that has been filed in accordance with subsection (3) of this rule to the Special Committee on Conduct within 30 calendar days of receipt of the complaint.

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

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

(8) 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.

(9) 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 subsection (1) of this rule;
- (c) Recommended sanctions, if any; and
- (d) The basis for the committee's recommendation.

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

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

(12) 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).

(13) 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 subsection (10) 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 section, the President may call the member to order.

(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 next session day following the day the vote was taken. The President may direct the Secretary of the Senate to delete out of order material from the Journal.

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 SR 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 SR 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) 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 Secretary's designee, 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 Procedure*, 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 aids 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 session 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 by 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 in the Journal. 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 designated hour as provided in SR 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 a 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.
- (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 the chair's 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 the 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 SR 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 calendar day and the morning of the second calendar 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 chair and the Secretary of the Senate, the chair 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 SR 8.15(1) or SR 8.16, if applicable, 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) Except as provided in subsection (3) of this rule, 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; and

- (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.

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

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 measures with no amendments must be submitted to the Secretary of the Senate on or before the third session day following final committee action on the measure.

(b) During the Long Session, committee reports on measures with amendments must be submitted to the Secretary of the Senate on or before the fifth session day following final committee action on the measure.

(c) During the Short Session and any special session, committee reports on all measures, 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 the 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 shall be listed in the committee report as not concurring. Upon request to the Secretary of the Senate before adjournment *sine die*, 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 and the names of the members not concurring shall be recorded in the Status Report and Journal. On the session 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 the same session day on which the report is read or announced, and on the Third Reading calendar in accordance with SR 8.80. If the measure has amendments, Second Reading shall occur on the same session 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 SR 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, appropriation bills shall take precedence over all other bills from the same house of origin.

(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 must be made 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 vote 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.

13.08 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 171.130 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 171.130 is adequate, the committee may introduce the measure as a committee measure or with whatever other sponsorship is requested.

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 Deadline on Drafting Requests and Introductions During the Long Session.

(1) Except as provided in subsection (2) of this rule, the following deadlines apply to drafting requests and introductions during the Long Session:

- (a) Senate members may submit drafting requests to the Legislative Counsel without limitation until 5:00 p.m. on January 18, 2013.
- (b) Legislative Counsel shall return all such drafts by 5:00 p.m. on February 18, 2013.

(c) Measures must be filed for introduction with the Secretary of the Senate no later than 5:00 p.m. on February 21, 2013.

(2) The deadlines in subsection (1) of this rule do not apply as follows:

- (a) Every Senate member is entitled to five drafting requests and five measure introductions after the deadlines in subsection (1) of this rule.
- (b) Every Senate committee is entitled to four drafting requests and four measure introductions after the deadlines in subsection (1) of this rule, of which the committee chair is allowed two drafting requests and the committee chair and vice-chair in agreement are allowed two drafting requests.
- (c) As determined by the caucus leader, each caucus shall be entitled to two drafting requests and two measure introductions after the deadlines in subsection (1) of this rule.
- (d) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means are not subject to the deadlines in subsection (1) of this rule.
- (e) The President may approve member or committee proposals for drafting and introduction after the deadlines in subsection (1) of this rule.

(3) Every measure requested under subsection (2) of 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.

(4) All measures introduced by a member, caucus, or committee at any time under this rule shall be referred to committee as provided in SR 8.40, and any Chamber posting or work session deadlines affecting the committee receiving the measure shall apply.

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

(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 77th 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 the 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 calendar 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 subsection (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 paragraphs are exceptions to subsection (1) of this rule.

(a) A member of the Senate must retain notices of amounts of expenses required by ORS 244.100 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 calendar 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.

14.15 Fact-Finding Mission Applications; Records.

The following provisions govern whether fact-finding missions will be officially sanctioned under ORS 244.020(6)(b)(H)(i) if the expense per member is estimated to exceed \$50:

(1) An application must be submitted to the Secretary of the Senate no later than 14 calendar days before the start of the mission, unless as determined by the Secretary good cause exists for submitting the application after the deadline. The Secretary shall prepare an application form to collect information required by the Secretary. The application must include the following information as an attachment:

- (a) A written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(6)(b)(H)(i) and the rules of the commission; and
- (b) A written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other activities planned during the mission.

(2) Applications will be approved by the Secretary of the Senate only if the applicant provides all the information required under subsection (1) of this rule and also attests in writing that:

- (a) The mission is limited to a factual investigation or other educational purposes; and

(b) The mission is not conducted for campaign or partisan political purposes.

(3) During a fact-finding mission, members may not deliberate if a quorum of a committee or task force is present.

(4) No later than 30 calendar days after the completion of the mission, the applicant must submit to the Secretary of the Senate the following:

- (a) An attendance sheet listing all Senators, staff, relatives, household members, lobbyists, and all others who participated in the mission.
- (b) The aggregate value of food, travel, and lodging expenses provided to each Senator, staff member, relative, and household member of the Senator. The aggregate value of expenses for each person shall be determined in the same manner as required by the Oregon Government Ethics Commission for disclosure on a Statement of Economic Interest under ORS 244.060(6).

(c) Written confirmation that the mission was conducted substantially according to the itinerary or agenda submitted with the application and, if the mission varied materially from the submitted itinerary or agenda, a written account describing the material variations.

(5) Failure to submit the information required under subsection (4) of this rule within 30 calendar days after completion of the mission will result in an automatic denial of all future applications submitted by the applicant and the person or entity identified in the application as paying expenses.

(6) All approved applications shall be posted promptly on the Secretary of the Senate's webpage, and all required information submitted under subsection (4) of this rule shall be posted promptly on the Secretary of the Senate's webpage.

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 calendar 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 calendar 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 paragraphs 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 Organizational 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 eligible for benefits. 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 that is eligible for benefits may choose to opt out of insurance coverage if the staff person 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 the member's 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 77th Legislative Assembly, each member has an allowance of \$36,376 for personal staff as defined in SR 15.05, services and supplies as defined in SR 16.01, and legislative newsletters as defined in SR 14.20.

(2) During the interim periods and the Short Session for the 77th Legislative Assembly, each member has an allowance of \$68,538 for personal staff as defined in SR 15.05, services and supplies as defined in SR 16.01, and legislative newsletters as defined in SR 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, in addition to an allocation from funds available in the legislative branch budget as determined by the Senate President. 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; and

(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; and

(f) Any other service or supply authorized by the Senate President.

(7) Except as provided in this subsection, out-of-state travel for legislative business must be pre-approved by the President. Pre-approval is not required for meetings of organizations for which the Legislature provides dues or approves member payment of dues. Pre-approval is not required for official meetings of organizations in which member participation is identified in statute and where the member has been officially appointed to the organization by the President. For other out-of-state travel, members must submit appropriate documentation prior to travel such as a letter of invitation, conference agenda or completed registration form. Itemized receipts must be submitted for reimbursement upon completion of travel. Unless a member is a part of an official state-organized delegation, no out-of-country travel will be reimbursed.

(8) 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 10th of the even-numbered year, or until the Friday immediately following the last set of Legislative Days in an even-numbered year, whichever is later, 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 the news media who is attending the session as a lobbyist, as defined in ORS 171.725, 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.

PERSONNEL RULES

18.01 Legislative Branch Personnel Rules.

The Legislative Branch Personnel Rules, as adopted by the Legislative Administration Committee on September 14, 2012, are incorporated into the Senate Rules by this reference as rules of proceeding of the Senate.

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.

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 SR 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 77th 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.

VOTING

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 vote on confirmation shall be taken by roll call. 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 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 77th Legislative Assembly under SR 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*;
- (c) The Senate refuse to confirm;
- (d) Report the appointment to the Senate without recommendation; or
- (e) 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.

Any member of the committee who dissents from the committee recommendation shall be listed in the committee report as not concurring therein. Upon request before adjournment of the Senate's meeting to consider executive appointments, 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.

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 prior to the convening of the Senate.

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 SIR 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 must be made 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 15th 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 measure introductions shall be governed by the applicable concurrent resolution adopted by the 77th Legislative Assembly.

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

(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 measure 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 measure introductions no later than January 17, 2014.

(5) All measures filed with the Senate Desk by 5:00 p.m. on January 21, 2014, shall be made publicly available on the internet before First Reading and shall not be treated as confidential by the Senate Desk. Notwithstanding the Concurrent Resolution, members may file measures with the Senate Desk no later than 5:00 p.m. on February 3, 2014, and such measures shall be treated as confidential by the Senate Desk until February 3, 2014, when they will be processed in the regular course for First Reading.

(6) 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.

(7) 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.

(8) 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.

(9) 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 measure 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 Short Session by the Executive and Judicial Branches of State Government.

(1) Except as otherwise provided herein, pre-session drafting requests and measure introductions by the Executive and Judicial Branches shall be governed by the applicable concurrent resolution adopted by the 77th 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 measure 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 SIR 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 SR 14.20.

PERSONNEL

215.07 Interim Staff.

A member may employ interim staff subject to the provisions of SR 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.

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 2013 Special Session of the Seventy-Seventh Legislative Assembly.

President Courtney announced the following Special Session committee assignments:

JOINT COMMITTEE ON SPECIAL SESSION

Peter Courtney, Co-Chair
 Ted Ferrioli, Co-Vice Chair
 Ginny Burdick
 Richard Devlin
 Jackie Winters

Effective September 30, 2013 President Courtney announced that he is invoking the provisions of the one-hour notice rule in accordance with Senate Rule 8.16.

“Notwithstanding the provision of SR 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."

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 be carried over to the next convening of the Senate.

Senate recessed until 9:30 a.m. by unanimous consent at the request of the Chair. Recess extended until 2:30 p.m. Recess extended until 3:30 p.m. Recess extended until 4:00 p.m.

Monday, September 30, 2013 – Afternoon Session

Senate reconvened at 4:00 p.m. President Courtney in Chair. All present except Boquist, Dingfelder, George, Roblan, Starr, excused.

Message from the House announcing that the House of Representatives has organized and is ready for the business of the 2013 Special Session of the Seventy-Seventh Legislative Assembly.

Senate, having recessed under the order of announcements, proceeded to the order of First Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 861, 862, 863 - Introduced, read first time and referred to the Joint Committee on Special Session.

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

Tuesday, October 1, 2013 – Afternoon Session

Convening of the Senate delayed until 2:30 p.m. Convening of the Senate delayed until 6:00 p.m.

Senate convened at 6:00 p.m. Pursuant to SR 3.01(2) and without objection, the President adjourned the Senate without a quorum until 10:00 a.m. Wednesday.

Wednesday, October 2, 2013 – Afternoon Session

Convening of the Senate delayed until 11:00 a.m. Convening of the Senate delayed until 11:30 p.m. Convening of the Senate delayed until 12:00 p.m. Convening of the Senate delayed until 12:30 p.m.

Senate convened at 12:30 p.m. President Courtney in Chair. The following members were present: Baertschiger, Bates, Beyer, Boquist, Close, Devlin, Dingfelder, Edwards, Ferrioli, George, Girod, Hansell, Hass, Johnson, Knopp, Kruse, Monnes Anderson, Monroe, Olsen, Roblan, Rosenbaum, Shields, Starr, Steiner Hayward, Thomsen, Whitsett, Winters; excused - Burdick, Prozanski. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Rod Monroe, Portland.

HB 3601 - Message from the House announcing passage.

Senate proceeded to the order of First Reading of House

Measures by unanimous consent at the request of the Chair.

HB 3601 - Read first time and referred to the Joint Committee on Special Session.

Committee Report Summary No. 1 listing the following reports was distributed to members October 1. Summary list recorded in the Journal and Status Report by order of the President.

SB 861 - Report by Committee on Special Session recommending passage with amendments. (Amendments distributed).

SB 862 - Report by Committee on Special Session recommending passage with amendments. (Amendments distributed).

SB 863 - Report by Committee on Special Session recommending passage.

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-Seventh 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 2013 Special Session.

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

SB 861, 862, 863 - Rosenbaum moved that the rules be suspended 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 Senate Measures by unanimous consent at the request of the Chair.

SB 861, 862 - Under rules suspension, read second time and passed to third reading.

SB 861 A-Eng. - Under rules suspension, read third time. Carried by Devlin. Call of the Senate demanded by Rosenbaum joined by Monnes Anderson and Steiner Hayward. All present except Prozanski. All members subject to the Call present. On passage of bill the vote was: Ayes, 22; nays, 7 - Beyer, Close, Dingfelder, Knopp, Kruse, Rosenbaum, Shields; excused, 1 - Prozanski. Bill passed.

SB 861 A-Eng. - Bates requested the following explanation of vote be entered into the Journal:

"I have supported this bill because it is right public policy to ensure the long-term financial stability of our Public Employee's Retirement fund and our State. Securing our long-term financial future is not only important for those who are serving as current public servants, but also vital for those who have already retired. I believe this is right public policy for our State and the constituents I serve in my district. This bill is really about our kid's education. To prevent massive increases in class sizes, funds have to be directed into the classrooms. This bill allows that to happen. These are the reasons I have voted "yes" on SB 861."

SB 861 A-Eng. – Beyer requested the following explanation of vote be entered into the Journal:

“I voted against SB 861 because it presented a conflict between fiscal policy and the plain words of the Oregon Constitution which I swore an oath to uphold.

“SB 861 would change the cost of living provisions of the Public Employee Retirement System. It would reduce future cost of living adjustment to retirees.

“In 1998 and 2005 the Oregon Supreme Court ruled that the cost of living provisions in PERS were constitutionally protected contract rights. Based on discussions with legal authorities, I believe that adopting SB 861 – regardless of its merit – would be a violation of the Constitution which I promised to uphold. Therefore, I feel I had no option but to vote no on SB 861.”

SB 861 A-Eng. – Knopp requested the following explanation of vote be entered into the Journal:

“This bill to reform PERS chose politics over policy, set bad precedent and raided reserves that could help when the next market downturn hits which will be sooner rather than later. It failed the test of fairness and doesn't come close to solving the PERS problem.

“The legislature controlled by Democrat's chose to single out retired public employees for all the PERS cuts. No one has been able to explain how that is fair.

“The 2003 PERS reforms affected every public employee. I believe we do need real reform to PERS that is fair, affordable and sustainable but targeting one group doesn't meet that test.

“By creating supplement payments from the PERS contingency reserve fund the legislature set terrible precedent opening the door to future raids on this fund.

“The bill was poorly written and hastily put together which was not legislative counsel's fault. They only write what they're told and that responsibility rests with the legislators that had input into writing it. The policy took a back seat to politics as policy was adjusted to procure votes in the Oregon House.

“With all due respect to the Governor who said PERS reform is now off the table, I hope you'll change your mind and work with us so we can actually fix PERS before the unfunded liability sky rockets again causing catastrophic failure making PERS unfixable.”

SB 861 A-Eng. – Monnes Anderson requested the following explanation of vote be entered into the Journal:

“I supported SB 861 because we need to do something to put PERS back on a sustainable course. Local school districts, cities, and counties face large increases in their payments to PERS in the coming years, which will jeopardize their ability to provide quality education, public safety, and other critical services. This bill slows down increasing PERS rates by providing PERS retirees with a smaller cost-of-living adjustment. This bill helps lower-income retirees who collect less than \$20,000 by giving them a supplemental payment to make up some of the difference of their smaller COLA.”

SB 861 A-Eng. – Steiner Hayward requested the following explanation of vote be entered into the Journal:

“During this special session, I have been focusing on the needs of Senate District 17 and Oregon as a whole. While I have an immense

amount of respect for our public employees and recognize the sacrifices they have made, I am very concerned about the increasing economic impact of PERS. We know that without substantial changes, PERS costs will consume an increasingly large proportion of the state's budget in the upcoming years. Similar to how we have contained healthcare costs, we must contain the runaway costs of PERS. If we do not take sufficient steps to curb the costs of PERS, the state of Oregon will face a dire situation in years to come, with ever deeper cuts to K-12 education, Community Colleges, Oregon University System, Human Services, and Public Safety.

“This is an exceptionally difficult issue. However I strongly believe we have a rare opportunity to make an investment in Oregon Schools and services. In the Beaverton school district, teachers are burdened with oversized classrooms and shortened school years. Ultimately, I voted yes on this bill because I recognize that we must make progress towards acceptable funding for our schools. For our school districts, the PERS changes will result in new teachers and more school days each year. Savings such as these will have a profound impact on Oregon's children and so many others who depend on critical state services.”

HB 5101 – Message from the House announcing passage.

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

HB 5101 – Read first time and referred to the Joint Committee on Special Session.

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

SB 862 A-Eng. – Under rules suspension, read third time. Carried by Devlin. Potential conflict of interest declared by Knopp. On passage of bill the vote was: Ayes, 27; nays, 2 – Dingfelder, Shields; excused, 1 – Prozanski. Bill passed.

SB 862 A-Eng. – Without objection potential conflict of interest declared by President Courtney for all members of the Senate.

SB 862 A-Eng. – Monnes Anderson requested the following explanation of vote be entered into the Journal:

“I support SB 862 because it makes common-sense changes to eligibility in PERS and ensures that victims of serious crimes can be made whole through restitution.”

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

SB 863 – Under rules suspension, read second time and passed to third reading.

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

SB 863 – Under rules suspension, read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 17; nays, 12 – Bates, Burdick, Devlin, Dingfelder, Edwards, Hass, Johnson, Monnes Anderson, Monroe, Rosenbaum, Shields, Steiner Hayward; excused, 1 – Prozanski. Bill passed.

SB 863 – Bates requested the following explanation of vote be entered into the Journal:

“I voted against this bill during the regular session and I am voting against it now because I believe that communities should have the right to control what products are grown in their counties.”

SB 863 – Courtney requested the following explanation of vote be entered into the Journal:

“I favor a comprehensive statewide policy governing genetically modified organisms administered by the Oregon Department of Agriculture rather than a patch-work of policies that vary by county.”

SB 863 – Monnes Anderson requested the following explanation of vote be entered into the Journal:

“I opposed this bill because I believe that the decision to allow GMO crops should be decided by local counties and voters, and that losing our stake in the booming organic farming industry as a result of GMO contamination would mean lost jobs, economic opportunities, and dollars that can go directly to local schools and public services.”

SB 863 – Rosenbaum requested the following explanation of vote be entered into the Journal:

“I cast a vehement “NO” vote on Senate Bill 863 for the following reasons:

“Senate Bill 863 preempts local government and cities from making decisions about their local farms and economies without offering any alternative. This bill restricts the people from using direct democracy to decide issues for themselves. I believe that this preemption of a local vote has a deleterious effect on democracy.

“Seed and agricultural issues are unique to each climate, culture, and community. This is an extremely important issue that deserves a well thought out comprehensive solution. Senate Bill 863 does not offer this solution and simultaneously removes the ability of local communities to make decisions about the food they choose to grow.

“In my over 14 years in the Legislature, few issues have produced more active and continuous opposition from the citizens of my district. I voted “NO” on this bill because I think it is a step in the wrong direction. Local farmers have a right to grow organic crops and communities have a right to determine the right policy for their land.”

Senate at ease. Senate reassembled.

Senate recessed until 2:30 p.m. by unanimous consent at the request of the Chair.

Senate recess extended until 3:30 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 3:30 p.m. President Courtney in Chair. All present except Prozanski, Shields, excused.

Senate, having recessed following the order of Propositions and Motions reverted to the order of Reports from Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 2 listing the following report was distributed to members today. Summary list recorded in the Journal and Status Report by order of the

President.

HB 3601 – Report by Committee on Special Session recommending passage of the A-Engrossed bill.

Committee Report Summary No. 3 listing the following report was distributed to members today. Summary list recorded in the Journal and Status Report by order of the President.

HB 5101 – Report by Committee on Special Session recommending passage.

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

HB 3601, 5101 – Rosenbaum moved that the rules be suspended 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 3601, 5101 – Under rules suspension, read second time and passed to third reading.

HB 3601 A-Eng. – Under rules suspension, read third time. Carried by Burdick. Potential conflict of interest declared by Boquist, George. Call of the Senate demanded by Ferrioli joined by Close and Winters. All present except Prozanski, Shields. All members subject to the Call present. On passage of bill the vote was: Ayes, 18; nays, 10 – Baertschiger, Bates, Close, Dingfelder, Knopp, Kruse, Olsen, Rosenbaum, Thomsen, Whitsett; excused, 2 – Prozanski, Shields. Bill passed.

HB 3601 A-Eng. – Bates requested the following explanation of vote be entered into the Journal:

“I have grave concerns about the impact this bill will have on seniors in Oregon who are dealing with the financial impact of paying for their healthcare. Trying to address the healthcare costs of seniors in just three short days of a Special Session is not going to result in good public policy that will help our seniors and avoid unintended consequences. I am also gravely concerned that the Legislature is only willing to increase the tobacco tax a nominal amount. This amount does not come close to covering the healthcare costs that tobacco use incurs in our state. Increasing this tax by such a small amount will not help to reduce tobacco use and it will hinder a future conversation about what the appropriate tobacco tax should be. I am pleased that this bill includes provisions that would ease the tax burden on small and family businesses, but I feel that this should be considered as its own piece of legislation. At this time, particularly because of the inclusion of the change to the senior medical deduction, I cannot support HB 3601.”

HB 3601 A-Eng. – Hass requested the following explanation of vote be entered into the Journal:

“Under current law, Oregon allows for individuals over 62 to deduct significant amounts of their medical expenses from state taxes, including wealthier Oregonians in that age group. Curiously, Oregon is the only state in the country that provides for this deduction. As our state’s population ages, the senior medical deduction will create a huge, unsustainable problem for our state budget. This hurts our ability to provide funding for education and critical state services, while providing virtually no benefit for lower-income seniors.

“That’s why I’m proud to vote for HB 3601 which, among other changes to our revenue system, reforms the senior medical deduction by making it more accessible to lower-income seniors. The Legislative Revenue Office estimates that 80,000 more Oregonians will be able to claim the medical deduction because it will no longer require these filers to itemize their deductions in order to be eligible. Many of those who will now be eligible live on less than \$30,000 per year.

“By making the senior medical deduction a subtraction, this bill directs help to where it’s most needed while limiting this benefit for higher-income seniors. The revenue generated by the proposal will provide additional funding for critical programs for seniors like Oregon Project Independence and the Senior and Disabled Transportation.

“This bill is a win for our seniors most in need, and it helps us set our priorities straight when it comes to the state budget.”

HB 3601 A-Eng. – Knopp requested the following explanation of vote be entered into the Journal:

“There were things in this bill that I support as stand-alone policy such as the small business and family farm tax relief as well as trade and export tax relief.

“However when you combine them with increasing taxes on seniors, lower income earners and families with disabled children I was unable to support this bill because of these and other increases.

“Oregon tax policy should be used to create a level playing field for business as well as our citizens. This bill chose winners and losers and raised taxes on our parents and grandparents.

“It is my hope that some of the troubling aspects of this bill will be fixed in the upcoming regular session.”

HB 3601 A-Eng. – Monnes Anderson requested the following explanation of vote be entered into the Journal:

Senior Medical Tax Deduction:

“I supported HB 3601 because it makes the senior medical deduction into a subtraction, directing help to where it’s most needed while limiting this benefit for higher-income seniors. The revenue generated by the proposal will provide additional funding for critical programs for seniors like Oregon Project Independence and Senior and Disabled Transportation. Taken as a whole, the revenue generated by this bill provides a long-term boost to our general fund.”

Small Business Tax Break:

“I supported HB 3601 because it gives meaningful tax relief to Oregon’s small business owners, who are the backbone of our state’s economy. Many of Oregon’s communities rely on small businesses to keep their economy running, and this bill provides help for these small businesses to grow and thrive. These are the job creators in Oregon and we need to support them during this economic recovery.”

Revenue Package, overall:

“I supported HB 3601 because it will make a lasting, positive change to our state’s revenue system by getting corporations and wealthier Oregonians to pay more of their fair share, helping the lowest-income Oregonians by expanding the EITC, and making the senior medical deduction accessible to lower-income Oregonians. This proposal also gives meaningful tax relief to Oregon’s small business owners, who are the backbone of our state’s economy.”

HB 3601 A-Eng. – Rosenbaum requested the following explanation of vote be entered into the Journal:

“I cast a “NO” vote on House Bill 3601 for the following reasons;

“House Bill 3601 is unfair and unbalanced. This bill essentially provides a large tax break to the wealthiest Oregonians and is designed in a way in which the revenue generated by this bill is mostly directed into a tax cut, not to our schools or other services. One of the main elements of this bill is described as a ‘small business tax break’, but will only benefit certain business owners and other professionals with specific tax classifications. This benefit will be given without any substantial job creation provision and (as forecasted by the Legislative Revenue Office) will balloon to cost hundreds of millions of dollars per biennium, almost offsetting the revenue raised by the tax-increasing provisions of this bill. For this reason it was especially irresponsible to not include a sunset for this provision as is customary for other tax benefit policy.

“Further, the cigarette tax is increased by a mere \$0.13 cents, which will stall meaningful tobacco prevention by making it harder to raise the tax more substantially. The proposal also directs none of the new revenue towards tobacco prevention and cessation and would needlessly delay a price increase on moist snuff tobacco. HB 3601 is a step backwards for tobacco control in Oregon.

“While I was extremely pleased that the Earned Income Tax Credit was increase in this package, providing real help for low-income working Oregonians, overall this revenue package will do more harm to our state budget than good.”

HB 3601 A-Eng. – Steiner Hayward requested the following explanation of vote be entered into the Journal:

“I supported this bill for several reasons. This bill will make a lasting, positive change to our state’s revenue system by getting corporations and wealthier Oregonians to pay more of their fair share, helping the lowest-income Oregonians by expanding the Earned Income Tax Credit (EITC), and making the senior medical deduction accessible to lower-income Oregonians.

“HB 3601 gives meaningful tax relief to Oregon’s small business owners, who are the backbone of our state’s economy. Many of Oregon’s communities rely on small businesses to keep their economy running, and this bill provides help for these small businesses to grow and thrive. These are the job creators in Oregon and we need to support them during this economic recovery.

“That being said, I had significant concerns about the potential for unintended consequences if the projects regarding the effect on total revenue were grossly off base, as we have seen in the past with programs such as the Business Energy Tax Credit (BETC) or the Gain Share program. Fortunately, those crafting the program heard these concerns clearly, and developed a very thoughtful ‘circuit breaker’ to prevent this program from having an unexpectedly severe impact on Oregon’s total revenue. This change made it possible for me to support the bill.

“This bill is also a win for our seniors most in need. Under current law, Oregon allows for individuals over 62 to deduct significant amounts of their medical expenses from state taxes, including wealthier Oregonians in that age group. Curiously, Oregon is the only state in the country that provides for this deduction. As our state’s population ages, this senior medical deduction will create a huge, unsustainable problem for our state budget. This hurts our ability to provide funding for education and critical state services, while providing virtually no benefit for lower-income seniors.

"HB 3601, among other changes to our revenue system, reforms the senior medical deduction by making it more accessible to lower-income seniors. The Legislative Revenue Office estimates that 80,000 more Oregonians will be able to claim the medical deduction because it will no longer require these filers to itemize their deductions in order to be eligible. Many of those who will now be eligible live on less than \$30,000 per year.

"By making the senior medical deduction a subtraction, this bill directs help to where it's most needed while limiting this benefit for higher-income seniors. The revenue generated by the proposal will provide additional funding for critical programs for seniors like Oregon Project Independence and the Senior and Disabled Transportation."

HB 3601 A-Eng. – Winters requested the following explanation of vote be entered into the Journal:

"I voted "yes" on HB 3601. I understood the intent of section 6c (1) of the legislation to be that the amount of any dividend paid by a DISC (whether paid directly to the taxpayer or to the entity which owns it) would be subtracted from federal taxable income."

HB 5101 – Under rules suspension, read third time. Carried by Winters. On passage of bill the vote was: Ayes, 27; nays, 1 – George; excused, 2 – Prozanski, Shields. Bill passed.

HB 5101 – Monnes Anderson requested the following explanation of vote be entered into the Journal:

"I supported HB 5101 because it increases investments in our schools and reduces class sizes, makes a game changing investment in mental health care, and cares for the most vulnerable. Specifically, HB 5101 directs an additional \$100 million to K-12 schools across our state, directs a significant new amount of funding to senior programs and mental health services, and makes college more accessible by adding \$40 million toward stabilizing university and community college tuition."

SB 215 – Message from the Governor announcing he vetoed on August 16. (For the Governor's veto message see 2013 Session Journal.)

September 24, 2013

The Honorable Peter Courtney
President of the Senate
900 Court Street NE, Room S-201
Salem, OR 97301

Dear President Courtney:

The Special Session of the Seventy-seventh Legislative Assembly will begin September 30, 2013.

Therefore, and as provided in Section 15b, Article V, Constitution of Oregon, we place before your honorable body the measure enacted by the Seventy-seventh Legislative Assembly of the State of Oregon, January 14, 2013, Regular Session, which was vetoed by Governor Kitzhaber following sine die, to wit:

Enrolled Senate Bill 215

Enclosed you will find the above bill and a copy of Governor Kitzhaber's veto message.

Sincerely,
Kate Brown
Secretary of State

Vetoed SB 215 (2013 Regular Session) – Rosenbaum moved bill, together with the Governor's message, be laid on the table. Motion carried on voice vote.

HCR 51 – Message from the House announcing adoption.

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

HCR 51 – Rosenbaum moved that the rules be suspended in order to take action immediately on first, second, and final reading. Motion carried by unanimous consent.

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

HCR 51 – Read first time.

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

HCR 51 – Under rules suspension, read second time and passed to third reading.

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

HCR 51 – Under rules suspension, read in its entirety and placed on final adoption. Carried by Ferrioli. On adoption of resolution the vote was: Ayes, 26; excused, 4 – Dingfelder, Prozanski, Shields, Starr. Resolution adopted.

Senate adjourned sine die at 4:47 p.m., October 2, 2013.

SB 861, 862, 863 – Message from the House announcing passage.

SB 861, 862, 863; HCR 51; HB 5101, 3601 – President Courtney signed on October 3.

HCR 51; HB 5101, 3601 – Message from the House announcing the Speaker signed on October 3.

SB 861, 862, 863 – Message from the House announcing the Speaker signed on October 7.

SB 861, 862, 863 – Message from the Governor announcing he signed on October 8.