

Thursday, December 12, 2024 – Afternoon Session

Senate convened at 2:00 p.m., President Wagner in Chair. The following members were present: Anderson, Bonham, Boquist, Campos, Dembrow, Findley, Frederick, Gelser, Blouin, Girod, Golden, Gorsek, Hansell, Hayden, Jama, Knopp, Lieber, Linthicum, Manning Jr, Meek, Patterson, Prozanski, Reynolds, Brock Smith, Sollman, Taylor, Weber; Excused – Robinson, Thatcher, Woods. Colors were honored and the Senate pledged allegiance to the flag. Opening greeting by President Wagner.

The following Proclamation from the Governor was read:

PROCLAMATION

WHEREAS: The unprecedented 2024 wildfire season burned a record 1.9 million acres far exceeding Oregon's 10-year average of 640,000 acres burned per season.

WHEREAS: The 2024 wildfires destroyed 42 homes and 132 other structure, and caused severe disruptions and damage to transportation facilities, utility infrastructure, and natural resource economies.

WHEREAS: The 2024 wildfire season required the Emergency Conflagration Act to be invoked a state record 17 times to mobilize structural firefighting resources coordinated by Oregon State Fire Marshall to local communities and thousands of wildland firefighting personnel and resources coordinated by Oregon Department of Forestry.

WHEREAS: The State of Oregon has incurred total costs from the historic 2024 wildfire season upwards of \$350 million. While deferral disaster relief funds will eventually cover some of those costs, the State of Oregon has an immediate and urgent need to address the outstanding wildfire costs and pay all outstanding firefighting bills before the end of the calendar year.

NOW THEREFORE: I, Tina Kotek, Governor of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, find an extraordinary occasion exists, and do by this proclamation call the Eighty-second Legislative Assembly to convene in special session on Thursday, December 12, 2024, at 2:00 p.m.

I request that the members of the Assembly act expeditiously in enacting legislation limited to and only regarding the matter referenced above.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done in the City of Salem in the State of Oregon on this day, December 3, 2024.

Tina Kotek, Governor

LaVonne Griffin-Valade, Secretary of State

The Credentials Committee report of December 12, 2024, stands and all members of the Senate are eligible to serve in the Special Session of the Eighty-second Legislative Assembly.

Jama moved that the Special Session Senate Rules be adopted as the Senate Rules for this Special Session of the Eighty-second Legislative Assembly.

On adoption of the rules, the vote was: Ayes, 25; Nays, 2 – Boquist, Linthicum; Excused, 3 – Robinson, Thatcher, Woods. Special Session Rules adopted.

(Rule changes for the Special Session are noted below.)

SPECIAL SESSION

RULES OF THE SENATE

82st LEGISLATIVE ASSEMBLY

Adopted January 9, 2023 and amended June 24, 2023, and February 8, 2024 December 12, 2024

1.01 Definitions.

(17) “Special session” means the Special Session of the 82nd Legislative Assembly convening December 12, 2024.

2.20 Rules of the Senate.

These rules adopted for the special session shall expire upon the adjournment *sine die* of the special session, at which time the Senate Rules as last amended on February 8, 2024, shall continue in effect. Notwithstanding the special session, all rules governing drafting requests and measure introductions in advance of the Long Session remain in effect without regard to whether the rules are termed interim or session rules.

~~(1) Except as modified or rescinded under 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 82nd 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.~~

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

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

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 2024 Special Session of the Eighty-second Legislative Assembly.

President Wagner made the following appointments:

COMMITTEE ON WILDFIRE FUNDING

Kate Lieber, Co-Chair
Whnsvey Campos
Lynn Findley
Fred Girod
Bill Hansell
Janeen Sollman

SCR 301; SB 5801 - Introduced, read first time and referred to Committee on Wildfire Funding.

The following measures were referred to committee on December 12 and recorded on Committee Referral List No. 1, which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SCR 301 Wildfire Funding
SB 5801 Wildfire Funding

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

Jama moved to suspend SR 8.15(b) and SR 8.20(3) for the purpose of allowing the Joint Special Session Committee to meet and take action on SCR 301 and SB 5801 immediately. On motion to suspend, the vote was: Ayes, 27; Excused, 3 – Robinson, Thatcher, Woods. Rules suspended.

The Senate resumed under the general orders of business by unanimous consent at the request of the Chair.

Senate at ease. Senate reassembled.

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

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Senate reconvened at 3:30 p.m., President Wagner in Chair. All present, except excused – Robinson, Thatcher, Woods.

Message from the House announcing that the House of Representatives has organized and is ready for the business of the 2024 Special Session of the Eighty-second Legislative Assembly.

Senate, having recessed under the order of Announcements, reverted to the order of Reports from Committees by unanimous consent at the request of the Chair.

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

SCR 301 – Report by Committee on Wildfire Funding recommending adoption.

SB 5801 – Report by Committee on Wildfire Funding recommending passage.

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

Bonham moved that in compliance with Article IV, section 19 of the Oregon Constitution, and notwithstanding any provision of the Senate Rules for the 2024 Special Session of the Eighty-second 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 SCR 301 and SB 5801. On question of suspension of Constitutional provision, the vote was: Ayes, 27; Excused, 3 – Robinson, Thatcher, Woods. Constitutional provisions suspended.

SCR 301; SB 5801 - Bonham moved to suspend the rules in order to take action immediately on second and third reading. On motion to suspend the rules, the vote was: Ayes, 27; Excused, 3 – Robinson, Thatcher, Woods. Rules suspended.

Senate proceeded to the order of Second Reading of

Senate Measures by unanimous consent at the request of the Chair.

SCR 301; SB 5801 – Under rules suspension, read second time and passed to third reading.

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

SCR 301 – Moved to the foot of today's calendar by unanimous consent at the request of the Chair.

SB 5801 – Under rules suspension, read third time. Carried by Lieber. Potential conflicts of interest declared by Boquist and Hayden. On passage of bill the vote was: Ayes, 25; Nays, 2 – Boquist, Linthicum; Excused, 3 – Robinson, Thatcher, Woods. Bill passed.

SB 5801 – Boquist requested the following written explanation of vote be entered into the Journal:

SB 5801 Vote Explanation. The legislature needs to ensure the bills run up by ODF and OSFM are paid. Especially contractors who answered the fire call. This amount is not \$218 million per the agencies themselves. The actual requests are floor letters in OLIS. Nor was a special session required in theory unless there is a much bigger problem. Three options were outlined to me in writing by state officials. Why a special session was called by the Governor is a much larger question instead of the rather routine fire funding processes. The final proposal to the Democrats was provide \$218 million to bury the problem. But what is the real problem? Why did the State Treasury could not cash flow the grassland fires? Are the claims the State Treasurer was going to allow agencies to default true? It is financially inconceivable that with \$98 billion in alleged state investments, and \$34 billion in short term operations funds, the state could not cashflow \$200 million in fire funds? Then I've heard nothing from legislators reference the \$1.8 billion pers investment shortfall that magically appeared the week after the November elections. Did Democrat statewide and appointees suddenly lose billions the day after the election? Are our losses so great with Oregon's private equity investments we cannot afford to short term finance fires? Oregon per its own debt board says were are overprescribed by 500%. Is this a factor? What is certain is the United States is in the most dangerously precarious position since the start of World War II. And Oregon is on the leading edge. Legislators needed a better understanding to make long term decisions than just this one bill. Maybe my no vote will be a wake up call to the majority. Hopefully, they will find out the real problem in the opening days of the 2025 Session if the USA makes it that far.

SB 5801 – Linthicum requested the following written explanation of vote be entered into the Journal:

I voted NO for the following reasons:

First, the supposed need for this legislative fix illustrates a larger issue with a broken administrative system that cannot be fixed by paying money without rigorous accounting or precise documentation for the fiscal outlays.

Second, I recognize Oregon's need to meet any true financial obligations which are due to all contractors who answered the call and performed specific services.

However, the larger point is the State Treasury and State Forestry Department did not properly manage or account for cash flows needed for forest fires or grassland fires which each have entirely different firefighting expenditure models. Providing the legislature with only hundreds of million-dollar summaries tagged with overall acres burned does nothing to help the Senate determine the appropriateness of these financial demands.

I'll note that Sen. Boquist raises the point that with \$98 billion in alleged state investments, and \$34 billion in short term operational funds, it is inconceivable that the state could not cashflow the \$200 million needed for fire funds.

This brings me back to the main point: Why all of this "special session" concern for what should be Standard Operation Procedure (SOP) for an organization of our state's size and population given the vast financial resources under state control?

A true indicator of fiscal responsibility is when a state operates within its means, supported by effective procedures to manage annual expenditures and unforeseen challenges without resorting to political grandstanding. Sadly, Oregon is far from this standard. Every category

of debt in Oregon is increasing at a pace that outstrips the modest growth of its wealth-generating activities—whether from local entrepreneurs, small- and mid-sized businesses, or even our global enterprise partners.

I was a NO vote because instead of addressing the root causes, this legislature's response has been to pour more money into the hole, reinforcing the problem while failing to tackle the administrative mismanagement that continues to afflict Oregon's executive offices.

SCR 301 – Under rules suspension, read final time. Carried by Hansell. On passage of resolution the vote was: Ayes, 25; Nays, 2 – Boquist, Girod; Excused, 3 – Robinson, Thatcher, Woods. Resolution adopted.

Senate adjourned sine die on December 12, 2024.

SCR 301; SB 5801 – President Wagner signed on December 12.

SCR 301; SB 5801 – Message from the House announcing the Speaker signed on December 12.

SB 5801 – Message from the Governor announcing she signed on December 13.