Seventy-Seventh
Oregon Legislative Assembly
2013-2014

Rules of the Senate

With the Oregon Constitution and Selected Statutory Provisions

Peter Courtney, *President*
Ginny Burdick, *President Pro Tempore*
Robert Taylor, *Secretary of the Senate*

77th Oregon Legislative Assembly
2013-14

Rules of the Senate

With the Oregon Constitution
and selected statutory provisions

As adopted January 14, 2013, and amended July 8, 2013, and February 3, 2014

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RULES OF THE SENATE
77th LEGISLATIVE ASSEMBLY
Adopted January 14, 2013, and amended July 8, 2013, and February 3, 2014

DEFINITIONS

1.01 Definitions.

(1) "Chamber" means the entire area of the Senate floor and the side aisles.

(2) "Chamber area" includes the entire area of the Senate floor including the areas immediately adjacent to the Senate Chamber.

(3) "Constitutional majority (16)" means a majority of the members of the Senate except in the case of those measures requiring an otherwise constitutionally designated majority vote.

(4) "Courtesy of the floor" means admittance within the bar granted upon request of a member in accordance with SR 17.01(2).

(5) "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(1)(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(1)(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.

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 recision 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.

(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 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.

(3) Except by a suspension of the rules by a two-thirds vote of the committee, a committee or joint committee may take action on a measure or amendment only after the full text of the measure or amendment has been made publicly available online for at least one hour.

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.

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 December10th 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 Presession Filing.

Presession 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 presession filing with the Senate drafted by Legislative Counsel.

(2) All presession 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 presession 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 Presession Filing Before the Long Session by Statutory Committees, Interim Committees and Task Forces of the Legislative Assembly.

(1) All measures for presession filing must be drafted by Legislative Counsel.

(2) All presession 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 presession 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 Presession 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 presession 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 presession 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 presession 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 Presession 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 presession 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 presession 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 Presession Filing Before the Short Session for Members, Caucuses, and Interim Committees.

(1) Except as otherwise provided herein, presession 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 presession 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 presession 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 Presession Filing Before the Short Session by the Executive and Judicial Branches of State Government.

(1) Except as otherwise provided herein, presession 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 presession 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 presession 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.

House Concurrent Resolution 13

77th OREGON LEGISLATIVE ASSEMBLY--2013 Regular Session

Enrolled
House Concurrent Resolution 13

Sponsored by Representative KOTEK, Senator COURTNEY

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) This resolution constitutes a rule of proceeding of the Senate and the House of Representatives of the Seventy-seventh Legislative Assembly.

(2) The Senate and the House of Representatives shall adhere to the following schedule and deadlines for the 2013 regular session of the Seventy-seventh Legislative Assembly:

(a) The Senate and the House of Representatives shall convene in regular session on February 4, 2013.

(b) The Senate and the House of Representatives shall convene their respective floor sessions one day or more each week from February 4, 2013, through March 1, 2013.

(c) Members and committees shall submit requests for drafts of measures to the Office of the Legislative Counsel on or before January 18, 2013.

(d) Members and committees shall submit drafts of measures for introduction to the Senate and House Desks no later than February 21, 2013.

(e) The Senate and House of Representatives may convene daily floor sessions beginning on March 4, 2013.

(f) Committee chairpersons shall schedule work sessions for measures in the chamber of origin no later than April 8, 2013. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(g) Committees shall consider measures in the chamber of origin no later than April 18, 2013. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(h) Committee chairpersons shall schedule work sessions for measures in the second chamber no later than May 20, 2013. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(i) Committees of the Senate and House of Representatives shall close no later than May 31, 2013. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(3) The rules of the Senate and House of Representatives shall apply to matters not specified in this resolution and shall take precedence over matters specified in this resolution. The rules of the Senate and House of Representatives may establish timelines for priority measures, for measures approved by the presiding officers, for measures approved by joint committees or for appropriation and fiscal measures approved by the Joint Committee on Ways and Means that are different from the timelines established in subsection (2) of this resolution.

(4) Per diem payments described in ORS 171.072 (3) may not be made for calendar days in January 2013 that occur after the date of adjournment of the respective house of the Legislative Assembly for the organizational session or January 18, 2013, whichever is earlier.

Adopted by House January 14, 2013

Ramona Kenady Line, Chief Clerk of House

Tina Kotek, Speaker of House

Adopted by Senate January 14, 2013

Peter Courtney, President of Senate

House Concurrent Resolution 37

77th OREGON LEGISLATIVE ASSEMBLY--2013 Regular Session

Enrolled
House Concurrent Resolution 37

Sponsored by COMMITTEE ON RULES

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) This resolution constitutes a rule of proceeding of the Senate and the House of Representatives of the Seventy-seventh Legislative Assembly.

(2) The Senate and the House of Representatives agree to the following limitations for the 2014 regular session:

(a) Each Senator and each Representative may request the Office of the Legislative Counsel to prepare, and may submit for introduction, no more than two drafts of measures.

(b) Each interim committee of the Senate and each interim committee of the House of Representatives may request the Office of the Legislative Counsel to prepare, and may submit for introduction, no more than three drafts of measures.

(c) The Governor may request the Office of the Legislative Counsel to prepare, and may submit for introduction, no more than five drafts of measures on behalf of the executive branch of state government.

(d) The Chief Justice of the Supreme Court may request the Office of the Legislative Counsel to prepare, and may submit for introduction, no more than five drafts of measures on behalf of the judicial branch of state government.

(3) The limitations on introduction of measures in subsection (2) of this resolution do not apply to:

(a) The Joint Committee on Ways and Means, with respect to appropriation or fiscal measures;

(b) Measures requested and approved for introduction by the President of the Senate; or

(c) Measures requested and approved for introduction by the House Committee on Rules.

(4) All requests to prepare drafts of measures must be accompanied by a brief summary of the problem sought to be addressed, the proposed solution to the problem and any other relevant information about the proposed measure.

(5) The Senate and the House of Representatives shall adhere to the following schedule and deadlines for the 2014 regular session of the Seventy-seventh Legislative Assembly:

(a) Members, committees, the Governor and the Chief Justice shall submit requests for drafts of measures to the Office of the Legislative Counsel on or before 5 p.m. on November 26, 2013.

(b) The Office of the Legislative Counsel shall deliver drafts of measures to requesters on or before 5 p.m. on January 13, 2014.

(c) Requesters shall submit drafts of measures for introduction to the Senate Desk or the House Desk no later than 5 p.m. on January 21, 2014.

(6) The President of the Senate, the House Committee on Rules and the Joint Committee on Ways and Means are not subject to the deadlines described in subsection (5) of this resolution.

(7) The rules of the Senate and the House of Representatives apply to matters not specified in this resolution.

Adopted by House July 7, 2013

Ramona J. Line, Chief Clerk of House

Tina Kotek, Speaker of House

Adopted by Senate July 8, 2013

Peter Courtney, President of Senate

House Concurrent Resolution 201

77th OREGON LEGISLATIVE ASSEMBLY--2014 Regular Session

House Concurrent Resolution 201

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Rules)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Establishes deadlines for completion of legislative measures for 2014 regular session of Seventy-seventh Legislative Assembly.

CONCURRENT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) This resolution constitutes a rule of proceeding of the Senate and the House of Representatives of the Seventy-seventh Legislative Assembly.

(2) The Senate and the House of Representatives shall adhere to the following schedule and deadlines for the 2014 regular session of the Seventy-seventh Legislative Assembly:

(a) The Senate and the House of Representatives shall convene in regular session on February 3, 2014.

(b) Committee chairpersons shall schedule work sessions for measures in the chamber of origin no later than February 7, 2014. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(c) Committees shall consider measures in the chamber of origin no later than February 13, 2014. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(d) Committee chairpersons shall schedule work sessions for measures in the second chamber no later than February 20, 2014. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

(e) Committees shall consider measures in the second chamber no later than February 25, 2014. This paragraph does not apply to the Joint Committee on Ways and Means, other joint committees, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

Executive Appointments Subject to Senate Confirmation

EXECUTIVE APPOINTMENTS SUBJECT TO SENATE CONFIRMATION

Accountancy, Oregon Board of	673.410
Administrative Services, Oregon Department of, Director	184.315
Affirmative Action, Director of	243.315
Alcohol and Drug Policy Commission	430.241
Agriculture, Director of	561.010
Appraiser Certification and Licensure Board	674.305
Apprenticeship and Training Council, State	660.110
Asian and Pacific Islander Affairs, Commission on	185.610
Aviation, Oregon Department of, Director	835.106
Aviation Board, State	835.102
Black Affairs, Commission on	185.420
Blind, Commission for the	346.130
Boiler Rules, Board of	480.535
Building Codes Structures Board	455.144
Business Development Commission, Oregon	285A.040
Business Development Department, Director of Oregon	285A.070
Chiropractic Examiners, State Board of	684.130
Clinical Social Workers, State Board of	675.590
Columbia River Gorge Commission	196.160
Construction Contractors Board	701.205
Consumer and Business Services, Department of, Director	705.105
Corrections, Department of, Director	423.075
Criminal Justice Commission, Oregon	137.654
Dentistry, Oregon Board of	679.230
Denture Technology, State Board of	680.556
Deputy Superintendent of Public Instruction	326.300
Direct Entry Midwifery, State Board of	687.470
Education, State Board of	326.021
Education Investment Board, Oregon *(sunsets 3/15/16)*	s.1, c.519, OL 2011
Educators Benefit Board, Oregon	243.862
Electrical and Elevator Board	455.144
Employment Appeals Board	657.685
Employment Department, Director of	657.608
Employment Relations Board	240.065
Energy Facility Siting Council	469.450
Environmental Quality Commission	468.010
Fair Dismissal Appeals Board	342.930
Fish and Wildlife Commission, State	496.090
Forestry, State Board of	526.009
Geology and Mineral Industries, governing board of State Department of	516.080
Government Ethics Commission, Oregon	244.250
Health Evidence Review Commission	414.688
Health Information Technology Oversight Council	413.301
Health Insurance Exchange Corporation, Oregon	741.025
Health Services Commission	414.715
Higher Education, State Board of	351.020
Higher Education Coordinating Commission	351.715
Hispanic Affairs, Commission on	185.320
Home Care Commission	410.602
Hospital Advisory Board, Oregon State	179.560
Housing Council, State	456.567

Human Services, Director of	409.100
Investment Council, Oregon	293.706
Judicial Fitness and Disability, Commission on	1.410
Land Conservation and Development Commission	197.030
Land Use Board of Appeals	197.810
Library, Trustees of the State	357.010
Licensed Dieticians, Board of Examiners of	691.485
Licensed Professional Counselors and Therapists, Oregon Board of	675.775
Licensed Social Workers, State Board of	675.590
Long Term Care Advisory Committee	441.137
Long Term Care Ombudsman	441.103
Lottery Commission, Oregon State	461.100
Lottery, Oregon State, Director	461.150
Marine Board, State	830.105
Maritime Pilots, Oregon Board of	776.105
Mass transit district boards (includes Tri-Met and Lane Transit Dist. Board)	267.090
Massage Therapists, State Board of	687.115
Mechanical Board	455.144
Medical Board, Oregon	677.235
Medical Imaging, Board of	688.545
Mortuary and Cemetery Board, State	692.300
Naturopathic Medicine, Oregon Board of	685.160
Nursing, Oregon State Board of	678.140
Nursing Home Administrators Board	678.800
Ocean Policy Advisory Council	196.438
Occupational Therapy Licensing Board	675.310
Optometry, Oregon Board of	683.250
Oregon Community Power board of directors	757.834
Oregon Growth Board	c.90, OL 2012
Oregon Health Authority, Director of the	413.033
Oregon Health Policy Board	413.006
Oregon Health and Science University Board of Directors	353.040
Oregon Liquor Control Commission	471.705
Outdoor Youth Program Advisory Board	418.243
Pacific Northwest Electric Power and Conservation Planning Council	469.805
Parks and Recreation Commission, State	390.114
Parole and Post-Prison Supervision, State Board of	144.015
Patient Safety Commission Board of Directors, Oregon	442.830
Pharmacy, State Board of	689.115
Physical Therapist Licensing Board	688.160
Plumbing Board, State	693.115
Port of Coos Bay, Oregon International, Board of Commissioners of the	777.925
Port of Portland, Board of Commissioners of the	778.215
Professional Liability Fund commissions	752.025
Psychiatric Security Review Board	161.385
Psychologist Examiners, State Board of	675.100
Public Employees' Benefit Board	243.061
Public Employees Retirement Board	238.630
Public Officials Compensation Commission	292.907
Public Safety Standards and Training, Board on	181.620
Public Utility Commission	756.014
Quality Education Commission	327.500
Racing Commission, Oregon	462.210
Real Estate Commissioner	696.375
Residential and Manufactured Structures Board	455.144

Respiratory Therapist and Polysomnographic Technologist Licensing Board	688.820
Revenue, Department of, Director	305.035
Speech-Language Pathology and Audiology, State Board of	681.400
Spinal Cord Injury Research Board	431.290
State Accident Insurance Fund Corporation, Board of Directors of	656.751
State Police, Superintendent of	181.200
Student Access Commission, Oregon	348.510
Sustainability Board	184.427
Tax Practitioners, State Board of	673.725
Teacher Standards and Practices Commission	342.350
Tourism Commission, Oregon	285A.261
Transportation Commission, Oregon	184.612
Transportation, Director of	184.620
Trust for Cultural Development Board	359.410
Veterans' Affairs, Director of	406.020
Veterinary Medical Examining Board, Oregon State	686.210
Voluntary Action and Service, Oregon Volunteers Commission for	458.555
Wage and Hour Commission	653.505
Water Resources Commission	536.022
Water Resources Director	536.032
Watershed Enhancement Board, Oregon, executive director	541.902
Watershed Enhancement Board, Oregon, public members	541.900
Women, Commission for	185.520
Workers' Compensation Board	656.712
Workers' Compensation Management-Labor Advisory Committee	656.790
Workforce Investment Board, State	660.321
Youth Authority, Oregon, Director	420A.017

Selected Statutory Provisions

SELECTED PROVISIONS OF THE 2011 OREGON REVISED STATUTES (ORS) PERTAINING TO THE LEGISLATIVE ASSEMBLY

STATE LEGISLATIVE DEPARTMENT AND LAWS

Sessions

171.010 Time and place of holding regular legislative sessions. The regular sessions of the Legislative Assembly shall be held at the capital of the state and shall commence on the first day of February of each year, except that if the first day of February is a Thursday, Friday, Saturday or Sunday, the regular session shall commence on the following Monday. [Amended by 2010 c.98 §1]

171.015 Emergency legislative sessions; procedure for determining legislators' request for or refusal of emergency sessions; time and manner of convening sessions. (1) When a majority of the members of each house of the Legislative Assembly has cause to believe that an emergency exists and so notifies the presiding officers of each house in the manner described in this section, the presiding officers shall invoke section 10a, Article IV of the Oregon Constitution.

(2) Members of the Legislative Assembly may give notice of intent to invoke the provisions of subsection (1) of this section by filing written notice thereof with the Legislative Administrator. The notice shall be accompanied by a written statement giving justification of the need for a special session. The filing may be signed by more than one member of each house but must be signed by at least one member of each house.

(3) Upon receipt of a properly signed notice and statement described in subsection (2) of this section, the Legislative Administrator shall send to each member of the Legislative Assembly a form to be signed and returned by the member indicating whether the member requests a special session or does not so request. The form shall be as prescribed by the Legislative Administration Committee and shall contain the text of this section, the names of the members who filed the notice, and the text of the accompanying statement. The form shall be dated and shall bear the date 14 days later, computed as provided in subsection (7) of this section, by 5 p.m. on which date the form must be returned to the Secretary of the Senate or the Chief Clerk of the House of Representatives, respectively, or the person designated to serve in that capacity in order to be counted in determining whether the minimum requisite number of signatures requesting a special session has been obtained. The form sent to the members shall be sent by certified mail, addressee only, return receipt requested.

(4) The return of the signed form by a member to the Secretary of the Senate or the Chief Clerk of the House of Representatives or person designated to serve in that capacity constitutes an irrevocable request for or refusal of the special session requested by the members filing under subsection (2) of this section and described in the form.

(5) The Secretary of the Senate and the Chief Clerk of the House of Representatives, respectively, or the person designated to serve in that capacity shall verify the signatures in the return form and tally the requests and refusals, note the date and time of the receipt of each returned form. When each receives the requisite minimum number of signed forms agreeing to the special session from members of the house of which the person is an officer, each immediately shall notify the presiding officer of each house.

(6) Upon receiving notice from the Secretary of the Senate and the Chief Clerk of the House of Representatives or the person designated to serve in that capacity that the minimum requisite number of signed requests for a special session has been received and verified for both houses, the presiding

officers jointly shall convene the Legislative Assembly into emergency session by joint proclamation, fixing the date thereof. The date must be within five days after receipt by the presiding officers of the notice from the Secretary of the Senate and Chief Clerk of the House of Representatives. The original of the proclamations shall be filed with the Secretary of State.

(7) The period of time for purposes of subsection (3) of this section shall be computed by excluding the first day and including the last day unless the last day falls on any legal holiday or on Saturday, in which case the last day is also excluded. The period of time for purposes of subsection (6) of this section shall be computed by beginning on the day after which the presiding officers receive the notice described in subsection (6) of this section and ending five days later, regardless of legal holidays or Saturdays. [1977 c.689 §1]

Effective Date

171.022 Effective date for Act of Legislative Assembly. Except as otherwise provided in the Act, an Act of the Legislative Assembly takes effect on January 1 of the year after passage of the Act. [1999 c.1012 §1]

Resignation

171.023 When member-elect may resign. Any person who receives a certificate of election as a member of the Legislative Assembly is at liberty to resign the office, though the person may not have entered upon the execution of its duties or taken the requisite oath of office. [1981 c.517 §1]

Vacancies

171.051 Filling vacancies in Legislative Assembly. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by reason of resignation filed in writing with the Secretary of State or a person is declared disqualified by the house to which the person was elected, the vacancy shall be filled by appointment if:

(a) The vacancy occurs during any session of the Legislative Assembly;

(b) The vacancy occurs in the office of a state Representative before the 61st day before the general election to be held during that term of office;

(c) The vacancy occurs in the office of a state Senator before the 61st day before the first general election to be held during that term of office;

(d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the first general election and before the 61st day before the second general election to be held during that term of office; or

(e) A special session of the Legislative Assembly will be convened before a successor to the office can be elected and qualified.

(2) The person appointed under the provisions of subsection (1) of this section shall be a citizen qualified to hold the office, an elector of the affected legislative district and a member of the same political party for at least 180 days before the date on which the vacancy occurred. The political affiliation of a person appointed under subsection (1) of this section shall be determined under ORS 236.100. The appointment shall be made by the county courts or boards of county commissioners of the affected counties pursuant to ORS 171.060 to 171.064. When the provisions of ORS 171.060 (1) are applicable, the appointment shall be made from a list of not fewer than three nor more than five nominees who have signed written statements indicating that they are willing to serve furnished by the Secretary of State. If fewer than three names of nominees are furnished, a list shall not be

considered to have been submitted and the county courts or boards of county commissioners shall fill the vacancy. The vacancy must be filled by appointment within 30 days after its occurrence or not later than the time set for the convening of the special session described in subsection (1)(e) of this section when that is the basis for filling the vacancy.

(3) If the appointing authority required by this section to fill the vacancy does not do so within the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

(4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section, when a vacancy occurs in the office of a state Senator before the 61st day before the first general election to be held during that term of office, the remaining two years of the term of office shall be filled by the electors of the affected legislative district at the first general election.

(5) Candidates for the remaining two years of the term of office of a state Senator under subsection (4) of this section shall be nominated as provided in ORS chapter 249 except as follows:

(a) A major political party, minor political party, assembly of electors or individual electors may select a nominee for any vacancy occurring before the 61st day before the first general election; and

(b) The Secretary of State shall accept certificates of nomination and notifications of nominees selected by party rule and filed with the secretary pursuant to a schedule for filing set by the Secretary of State but in any case not later than the 62nd day before the first general election.

(6) The remaining two years of the term of office of a state Senator under subsection (4) of this section will commence on the second Monday in January following the general election. Any appointment under the provisions of subsection (1)(c) of this section shall expire when a successor to the office is elected and qualified. [1981 c.517 §3 (enacted in lieu of 171.050); 1985 c.771 §1; 1987 c.380 §1; 1989 c.207 §1; 1995 c.607 §59]

171.060 Procedure for filling vacancy by appointment. (1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person designated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party members represented. At the request of a party making a nomination, the county clerks of each county constituting the district in which the vacancy exists shall assist the party in determining the number of electors registered as members of the party in the district. A person shall not be nominated to fill the vacancy unless the person signs a written statement indicating that the person is willing to serve in the office of Senator or Representative. As soon as the nominees have been appointed, but no later than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons nominated. The notification shall be accompanied by the signed written statement of each nominee indicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary of State shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy exists of the nominees and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for the meeting of the county courts or boards of county commissioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051 (2).

(2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or

Representative not affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of county commissioners and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

(3) A written statement signed by a majority of those qualified to vote upon the filling of any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is conclusive evidence of the filling of the vacancy by the appointing authority named therein. [Amended by 1955 c.211 §6; 1973 c.773 §2; 1975 c.779 §2; 1977 c.302 §1; 1985 c.771 §2; 1987 c.380 §2; 1989 c.207 §2; 1993 c.797 §17]

171.062 Filling vacancies in multicounty legislative districts. (1) When a legislative district in which a vacancy occurs encompasses two or more counties, each county shall be entitled to one vote for each 1,000 of its electors or major fraction thereof residing within the legislative district at the time the vacancy occurs. However, any county having electors in the district shall be entitled to at least one vote.

(2) A major fraction of electors shall be a number greater than 500 but less than 1,000. [Formerly 248.175]

171.064 Apportioning votes for filling vacancies in multicounty legislative districts. The number of votes apportioned to each county commissioner in filling a legislative vacancy shall be equal to the total number allotted to the respective county of the county commissioner in the manner set forth in ORS 171.062 divided by the total number of county commissioners of the respective county. [Formerly 248.180]

171.068 Procedure when vacancy filled after reapportionment. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of county commissioners which shall fill the vacancy in the Legislative Assembly in a district created by reapportionment shall be the county court or board of county commissioners of each county any part of which is in the district that is created by the reapportionment and includes the residence from which the former Senator or Representative was elected.

(2) Each person nominated by a major political party to fill a vacancy in the Legislative Assembly occurring as described by ORS 171.051 in a district created by reapportionment must be registered to vote in the district from which the former Senator or Representative was elected and must have been a member of the same major political party at least 180 days before the date the vacancy to be filled occurred.

(3) This section shall apply only to a vacancy in the Legislative Assembly occurring after the primary election next following reapportionment and before a person has been elected and qualified to fill the vacancy. [1983 c.25 §1; 1985 c.771 §3; 1987 c.267 §62; 1987 c.380 §3; 1993 c.797 §18; 1995 c.712 §81]

Salaries and Expenses

171.072 Salary of members and presiding officers; per diem allowance; expenses; tax status. (1) A member of the Legislative Assembly shall receive for services an annual salary of the greater of:

(a) One step below the maximum of Salary Range 1 in the Management Service Compensation Plan in the executive department as defined in ORS 174.112; or

(b) Seventeen percent of the salary of a Circuit Court Judge.

(2) The President of the Senate and the Speaker of the House of Representatives each shall receive for services, as additional salary, an amount equal to the salary allowed each of them as a member under subsection (1) of this section.

(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, a per diem determined as provided in subsection (9) of this section for each day within the period that the Legislative Assembly is in session, to be paid with the salary provided for in subsection (1) of this section. Pursuant to procedures determined by the Legislative Administration Committee, a member may draw from an accrued allowance.

(4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred in the performance of official duties during periods when the legislature is not in session, $400 for each calendar month or part of a calendar month during those periods, to be paid monthly, and subject to approval of the President of the Senate or Speaker of the House of Representatives, mileage expenses and a per diem determined as provided in subsection (9) of this section for each day a member is engaged in the business of legislative interim and statutory committees, including advisory committees and subcommittees of advisory committees, and task forces and for each day a member serves on interstate bodies, advisory committees and other entities on which the member serves ex officio, whether or not the entity is a legislative one.

(5) In addition to the mileage and per diem expense payments provided by this section, a member of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject to approval by the President of the Senate or Speaker of the House of Representatives, for legislative business outside of the state.

(6) The President of the Senate and the Speaker of the House of Representatives may delegate to the chairpersons of interim and statutory committees and task forces the approval authority granted to the President and the Speaker by subsection (4) of this section, with respect to expenses incurred in attending any meeting of a particular committee or task force.

(7) Amounts received under subsections (3) to (5) of this section are excluded from gross income and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter 316. If there is attached to the personal income return a schedule of all ordinary and necessary business expenses paid during the tax year as a member of the Legislative Assembly, a deduction may be claimed on the return for legislative expenses paid in excess of the amounts received under subsections (3) to (5) of this section. Expenses of members of the Legislative Assembly who are reimbursed by the state for actual expenses for meals and lodging associated with state travel for the same period during which a legislator receives per diem are subject to state income tax.

(8) For periods when the Legislative Assembly is not in session, the Legislative Administration Committee shall provide for a telephone and an expense allowance for members of the Legislative Assembly that is in addition to the amount allowed under subsection (4) of this section. In determining the amount of allowance for members, the committee shall consider the geographic area of the member's district. The additional allowance shall reflect travel expenses necessary to communicate in districts of varying sizes.

(9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the

amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income without itemization. [1963 c.1 §1; 1967 c.66 §1; 1967 c.246 §1; 1971 c.465 §1; 1973 c.250 §1; 1975 c.530 §1; 1977 c.896 §1; 1979 c.557 §1; 1979 c.635 §7; 1981 c.517 §13; 1985 c.782 §3; 1987 c.879 §1; 1989 c.977 §7; 1995 c.658 §86; 1999 c.181 §1; 2003 c.516 §§1,2; 2007 c.912 §§5,5b; 2009 c.899 §6]

171.113 Use of state provided telephones. It is the policy of the Legislative Assembly that all use of state provided phones by members or by legislative staff at the members' direction, including phones assigned either at the member's residence or at the Capitol, shall be considered to be used on state business for purposes of the Legislative Assembly. [1987 c.879 §25]

Funds

171.115 Revolving fund; warrants.

171.117 Lounge Revolving Account.

Employment Rights

171.120 Purpose of ORS 171.120 to 171.125; unlawful employment practices. (1) It is the purpose and intent of the Legislative Assembly in enacting this section and ORS 171.122 and 171.125 that, subject to the conditions set forth in these sections, any member of the Legislative Assembly whose employment is interrupted because of attendance at regular or special sessions of the Legislative Assembly or the performance of official duties as a member of the Legislative Assembly shall be restored to the employment status the member would have enjoyed if the member had continued in employment during any such attendance or performance of duties.

(2) As a part of the public policy to encourage public service, an employer may not discharge or threaten to discharge, intimidate or coerce any employee by reason of the employee's service or scheduled service as a member or prospective member of the Legislative Assembly.

(3) The member or prospective member may not be subject to discipline or harassment or placed at any employment disadvantage as a consequence of the leave of absence. It is an unlawful employment practice under ORS chapter 659A for a member or prospective member to be subject to discipline or harassment or placed at any employment disadvantage as a consequence of any leave of absence related to regular or special session attendance or duties. A member or prospective member may file a complaint with the Commissioner of the Bureau of Labor and Industries under ORS 659A.820, or a civil action under ORS 659A.885, alleging violation of this subsection. [1957 c.549 §1; 1989 c.1066 §2; 1991 c.454 §1; 2001 c.621 §69; 2005 c.199 §2]

171.122 Rights and benefits of legislators and prospective legislators in relation to their regular employment. (1) Any member or prospective member of the Legislative Assembly who leaves regular employment in order to attend upon any regular or special session of the Legislative Assembly or to perform official duties as a member or prospective member of the Legislative Assembly for which the member or prospective member may receive a per diem under ORS 171.072 or may receive reimbursements for out-of-state travel, shall be granted a leave of absence from such regular employment position for such period of time as is reasonably necessary to permit such attendance or performance of duties.

(2) A member or prospective member of the Legislative Assembly shall give notice to the employer when the leave of absence described in subsection (1) of this section is anticipated or is to

be taken:

(a) At least 30 days before a regular session; and

(b) As soon as it is reasonably apparent that a special or emergency session is to be called.

(3) The regular employment position of a member or prospective member on leave of absence under this section shall only be deemed vacant for the period of such leave of absence, and the member or prospective member shall not be subject to removal or discharge from such position as a consequence of such leave of absence.

(4) Upon the termination of the leave of absence of the member or prospective member under this section, a member or prospective member shall be restored to the regular employment position the member or prospective member held immediately prior to the first day of the leave of absence if such position still exists, or, if such position does not still exist, to as similar a position as possible, without loss of seniority, the right to participate in insurance or any other employment benefits, other than wages for services not rendered during the leave of absence, as a consequence of the leave of absence of the member or prospective member. Such seniority, right to participate in insurance or other employment benefits shall continue to accumulate during the leave of absence as though the member or prospective member had continued in employment continuously in the regular employment position the member or prospective member held immediately prior to the first day of the leave of absence of the member or prospective member.

(5) This section is not applicable if:

(a) The member or prospective member was employed by the employer for a period of less than 90 days immediately prior to the first day of the leave of absence.

(b) The circumstances of the employer have so changed during the leave of absence of the member or prospective member as to make restoration of the member or prospective member to employment impossible or unreasonable.

(c) The member or prospective member fails to apply for restoration to employment within:

(A) Fifteen days after adjournment sine die of the Legislative Assembly following a regular session; or

(B) If the leave was for a lesser period for another legislative assignment, five days after the assignment is completed.

(d) The regular employment position of the member or prospective member immediately prior to the first day of the leave of absence or the character, terms, conditions or activities of such position are incompatible under the Constitution and laws of this state with the office of member of the Legislative Assembly.

(e) Employment is on a temporary basis.

(f) The employer employs fewer than 10 persons immediately prior to the first day of the leave of absence.

(6) As used in this section, “prospective member” means a person who is certified or appointed to serve in the Legislative Assembly but who has not taken the oath of office. [1957 c.549 §2; 1989 c.1066 §1; 1991 c.454 §2]

171.125 Proceeding to require compliance with ORS 171.120 and 171.122. (1) If any employer fails to comply with the provisions of ORS 171.120 and 171.122, the circuit court for any county in which such employer maintains a place of business has jurisdiction, upon the filing of a petition by the Attorney General on behalf of the person entitled to such benefits by reason of noncompliance of the employer, specifically to require the employer to comply with the provisions of ORS 171.120 and 171.122.

(2) If any employer fails to comply with ORS 171.120 and 171.122, the member or prospective member may bring an action under ORS chapter 659A employing counsel of the member’s or

prospective member's own choosing. [1957 c.549 §3; 1989 c.1066 §3; 1991 c.454 §3; 2001 c.621 §70]

Measure Filing

171.127 When proposed measure to bear name of person other than member requesting introduction; statement of chief sponsor. (1) Each proposed legislative measure shall at the time of submission for filing bear the name of any state or other public agency or representative thereof, any private organization or representative thereof, or any person other than a member of the Legislative Assembly at whose specific formal request the measure is being introduced. As used in this subsection, "formal request" means the presentation, submission or providing of a drafted measure to a member or committee of the Legislative Assembly.

(2) Each proposed legislative measure shall bear a statement signed by the chief sponsor thereof, stating that all agencies, organizations and persons that have formally requested the measure are named thereon. [1975 c.783 §§1,2; 1981 c.517 §14; 1999 c.1074 §6]

171.130 Presession filing of proposed measures; printing and distribution. (1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) Members who will serve in the session and members-elect.

(b) Interim and statutory committees of the Legislative Assembly.

(2) On or before December 15 of an even-numbered year, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) The Oregon Department of Administrative Services, to implement the fiscal recommendations of the Governor contained in the budget report of the Governor.

(b) The person who will serve as Governor during the session.

(c) The Secretary of State, the State Treasurer, the Attorney General and the Commissioner of the Bureau of Labor and Industries.

(d) The Judicial Department.

(3) Notwithstanding subsection (2) of this section, a statewide elected official who initially assumes office in January of an odd-numbered year may submit proposed measures for introduction by members or committees of the Legislative Assembly until the calendar day designated by rules of either house of the Legislative Assembly. The exemption granted by this subsection to a newly elected Governor does not apply to state agencies in the executive branch.

(4) On or before December 15 of an even-numbered year, a state agency may file a proposed legislative measure with the Legislative Counsel through a member or committee of the Legislative Assembly.

(5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of this section prepared for printing and may order the measure printed. If the person filing a measure specifically requests in writing that the measure be made available for distribution, the Legislative Counsel shall order the measure printed and shall make copies of the printed measure available for distribution before the beginning of the session to members and members-elect and to others upon request.

(6) Copies of all measures filed and prepared for printing or printed pursuant to this section shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the person

filing the measure for introduction.

(7) The costs of carrying out this section shall be paid out of the money appropriated for the expenses of that session of the Legislative Assembly for which the measure is to be printed.

(8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose of this section.

(9) This section does not affect any law or any rule of the Legislative Assembly or either house thereof relating to the introduction of legislative measures. [1961 c.167 §17; 1969 c.374 §1; 1971 c.638 §1; 1981 c.517 §15; 1999 c.1074 §1; 2001 c.45 §1; 2011 c.545 §1; 2011 c.731 §4]

Note: The amendments to 171.130 by section 4, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011. The text that applies to the Superintendent of Public Instruction who was holding office on August 5, 2011, is set forth for the user's convenience:

171.130. (1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) Members who will serve in the session and members-elect.

(b) Interim and statutory committees of the Legislative Assembly.

(2) On or before December 15 of an even-numbered year, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) The Oregon Department of Administrative Services, to implement the fiscal recommendations of the Governor contained in the budget report of the Governor.

(b) The person who will serve as Governor during the session.

(c) The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public Instruction.

(d) The Judicial Department.

(3) Notwithstanding subsection (2) of this section, a statewide elected official who initially assumes office in January of an odd-numbered year may submit proposed measures for introduction by members or committees of the Legislative Assembly until the calendar day designated by rules of either house of the Legislative Assembly. The exemption granted by this subsection to a newly elected Governor does not apply to state agencies in the executive branch.

(4) On or before December 15 of an even-numbered year, a state agency may file a proposed legislative measure with the Legislative Counsel through a member or committee of the Legislative Assembly.

(5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of this section prepared for printing and may order the measure printed. If the person filing a measure specifically requests in writing that the measure be made available for distribution, the Legislative Counsel shall order the measure printed and shall make copies of the printed measure available for distribution before the beginning of the session to members and members-elect and to others upon request.

(6) Copies of all measures filed and prepared for printing or printed pursuant to this section shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the person filing the measure for introduction.

(7) The costs of carrying out this section shall be paid out of the money appropriated for the expenses of that session of the Legislative Assembly for which the measure is to be printed.

(8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose of this section.

(9) This section does not affect any law or any rule of the Legislative Assembly or either house thereof relating to the introduction of legislative measures.

171.133 Approval of Governor required for measure introduction. (1) A state agency shall not cause a bill or measure to be introduced before the Legislative Assembly if the bill or measure has not been approved by the Governor.

(2) As used in ORS 171.130 and this section, "state agency" means every state agency whose costs are paid wholly or in part from funds held in the State Treasury, except:

(a) The Legislative Assembly, the courts and their officers and committees;

(b) The Public Defense Services Commission; and

(c) The Secretary of State, the State Treasurer, the Attorney General and the Commissioner of the Bureau of Labor and Industries. [1979 c.237 §3; 1999 c.1074 §5; 2003 c.449 §25; 2011 c.731 §5]

Note: The amendments to 171.133 by section 5, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011. The text that applies to the Superintendent of Public Instruction who was holding office on August 5, 2011, is set forth for the user's convenience:

171.133. (1) A state agency shall not cause a bill or measure to be introduced before the Legislative Assembly if the bill or measure has not been approved by the Governor.

(2) As used in ORS 171.130 and this section, "state agency" means every state agency whose costs are paid wholly or in part from funds held in the State Treasury, except:

(a) The Legislative Assembly, the courts and their officers and committees;

(b) The Public Defense Services Commission; and

(c) The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public Instruction.

Readability

171.134 Readability test for legislative digests and summaries. Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test. [1979 c.270 §1]

Supplies

171.136 Supplies and equipment. (1) The Legislative Administrator, subject to the policies of the Legislative Administration Committee and the rules of each house, shall furnish necessary office supplies, equipment and stationery for the use of all members, officers and employees of the Legislative Assembly, taking their receipt therefor. It is the duty of such members, officers and employees to return to the Legislative Administrator any unused stationery or supplies and all equipment at the close of each session of the Legislative Assembly unless otherwise directed by the Legislative Administrator. The Legislative Administrator is authorized to charge the cost of any unreturned nonconsumable supplies or equipment against the final payroll check of the member, officer or employee responsible therefor.

(2) Unless otherwise directed by joint resolution, the Legislative Administrator shall cause to be forwarded to each member of the Legislative Assembly all materials furnished to them by statute,

rule or resolution that do not remain the property of the state and that are left by the member with the Legislative Administrator to be so forwarded at the close of each regular or special session of the Legislative Assembly. The member shall designate the address to which the materials are to be forwarded.

(3) The expenses incurred in carrying out the provisions of this section shall be paid out of the appropriation for the expenses of that session of the Legislative Assembly for which the services were performed or the supplies provided. [1981 c.517 §5 (enacted in lieu of 171.135 and 171.140)]

Election Dates

171.180 State policy governing election dates. The Legislative Assembly finds that to limit the number of days on which elections are held in this state would consolidate separate single purpose elections, reduce the cost of elections and local government, and increase participation in the electoral process. It, therefore, finds that the number of election days in this state is a matter of statewide concern. [1979 c.316 §1]

171.185 Dates for legislatively prescribed elections; emergency election. (1) Except as provided in subsection (2) of this section, an election called by the Legislative Assembly shall be held only on:

(a) The second Tuesday in March;

(b) The third Tuesday in May;

(c) The third Tuesday in September; or

(d) The first Tuesday after the first Monday in November.

(2) An election may be held on a date other than that provided in subsection (1) of this section, if the Legislative Assembly by resolution or Act finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster. [1979 c.316 §2; 1981 c.639 §1; 1987 c.267 §63; 1989 c.923 §3; 1991 c.71 §1; 1993 c.713 §50; 1995 c.712 §112]

Publications

171.200 "Publications" defined for ORS 171.206. As used in ORS 171.206, "publications" does not include materials published under ORS 171.236 or 171.275, but does include:

(1) Bills, resolutions and memorials and amendments thereto.

(2) Reports of statutory, standing, special or interim legislative committees.

(3) Periodic legislative calendars and periodic journals, if any of these are published.

(4) Reports of witnesses who appear before legislative committees, setting forth the name of each witness, the measure concerning which the witness provides testimony and the entity, if any, that the witness represents or is affiliated with.

(5) Other documents or papers which the Legislative Assembly, or either house thereof, orders printed. [1961 c.167 §18; 1965 c.424 §4; 2011 c.175 §1]

171.206 Legislative publications; distribution; form and number; charges; disposition; reports of witnesses. (1) Except as provided in ORS 171.236 and 171.275, all publications printed for either house of the Legislative Assembly and their committees, including joint committees created by law, rule or joint resolution, shall be published and distributed by the Legislative Administrator, subject to the rules of each house and under the direction of the Legislative Administration Committee.

(2) Unless otherwise directed by joint resolution and except as otherwise provided by law, the Legislative Administrator may cause to be distributed the publications of the Legislative Assembly among such state officers, departments and agencies, public officers and state institutions of higher learning as the Legislative Administration Committee determines necessary for their requirements. Each house shall receive from the Legislative Administrator such number of publications as it deems necessary.

(3) The Legislative Administrator shall make public documents available to the State Librarian for distribution to depository libraries as required by ORS 357.090.

(4) Unless otherwise directed by joint resolution, the Legislative Administration Committee shall determine the form, number and distribution of and charges for, if any, the materials referred to in subsection (1) of this section. In determining charges, the committee shall take into account the cost of publishing and distributing copies other than those it distributes under subsections (2) and (3) of this section.

(5) All moneys received under subsection (4) of this section are continuously appropriated to the Legislative Administration Committee for its actual costs incurred in publishing and distributing the copies for which it charges a fee.

(6) The Legislative Administration Committee may order the disposition of legislative publications that in its judgment are no longer of value to the state.

(7) The reports of witnesses described in ORS 171.200 (4) shall be posted on the legislative website in an arrangement that allows a member of the public to view a legislative measure and the list of witnesses who have testified in relation to the measure. [1981 c.517 §7 (enacted in lieu of 171.205, 171.211, 171.215 and 171.625); 1991 c.842 §6; 2005 c.33 §7; 2005 c.755 §1; 2011 c.175 §2]

171.236 Advance sheets; session laws; publication; distribution; form and number; charges; disposition.

171.245 Legislative Publications Account.

171.255 Evidentiary status of published session laws.

171.270 Legislative materials furnished public officers without charge are public property.

Oregon Revised Statutes

171.275 Oregon Revised Statutes; committee policy; charges.

171.285 Legislative Counsel certificate.

171.295 Preservation and use of ORS medium.

171.305 ORS Revolving Account.

171.315 Distribution of ORS. (1) The Legislative Counsel shall provide one set of Oregon Revised Statutes, including an index and annotations:

(a) For each member of the Legislative Assembly.

(b) For each judgeship, the salary of which is paid by the state.

(2)(a) The costs of providing sets to members of the Legislative Assembly shall be paid from the

appropriations made for the payment of the expenses of the Legislative Assembly. The Legislative Counsel shall provide the sets to the Legislative Administrator.

(b) The costs of providing sets pursuant to subsection (1)(b) of this section shall be paid from the state appropriations made for the payment of the expenses of the various judgeships. [Formerly 173.152; 2003 c.207 §4]

171.325 Certified copy of statute or rule of civil procedure published in Oregon Revised Statutes; form; fee. (1) Upon request of any person, the Secretary of State may certify under the seal of the State of Oregon:

(a) A copy of any statute of this state published in the Oregon Revised Statutes.

(b) A copy of any rule contained in the Oregon Rules of Civil Procedure and published in the Oregon Revised Statutes.

(2) The certification of the Secretary of State shall state that the statute or rule was published in the Oregon Revised Statutes and shall specify the edition of the Oregon Revised Statutes in which the statute or rule appeared.

(3) The Secretary of State may charge a fee for the cost of reproducing and certifying a copy of a statute or rule requested under this section. [1983 c.245 §1]

Records

171.405 Binding original enrolled laws and joint resolutions. The Legislative Administration Committee shall cause the original enrolled laws and joint resolutions passed at each session of the Legislative Assembly to be bound in a volume in a substantial manner in the order in which they are approved. The Legislative Administration Committee is not required to keep any further record of the official acts of the Legislative Assembly, so far as relates to Acts and joint resolutions. [Formerly 171.220; 1971 c.638 §3]

171.407 Sound recordings of legislative proceedings; public access. (1) Sound recordings, produced on equipment selected by the Legislative Administration Committee for compatibility with equipment for reproduction by the State Archives, shall be made of every meeting of the Legislative Assembly and of every hearing and meeting of every standing, special and interim committee of the Legislative Assembly, or subcommittee thereof.

(2) The sound recordings required under subsection (1) of this section are part of the legislative records of the Legislative Assembly or committee and shall be subject to the provisions of ORS 171.410 to 171.430.

(3) Except as provided in ORS 171.425, the State Archivist shall not loan any sound recording required under subsection (1) of this section, but may arrange to have such recordings copied in an appropriate manner and may make a reasonable charge therefor. [1973 c.555 §1]

171.410 “Legislative record” defined for ORS 171.410 to 171.430. As used in ORS 171.410 to 171.430, unless the context requires otherwise, “legislative record” means a measure or amendment thereto, a document, book, paper, photograph, sound recording or other material exclusive of personal correspondence, regardless of physical form or characteristics, made by the Legislative Assembly, a committee or employee thereof, 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. [1961 c.150 §1; 1981 c.517 §19]

171.415 Delivery to Legislative Administration Committee; exception. (1) Except as provided in subsections (2) and (3) of this section, a committee or employee of the Legislative Assembly having possession of legislative records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of a regular or special session, deliver all such legislative records to the Legislative Administration Committee.

(2) The chairperson, member or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, within 10 days after the committee ceases to function or before January 1 next preceding the beginning of an odd-numbered year regular session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to the Legislative Administration Committee.

(3) This section does not apply to the records of the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means. [1961 c.150 §2; 1969 c.620 §10; 1973 c.555 §4; 1981 c.517 §20; 2011 c.545 §4]

171.420 Classification and arrangement; delivery to State Archivist. The Legislative Administrator shall classify and arrange the legislative records delivered to the Legislative Administrator pursuant to ORS 171.415, in a manner that the Legislative Administrator considers best suited to carry out the efficient and economical utilization, maintenance, preservation and disposition of the records. The State Archivist shall assist the Legislative Administrator in the performance of this work. The Legislative Administrator shall deliver to the State Archivist all legislative records in the possession of the Legislative Administrator when such records have been classified and arranged. The State Archivist shall thereafter be official custodian of the records so delivered. [1961 c.150 §3; 1969 c.620 §11]

171.425 Borrowing by certain legislative personnel. The State Archivist shall allow the Legislative Fiscal Officer, the Legislative Administrator, the Legislative Counsel, or the Legislative Revenue Officer to borrow and temporarily have possession of such legislative records as such officer requests. [1961 c.150 §4; 1969 c.620 §12; 1975 c.789 §6]

171.427 Schedule for retention, destruction or disposition of records. The Legislative Administration Committee and State Archivist shall establish and from time to time may revise a schedule that shall govern the retention and destruction or other disposition of legislative records delivered to and in the custody of the archivist under ORS 171.420 or 171.430 and of sound recordings retained by a committee under ORS 171.430 (2). The schedule agreed upon by the committee and archivist shall be set forth in the rules and regulations issued by the archivist. [1973 c.555 §3]

171.430 Disposal by certain committees; sound recordings by certain committees. (1) Except for legislative records borrowed under ORS 171.425 and except as provided in subsection (2) of this section, the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means may cause any legislative records in its possession to be destroyed or otherwise disposed of, if such legislative records are considered by such committee to be of no value to the state or the public and are no longer necessary under or pursuant to any statute requiring their creation or maintenance or affecting their use. However, such committee shall prior to destruction or disposal notify the State Archivist and transfer to the official custody of the State Archivist any such legislative records that are requisitioned by the State Archivist, except those designated as confidential by statute or by rule or resolution of the

Legislative Assembly or of such committee.

(2) The Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee and the Joint Committee on Ways and Means shall cause sound recordings of its hearings or meetings to be retained, or if not retained, to be delivered to the State Archivist. The archivist shall be official custodian of the sound recordings so delivered. [1961 c.150 §6; 1969 c.620 §13; 1973 c.555 §5]

Investigations of Legislator and Legislator-Elect

171.450 Legislative intent. In enacting ORS 171.455 to 171.465, it is the intention of the Legislative Assembly to support the privilege of free suffrage and to protect the integrity of the election process against improper conduct:

(1) By establishing a procedure to examine complaints about election conduct of members or members-elect of the Legislative Assembly; and

(2) By assisting the Legislative Assembly in carrying out its constitutional duties to judge of the election, qualifications and returns of its own members. [1985 c.693 §1]

171.455 Complaint of elector; content. (1) Within 30 days after a general election, any elector may file a complaint with the Secretary of State alleging a criminal violation of any election law by a member or member-elect of the Legislative Assembly.

(2) The complaint shall be specific in its allegations. If the complaint pertains to campaign publications or material, a copy of the material shall be filed with the complaint. If the charge is incapable of such documentation, the affidavits of at least two persons who witnessed the conduct that is subject of the complaint shall be attached. Each affidavit shall contain the name and address of the affiant and a detailed statement describing the conduct that is the subject of the complaint. [1985 c.693 §2]

171.460 Secretary of State to conduct investigation; findings; report. (1) Upon receipt of the complaint, the Secretary of State shall conduct an investigation to determine whether there is probable cause to believe that the alleged violation occurred, and that it was both deliberate and capable of having some possible effect upon the election.

(2) Upon a finding of probable cause, the Secretary of State shall report the finding to the Secretary of the Senate or Chief Clerk of the House of Representatives, as appropriate, at least five days prior to the convening of the odd-numbered year regular session of the Legislative Assembly.

(3) The findings under this section are a public record available for public inspection.

(4) Action under this section is in addition to and not in lieu of action under ORS 260.345. [1985 c.693 §3; 2011 c.545 §71]

171.465 Credentials committee; appointment; duties. The presiding officer of each house of the Legislative Assembly shall appoint a credentials committee. The credentials committee shall review the finding of any report of the Secretary of State submitted under this section and ORS 171.450 to 171.460, hear additional evidence if it so chooses, and make recommendations to the appropriate legislative body. [1985 c.693 §4]

Witnesses in Legislative Proceedings

171.505 Administering oaths to witnesses. The President of the Senate, the Speaker of the House of Representatives, the chairperson or vice chairperson of any statutory, standing, special or

interim committee of either house of the Legislative Assembly, or the chairperson or vice chairperson of a statutory, standing, special or interim joint committee of the two houses, may administer oaths to witnesses in any proceedings under their examination. [Formerly 171.075]

171.510 Legislative process to compel attendance and production of papers; service. (1) The President of the Senate, the Speaker of the House of Representatives, or the chairperson or vice chairperson of any of the legislative committees referred to in ORS 171.505 upon a majority vote of any such committee, may issue any processes necessary to compel the attendance of witnesses and the production of any books, papers, records or documents as may be required.

(2) Process may be served by a sergeant-at-arms of either house when the Legislative Assembly is in session or by a person authorized to serve summons and in the manner prescribed for the service of a summons upon a defendant in a civil action in a circuit court. The process shall be returned to the authority issuing it within 10 days after its delivery to the person for service, with proof of service as for summons or that the person cannot be found. When served outside of the county in which the process originated, the process may be returned by mail. The person to whom the process is delivered shall indorse thereon the date of delivery. [Formerly 171.076; 1973 c.827 §21; 1977 c.877 §16; 1979 c.284 §117]

171.515 Reimbursement of witnesses appearing under legislative process. (1) Witnesses appearing under process issued pursuant to ORS 171.510:

(a) Before the Senate or House of Representatives, or a standing, special or statutory committee of either or both, or a subcommittee thereof, except as provided in paragraph (b) of this subsection, shall be reimbursed from funds appropriated for the expenses of that session of the Legislative Assembly during which the witnesses appear.

(b) Before the Legislative Counsel Committee, the Emergency Board, the Joint Committee on Ways and Means or an interim committee, or a subcommittee thereof, shall be reimbursed from funds appropriated for the expenses of the committee or subcommittee before which the witnesses appear.

(2) The amount of reimbursement payable to a witness under subsection (1) of this section shall not exceed the fees and mileage provided for witnesses in ORS 44.415 (2). All claims for reimbursement are subject to the approval of the Legislative Fiscal Officer. [1961 c.167 §11; 1981 c.892 §91a; 1989 c.980 §9]

171.520 Reporting violations of ORS 171.510. (1) Whenever a person summoned as provided in ORS 171.510 fails to appear to testify or fails to produce any books, papers, records or documents as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry before either house or any of the committees referred to in ORS 171.505, the fact of such failure may be reported to either house while in session.

(2) If the Legislative Assembly is not in session, a statement of facts constituting such failure may be filed with the President of the Senate or the Speaker of the House of Representatives. The President of the Senate or the Speaker of the House of Representatives, as the case may be, shall certify the statement of facts to the district attorney for the county in which the offense occurred, who shall take appropriate action. [Formerly 171.077]

171.522 Judicial enforcement of legislative process; order; service. (1) Whenever a person summoned as provided in ORS 171.510 fails to appear to testify or fails to produce any books, papers, records or documents as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry before either house, any statutory committee, any

standing committee of either house, or any special or interim committee created by both houses, the house or committee, in lieu of proceeding under ORS 171.520, may apply to the circuit court for the county in which the failure occurred for an order to the person to attend and testify, or otherwise to comply with the demand or request of the house or committee.

(2) The application to the court shall be by ex parte motion upon which the court shall make an order requiring the person against whom it is directed to comply with the demand or request of the house or committee within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.

(3) The order shall be served upon the person to whom it is directed in the manner required by this state for service of process, which service is required to confer jurisdiction upon the court. Failure to obey an order issued by the court under this section is contempt of court.

(4) This section does not affect the exercise of the powers of either house under section 16, Article IV, Oregon Constitution. [1965 c.294 §1]

171.525 Immunities of witness before legislative committee. Any testimony given by a witness before any legislative committee shall not be used against the witness in any criminal action or proceeding, nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by the witness, except for perjury committed before such committee. [Formerly 171.078]

171.530 Privilege of witness before legislative committee. (1) The privilege of a witness who appears voluntarily or under subpoena before a committee of the Legislative Assembly in a matter within the jurisdiction of the committee is the same as that of a witness in judicial proceedings. A statement made by the witness before a legislative committee which is pertinent to the matter before the legislative committee is privileged and the witness shall not be subject to an action for civil damages as a result thereof unless the witness knowingly makes a false and immaterial statement for the purpose of defaming another.

(2) As used in this section, “legislative committee” means a statutory, standing, special or interim committee of either or both houses, including a legislative task force, established by rule of either or both houses, by resolution or by law and whether or not all members of the legislative committee are also members of the Legislative Assembly. [1987 c.797 §1]

Ways and Means Committee

171.555 Joint Committee on Ways and Means. (1) Upon election, the President of the Senate and the Speaker of the House of Representatives shall appoint a Joint Committee on Ways and Means. At least two of the members appointed from each house shall have had previous experience on the Joint Committee on Ways and Means. If the Speaker of the House of Representatives or the President of the Senate is a member, either may designate from time to time an alternate from among the members of the respective house to exercise powers as a member of the committee except that the alternate shall not preside if the Speaker or President is chair. The President of the Senate shall appoint one cochair for the joint committee and the Speaker of the House of Representatives shall appoint one cochair for the joint committee. The cochairs of the joint committee shall alternate as presiding officers.

(2) The cochairs of the Joint Committee on Ways and Means are authorized to cause to be investigated, either through the whole of the committee or by a selected subcommittee, any complaints about the management or conduct of any of the state institutions, departments, officers or activities for the support of which state money has been appropriated, or for which appropriations

may hereafter be made.

(3) The Joint Committee on Ways and Means may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(4) Action by the Joint Committee on Ways and Means requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate. [Formerly 171.080; 1977 c.891 §1; 1981 c.2 §1; 2007 c.790 §1]

State Budget Policy

171.557 State budget policy. (1) The Legislative Assembly finds that there is a need for a comprehensive, specific budget format available to all members of the Legislative Assembly so that:

(a) Effective policy decisions can be made;

(b) Line items in agency budgets can be identified by program function;

(c) Decisions to increase or decrease agency budgets can be made with knowledge as to policy and programmatic impact; and

(d) A more objective comparison can be made to the Governor's budget.

(2) The Legislative Assembly also finds that the goal of the legislative budgeting process is to afford members a thorough understanding of:

(a) The policies of state government regarding the definition and delivery of state services;

(b) What program functions are necessary to state operations and the cost of these functions; and

(c) The means whereby these policies and programs are administered.

(3) The goal of the Legislative Assembly is to decide, as a body, which policies and programs are necessary to discharge its public responsibilities. Consequently, the Legislative Assembly finds that there is a need to examine the legislative budgeting process so that:

(a) Policy decisions are made by the Legislative Assembly as a whole;

(b) Program functions are more closely identified with line items in agency budgets;

(c) Funding options and priorities are defined in terms of policies; and

(d) Legislative budgeting identifies programs which are necessary in terms of policies and state responsibilities, as opposed to the need to maintain existing program activities. [1989 c.652 §1]

171.559 Duty of Joint Committee on Ways and Means. The Joint Committee on Ways and Means shall examine budgets based upon policy where budget policies affect more than one agency pursuant to the policies stated in ORS 171.557. [1989 c.652 §2; 2009 c.11 §14]

Senate Confirmation of Executive Appointments

171.562 Procedures for confirmation. The Senate by rule adopted during a session or at a convening of the Senate to carry out its duties under section 4, Article III of the Oregon Constitution, shall specify its procedures for the confirming of appointments by the Governor that are by law subject to confirmation by the Senate. [1981 c.4 §1; enacted in lieu of 171.560]

171.565 Vote required for confirmation; interim Senate meetings. (1) In case of any executive appointment made subject to confirmation of the Senate, the affirmative vote of a majority of the members of the Senate shall be necessary for confirmation. If an appointment is not confirmed by the Senate, the Governor shall make another appointment, subject to confirmation by the Senate.

(2) The name of the individual to be appointed or reappointed shall be submitted to the Senate by the Governor. The Senate shall take up the question of confirmation as soon after the convening of a

regular or special session as is appropriate or upon a convening of the Senate to carry out its duties under section 4, Article III of the Oregon Constitution. The question of confirmation may be referred to committee or it may be acted upon without such referral.

(3) Members of the Senate convened to carry out duties of the Senate under section 4, Article III of the Oregon Constitution, shall be considered in attendance at a meeting of an interim committee during the period of convening for purposes of ORS 171.072.

(4) If the name of an individual to be appointed or reappointed submitted by the Governor is not acted upon during the term of the Legislative Assembly to which it is submitted, the name may be resubmitted to the subsequent term by the Governor on or after the date the Legislative Assembly convenes in the subsequent regular session. [1981 c.4 §2; enacted in lieu of 171.570; 1985 c.35 §1]

Compensation and Classification System Oversight

171.575 Oversight over state compensation and classification system.

Audit Committee

171.580 Joint Legislative Audit Committee. (1) There is created a Joint Legislative Audit Committee consisting of the cochairs of the Joint Committee on Ways and Means, members of the House of Representatives appointed by the Speaker and members of the Senate appointed by the President.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof and in the interim between sessions.

(3) The term of a member shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between odd-numbered year regular sessions, until such vacancy is filled, the membership of the committee shall be considered not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Assembly.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as directed by law, with such assistance as the Division of Audits and Oregon Department of Administrative Services can provide. [1989 c.128 §1; 1997 c.331 §1; 1999 c.59 §34; 1999 c.567 §1; 2007 c.790 §6; 2011 c.545 §5]

171.585 Duties of committee. The Joint Legislative Audit Committee shall:

(1) Review all audits and make recommendations for change or remediation by the agency or

other organization under review to the Emergency Board, the Joint Ways and Means Committee and other persons receiving the audit report under ORS 192.245.

(2) Accept requests for performance and program audits from individual legislators, legislative committees, the Division of Audits, the Budget and Management Division and the Legislative Fiscal Office.

(3) In conjunction with the Director of the Division of Audits, set priorities on the basis of risk assessment for performance and program audits and program evaluations.

(4) With the advice and assistance of the Legislative Fiscal Officer, the Administrator of the Budget and Management Division and the Director of the Division of Audits, determine the type of audit, evaluation or review utilizing criteria to include but not be limited to the nature and scope of the task, the time frame involved, necessary professional guidelines, economy, efficiency, cost and cost responsibility.

(5) Not later than 12 months after the issuance of an audit report, review the actions of an agency or other government organization for compliance with the recommendations of the audit report.

(6) Assign tasks to the Legislative Fiscal Office, the Budget and Management Division, the Division of Audits or a special task force.

(7) Review state agency performance measures and make recommendations for change. [1989 c.128 §2; 1997 c.847 §3; 2005 c.837 §19]

171.590 Cooperation of state agencies. (1) In carrying out specific program evaluations and reviews, the Legislative Fiscal Office may utilize the services of the Division of Audits, the Budget and Management Division, other statutory agencies of the Legislative Assembly and staff of the substantive committees as necessary. The Division of Audits shall undertake a performance audit at the direction of the Joint Legislative Audit Committee and report to the committee.

(2) The Emergency Board shall make funds available to the Division of Audits to reimburse it for expenses incurred under this section for a performance audit. [1989 c.128 §3]

Interim Committees

171.605 Construction of ORS 171.605 to 171.635. (1) The powers described in ORS 171.605 to 171.635 are supplementary and in addition to those otherwise possessed by interim committees and their members. ORS 171.605 to 171.635 are not intended to limit the powers that would be possessed by interim committees and their members had ORS 171.605 to 171.635 not been enacted.

(2) The Legislative Assembly intends that no provision of any joint resolution creating an interim committee be construed to supersede any provision of ORS 171.610 to 171.620, whether by implication or otherwise, unless the joint resolution specifically provides that its provision supersedes as to the particular interim committee that it creates. [1961 c.167 §1]

171.610 Functions. The Legislative Assembly may by joint resolutions create interim committees to:

(1) Make studies of and inquiries into any subject of assistance to the Legislative Assembly, or either house thereof, in exercising its legislative authority.

(2) Report information of assistance to the Legislative Assembly, or either house thereof, in exercising its legislative authority.

(3) Prepare and submit recommendations, which may include proposed legislative measures, to the Legislative Assembly. [1961 c.167 §2]

171.615 Periods during which committees function. (1) An interim committee may function

during the period beginning at the adjournment sine die of the odd-numbered year regular session of the Legislative Assembly during which it was created, and ending at the convening of the next odd-numbered year regular session of the Legislative Assembly.

(2) Notwithstanding subsection (1) of this section, the activities of an interim committee are suspended during the period beginning at the convening of the even-numbered year regular session of the Legislative Assembly and ending at the adjournment sine die of that session. [1961 c.167 §4; 2011 c.545 §6]

171.620 Powers. Unless otherwise specifically provided by law or by the joint resolution creating it, and in addition to any other powers it possesses, an interim committee may:

(1) Perform such acts as the committee finds necessary to carry out its powers and the purposes expressed in the joint resolution creating it.

(2) Select its officers and adopt such rules for its organization and proceedings as the committee considers convenient to exercise its powers and accomplish its purposes.

(3) Hold meetings at such times and places, whether within or without this state, as the committee considers expedient.

(4) Use advisory committees or subcommittees, the members to be appointed by the chairperson of the interim committee subject to approval by a majority of the members of the interim committee. The advisory committees or subcommittees may include individuals other than members of the Legislative Assembly.

(5) Reimburse members of advisory committees or subcommittees who are not members of the Legislative Assembly for their actual and necessary travel and other expenses incurred in the performance of their duties. [1961 c.167 §5; 1975 c.530 §2]

171.630 Vacancies; appointment of alternates by presiding officers. (1) In case of a vacancy among the membership of an interim committee, the authority who appointed a member to the position vacant may appoint a member to fill the vacancy.

(2) For the purposes of this section, a member of an interim committee appointed in the capacity of the member as a member of the Legislative Assembly ceases to be a member of the interim committee:

(a) If the member ceases to be a member of the Legislative Assembly.

(b) If the member is presiding officer of either house of the Legislative Assembly and the member, as presiding officer, serves as Governor during the Governor's temporary inability to discharge the duties of the office of the Governor.

(3) A presiding officer of either house of the Legislative Assembly who is a member of an interim committee may, except when serving as Governor, from time to time designate an alternate from among the members of the house of the presiding officer to exercise the powers of the presiding officer as a member of the committee. [1961 c.167 §7; 2001 c.31 §1]

171.635 Appointment of nonlegislators. Provision may be made, in the joint resolution creating an interim committee, for the appointment to the committee of individuals other than members of the Legislative Assembly. [1961 c.167 §3]

171.640 Appointment of interim committees; membership; topics of study; employees; expenses. (1) As used in this section:

(a) "Appointing authority" means the President of the Senate or the Speaker of the House of Representatives, subject to the rules of the respective bodies over which each presides.

(b) "Interim committee" includes any committee of three or more members of the Legislative

Assembly appointed pursuant to the provisions of this section to pursue the functions described in ORS 171.610, whether the appointing authority designates the committee an interim committee, task force, special committee or any other term customarily used in describing legislative committees functioning during the interim period.

(2) Upon or during the interim following adjournment of a regular session of the Legislative Assembly, the appointing authorities may appoint interim committees of members of the house over which the particular authority presides, or members of both houses, and may assign the general topic of study or concern to the committee.

(3) The appointing authorities may appoint members of the public to an interim committee. The appointing authorities must consult with each other before appointing members of the public to a joint interim committee. The appointing authority may appoint the chairperson of an interim committee. An appointing authority must notify the Legislative Administration Committee in writing of the appointment and membership of all interim committees created.

(4) An interim committee created under authority of this section is subject to the provisions of ORS 171.605 to 171.635 and has the authority contained in ORS 171.505 and 171.510. An interim committee created under authority of this section may file its written report at any time within 30 days after its final meeting, or at such later time as the appointing authority or, in the case of a joint committee, as the appointing authorities may designate.

(5) An appointing authority may employ the persons that the appointing authority considers necessary to perform the function of the interim committees created under authority of this section. The appointing authority shall fix the duties and amounts of compensation of employees. Interim committees shall use the services of permanent legislative staff to the greatest extent practical.

(6) Members of the Legislative Assembly are entitled to an allowance as authorized by law for each day that they are engaged in interim committee business that is approved by the appointing authority. Claims for expenses incurred in performing functions of an interim committee shall be paid out of funds appropriated for the expenses of the Legislative Assembly. [1987 c.879 §24; 2003 c.207 §5]

Interim Authority for Staff and Disbursements

171.650 Interim staff for presiding officers.

171.670 Authority for approval of disbursements during interim.

Lobbying Regulation

171.725 Definitions for ORS 171.725 to 171.785. As used in ORS 171.725 to 171.785, unless the context requires otherwise:

(1) “Compensation” has the meaning given that term in ORS 292.951.

(2) “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(3) “Executive agency” means a commission, board, agency or other body in the executive branch of state government that is not part of the legislative or judicial branch.

(4) “Executive official” means any member or member-elect of an executive agency and any member of the staff or an employee of an executive agency. A member of a state board or commission, other than a member who is employed in full-time public service, is not an executive official for purposes of ORS 171.725 to 171.785.

(5) “Judge” means an active judge serving on the Oregon Supreme Court, Court of Appeals,

Oregon Tax Court, or an Oregon circuit court.

(6) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly, or the approval or veto thereof by the Governor.

(7) "Legislative official" means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.

(8) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.

(9) "Lobbyist" means:

(a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying.

(b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.

(c) Any public official who lobbies.

(10) "Public agency" means a commission, board, agency or other governmental body.

(11) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee of the public agency. [1973 c.802 §2; 1975 c.747 §1; 1977 c.588 §1; 1987 c.566 §1; 1991 c.378 §1; 2001 c.751 §1; 2007 c.877 §6]

171.730 Legislative finding.

171.735 Exceptions to application of ORS 171.740 and 171.745.

171.740 Lobbyist registration; contents of statement.

171.745 Lobbyist statements of expenditures. (1) A lobbyist registered with the Oregon Government Ethics Commission or required to register with the commission shall, according to the schedule described in ORS 171.752, file with the commission a statement showing for the applicable reporting period:

(a) The total amount of all moneys expended for food, refreshments and entertainment by the lobbyist for the purpose of lobbying.

(b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure. This paragraph applies if the total amount expended on the occasion by one or more persons exceeds $50.

(2) Statements required by this section need not include amounts expended by the lobbyist for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.

(3) A statement required by this section shall include a copy of any notice provided to a public

official or candidate under ORS 244.100.

(4) For each statement required by this section, an entity comprised of more than one lobbyist may file one statement that reports expenditures by the entity and not by individual lobbyists. [1973 c.802 §5; 1974 c.72 §29; 1975 c.747 §4; 1979 c.666 §2; 1987 c.158 §32; 1987 c.566 §4; 1991 c.354 §1; 1991 c.677 §2; 1993 c.743 §4; 2001 c.751 §5; 2007 c.865 §39; 2007 c.877 §6d; 2009 c.68 §17]

171.750 Lobbyist employer statements of expenditures.

171.752 Time for filing statements.

171.756 Prohibited conduct. (1) A lobbyist may not instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition to the legislative action.

(2) A lobbyist may not attempt to influence the vote of any member of the Legislative Assembly by the promise of financial support of the candidacy of the member, or by threat of financing opposition to the candidacy of the member, at any future election.

(3) A person may not lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.

(4) A legislative or executive official may not receive consideration other than from the State of Oregon for acting as a lobbyist in Oregon. [1973 c.802 §7; 1974 c.72 §30; 1975 c.747 §6; 1987 c.566 §6; 1989 c.340 §1; 1993 c.743 §5; 2001 c.751 §7]

171.762 Verification of reports, registrations and statements. (1) Each report, registration or statement required by ORS 171.725 to 171.785 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

(2) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter. [1973 c.802 §8; 1979 c.666 §4]

171.764 False statement or misrepresentation by lobbyist or public official; defense. (1) No lobbyist or public official, as defined in ORS 244.020, shall make any false statement or misrepresentation to any legislative or executive official or, knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth as prescribed in subsection (2) of this section.

(2) It is a defense to a charge of violation of subsection (1) of this section if the person who made the false statement or misrepresentation retracts the statement or misrepresentation and notifies the official in writing of the truth:

(a) In a manner showing complete and voluntary retraction of the prior false statement or misrepresentation; and

(b) Before the subject matter of the false statement or misrepresentation is submitted to a vote of a legislative committee or either house of the Legislative Assembly or is relied upon by an executive official in an administrative hearing.

(3) As used in this section:

(a) “False statement or misrepresentation” means the intentional misrepresentation or misstatement of a material fact.

(b) “Material” means that which may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction. [1993 c.743 §6]

171.766 Status of reports, registrations and statements. All information submitted to the Oregon Government Ethics Commission in any report, registration or statement required by ORS 171.725 to 171.785 is a public record. [1973 c.802 §9; 1983 c.740 §38]

171.772 Forms for reports, registrations and statements; rules; electronic filing.

171.776 Commission duties; advisory opinions; status of opinions.

171.778 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action.

171.785 Sanctions prescribed by either chamber of Legislative Assembly; uniform application. (1) In addition to such penalties as otherwise may be provided by law, a person is subject to such sanctions as either house of the Legislative Assembly may prescribe if the person:

(a) Violates any provision of ORS 171.740 to 171.762; or

(b) Fails to file any report, registration or statement or to furnish any information required by ORS 171.725 to 171.785 and 171.992.

(2) The sanctions referred to in subsection (1) of this section shall be uniformly applied to all persons subject to ORS 171.725 to 171.785 and 171.992. [1973 c.802 §12]

Contact with Legislative Assembly

171.790 Contact with Legislative Assembly by local government officials and employees. Notwithstanding any provision of a city or county charter or any ordinance or order adopted thereunder, a city or county shall not:

(1) Prohibit an elected official, other officer or employee of the city or county from initiating contacts with legislators or giving testimony before public sessions of committees of the Legislative Assembly or public hearings of state agencies when:

(a) The contacts are made or testimony given as a representative of the city or county;

(b) The contacts are made or testimony given to represent the interests of the city or county or the residents thereof;

(c) No substantial part of the duties performed by the official, officer or employee consists of influencing or attempting to influence matters which may be the subject of action by either house of the Legislative Assembly or any of its committees;

(d) The official, officer or employee receives no consideration for making the contacts or giving testimony other than the remuneration ordinarily paid to the official, officer or employee out of the funds of the city or county in return for duties performed for the city or county, together with reimbursement for expenses actually and necessarily incurred in appearing before the legislative committees or state agencies; and

(e) The official, officer or employee is not required to register with the Oregon Government Ethics Commission under ORS 171.725 to 171.785 and the rules of the commission adopted thereunder.

(2) Prohibit an elected official, other officer or employee of the city or county from initiating contacts with legislators when the contacts are made to express personal political views and do not occur during working hours while the official, officer or employee is on the job.

(3) Prohibit an elected official, other officer or employee of the city or county from responding to requests from legislators or committees of the Legislative Assembly for information, data or

opinions. [1985 c.788 §1]

171.795 Electronic distribution of information. (1) The Legislative Assembly finds and declares that it is now possible and feasible in this electronic age to distribute information more widely by way of electronic communication. The Legislative Assembly further finds that it is desirable to make information available to the citizens of this state in a timely manner and for the least possible cost. The use of electronic communication will:

(a) Better inform the public of legislative proceedings and matters pending before the Legislative Assembly;

(b) Allow broader participation among Oregonians in the legislative process;

(c) Make information regarding legislative matters and proceedings more readily available to the citizens of this state;

(d) Allow constituents to better communicate with their elected representatives, irrespective of where they reside;

(e) Make administrative rules adopted or amended by state agencies more readily available to the citizens of this state; and

(f) Provide the public with a better insight into the operations of state government.

(2) This section and ORS 173.763, 173.766 (1) and (2) and 183.365 may be cited as the Oregon Public Access Act. [1995 c.614 §§1,2; 2007 c.775 §2]

Committee on Information Management and Technology

171.852 Joint Legislative Committee on Information Management and Technology. (1) There is hereby created a Joint Legislative Committee on Information Management and Technology. The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim between sessions.

(3) The term of a member shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between odd-numbered year regular sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Fiscal Office.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as provided by law. [Formerly 182.115; 1993 c.724 §15a; 2007 c.790 §2; 2011 c.545 §7]

171.855 Duties of committee. The Joint Legislative Committee on Information Management and Technology shall:

(1) Establish statewide goals and policy regarding information systems and technology, including telecommunications.

(2) Conduct studies of information management and technology efficiency and security.

(3) Review the activities of the Oregon Department of Administrative Services, Information Resources Management Council.

(4) Make recommendations regarding established or proposed information resource management programs and information technology acquisitions. [1975 c.731 §2; formerly 182.121; 1993 c.724 §15b]

Committee on Public Education Appropriation

171.857 Appointment; quorum; expenses; report. (1) For each odd-numbered year regular session of the Legislative Assembly, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a special legislative committee to issue a report pursuant to section 8, Article VIII of the Oregon Constitution.

(2) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(3) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(4) Members of the committee are entitled to compensation and expense reimbursement as provided in ORS 171.072.

(5) The Legislative Assembly in the report shall:

(a) Demonstrate that the amount within the budget appropriated for the state's system of kindergarten through grade 12 public education is the amount of moneys as determined by the Quality Education Commission established by ORS 327.500 that is sufficient to meet the quality goals; or

(b) Identify the reasons that the amount appropriated for the state's system of kindergarten through grade 12 public education is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the ability of the state's system of kindergarten through grade 12 public education to meet the quality goals. In identifying the impact of the insufficiency, the Legislative Assembly shall include in the report how the amount appropriated in the budget may affect both the current practices and student performance identified by the commission under ORS 327.506 (4)(a) and the best practices and student performance identified by the commission under ORS 327.506 (4)(b).

(6)(a) Notwithstanding subsection (5) of this section, the Legislative Assembly may make a determination that the report of the Quality Education Commission should not be used as the basis for carrying out the reporting requirements of section 8, Article VIII of the Oregon Constitution, and subsection (5) of this section. If the report is not used, the Legislative Assembly shall identify the reasons for not using the report to meet the reporting requirements and shall outline an alternative methodology for making the findings required by section 8, Article VIII of the Oregon Constitution.

(b) The alternative methodology shall be based on:

(A) Research, data and public values; and

(B) The performance of successful schools, professional judgment or a combination of the performance of successful schools and professional judgment.

(c) The Legislative Assembly shall include in the report that uses the alternative methodology a determination of how the amount appropriated may affect the ability of the state's system of kindergarten through grade 12 public education to meet quality goals established by law, including expected student performance against those goals.

(7) The Legislative Assembly shall identify in the report whether the state's system of post-secondary public education has quality goals established by law. If there are quality goals, the Legislative Assembly shall include in the report a determination that the amount appropriated in the budget is sufficient to meet those goals or an identification of the reasons the amount appropriated is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the ability of the state's system of post-secondary public education to meet those quality goals.

(8) The report shall be issued within 180 days after the Legislative Assembly adjourns sine die.

(9) The Legislative Assembly shall provide public notice of the report's issuance, including posting the report on the Internet and providing a print version of the report upon request. [2001 c.895 §7; 2003 c.14 §69; 2007 c.790 §3; 2011 c.272 §17; 2011 c.545 §8]

Western States Legislative Forestry Task Force

171.860 Western States Legislative Forestry Task Force; membership; duties; expenses. (1) The President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of the legislatures of Washington, Idaho, Montana, California and Alaska, shall appoint, respectively, two Senators and two Representatives to represent Oregon on the Western States Legislative Forestry Task Force, which shall operate as a clearinghouse for opinion from all the various interests involved in the western states forest industries, and which shall include among its duties the duty to report to the legislatures of the participating states and to the state delegations in the United States Congress concerning means of protecting and fostering the forest industries of the participating states.

(2) The legislators appointed to represent Oregon shall receive no compensation or per diem for service as a member unless the service is performed during a legislative session but may receive actual and necessary travel and other expenses under ORS 171.072 from funds appropriated therefor. [1987 c.678 §1; 1987 c.879 §26]

171.865 [1987 c.678 §2; 1987 c.879 §27; repealed by 2011 c.272 §25]

171.867 [1991 c.926 §1; repealed by 2011 c.272 §25]

Studies of Mandated Health Coverage

171.870 Legislative findings. (1) The Legislative Assembly takes notice of the increasing number of legislative proposals for mandating certain health coverages, whether such proposals mandate payments for certain providers of health care or mandate the offering of health coverages by insurance carriers and health care service contractors as a component of individual or group policies. Improved access to these health care services to segments of the population who desire them may provide social and health consequences that are beneficial and in the public interest.

(2) The Legislative Assembly also takes notice of the fact that the cost ramifications of expanding health coverages is resulting in a growing public concern. The way that the coverages are structured and the steps taken to create incentives to provide cost-effective services or to take advantage of features of services that offset costs can significantly affect the cost of mandating particular coverages.

(3) The Legislative Assembly hereby finds and declares the following:

(a) The merits of a particular coverage mandate must be balanced against a variety of consequences that may go far beyond the immediate effect upon the cost of insurance coverage.

(b) A systematic review of legislation proposing mandated or mandatorily offered health coverage that explores all ramifications of the proposed legislation will assist the Legislative Assembly determining whether mandating a particular coverage or offering is in the public interest. [1985 c.747 §55]

171.875 Report required to accompany measures proposing mandated coverage. Every proposed legislative measure that mandates a health insurance coverage, whether by requiring payment for certain providers or by requiring an offering of a health insurance coverage by an insurer or health care service contractor as a component of individual or group health insurance policies, shall be accompanied by a report that assesses both the social and financial effects of the coverage in the manner provided in ORS 171.880, including the efficacy of the treatment or service proposed. The report may be prepared either by the chief sponsor or by any other proponent of the proposed measure. The report shall be submitted with the proposed measure when the proposed measure is submitted for filing, and shall be in writing and be a public record. [1985 c.747 §56]

171.880 Content of report. The report required under ORS 171.875, to the extent that information is available, shall include but need not be limited to the following:

(1) Answers to the following questions concerning the social effect of the proposed measure:

(a) To what extent is the treatment or service used by the general population of Oregon?

(b) To what extent is the insurance coverage already generally available in Oregon?

(c) What proportion of the population of Oregon already has such coverage?

(d) To what extent does the lack of coverage result in financial hardship in Oregon?

(e) What evidence exists to document the medical need in Oregon for the proposed treatment or services?

(2) Answers to the following questions concerning the financial effect of the proposed measure:

(a) To what extent is the coverage expected to increase or decrease the cost of treatment or services?

(b) To what extent is the coverage expected to increase the use of the treatment or services?

(c) To what extent is the mandated treatment or services expected to be a substitute for more expensive treatment or services?

(d) To what extent is the coverage expected to increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders?

(e) What will be the effect of this coverage on the total cost of health care? [1985 c.747 §57]

Penalties

171.990 Penalty for witness failing to appear or to give testimony in legislative proceeding. Every person who, having been summoned as a witness under ORS 171.510 to give testimony or to produce books, papers, records or documents upon any matter under inquiry before either house or any of the committees referred to in ORS 171.505, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the matter under inquiry, is guilty of a misdemeanor. [1953 c.544 §3; 1961 c.167 §13]

171.992 Civil penalty for violation of lobby regulation; rules; report. (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule adopted under ORS 171.725 to

171.785, shall forfeit and pay to the General Fund for each violation a civil penalty of not more than $5,000, to be determined by the Oregon Government Ethics Commission.

(2)(a) The commission may impose civil penalties upon a person who fails to file the statement required under ORS 171.745 or 171.750. In enforcing this subsection, the commission is not required to follow the procedures in ORS 171.778 before finding that a violation of ORS 171.745 or 171.750 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 171.745 or 171.750.

(c) The commission may impose a civil penalty of $10 for each of the first 14 days the statement is late beyond the date set by law and $50 for each day thereafter. The maximum penalty that may be imposed under this subsection is $5,000.

(3) A civil penalty imposed under this section may be recovered in an action brought in the name of the State of Oregon in any court of appropriate jurisdiction or may be imposed as provided in ORS 183.745. In any proceedings before the court, including judicial review under ORS 183.745, the court may review the penalty as to both liability and reasonableness of amount.

(4)(a) Except as provided in paragraph (b) of this subsection, the commission shall report, in the manner described in ORS 192.245, to the Legislative Assembly violations of any provision of ORS 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, for which a penalty is imposed under this section. The report shall include the name of the person against whom the penalty was imposed and describe the nature of the violation.

(b) The commission shall adopt rules specifying conditions under which repeated violations of ORS 171.745 or 171.750 involving a failure to file required statements in a timely fashion are reported to the Legislative Assembly.

(5) In lieu of or in conjunction with finding a violation of law or rule or imposing a civil penalty under this section, the commission may issue a written letter of reprimand, explanation or education. [1973 c.802 §13; 1987 c.566 §6a; 1991 c.734 §9; 2007 c.877 §10]

COMMISSIONS ON UNIFORM LAWS, INDIAN SERVICES

Commission on Uniform State Laws

172.010 Commission on Uniform State Laws; compensation and expenses of members.

172.020 Duties of commission.

Commission on Indian Services

172.100 Legislative policy. It is declared to be the policy and intent of the Legislative Assembly that:

(1) The State of Oregon shall establish a Commission on Indian Services for the purpose of improving services with American Indians in the State of Oregon.

(2) The commission will not abrogate or supersede negotiations or relations that any Indian tribe, band or group might have or develop individually with any state, federal or local government. [1975 c.688 §1; 1979 c.33 §1]

172.110 Members; appointment; qualifications; term; quorum; compensation and expenses. (1) The Commission on Indian Services shall be comprised of 13 members appointed

jointly by the President of the Senate and the Speaker of the House of Representatives. Membership shall include:

(a) One member from the Senate.

(b) One member from the House of Representatives.

(c) One member from the Confederated Tribes of the Warm Springs Indian Reservation.

(d) One member from the Confederated Tribes of the Umatilla Indian Reservation.

(e) One member from the Burns-Paiute Tribe.

(f) One member from the Confederated Tribes of Siletz Indians of Oregon.

(g) One member from the Confederated Tribes of the Grand Ronde.

(h) One member from the Cow Creek Band of Umpqua Indians.

(i) One member from the Confederated Coos, Lower Umpqua and Siuslaw Tribes.

(j) One member from the Klamath Tribe.

(k) One member from the Coquille Tribe.

(L) One member from each of the following areas in which nonreservation Indians reside:

(A) Portland urban area.

(B) Willamette Valley area.

(2) If the Speaker of the House of Representatives or the President of the Senate is a member, either may designate from time to time an alternate from among the members of the appropriate house to exercise the powers of the Speaker or President as a member of the commission except that the alternate shall not preside if the Speaker or President is chairperson.

(3) All appointments of those representing the Indian population shall be made from nominees selected by the appropriate tribal council or the representative Indian organizations in the identified nonreservation areas.

(4) The term of office is two years. Vacancies shall be filled by the appointing authority for the unexpired term.

(5) In the event that other nonfederally recognized tribes indigenous to Oregon obtain federal recognition status, the Commission on Indian Services may recommend to the Legislative Assembly that membership on the commission be granted to such tribes who demonstrate proof of federal recognition and their authority to speak in the interest of the tribe they represent. However, the total number of membership positions on the commission shall not exceed 13. In order to accommodate tribal representatives, the adjustment shall be made from among members designated under subsection (1)(L) of this section. Individual nontribal groups and organizations shall not be considered for membership on the commission. Though individual nontribal groups and organizations shall not be specifically represented on the commission, the commission as a whole shall serve as a forum for considering the needs and concerns of these groups and organizations as well as the needs and concerns of all American Indians in Oregon.

(6) The commission shall elect a chairperson and vice chairperson for a term of one year and shall determine the duties of the officers.

(7) A majority of the members of the commission constitutes a quorum for the transaction of business but no final decision may be made without an affirmative vote of the majority of the members appointed to the commission.

(8) Members who are not members of the Legislative Assembly may be paid compensation and expenses as provided in ORS 292.495, from such funds as may be available to the commission therefor. Members who are members of the Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly. [1975 c.688 §2; 1977 c.891 §4; 1979 c.33 §2; 1985 c.268 §1; 1985 c.565 §17; 1987 c.54 §1; 1987 c.879 §2; 1991 c.147 §1]

172.120 Duties and powers; report. The Commission on Indian Services shall:

(1) Compile information relating to services available to Indians, including but not limited to education and training programs, work programs, housing programs, health programs, mental health programs including alcohol and drug services, and welfare programs from local, state and federal sources and through private agencies.

(2) Develop and sponsor in cooperation with Indian groups and organizations, programs to inform Indians of services available to them.

(3) Develop and sponsor programs to make Indian wants and needs known to the public and private agencies the activities of which affect Indians. Encourage and support these public and private agencies to expand and improve their activities affecting the Indians.

(4) Assess programs of state agencies operating for the benefit of Indians and make recommendations to the appropriate agencies for the improvement of those programs.

(5) Report biennially to the Governor and the Legislative Assembly on all matters of concern to Indians of this state and recommend appropriate action. [1975 c.688 §3; 1979 c.33 §3]

172.130 Executive Officer and employees. The Commission on Indian Services may employ an Executive Officer and other staff as may be necessary to carry out the purposes of ORS 172.100 to 172.140. [1975 c.688 §4; 1985 c.268 §2]

172.140 Authority to accept contributions; disposition of funds received. The Commission on Indian Services may accept contributions of funds and assistance from the United States, its agencies, or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of the commission. All such funds are continuously appropriated to aid in financing the functions of the commission and shall be deposited in the General Fund of the State Treasury to the credit of a separate account for the commission and shall be disbursed for the purpose for which contributed. [1975 c.688 §5; 1981 c.583 §4]

LEGISLATIVE SERVICE AGENCIES

General Provisions

173.005 Personnel policies for employees of statutory committees. (1) The appointing authority for regular employees of the Legislative Administration Committee, Legislative Counsel Committee or any other statutory committee or statutory office of the Legislative Assembly holding regular positions in the same sense as those held by regular employees of those statutory committees or offices, may adopt and follow policies in regard to working hours, leaves of absence, vacations and sick and disability leave for those employees consistent with the State Personnel Relations Law and applicable rules adopted pursuant thereto.

(2) The Legislative Administration Committee may adopt and follow policies in regard to vacation and sick leave for regular employees of the Legislative Assembly to whom subsection (1) of this section does not apply that are consistent with the provisions of the State Personnel Relations Law and applicable rules adopted pursuant thereto.

(3) Vacation and sick leave accrued by a regular employee of a statutory committee or office under subsection (1) of this section and by a regular employee of the Legislative Assembly under subsection (2) of this section shall be credited to the employee by the state agency in the executive or administrative branch that employs the regular employee immediately after that employee's

employment by a statutory committee or office or by the Legislative Assembly. [1971 c.638 §15; 1979 c.468 §38; 1979 c.509 §1a]

173.007 Personnel policies applicable to regular employees of Legislative Assembly. (1) If the Legislative Administration Committee adopts policies under ORS 173.005 (2), it may give credit for vacation and sick leave of regular employees of the Legislative Assembly that accrued prior to October 3, 1979, if:

(a) The policies adopted and the method of crediting the vacation and sick leave are consistent with the provisions of the State Personnel Relations Law and applicable rules adopted pursuant thereto; and

(b) The regular employee has not been compensated previously in any way for any vacation or sick leave.

(2) If the Legislative Administration Committee acts pursuant to subsection (1) of this section, vacation and sick leave accrued by a regular employee of the Legislative Assembly shall be credited as provided in ORS 173.005 (3) if a former regular employee is in the employ of a state agency in the executive or administrative branch. [1979 c.509 §§2,3]

Fiscal and Revenue Impact Statements

173.025 Preparation of fiscal impact and revenue impact statements for legislation affecting local governments. (1) The Legislative Fiscal Officer, with the aid of the Oregon Department of Administrative Services, Legislative Revenue Officer, state agencies and affected local governmental units, including school districts, shall prepare a fiscal impact statement on each measure reported out of a committee of the Legislative Assembly that could have an effect on expenditures of local governmental units, including school districts.

(2) The Legislative Revenue Officer, with aid of the Legislative Fiscal Officer, the Department of Revenue, state agencies and affected local governmental units, including school districts, shall prepare a revenue impact statement on each measure reported out of a committee of the Legislative Assembly that could have any effect on revenues of local governmental units, including school districts. [1977 c.414 §1; 1989 c.970 §2; 2007 c.828 §1]

173.029 Preparation of statements for legislation creating new crime or increasing period of incarceration. (1) For any measure reported out of a committee of the Legislative Assembly the effect of which is to create a new crime or increase the period of incarceration allowed or required for an existing crime, the Legislative Fiscal Officer, with the aid of the Oregon Department of Administrative Services, Legislative Revenue Officer, state agencies and affected local governmental units, shall prepare a fiscal impact statement describing the fiscal impact that the measure would, if enacted, have on the state as well as on local governmental units.

(2) In particular and to the extent practicable, the Legislative Fiscal Officer shall determine and describe in the statement the following:

(a) The fiscal impact on state and local law enforcement agencies, including an estimate of the increase in anticipated number of arrests annually;

(b) The fiscal impact on state and local courts, including an estimate of the increase in the anticipated number of trials annually;

(c) The fiscal impact on district attorney offices, including an estimate of the increase in the anticipated number of prosecutions annually;

(d) The fiscal impact on public defense resources, including an estimate of the increase in the anticipated number of cases annually; and

(e) The fiscal impact on state and local corrections resources, including resources supporting parole and probation supervision, and also including an estimate of the increase in the anticipated number of bed-days to be used annually at both the state and local level as a result of the passage of the measure. [1987 c.854 §2; 2001 c.962 §103; 2007 c.828 §2]

173.035 Submission of statements to Legislative Assembly; committee referral and review. The Legislative Fiscal Officer and Legislative Revenue Officer shall submit the statement prepared under ORS 173.025 or 173.029 to the Legislative Assembly at a time set by the rules of the house where the measure was introduced. The Speaker of the House of Representatives and the President of the Senate shall refer the statement to the committee to which the measure was referred. The committee shall review the statement prepared under ORS 173.025 or 173.029 prior to reporting the measure out. [1977 c.414 §2; 1987 c.854 §3]

173.045 Revision of statements. The Legislative Fiscal Officer and Legislative Revenue Officer shall review and revise the statement as measures are amended. [1977 c.414 §3]

173.051 Preparation of fiscal impact statements for legislation increasing employer contributions under Public Employees Retirement System. The Legislative Fiscal Officer, with the aid of the Public Employees Retirement Board and public employers providing benefits under ORS chapter 238A, shall prepare a fiscal impact statement on each measure reported out of a committee of the Legislative Assembly that would increase employer contributions under ORS chapter 238A. If the Legislative Fiscal Officer determines that a proposed measure would result in an increase in the total liability for benefits under ORS chapter 238A that is in excess of one-tenth of one percent, the Legislative Fiscal Officer shall promptly notify the Public Employees Retirement Board. The board shall thereafter promptly give notice of the proposed measure, and the fiscal impact of the proposed measure as determined by the Legislative Fiscal Officer, to all public employers providing benefits under ORS chapter 238A. [2003 c.733 §45b; 2007 c.828 §3]

173.055 Contracts to provide fiscal data. The Legislative Fiscal Officer and Legislative Revenue Officer are authorized to contract with other agencies or persons to provide fiscal data necessary to carry out the provisions of ORS 173.025 to 173.055. [1977 c.414 §4]

Legislative Counsel Committee

173.111 Legislative Counsel Committee and office of Legislative Counsel established. The Legislative Counsel Committee is established as a joint committee of the Legislative Assembly. The Legislative Counsel Committee shall select a Legislative Counsel to serve as its executive officer. [1969 c.256 §2 (enacted in lieu of 173.110); 1971 c.638 §4; 1999 c.117 §1]

173.120 Legislative Counsel to be in attendance upon legislative sessions. The Legislative Counsel shall be in attendance upon all sessions of the Legislative Assembly. [1953 c.492 §2]

173.130 Performance of legislative services; charges. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative measures when requested to do so by a member or committee of the Legislative Assembly.

(2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist in the preparation of legislative measures that have been approved for preparation in writing by the Governor or the Governor’s designated representative. The Legislative Counsel may also prepare or

assist in the preparation of legislative measures that are requested in writing by the Judicial Department, the Governor, the Secretary of State, the State Treasurer, the Attorney General or the Commissioner of the Bureau of Labor and Industries. In accordance with ORS 283.110, the Legislative Counsel may charge the agency or officer for the services performed.

(3) The Legislative Counsel shall give such consideration to and service concerning any measure or other legislative matter before the Legislative Assembly as is requested by the House of Representatives, the Senate or any committee of the Legislative Assembly that has the measure or other matter under consideration.

(4) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel Committee and in conformity with any applicable rules of the House of Representatives or Senate, shall perform or cause to be performed research service requested by any member or committee of the Legislative Assembly in connection with the performance of legislative functions. Research assignments made by joint or concurrent resolution of the Legislative Assembly shall be given priority over other research requests received by the Legislative Counsel. The research service to be performed includes the administrative services incident to the accomplishment of the research requests or assignments.

(5) The Legislative Counsel shall give an opinion in writing upon any question of law in which the Legislative Assembly or any member or committee of the Legislative Assembly may have an interest when the Legislative Assembly or any member or committee of the Legislative Assembly requests the opinion. Except as provided in subsection (2) of this section and ORS 173.135, the Legislative Counsel shall not give opinions or provide other legal services to persons or agencies other than the Legislative Assembly and members and committees of the Legislative Assembly.

(6) The Legislative Counsel may enter into contracts to carry out the functions of the Legislative Counsel. [1953 c.492 §3; 1959 c.295 §2; 1973 c.226 §1; 1979 c.237 §1; 1999 c.117 §2; 1999 c.207 §1; 2001 c.45 §2; 2001 c.104 §57; 2011 c.731 §7]

Note: The amendments to 173.130 by section 7, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011. The text that applies to the Superintendent of Public Instruction who was holding office on August 5, 2011, is set forth for the user's convenience.

173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative measures when requested to do so by a member or committee of the Legislative Assembly.

(2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist in the preparation of legislative measures that have been approved for preparation in writing by the Governor or the Governor's designated representative. The Legislative Counsel may also prepare or assist in the preparation of legislative measures that are requested in writing by the Judicial Department, the Governor, the Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries or the Superintendent of Public Instruction. In accordance with ORS 283.110, the Legislative Counsel may charge the agency or officer for the services performed.

(3) The Legislative Counsel shall give such consideration to and service concerning any measure or other legislative matter before the Legislative Assembly as is requested by the House of Representatives, the Senate or any committee of the Legislative Assembly that has the measure or other matter under consideration.

(4) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel Committee and in conformity with any applicable rules of the House of Representatives or Senate, shall perform or cause to be performed research service requested by any member or committee of the Legislative Assembly in connection with the performance of legislative functions. Research

assignments made by joint or concurrent resolution of the Legislative Assembly shall be given priority over other research requests received by the Legislative Counsel. The research service to be performed includes the administrative services incident to the accomplishment of the research requests or assignments.

(5) The Legislative Counsel shall give an opinion in writing upon any question of law in which the Legislative Assembly or any member or committee of the Legislative Assembly may have an interest when the Legislative Assembly or any member or committee of the Legislative Assembly requests the opinion. Except as provided in subsection (2) of this section and ORS 173.135, the Legislative Counsel shall not give opinions or provide other legal services to persons or agencies other than the Legislative Assembly and members and committees of the Legislative Assembly.

(6) The Legislative Counsel may enter into contracts to carry out the functions of the Legislative Counsel.

173.135 Participation in legal proceedings to protect legislative interests. When deemed necessary or advisable to protect the official interests of the Legislative Assembly, one or more legislative committees, or one or more members of the Legislative Assembly, the Legislative Counsel Committee may direct the Legislative Counsel and the staff of the Legislative Counsel, or may retain any member of the Oregon State Bar, to appear in, commence, prosecute or defend any action, suit, matter, cause or proceeding in any court or agency of this state or of the United States. Expenses and costs incurred pursuant to this section may be paid by the committee from any funds available to the committee. [1961 c.167 §32; 2005 c.22 §119]

173.140 Preparation of initiative measures. The Legislative Counsel shall cooperate with the proponents of an initiative measure in its preparation when:

(1) Requested in writing so to do by 50 or more electors proposing the measure; and

(2) In the judgment of the committee there is reasonable probability that the measure will be submitted to the electors of the state under the laws relating to the submission of initiative measures. [1953 c.492 §4]

173.160 Powers and duties of Legislative Counsel in preparing editions for publication. In preparing editions of the statutes for publication and distribution, the Legislative Counsel shall not alter the sense, meaning, effect or substance of any Act, but, within such limitations, may:

(1) Renumber sections and parts of sections of the Acts;

(2) Rearrange sections;

(3) Change reference numbers to agree with renumbered chapters, sections or other parts;

(4) Delete references to repealed sections;

(5) Substitute the proper subsection, section or chapter or other division numbers;

(6) Change capitalization and spelling for the purpose of uniformity; and

(7) Correct manifest clerical, grammatical or typographical errors. [1953 c.492 §6; 1999 c.117 §3; 2005 c.22 §120]

173.191 Membership; term; vacancies; advisory committees. (1) The Legislative Counsel Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, members of the House appointed by the Speaker and members of the Senate appointed by the President. The Speaker of the House of Representatives and the President of the Senate may each designate from among the members of the appropriate house an alternate to exercise powers as a member of the committee. The appointing authorities shall appoint members of a new committee within 30 days after the date of the convening of each odd-numbered year regular session of the

Legislative Assembly.

(2) The term of a member of the committee shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the member's appointment. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

(3) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions but the committee has no authority to affect the rules of either house.

(4) The Legislative Counsel Committee may appoint advisory committees or subcommittees. Except as otherwise provided in this subsection, individuals other than members of the Legislative Assembly may serve on such advisory committees or subcommittees. A member of such committee or subcommittee who is not a member of the Legislative Assembly shall be compensated and reimbursed in the manner provided in ORS 292.495. An advisory committee or subcommittee appointed to assist the Legislative Counsel Committee in review of state agency rules may consist only of two or more members of the Legislative Assembly.

(5) The Legislative Counsel Committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate. [1969 c.256 §4 (enacted in lieu of 173.190); 1971 c.638 §5; 1975 c.136 §6; 1975 c.530 §4; 1977 c.344 §5; 1999 c.117 §4; 2001 c.45 §3; 2007 c.790 §4; 2011 c.545 §9]

173.200 Selection of Legislative Counsel. (1) The Legislative Counsel Committee shall select the Legislative Counsel, who shall serve at the pleasure of the committee. The Legislative Counsel shall be a person authorized to practice law in the highest court of one of the states of the United States.

(2) The Legislative Counsel Committee shall fix the annual salary of the Legislative Counsel. Subject to the limitations otherwise provided by law for expenses of state officers, the Legislative Counsel shall be reimbursed for actual and necessary expenses incurred or paid by the Legislative Counsel in the performance of duties of the Legislative Counsel. [1953 c.492 §10; 1999 c.117 §5]

173.210 Employment of staff. Subject to the approval of the committee, the Legislative Counsel may employ and fix the compensation of such professional assistants and clerical and other employees as the Legislative Counsel deems necessary for the effective conduct of the work under the charge of the Legislative Counsel. [1953 c.492 §11; 1973 c.735 §8]

173.215 Effect of expiration of terms of committee members. (1) The expiration of the terms of members of the Legislative Counsel Committee, as provided by ORS 173.191, does not affect the employment of any individual filling a position previously approved by the committee.

(2) After the convening of the Legislative Assembly in an odd-numbered year regular session and until the newly appointed Legislative Counsel Committee provides otherwise, the Legislative Counsel may employ and fix the compensation of individuals the Legislative Counsel considers necessary for the effective conduct of the work supervised or managed by the Legislative Counsel.

(3) Notwithstanding ORS 173.111 and 173.200, if a vacancy occurs in the position of Legislative Counsel after the convening of the Legislative Assembly in an odd-numbered year regular session and before the appointment of a Legislative Counsel Committee, the President of the Senate and the Speaker of the House of Representatives may jointly select a Legislative Counsel who has the

qualifications set forth in ORS 173.200. The Legislative Counsel selected by the President and the Speaker serves at their pleasure at a salary jointly fixed by the President and the Speaker that does not exceed the salary last fixed by the committee. The President and Speaker may act in lieu of the Legislative Counsel Committee under ORS 293.335 in designating the Legislative Counsel they select to approve disbursements and in filing the statement of designation. After appointment of a Legislative Counsel Committee, the Legislative Counsel selected under this subsection serves at the pleasure of the committee and the committee may exercise power and authority over the Legislative Counsel as if the Legislative Counsel had been selected by the committee. [1965 c.113 §1; 1967 c.5 §1; 1975 c.136 §10; 1999 c.117 §6; 2011 c.545 §10]

173.220 Location of Legislative Counsel's office. The permanent office of the Legislative Counsel shall be in the State Capitol, where the Legislative Counsel shall be provided with suitable and sufficient offices convenient to the chambers of the House and Senate. [1953 c.492 §12]

173.230 Confidential nature of matters handled by committee's staff. (1) The Legislative Counsel or any employee of the Legislative Counsel Committee may not reveal to any person not an employee of the committee the contents or nature of any matter before the Legislative Counsel in the official capacity of the Legislative Counsel, if the person bringing the matter before the Legislative Counsel or employee designates the matter as confidential. Matters not designated as confidential may be revealed only as prescribed by the rules of the committee.

(2) Notwithstanding subsection (1) of this section, the Legislative Counsel may provide a copy of a draft measure to the Legislative Fiscal Officer and the Legislative Revenue Officer.

(3) The provision by the Legislative Counsel of a copy of a draft measure under subsection (2) of this section is not a waiver of privilege under ORS 40.225. [1953 c.492 §14; 1961 c.167 §30; 1999 c.117 §7; 2001 c.45 §4]

173.240 Committee's staff prohibited from influencing legislation. Neither the Legislative Counsel nor any employee of the committee shall oppose, urge or attempt to influence legislation. [1953 c.492 §14]

Oregon Law Commission

173.315 Oregon Law Commission established; duties; membership; chairperson. (1)

173.325 Compensation and expenses of members.

173.328 Commission meetings.

173.335 Legislative Counsel assistance.

173.338 Law revision program.

173.342 Commission biennial report to Legislative Assembly.

173.345 Cooperation with bar associations or other associations.

173.347 Appearance of commission members or staff before Legislative Assembly.

173.352 Work groups.

173.355 Solicitation and receipt of gifts and grants.

173.357 Disposition of moneys collected or received by commission.

Legislative Fiscal Officer

173.410 Appointing authority for Legislative Fiscal Officer; selection of officer. (1) As used in this section, ORS 173.420 and 173.450, "appointing authority" means the Joint Committee on Ways and Means during a session of the Legislative Assembly and the Emergency Board during the interim between sessions of the Legislative Assembly.

(2) The appointing authority shall select the Legislative Fiscal Officer who shall serve at the pleasure of the appointing authority and under its direction. [1959 c.70 §1; 1971 c.679 §1]

173.420 Duties of Legislative Fiscal Officer. (1) Pursuant to the policies and directions of the appointing authority, the Legislative Fiscal Officer shall:

(a) Ascertain facts and make recommendations to the Legislative Assembly concerning the Governor's budget report.

(b) Ascertain facts concerning state expenditures and make estimates concerning state expenditures.

(c) Ascertain facts and make recommendations concerning the fiscal implications of the organization and functions of the state and its agencies.

(d) Ascertain facts and make recommendations on such other matters as may be provided for by joint or concurrent resolution.

(e) Furnish such assistance in the performance of their duties as is requested by the House Revenue Committee, the Senate Revenue Committee, the Legislative Revenue Officer and other legislative standing and interim committees and members of the Legislative Assembly.

(2) Pursuant to the policies and directions of the appointing authority, the Legislative Fiscal Officer may enter into contracts to carry out the functions of the Legislative Fiscal Officer. [1959 c.70 §2; 1971 c.679 §2; 1975 c.789 §7; 1999 c.207 §2; 2001 c.158 §1]

173.450 Employment of staff; compensation and expenses of staff members. (1) Subject to the approval of the appointing authority, the Legislative Fiscal Officer may employ and fix the compensation of such professional assistants and clerical and other employees as the Legislative Fiscal Officer finds necessary for the effective conduct of the work under the charge of the Legislative Fiscal Officer.

(2) The appointing authority shall fix the salary of the Legislative Fiscal Officer.

(3) Subject to the limitations otherwise provided by law for expenses of state officers, the Legislative Fiscal Officer and members of the staff of the Legislative Fiscal Officer shall be reimbursed for all actual and necessary expenses incurred in performing their duties. [1959 c.70 §§6,7,8; 1971 c.679 §3]

173.455 Maintaining confidentiality of draft measures. The Legislative Fiscal Officer or any employee of the Legislative Fiscal Officer may not reveal to any person not an employee of the Legislative Fiscal Officer the contents or nature of any confidential draft measure provided to the Legislative Fiscal Officer by the Legislative Counsel. [2001 c.45 §5]

Oregon State Capitol Foundation

173.500 Establishment; members; powers and duties.

Natural Resources Policy Administrator

173.610 Appointing authority for Natural Resources Policy Administrator; selection of administrator.

173.620 Duties of Natural Resources Policy Administrator.

173.630 Employment of staff; compensation and expenses of staff members.

173.640 Confidential nature of matters handled by administrator and staff; administrator and staff prohibited from influencing legislation.

Legislative Administration Committee

173.710 Legislative Administration Committee and office of Legislative Administrator established. The Legislative Administration Committee hereby is established as a joint committee of the Legislative Assembly. The committee shall select a Legislative Administrator who shall serve at the pleasure of the committee and under its direction. [1969 c.620 §1; 1971 c.638 §8]

173.720 Duties of Legislative Administrator. (1) Pursuant to the policies and directions of the Legislative Administration Committee, the Legislative Administrator shall:

(a) Coordinate administrative operations of the Legislative Assembly in order to ensure efficient work flow.

(b) Develop standard formats for legislative manuals and interim committee reports.

(c) Review legislative organization, rules and procedure in cooperation with the Legislative Counsel with the intent of modernizing legislative operations.

(d) Conduct a continuing study of possible applications of technological changes and improvements, such as data processing and electronic equipment, to improve legislative procedures, and when considered advisable, make recommendations to adopt such applications.

(e) Arrange for and coordinate orientation conferences for members of the Legislative Assembly that shall include, but need not be limited to, education about recycling programs available in the State Capitol.

(f) Study and make recommendations on legislative compensation and working conditions.

(g) Control all space and facilities within the State Capitol and such other space as is assigned to the Legislative Assembly.

(h) Direct renovation and repair of the State Capitol, renovation, repair and replacement of State Capitol fixtures and facilities, and artistic and other aesthetic improvements to the State Capitol and adjacent areas.

(i) Exercise continuing supervision, coordination and support of clerical and administrative services to legislative interim committees, including consideration of adequacy of staff and administrative services for such committees.

(j) Perform administrative service functions for the Legislative Assembly, including but not limited to accounting, data processing, personnel administration, printing, supply, space allocation and property management.

(k) Provide research facilities and services to members of the Legislative Assembly and committees thereof.

(L) Arrange for the printing and distribution of legislative manuals and interim committee reports.

(m) Establish fee schedules for legislative measures, calendars, indexes and digests.

(n) Coordinate the use of legislative supplies, materials, equipment and other property by legislative interim committees and by standing committees of the Legislative Assembly.

(2) Pursuant to the policies and directions of the Legislative Administration Committee, the Legislative Administrator may enter into contracts to carry out the functions of the Legislative Administrator. [1969 c.620 §3; 1971 c.638 §9; 1977 c.121 §2; 1997 c.552 §28; 1997 c.817 §1; 1999 c.207 §3; 2001 c.158 §3]

173.730 Committee membership; status; term; chairperson. (1) The Legislative Administration Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, members of the House appointed by the Speaker and members of the Senate appointed by the President. The Speaker of the House of Representatives and the President of the Senate may each designate an alternate from time to time from among the members of the house over which that person presides to exercise the powers, except as cochairperson, as a member of the committee. No more than three House members of the committee shall be of the same political party. No more than three Senate members of the committee shall be of the same political party.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions.

(3) The term of a member shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between odd-numbered year regular sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) The presiding officers shall act as cochairpersons and may alternate at succeeding meetings as presiding chairperson of the committee and vice chairperson thereof. The cochairpersons, jointly or singly, may, in addition to other acts authorized, approve voucher claims.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate. [1969 c.620 §2; 1971 c.638 §10; 1975 c.530 §5; 1977 c.121 §3; 2007 c.790 §5; 2011 c.545 §11]

173.740 Employment of staff; compensation and expenses of staff; staff prohibited from influencing legislation. (1) Subject to the approval of the Legislative Administration Committee, the Legislative Administrator may employ and fix the compensation of such assistants and clerks as the Legislative Administrator finds necessary for the effective conduct of the work under the charge of the Legislative Administrator.

(2) The Legislative Administration Committee shall fix the annual salary of the Legislative Administrator.

(3) Neither the Legislative Administrator nor any employee of the committee shall oppose, urge or attempt to influence any measure pending before the Legislative Assembly.

(4) Subject to the limitations otherwise provided by law for the expenses of state officers, the Legislative Administrator and members of the staff of the Legislative Administrator shall be reimbursed for all actual and necessary expenses incurred in performing their duties. [1969 c.620 §4]

173.750 Effect of expiration of terms of committee members. The expiration of the terms of members of the Legislative Administration Committee upon the convening of the Legislative Assembly in the odd-numbered year regular session next following the commencement of their terms, as provided in ORS 173.730, does not affect the employment of any individual filling a position previously approved by the committee. After the convening of the odd-numbered year regular session of the Legislative Assembly and until such time as the newly appointed committee provides otherwise, the Legislative Administrator may employ and fix the compensation of individuals the Legislative Administrator deems necessary for the effective conduct of the work under the charge of the Legislative Administrator. [1969 c.620 §5; 2011 c.545 §12]

173.760 Advisory committees; compensation and expenses. (1) The Legislative Administration Committee from time to time may appoint such advisory committees consisting of members of the Legislative Assembly and others as are necessary to assist the committee in carrying out its functions as provided by law.

(2) A member of an advisory committee who is a member of the Legislative Assembly shall be entitled to receive the per diem specified in ORS 171.072 from funds appropriated to the Legislative Assembly for each day of performance of duties as an advisory committee member. Other members are entitled to compensation and expenses as provided in ORS 292.495. Expenses incurred under this section are payable from funds appropriated or otherwise available to the Legislative Administration Committee. [1977 c.121 §4; 1987 c.879 §4]

173.763 Electronic distribution of information; no fee for distribution; reservation of copyright and other proprietary interest. (1)(a) The Legislative Administration Committee in conjunction with the Legislative Counsel Committee shall, with the advice of the President of the Senate, through the Secretary of the Senate, and the Speaker of the House of Representatives, through the Chief Clerk of the House of Representatives, make all of the following information available to the public and members of the Legislative Assembly in electronic form:

(A) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislative Assembly and a list of the committees of the Legislative Assembly and their members.

(B) The text of each bill introduced in each current legislative session, including each amended and enrolled form of the bill.

(C) The bill history of each bill introduced and amended in each current legislative session.

(D) The bill status of each bill introduced and amended in each current legislative session.

(E) All vote information concerning each bill in each current legislative session.

(F) Any veto message concerning a bill in each current legislative session.

(G) The Oregon Constitution.

(H) All Oregon Laws enacted on and after September 9, 1995.

(I) The Constitution of the United States.

(b) The Legislative Administration Committee, in its discretion, may make available in electronic form to the public and members of the Legislative Assembly staff measure summaries for each bill in a current legislative session.

(2)(a) The information identified in subsection (1) of this section shall be made available to the public through the largest nonproprietary, nonprofit cooperative public computer network. The

information shall be made available in one or more formats and by one or more means in order to provide the general public in this state with the greatest feasible access. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means that would facilitate public access to the information.

(b) Except as provided in paragraph (c) of this subsection, the Legislative Administration Committee shall determine the most cost-effective formats and procedures for the timely release of the information in electronic form.

(c) Pursuant to ORS 171.275, the Legislative Counsel Committee, in its discretion, may authorize the release of the text of Oregon Revised Statutes in electronic form.

(3) Any documentation that describes the electronic digital formats of the information identified in subsection (1) of this section and is available to the public shall be made available through the computer network specified in subsection (2) of this section.

(4) Personal information concerning a person who accesses the information identified in subsection (1) of this section may be maintained only for the purpose of providing service to the person.

(5) No fee or other charge may be imposed by the Legislative Administration Committee as a condition of accessing the information identified in subsection (1) of this section through the computer network specified in subsection (2) of this section.

(6) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of Oregon relative to any of the information made available pursuant to subsection (1) or (2)(c) of this section. [1995 c.614 §3; 2001 c.45 §7]

173.766 Electronic mail address; website. (1) The Legislative Administration Committee shall make available to each member of the Legislative Assembly an electronic mail address accessible by Oregonians through the largest nonproprietary, nonprofit cooperative public computer network.

(2) All state agencies shall cooperate with the Legislative Administration Committee in the implementation of subsection (1) of this section and ORS 171.795, 173.763 and 183.365.

(3) If the Legislative Administration Committee makes available to each member of the Legislative Assembly a webpage on the website of the Legislative Assembly, employees of the committee shall post material on a member's webpage or install or maintain links from the member's webpage to other websites in the manner directed by the member. If the posting of material or installation or maintenance of a link results in a violation of law:

(a) The member who directed the posting of material or installation or maintenance of the link is liable for the violation; and

(b) An employee of the committee who posts the material or installs or maintains the link at the direction of a member is not liable for the violation.

(4) Subsection (3) of this section does not authorize the posting of material or the installation or maintenance of any link that is prohibited by any other law. [1995 c.614 §4; 2007 c.775 §1]

173.770 Rules regarding fees for services and obtaining copyrights and patents. (1)

173.780 Sale or lease of data processing programs, materials and information.

173.785 Capitol gift shop; bidding; use of profits.

173.790 Stores Revolving Account; Property and Supplies Stores Account.

Legislative Revenue Officer

173.800 Appointing authority for Legislative Revenue Officer; selection of officer. (1) As used in ORS 173.800 to 173.850, during the interim between sessions of the Legislative Assembly, "appointing authority" means the Interim Committee on Revenue if created, or, if no Interim Committee on Revenue is created, means the Speaker of the House of Representatives and the President of the Senate. During a session of the Legislative Assembly, "appointing authority" means the House Revenue Committee and the Senate Revenue Committee.

(2) The appointing authority, with the approval of the Speaker of the House of Representatives and the President of the Senate, shall select a Legislative Revenue Officer who shall serve at the pleasure of the appointing authority and under its direction. [1975 c.789 §1]

173.810 Employment of staff; compensation and expenses. (1) Subject to the approval of the appointing authority, the Legislative Revenue Officer may employ and fix the compensation of such professional assistants and clerical and other employees as the Legislative Revenue Officer finds necessary for the effective conduct of the work under the charge of the Legislative Revenue Officer.

(2) The appointing authority shall fix the salary of the Legislative Revenue Officer.

(3) Subject to the limitations otherwise provided by law for expenses of state officers, the Legislative Revenue Officer and members of the staff of the Legislative Revenue Officer shall be reimbursed for all actual and necessary expenses incurred in performing their duties. [1975 c.789 §2]

173.820 Duties and powers. (1) Pursuant to the policies and directions of the appointing authority, the Legislative Revenue Officer shall:

(a) Upon written request of a member of the Legislative Assembly or any committee thereof, prepare or assist in the preparation of studies and reports and provide information and research assistance on matters relating to taxation and to the revenue of this state and to any other relevant matters.

(b) Ascertain facts concerning revenues and make estimates concerning state revenues.

(c) Ascertain facts and make recommendations to the Legislative Assembly concerning the Governor's tax expenditure report.

(d) Prepare analyses of and recommendations on the fiscal impact of all revenue measures reported out of committees of the Legislative Assembly and of all other measures reported out of committees of the Legislative Assembly that affect the revenue of this state.

(e) Perform such duties as may be directed by joint or concurrent resolution of the Legislative Assembly.

(f) Adopt rules relating to the submission, processing and priorities of requests. Rules adopted under this paragraph shall be in conformance with any applicable rule of the House of Representatives or the Senate. Requests made by joint or concurrent resolution of the Legislative Assembly shall be given priority over other requests received or initiated by the Legislative Revenue Officer. Rules adopted under this paragraph shall be reviewed and approved by the appointing authority prior to their adoption.

(g) Seek the advice and assistance of political subdivisions of this state, governmental agencies and any interested persons, associations or organizations in the performance of the duties of the Legislative Revenue Officer.

(h) Perform such other duties as may be prescribed by law.

(2) Pursuant to the policies and directions of the appointing authority, the Legislative Revenue Officer may enter into contracts to carry out the functions of the Legislative Revenue Officer. [1975 c.789 §3; 1995 c.746 §72; 1999 c.207 §4; 2001 c.158 §4; 2007 c.828 §4]

173.830 Authority to accept and expend funds; disposition of moneys received. (1) The Legislative Revenue Officer may accept, receive, receipt for, disburse and expend federal moneys and other moneys, public or private, for the accomplishment of the purposes of ORS 173.800 to 173.850.

(2) All federal moneys accepted under this section shall be accepted and transferred or expended by the Legislative Revenue Officer upon such terms and conditions as are prescribed by the United States.

(3) All other moneys accepted under this section shall be accepted and transferred or expended by the Legislative Revenue Officer upon such terms and conditions as are prescribed by law.

(4) All moneys received by the Legislative Revenue Officer pursuant to this section shall be deposited in the State Treasury and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are continuously appropriated to the Legislative Revenue Officer for the purposes for which they were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available. [1975 c.789 §4]

173.840 Designation as applicant for certain federal programs. The Legislative Revenue Officer is designated as the eligible applicant for the State of Oregon for the purposes of section 842 of the Education Amendments of 1974 (Pub. L. 93-380). [1975 c.789 §4a]

173.850 Department of Revenue to provide assistance; status of reports and information. (1) Subject to subsection (2) of this section, when requested to do so, the Department of Revenue shall:

(a) Advise and assist the Legislative Revenue Officer, staff and employees with respect to the duties imposed upon the Legislative Revenue Officer by ORS 173.800 to 173.850 or any resolution of the Legislative Assembly;

(b) Disclose and give access to the Legislative Revenue Officer, staff and employees of the Legislative Revenue Officer, to tax and revenue information, including the information described in ORS 308.290 and 314.835, and other information the Legislative Revenue Officer considers necessary and appropriate to the efficient performance of duties under ORS 173.800 to 173.850 or any resolution of the Legislative Assembly; and

(c) Assist in the compilation, assimilation and integration of such information.

(2)(a) The department shall disclose and give access to the Legislative Revenue Officer or any authorized representatives to the information described in ORS 314.835 only if the request for the information is made in writing, specifies the purposes for which the request is made or information required and is signed by the Legislative Revenue Officer or an authorized representative. The form for request for information made under this paragraph shall be prescribed by the Legislative Revenue Officer and approved by the Director of the Department of Revenue.

(b) The department shall keep on file the request for information made pursuant to this subsection. The requests constitute a public record within the meaning of ORS 192.410 to 192.505. ORS 314.835 and 314.840 (3) relating to the confidentiality of tax information apply to the Legislative Revenue Officer, authorized representatives, staff and employees of the Legislative Revenue Officer.

(c) As used in this subsection, “authorized representative” means a person who, after consultation with the Director of the Department of Revenue, the Legislative Revenue Officer has certified as an authorized representative. A copy of the certificate shall be filed with the department.

(3) Reports, estimates and analyses of the Legislative Revenue Officer based upon the information described in ORS 308.290 and 314.835 obtained under this section shall be classified in such a manner as to prevent the identification of particular reports and returns and the items thereof. [1975 c.789 §5; 1985 c.565 §18]

173.855 Maintaining confidentiality of draft measures. The Legislative Revenue Officer or any employee of the Legislative Revenue Officer may not reveal to any person not an employee of the Legislative Revenue Officer the contents or nature of any confidential draft measure provided to the Legislative Revenue Officer by the Legislative Counsel. [2001 c.45 §6]

CONSTRUCTION OF STATUTES; DEFINITIONS

Construction of Statutes

174.010 General rule for construction of statutes. In the construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all.

174.020 Legislative intent; general and particular provisions; consideration of legislative history. (1)(a) In the construction of a statute, a court shall pursue the intention of the legislature if possible.

(b) To assist a court in its construction of a statute, a party may offer the legislative history of the statute.

(2) When a general and particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.

(3) A court may limit its consideration of legislative history to the information that the parties provide to the court. A court shall give the weight to the legislative history that the court considers to be appropriate. [Amended by 2001 c.438 §1]

174.030 Construction favoring natural right to prevail. Where a statute is equally susceptible of two interpretations, one in favor of natural right and the other against it, the former is to prevail.

174.040 Severability. It shall be considered that it is the legislative intent, in the enactment of any statute, that if any part of the statute is held unconstitutional, the remaining parts shall remain in force unless:

(1) The statute provides otherwise;

(2) The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the remaining parts would not have been enacted without the unconstitutional part; or

(3) The remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

174.060 Effect of amendment of statute adopted by reference. When one statute refers to another, either by general or by specific reference or designation, the reference shall extend to and include, in addition to the statute to which reference was made, amendments thereto and statutes enacted expressly in lieu thereof unless a contrary intent is expressed specifically or unless the

amendment to, or statute enacted in lieu of, the statute referred to is substantially different in the nature of its essential provisions from what the statute to which reference was made was when the statute making the reference was enacted.

174.070 Effect of repeal of validating or curative Act. The repeal of a validating or curative Act shall not affect any validation or cure theretofore accomplished.

174.080 Effect of repeal of repealing Act. Whenever a statute which repealed a former statute, either expressly or by implication, is repealed, the former statute shall not thereby be revived unless it is expressly so provided.

174.090 Effect of repeal of repealing constitutional provision. Whenever a constitutional provision which repeals or suspends in whole or in part a former constitutional provision, either expressly or by implication, is repealed, the former constitutional provision so repealed or suspended thereby shall not be revived unless it expressly is so provided.

Computation of Time

174.120 Computation of time; leap year.

174.125 Computation of time period for personal service.

Miscellaneous

174.127 Singular or plural number; masculine, feminine or neuter gender.

174.129 Statutes, rules and orders to use sex-neutral terms.

STATE ADMINISTRATIVE AGENCIES GENERALLY

182.109 Agency actions to carry out state policies for persons with disabilities.

LEGISLATIVE REVIEW OF RULES

183.710 Definitions for ORS 183.710 to 183.725.

183.715 Submission of adopted rule to Legislative Counsel required; exception.

183.720 Procedure for review of agency rule; reports on rules claimed to be duplicative or conflicting.

183.722 Required agency response to Legislative Counsel determination; consideration of determination by interim committee.

183.724 Designation of interim committees for purposes of considering rule reports. (1) As soon as is practicable after the end of each odd-numbered year regular legislative session, the Legislative Counsel shall develop a list of state agencies with areas of responsibility that are primarily within the subject-matter jurisdiction of interim committees of the Legislative Assembly.

The Legislative Counsel shall assign all state agencies to at least one interim committee. The Legislative Counsel may modify the list to reflect changes in interim committees. The Legislative Counsel shall distribute the list to all state agencies whenever the list is developed or modified.

(2) If an interim committee of one house of the Legislative Assembly has overlapping subject-matter jurisdiction with an interim committee of the other house, the Legislative Counsel may assign a state agency to either committee or to both committees. The Legislative Counsel shall strive to assign state agencies so as to ensure that the rule review workload is approximately equally distributed between the interim committees of both houses of the Legislative Assembly.

(3) The consideration of the written findings prepared by the Legislative Counsel on a rule by any one interim committee of either house of the Legislative Assembly satisfies the requirements of ORS 183.710 to 183.725. [2009 c.81 §3; 2011 c.545 §13]

183.725 Other authorized rule review by Legislative Counsel Committee. The Legislative Counsel Committee, at any time, may review any proposed or adopted rule of a state agency, and may report its recommendations in respect to the rule to the agency. [Formerly 171.713; 1993 c.729 §8; 1997 c.602 §5; 1999 c.31 §1; 2009 c.81 §6]

CONGRESSIONAL AND LEGISLATIVE DISTRICTS

188.010 Criteria for apportionment of state into congressional and legislative districts.

RECORDS; REPORTS AND MEETINGS

Public Records Policy

192.001 Policy concerning public records. (1) The Legislative Assembly finds that:

(a) The records of the state and its political subdivisions are so interrelated and interdependent, that the decision as to what records are retained or destroyed is a matter of statewide public policy.

(b) The interest and concern of citizens in public records recognizes no jurisdictional boundaries, and extends to such records wherever they may be found in Oregon.

(c) As local programs become increasingly intergovernmental, the state and its political subdivisions have a responsibility to insure orderly retention and destruction of all public records, whether current or noncurrent, and to insure the preservation of public records of value for administrative, legal and research purposes.

(2) The purpose of ORS 192.005 to 192.170 and 357.805 to 357.895 is to provide direction for the retention or destruction of public records in Oregon in order to assure the retention of records essential to meet the needs of the Legislative Assembly, the state, its political subdivisions and its citizens, in so far as the records affect the administration of government, legal rights and responsibilities, and the accumulation of information of value for research purposes of all kinds, and in order to assure the prompt destruction of records without continuing value. All records not included in types described in this subsection shall be destroyed in accordance with the rules adopted by the Secretary of State. [1973 c.439 §1; 1991 c.671 §3]

Inspection of Public Records

192.410 Definitions for ORS 192.410 to 192.505. As used in ORS 192.410 to 192.505:

(1) “Custodian” means:

(a) The person described in ORS 7.110 for purposes of court records; or

(b) A public body mandated, directly or indirectly, to create, maintain, care for or control a public record. “Custodian” does not include a public body that has custody of a public record as an agent of another public body that is the custodian unless the public record is not otherwise available.

(2) “Person” includes any natural person, corporation, partnership, firm, association or member or committee of the Legislative Assembly.

(3) “Public body” includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

(4)(a) “Public record” includes any writing that contains information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

(b) “Public record” does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.

(5) “State agency” means any state officer, department, board, commission or court created by the Constitution or statutes of this state but does not include the Legislative Assembly or its members, committees, officers or employees insofar as they are exempt under section 9, Article IV of the Oregon Constitution.

(6) “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. [1973 c.794 §2; 1989 c.377 §1; 1993 c.787 §4; 2001 c.237 §1; 2005 c.659 §4]

192.420 Right to inspect public records; notice to public body attorney. (1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505.

(2)(a) If a person who is a party to a civil judicial proceeding to which a public body is a party, or who has filed a notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to the custodian and, at the same time, to the attorney for the public body.

(b) For purposes of this subsection:

(A) The attorney for a state agency is the Attorney General in Salem.

(B) “Person” includes a representative or agent of the person. [1973 c.794 §3; 1999 c.574 §1; 2003 c.403 §1]

Public Meetings

192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:

(1) “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

(2) “Executive session” means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

(3) “Governing body” means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

(4) “Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

(5) “Meeting” means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. “Meeting” does not include any on-site inspection of any project or program. “Meeting” also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours’ notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours’ notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours’ notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) All members of the governing body present;

(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

(c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;

(d) The substance of any discussion on any matter; and

(e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

(a) To consider the employment of a public officer, employee, staff member or individual agent.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(iv) Petroleum products;

(v) Sewage; or

(vi) Water.

(D) Telecommunication systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]

192.670 Meetings by means of telephone or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at

least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1; 2011 c.272 §2]

192.672 State board or commission meetings through telephone or electronic means; compensation and reimbursement. (1) A state board or commission may meet through telephone or other electronic means in accordance with ORS 192.610 to 192.690.

(2)(a) Notwithstanding ORS 171.072 or 292.495, a member of a state board or commission who attends a meeting through telephone or other electronic means is not entitled to compensation or reimbursement for expenses for attending the meeting.

(b) A state board or commission may compensate or reimburse a member, other than a member who is a member of the Legislative Assembly, who attends a meeting through telephone or other electronic means as provided in ORS 292.495 at the discretion of the board or commission. [2011 c.272 §1]

Note: 192.672 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members. (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660. (1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the Oregon Health Authority conducted under ORS 161.315 to 161.351, the Psychiatric Security Review Board, the State Board of Parole and Post-Prison Supervision, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11; 2011 c.708 §26]

192.695 Prima facie evidence of violation required of plaintiff. In any suit commenced under ORS 192.680 (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in

deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 §97d; 1989 c.544 §3]

Note: 192.695 was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

192.710 Smoking in public meetings prohibited. (1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section:

(a) "Public meeting" means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.

(b) "Public body" means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.

(c) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 §1; 1979 c.262 §1]

Penalties

192.990 Penalties. Violation of ORS 192.710 (1) is a Class D violation. [1973 c.168 §2; 2011 c.597 §169]

VACANCIES AND ELIGIBILITY GENERALLY

236.010 Causes for vacancies in office. (1) An office shall become vacant before the expiration of the term if:

(a) The incumbent dies, resigns or is removed.

(b) The incumbent ceases to be an inhabitant of the district, county or city for which the incumbent was elected or appointed, or within which the duties of the office of the incumbent are required to be discharged.

(c) The incumbent is convicted of an infamous crime, or any offense involving the violation of the oath of the incumbent.

(d) The incumbent refuses or neglects to take the oath of office, or to give or renew the official bond of the incumbent, or to deposit such oath or bond within the time prescribed by law.

(e) The election or appointment of the incumbent is declared void by a competent tribunal.

(f) The incumbent is found to be a person with a mental illness by the decision of a competent tribunal.

(g) The incumbent ceases to possess any other qualification required for election or appointment to such office.

(h) Appointment of the incumbent is subject to Senate confirmation under section 4, Article III of the Oregon Constitution, and the appointment is not confirmed.

(2) The provisions of subsection (1)(b) of this section do not apply when residence within the district, county or city for which the incumbent was elected or appointed is not required for such

election or appointment. [Amended by 1969 c.669 §3; 1979 c.351 §3; 2007 c.70 §56]

GOVERNMENT ETHICS

General Provisions

244.010 Policy. (1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

(2) The Legislative Assembly recognizes and values the work of all public officials, whether elected or appointed.

(3) The Legislative Assembly recognizes that many public officials are volunteers and serve without compensation.

(4) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation.

(5) The Legislative Assembly recognizes that public officials should put loyalty to the highest ethical standards above loyalty to government, persons, political party or private enterprise.

(6) The Legislative Assembly recognizes that public officials should not make private promises that are binding upon the duties of a public official, because a public official has no private word that can be binding on public duty.

(7) The Legislative Assembly recognizes that public officials should expose corruption wherever discovered.

(8) The Legislative Assembly recognizes that public officials should uphold the principles described in this section, ever conscious of the public's trust. [1974 c.72 §§1,1a; 1987 c.566 §7; 2005 c.22 §185; 2007 c.865 §28; 2009 c.68 §1]

244.020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

(3) "Business with which the person is associated" means:

(a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth $1,000 or more at any point in the preceding calendar year;

(b) Any publicly held corporation in which the person or the person's relative owns or has owned

$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;

(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or

(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

(4) "Candidate" means an individual for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed or whose name is printed on a ballot or is expected to be or has been presented, with the individual's consent, for nomination or election to public office.

(5) "Development commission" means any entity that has the authority to purchase, develop, improve or lease land or the authority to operate or direct the use of land. This authority must be more than ministerial.

(6)(a) "Gift" means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

(b) "Gift" does not mean:

(A) Contributions as defined in ORS 260.005.

(B) Gifts from relatives or members of the household of the public official or candidate.

(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than $25.

(D) Informational or program material, publications or subscriptions related to the recipient's performance of official duties.

(E) Admission provided to or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(G) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

(I) Food or beverage consumed by a public official acting in an official capacity:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

(J) Waiver or discount of registration expenses or materials provided to a public official or candidate at a continuing education event that the public official or candidate may attend to satisfy a professional licensing requirement.

(K) Expenses provided by one public official to another public official for travel inside this state to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity.

(L) Food or beverage consumed by a public official or candidate at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

(M) Entertainment provided to a public official or candidate or a relative or member of the household of the public official or candidate that is incidental to the main purpose of another event.

(N) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

(O) Anything of economic value offered to or solicited or received by a public official or candidate, or a relative or member of the household of the public official or candidate:

(i) As part of the usual and customary practice of the person's private business, or the person's employment or position as a volunteer with a private business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or other legal entity operated for economic value; and

(ii) That bears no relationship to the public official's or candidate's holding of, or candidacy for, the official position or public office.

(P) Reasonable expenses paid to a public school employee for accompanying students on an educational trip.

(7) "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

(8) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, or anything of economic value.

(9) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official's

capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.

(10) "Member of the household" means any person who resides with the public official or candidate.

(11) "Planning commission" means a county planning commission created under ORS chapter 215 or a city planning commission created under ORS chapter 227.

(12) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

(13) "Public office" has the meaning given that term in ORS 260.005.

(14) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

(15) "Relative" means:

(a) The spouse of the public official or candidate;

(b) Any children of the public official or of the public official's spouse;

(c) Any children of the candidate or of the candidate's spouse;

(d) Siblings, spouses of siblings or parents of the public official or of the public official's spouse;

(e) Siblings, spouses of siblings or parents of the candidate or of the candidate's spouse;

(f) Any individual for whom the public official or candidate has a legal support obligation;

(g) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or

(h) Any individual from whom the candidate receives benefits arising from that individual's employment.

(16) "Statement of economic interest" means a statement as described by ORS 244.060 or 244.070.

(17) "Zoning commission" means an entity to which is delegated at least some of the discretionary authority of a planning commission or governing body relating to zoning and land use matters. [1974 c.72 §2; 1975 c.543 §1; 1977 c.588 §2; 1979 c.666 §5; 1987 c.566 §8; 1989 c.340 §2; 1991 c.73 §1; 1991 c.770 §5; 1993 c.743 §8; 1995 c.79 §85; 1997 c.249 §75; 2001 c.200 §1; 2003 c.14 §115; 2005 c.574 §1; 2007 c.865 §8; 2007 c.877 §16a; 2009 c.68 §2; 2009 c.689 §§1,2]

244.025 Gift limit. (1) During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of $50 from any single source that could reasonably be known to have a legislative or administrative interest.

(2) During a calendar year, a person who has a legislative or administrative interest may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of $50.

(3) During a calendar year, a person who has a legislative or administrative interest may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of $50.

(4) This section does not apply to public officials subject to the Oregon Code of Judicial Conduct. [2007 c.877 §18; 2009 c.68 §3]

244.040 Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.

(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(3) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

(4) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

(5) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.

(6) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.

(7) The provisions of this section apply regardless of whether actual conflicts of interest or

potential conflicts of interest are announced or disclosed under ORS 244.120. [1974 c.72 §3; 1975 c.543 §2; 1987 c.566 §9; 1989 c.340 §3; 1991 c.146 §1; 1991 c.770 §6; 1991 c.911 §4; 1993 c.743 §9; 2007 c.877 §17; 2009 c.68 §4]

244.042 Honoraria. (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

(2) Except as provided in subsection (3) of this section, a candidate may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

(3) This section does not prohibit:

(a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of $50 or less; or

(b) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate. [2007 c.877 §24; 2009 c.68 §21]

244.045 Regulation of subsequent employment of public officials; lobbying by former members of Legislative Assembly. (1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not:

(a) Within one year after the public official ceases to hold the position become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer engaged in the activity, occupation or industry over which the former public official had authority; or

(b) Within two years after the public official ceases to hold the position:

(A) Be a lobbyist for or appear as a representative before the agency over which the person exercised authority as a public official;

(B) Influence or try to influence the actions of the agency; or

(C) Disclose any confidential information gained as a public official.

(2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

(3) A person who has been the State Treasurer or the Deputy State Treasurer shall not, within one year after ceasing to hold office:

(a) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract providing for payment by the state of at least $25,000 in any single year during the term of office of the treasurer;

(b) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council placed at least $50,000 of investment moneys in any single year during the term of office of the treasurer; or

(c) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.

(4) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

(a) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;

(b) Influence or try to influence the agency, board or commission; or

(c) Disclose any confidential information gained as a public official.

(5)(a) A person who has been a member of the Department of State Police, who has held a position with the department with the responsibility for supervising, directing or administering programs relating to gaming by a Native American tribe or the Oregon State Lottery and who has been designated by the Superintendent of State Police by rule shall not, within one year after the member of the Department of State Police ceases to hold the position:

(A) Accept employment from or be retained by or receive any financial gain related to gaming from the Oregon State Lottery or any Native American tribe;

(B) Accept employment from or be retained by or receive any financial gain from any private employer selling or offering to sell gaming products or services;

(C) Influence or try to influence the actions of the Department of State Police; or

(D) Disclose any confidential information gained as a member of the Department of State Police.

(b) This subsection does not apply to:

(A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a Tribal Gaming Commissioner or regulatory agent thereof;

(B) Contracting with the Oregon State Lottery as a lottery game retailer;

(C) Financial gain received from personal gaming activities conducted as a private citizen; or

(D) Subsequent employment in any capacity by the Department of State Police.

(c) As used in this subsection, "Native American tribe" means any recognized Native American tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

(6) A person who has been a member of the Legislative Assembly may not receive money or any other consideration for lobbying as defined in ORS 171.725 performed during the period beginning on the date the person ceases to be a member of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly that begins after the date the person ceases to be a member of the Legislative Assembly. [1987 c.360 §1; 1993 c.743 §10; 1995 c.79 §86; 1997 c.750 §1; 2007 c.877 §15; 2011 c.68 §3]

244.047 Financial interest in public contract. (1) As used in this section:

(a) "Public body" has the meaning given that term in ORS 174.109.

(b) "Public contract" has the meaning given that term in ORS 279A.010.

(2) Except as provided in subsection (4) of this section, a person who ceases to hold a position as a public official may not have a direct beneficial financial interest in a public contract described in subsection (3) of this section for two years after the date the contract was authorized.

(3) Subsection (2) of this section applies to a public contract that was authorized by:

(a) The person acting in the capacity of a public official; or

(b) A board, commission, council, bureau, committee or other governing body of a public body of which the person was a member when the contract was authorized.

(4) Subsection (2) of this section does not apply to a person who was a member of a board, commission, council, bureau, committee or other governing body of a public body when the contract was authorized, but who did not participate in the authorization of the contract. [2007 c.877 §23a; 2009 c.689 §4a]

Reporting

244.050 Persons required to file statement of economic interest; filing deadline. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans' Affairs.

(U) Executive director of Oregon Government Ethics Commission.

(V) Director of the State Department of Energy.

(W) Director and each assistant director of the Oregon State Lottery.

(X) Director of the Department of Corrections.

(Y) Director of the Oregon Department of Aviation.

(Z) Executive director of the Oregon Criminal Justice Commission.

(AA) Director of the Oregon Business Development Department.

(BB) Director of the Office of Emergency Management.

(CC) Director of the Employment Department.

(DD) Chief of staff for the Governor.

(EE) Administrator of the Office for Oregon Health Policy and Research.

(FF) Director of the Housing and Community Services Department.

(GG) State Court Administrator.
(HH) Director of the Department of Land Conservation and Development.
(II) Board chairperson of the Land Use Board of Appeals.
(JJ) State Marine Director.
(KK) Executive director of the Oregon Racing Commission.
(LL) State Parks and Recreation Director.
(MM) Public defense services executive director.
(NN) Chairperson of the Public Employees' Benefit Board.
(OO) Director of the Department of Public Safety Standards and Training.
(PP) Chairperson of the Oregon Student Access Commission.
(QQ) Executive director of the Oregon Watershed Enhancement Board.
(RR) Director of the Oregon Youth Authority.
(SS) Director of the Oregon Health Authority.
(TT) Deputy Superintendent of Public Instruction.

(h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

(i) Every elected city or county official.

(j) Every member of a city or county planning, zoning or development commission.

(k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.

(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

(m) Every member of a governing body of a metropolitan service district and the executive officer thereof.

(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.

(p) Every member of the following state boards and commissions:
(A) Board of Geologic and Mineral Industries.
(B) Oregon Business Development Commission.
(C) State Board of Education.
(D) Environmental Quality Commission.
(E) Fish and Wildlife Commission of the State of Oregon.
(F) State Board of Forestry.
(G) Oregon Government Ethics Commission.
(H) Oregon Health Policy Board.
(I) State Board of Higher Education.
(J) Oregon Investment Council.
(K) Land Conservation and Development Commission.
(L) Oregon Liquor Control Commission.
(M) Oregon Short Term Fund Board.
(N) State Marine Board.
(O) Mass transit district boards.
(P) Energy Facility Siting Council.
(Q) Board of Commissioners of the Port of Portland.
(R) Employment Relations Board.
(S) Public Employees Retirement Board.
(T) Oregon Racing Commission.
(U) Oregon Transportation Commission.

(V) Wage and Hour Commission.
(W) Water Resources Commission.
(X) Workers' Compensation Board.
(Y) Oregon Facilities Authority.
(Z) Oregon State Lottery Commission.
(AA) Pacific Northwest Electric Power and Conservation Planning Council.
(BB) Columbia River Gorge Commission.
(CC) Oregon Health and Science University Board of Directors.
(DD) Capitol Planning Commission.
(EE) Higher Education Coordinating Commission.
(q) The following officers of the State Treasurer:
(A) Deputy State Treasurer.
(B) Chief of staff for the office of the State Treasurer.
(C) Director of the Investment Division.
(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.
(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350. [1974 c.72 §§4,4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1; 1979 c.829 §9b; 1987 c.373 §26; 1987 c.414 §148; 1987 c.566 §10; 1991 c.73 §2; 1991 c.160 §1; 1991 c.163 §1; 1991 c.470 §13; 1991 c.614 §2; 1993 c.500 §10; 1993 c.743 §11; 1995 c.79 §87; 1995 c.712 §94; 1997 c.652 §16; 1997 c.833 §22; 1999 c.59 §62; 1999 c.291 §28; 2001 c.104 §77; 2003 c.214 §1; 2003 c.784 §13; 2005 c.157 §6; 2005 c.217 §23; 2005 c.777 §14; 2007 c.813 §2; 2007 c.865 §17; 2007 c.877 §13; 2009 c.68 §5; 2009 c.595 §192; 2009 c.896 §10; 2011 c.68 §4; 2011 c.637 §§81,81a; 2011 c.731 §9]

Note: The amendments to 244.050 by section 81a, chapter 637, Oregon Laws 2011, become operative July 1, 2012. See section 292, chapter 637, Oregon Laws 2011. The text that is operative until July 1, 2012, including amendments by section 4, chapter 68, Oregon Laws 2011, section 81, chapter 637, Oregon Laws 2011, and section 9, chapter 731, Oregon Laws 2011, is set forth for the user's convenience:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans' Affairs.

(U) Executive director of Oregon Government Ethics Commission.

(V) Director of the State Department of Energy.

(W) Director and each assistant director of the Oregon State Lottery.

(X) Director of the Department of Corrections.

(Y) Director of the Oregon Department of Aviation.

(Z) Executive director of the Oregon Criminal Justice Commission.

(AA) Director of the Oregon Business Development Department.

(BB) Director of the Office of Emergency Management.

(CC) Director of the Employment Department.

(DD) Chief of staff for the Governor.
(EE) Administrator of the Office for Oregon Health Policy and Research.
(FF) Director of the Housing and Community Services Department.
(GG) State Court Administrator.
(HH) Director of the Department of Land Conservation and Development.
(II) Board chairperson of the Land Use Board of Appeals.
(JJ) State Marine Director.
(KK) Executive director of the Oregon Racing Commission.
(LL) State Parks and Recreation Director.
(MM) Public defense services executive director.
(NN) Chairperson of the Public Employees' Benefit Board.
(OO) Director of the Department of Public Safety Standards and Training.
(PP) Chairperson of the Oregon Student Access Commission.
(QQ) Executive director of the Oregon Watershed Enhancement Board.
(RR) Director of the Oregon Youth Authority.
(SS) Director of the Oregon Health Authority.
(TT) Deputy Superintendent of Public Instruction.
(h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
(i) Every elected city or county official.
(j) Every member of a city or county planning, zoning or development commission.
(k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
(m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
(o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
(p) Every member of the following state boards and commissions:
(A) Board of Geologic and Mineral Industries.
(B) Oregon Business Development Commission.
(C) State Board of Education.
(D) Environmental Quality Commission.
(E) Fish and Wildlife Commission of the State of Oregon.
(F) State Board of Forestry.
(G) Oregon Government Ethics Commission.
(H) Oregon Health Policy Board.
(I) State Board of Higher Education.
(J) Oregon Investment Council.
(K) Land Conservation and Development Commission.
(L) Oregon Liquor Control Commission.
(M) Oregon Short Term Fund Board.
(N) State Marine Board.
(O) Mass transit district boards.
(P) Energy Facility Siting Council.
(Q) Board of Commissioners of the Port of Portland.
(R) Employment Relations Board.

(S) Public Employees Retirement Board.
(T) Oregon Racing Commission.
(U) Oregon Transportation Commission.
(V) Wage and Hour Commission.
(W) Water Resources Commission.
(X) Workers' Compensation Board.
(Y) Oregon Facilities Authority.
(Z) Oregon State Lottery Commission.
(AA) Pacific Northwest Electric Power and Conservation Planning Council.
(BB) Columbia River Gorge Commission.
(CC) Oregon Health and Science University Board of Directors.
(DD) Capitol Planning Commission.
(q) The following officers of the State Treasurer:
(A) Deputy State Treasurer.
(B) Chief of staff for the office of the State Treasurer.
(C) Director of the Investment Division.
(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.
(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

Note: The amendments to 244.050 by section 9, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011, or a Deputy Superintendent of Public Instruction who is appointed under the authority of the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011.

244.055 Additional reporting requirements for State Treasury; review; confidentiality. (1) In addition to the statement required by ORS 244.050, the State Treasurer and any person listed under ORS 244.050 (1)(q) and this subsection shall file quarterly at a time fixed by the State Treasurer a trading statement listing all stocks, bonds and other types of securities purchased or sold during the preceding quarter:

(a) Directors of the Cash Management Division and the Debt Management Division.

(b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and mortgage real estate investment officers and assistant investment officers.

(c) Fixed income and short term fund investment analysts.

(2) The statement required by subsection (1) of this section shall be filed for review with the State Treasurer, the Attorney General and the Division of Audits of the office of the Secretary of State. The content of the statement is confidential.

(3) If the State Treasurer or the Deputy State Treasurer determines that a conflict of interest exists for an officer or employee, the State Treasurer shall subject the person to appropriate discipline, including dismissal or termination of the contract, or both, pursuant to rule. If the State Treasurer has cause to believe that a violation of this chapter has occurred, the State Treasurer shall file a complaint with the Oregon Government Ethics Commission under ORS 244.260.

(4) If the State Treasurer fails to act on an apparent conflict of interest under subsection (3) of this section or if the statement of the State Treasurer or the Deputy State Treasurer appears to contain a conflict of interest, the Director of the Division of Audits shall report the failure or apparent conflict to the Attorney General, who may file a complaint with the commission. [1993 c.743 §26; 2007 c.865 §29; 2011 c.68 §5]

244.060 Form of statement of economic interest; contents. The statement of economic interest filed under ORS 244.050 shall be on a form prescribed by the Oregon Government Ethics Commission. The public official or candidate filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The names of all positions as officer of a business and business directorships held by the public official or candidate or a member of the household of the public official or candidate during the preceding calendar year, and the principal address and a brief description of each business.

(2) All names under which the public official or candidate and members of the household of the public official or candidate do business and the principal address and a brief description of each business.

(3) The names, principal addresses and brief descriptions of the sources of income received during the preceding calendar year by the public official or candidate or a member of the household of the public official or candidate that produce 10 percent or more of the total annual household income.

(4)(a) A list of all real property in which the public official or candidate or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(5) All expenses with an aggregate value exceeding $50 received by the public official during the preceding calendar year when participating in a convention, mission, trip or other meeting described

in ORS 244.020 (6)(b)(F), including the name and address of the organization, unit of government, tribe or corporation paying the expenses, the nature of the event and the date and amount of the expense.

(6) All expenses with an aggregate value exceeding $50 received by the public official during the preceding calendar year when participating in a mission, negotiations or economic development activities described in ORS 244.020 (6)(b)(H), including the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

(7) All honoraria and other items allowed under ORS 244.042 with a value exceeding $15 that are received by the public official, candidate or member of the household of the public official or candidate during the preceding calendar year, the provider of each honorarium or item and the date and time of the event for which the honorarium or item was received.

(8) The name, principal address and brief description of each source of income exceeding an aggregate amount of $1,000, whether or not taxable, received by the public official or candidate, or a member of the household of the public official or candidate, during the preceding calendar year, if the source of that income is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority. [1974 c.72 §5; 1975 c.543 §4; 1987 c.566 §11; 1991 c.770 §7; 1993 c.743 §12; 2003 c.14 §116; 2007 c.877 §19; 2009 c.68 §6]

244.070 Additional statement of economic interest. A public official or candidate shall report the following additional economic interest for the preceding calendar year only if the source of that interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority:

(1) Each person to whom the public official or candidate or a member of the household of the public official or candidate owes or has owed money in excess of $1,000, the interest rate on money owed and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(2) The name, principal address and brief description of the nature of each business in which the public official or candidate or a member of the household of the public official or candidate has or has had a personal, beneficial interest or investment, including stocks or other securities, in excess of $1,000, except for individual items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

(3) Each person for whom the public official or candidate has performed services for a fee in excess of $1,000, except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 c.72 §6; 1975 c.543 §5; 1987 c.566 §12; 2007 c.877 §20; 2009 c.68 §7]

244.090 Report on association with compensated lobbyist. (1) Each public official or candidate required to file a statement of economic interest under this chapter shall include on the statement the name of any compensated lobbyist who, during the preceding calendar year, was associated with a business with which the public official or candidate or a member of the household of the public official or candidate was also associated.

(2) Subsection (1) of this section does not apply if the only relationship between the public

official or candidate and the lobbyist is that the public official or candidate and lobbyist hold stock in the same publicly traded corporation.

(3) As used in this section, "lobbyist" has the meaning given that term in ORS 171.725. [1974 c.72 §7; 1975 c.543 §6; 1987 c.566 §14; 2007 c.865 §32]

244.100 Statements of expenses or honoraria provided to public official. (1) Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding $50 for an event described in ORS 244.020 (6)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

(2) Any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding $15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received. [1975 c.543 §11; 1991 c.677 §1; 2007 c.865 §6; 2007 c.877 §21a; 2009 c.68 §8]

244.110 Statements subject to penalty for false swearing. (1) Each statement of economic interest required to be filed under ORS 244.050, 244.060, 244.070 or 244.090, or by rule under ORS 244.290, and each trading statement required to be filed under ORS 244.055 shall be signed and certified as true by the person required to file it and shall contain a written declaration that the statement is made under the penalties of false swearing.

(2) A person may not sign and certify a statement under subsection (1) of this section if the person knows that the statement contains information that is false.

(3) Violation of subsection (2) of this section is punishable as false swearing under ORS 162.075. [1974 c.72 §22; 1977 c.588 §5; 2007 c.865 §7; 2009 c.68 §10]

244.115 Filing required for member of Congress or candidate; filing date. (1) Each member of Congress from this state and each candidate for nomination or election to the office of United States Representative in Congress or United States Senator from this state shall file with the Oregon Government Ethics Commission a copy of the federal ethics filing required under federal law or by congressional rule.

(2) The member or candidate shall file the information required under subsection (1) of this section not later than 30 days after the filing date required under federal law or congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies of the filing and indicate on the filing that the filing was not made with the commission by the member or candidate.

(3) All filings made under this section are public records available for public inspection. [1991 c.160 §7; 2007 c.865 §33]

Conflicts of Interest

244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards. (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

Statement of Economic Interest

244.160 Filing of statement of economic interest by public official of political subdivision other than city or county. (1) Any political subdivision in this state, other than a city or county, by resolution may require any public official of the subdivision to file a verified statement of economic interest with the Oregon Government Ethics Commission.

(2) The political subdivision shall file a copy of the resolution with the commission. [1974 c.72 §9; 2007 c.865 §34]

244.162 Information provided to persons required to file statement of economic interest. (1) A person designated by a public body as defined in ORS 174.109 shall provide information explaining the requirements of ORS 244.050, 244.060, 244.070 and 244.090 to each newly elected or appointed public official serving the public body who is required to file a verified statement of economic interest under ORS 244.050. The information must be received by the public official either at the first meeting attended by the public official or before the public official takes the oath of office, whichever occurs first.

(2) At the time of fulfilling duties under subsection (1) of this section, the person designated by the public body shall provide to each newly elected or appointed public official serving the public body a copy of the statements and explanation provided to the public body under subsection (3) of this section.

(3) The Oregon Government Ethics Commission shall provide copies of the statements described in ORS 244.060, 244.070 and 244.090 and an explanation of the requirements of the law relating to

the statements to each public body that is served by a public official who is required to file a statement described in ORS 244.060, 244.070 or 244.090.

(4) A newly elected or appointed public official serving a public body who is not informed of the filing requirements under ORS 244.050, 244.060, 244.070 and 244.090 and provided with a copy of the statements and explanation as required under this section before attending the first meeting or taking the oath of office may resign that office within 90 days thereafter or before the next date specified in ORS 244.050 for the filing of a statement, whichever is later, without filing a verified statement of economic interest and without incurring a sanction or penalty that might otherwise be imposed for not filing. [Formerly 244.195]

244.165 Rules or policies of state agency or association of public bodies; commission approval; effect.

Enforcement

244.350 Civil penalties; letter of reprimand or explanation. (1) The Oregon Government Ethics Commission may impose civil penalties not to exceed:

(a) Except as provided in paragraph (b) of this subsection, $5,000 for violation of any provision of this chapter or any resolution adopted under ORS 244.160.

(b) $25,000 for violation of ORS 244.045.

(2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil penalties not to exceed $1,000 for violation of any provision of ORS 192.660.

(b) A civil penalty may not be imposed under this subsection if the violation occurred as a result of the governing body of the public body acting upon the advice of the public body's counsel.

(3) The commission may impose civil penalties not to exceed $250 for violation of ORS 293.708. A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that may be imposed under subsection (1) of this section.

(4)(a) The commission may impose civil penalties on a person who fails to file the statement required under ORS 244.050 or 244.217. In enforcing this subsection, the commission is not required to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050 or 244.217 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 244.050 or 244.217.

(c) The commission may impose a civil penalty of $10 for each of the first 14 days the statement is late beyond the date set by law, or by the commission under ORS 244.050, and $50 for each day thereafter. The maximum penalty that may be imposed under this subsection is $5,000.

(5) In lieu of or in conjunction with finding a violation of law or any resolution or imposing a civil penalty under this section, the commission may issue a written letter of reprimand, explanation or education. [1974 c.72 §19; 1977 c.588 §10; 1987 c.360 §3; 1993 c.743 §29; 1993 c.747 §2; 1997 c.750 §2; 2005 c.179 §3; 2007 c.865 §18; 2007 c.877 §11a; 2009 c.68 §16; 2009 c.689 §4]

244.355 Failure to file trading statement.

244.360 Additional civil penalty equal to twice amount of financial benefit.

244.370 Civil penalty procedure; disposition of penalties.

244.390 Status of penalties and sanctions; consideration of other penalties imposed. (1)

244.400 Attorney fees for person prevailing in contested case.

STATE VOTERS' PAMPHLET GENERALLY

251.255 Filing arguments for or against measure; fee or petition; size of argument space; rules. (1) Not later than the 70th day before a general election or the 68th day before a special election held on the date of any primary election at which a state measure is to be voted upon, any person may file with the Secretary of State an argument supporting or opposing the measure.

(2) A person filing an argument under this section shall pay a fee of $1,200 to the Secretary of State when the argument is filed or may submit a petition in a form prescribed by the Secretary of State containing the signatures of 500 electors. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument. The signatures on each petition shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the Secretary of State.

(3) An argument filed under this section may be filed electronically.

(4) The Secretary of State by rule shall establish the size and length of arguments permitted under ORS 251.245 and this section, except that the length of an argument may not exceed 325 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245 or this section. [Formerly 255.415; 1989 c.646 §1; 1995 c.712 §45; 1999 c.318 §18; 2005 c.797 §55; 2009 c.817 §3; 2011 c.646 §8]

STATE BUILDINGS AND GROUNDS

276.002 Control of State Capitol; disposition of rentals. (1) The Legislative Assembly, through the Legislative Administration Committee, shall exercise control over the use of the State Capitol.

(2) The committee has exclusive power to assign and reassign quarters in the State Capitol for such periods and under such terms, including rental rates, as the committee considers appropriate.

(3) All rentals for quarters and for parking shall be credited to the State Capitol Operating Account.

(4) The committee has exclusive power to assign and reassign parking spaces in the garage of the State Capitol, in the area immediately north of the State Capitol but south of and separated from Court Street by a traffic island, painted markings or other traffic control devices and in the area immediately south of the State Capitol but north of and separated from State Street by a traffic island, painted markings or other traffic control devices. The committee has exclusive power to prescribe parking regulations in the garage and the other areas described in this subsection and may prescribe fines or other penalties for violating those regulations. The committee shall give notice of any parking prohibitions or restrictions by posting appropriate signs in plain view. The Department of State Police shall enforce the regulations described in this subsection. All citations issued for violating the parking regulations described in this subsection shall conform to the requirements of ORS 810.425. Notwithstanding other provisions of this subsection, the Oregon Department of Administrative Services is responsible for collecting parking fees under ORS 292.065.

(5) The committee may enter into contracts or agreements the committee considers necessary to:

(a) Renovate and repair the State Capitol;

(b) Renovate, repair or replace State Capitol fixtures and facilities;

(c) Make artistic or aesthetic improvements to the State Capitol and adjacent areas;

(d) Conduct or sponsor special events; and

(e) Conduct or sponsor projects intended to preserve or promote the historical integrity of the State Capitol and adjacent areas. [1967 c.419 §55; 1969 c.620 §15; 1977 c.116 §1; 1981 c.132 §2; 1993 c.500 §59; 1997 c.817 §2; 1999 c.285 §1; 2001 c.118 §2; 2007 c.175 §1]

276.003 State Capitol Operating Account; Oregon State Capitol Foundation Fund.

EMERGENCY EXPENDITURES; EMERGENCY BOARD

291.322 Definitions for ORS 291.322 to 291.334. As used in ORS 291.322 to 291.334:

(1) "Emergency" means any catastrophe, disaster or unforeseen or unanticipated condition or circumstance, or abnormal change of conditions or circumstances, affecting the functions of a state agency and the expenditure requirements for the performance of these functions.

(2) "State agency" means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government. [1953 c.386 §1]

291.324 Emergency Board created. There hereby is created a joint committee composed of members of both houses of the Legislative Assembly, to be known as the Emergency Board. [1953 c.386 §2]

291.326 Powers of board concerning expenditures by state agencies. (1) The Emergency Board, during the interim between sessions of the Legislative Assembly, may exercise the following powers:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the Emergency Board for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.

(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.

(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.

(2) No allocation, authorization or approval under subsection (1)(a), (b) or (c) of this section shall be effective unless made at a meeting at which 10 members of the board were present.

(3) The laws enacted by the Legislative Assembly making appropriations and limiting expenditures, or either, are not intended to limit the powers of the Emergency Board. [1953 c.386 §3; subsection (3) enacted as 1963 c.182 §2; 1973 c.201 §2]

291.328 Board may require presentation of evidence to support requests for action; board to report its action to agencies concerned. Before the Emergency Board makes any allocation, grants any authorization or approves any budget under ORS 291.326, it may require the state agency in question to submit written evidence to justify the allocation, authorization or approval and may require the head of the agency to appear before it in support thereof. The Emergency Board may also require the Director of the Oregon Department of Administrative Services to submit a written report as to the need and justification for the allocation, authorization or approval. Upon making an

allocation, granting an authorization or approving a budget, the Emergency Board shall file with the department, the Secretary of State and the state agency in question a copy of the order of allocation, grant of authorization or approved budget. [1953 c.386 §4]

291.330 Members of board; confirmation. The Emergency Board shall be composed of the President of the Senate, the Speaker of the House of Representatives, the chairpersons of the Senate and House Ways and Means Committees, eight other members of the Senate, at least four of whom shall have had some previous experience on the Ways and Means Committee, to be appointed by the President of the Senate and confirmed by a majority of all the members elected to the Senate, and eight other members of the House, at least four of whom shall have had some previous experience on the Ways and Means Committee, to be appointed by the Speaker and confirmed by a majority of all the members elected to the House. [1953 c.386 §5; 1973 c.201 §1; 1979 c.324 §1; 2007 c.695 §1]

291.332 Meetings of board; terms of members; filling vacancies on board. (1) The Emergency Board shall meet immediately upon adjournment sine die of each odd-numbered year regular session of the Legislative Assembly and elect a chairperson from their number. The board shall meet thereafter at such times as it may determine, except that the activities of the board are suspended during the period beginning at the convening of an even-numbered year regular session of the Legislative Assembly and ending at the adjournment of that session.

(2) The board may not transact business unless a quorum is present. A quorum consists of a majority of board members from the House of Representatives and a majority of board members from the Senate.

(3) Action by the board requires the affirmative vote of a majority of board members from the House of Representatives and a majority of board members from the Senate.

(4) The term of members of the board shall run from the adjournment of one odd-numbered year regular session to the convening of the next odd-numbered year regular session.

(5) If a vacancy occurs in the board, either the Speaker, if the legislator previously filling the position was a member of the House, or the President, if the legislator previously filling the position was a member of the Senate, shall fill such vacancy by an appointment for the unexpired term. However, such appointment, before becoming effective, shall be confirmed by the remaining members of the board, sitting as such board. [1953 c.386 §6; 2007 c.695 §2; 2011 c.545 §14]

291.334 Board authorized to secure assistance; payment of board expenses. (1) The Director of the Oregon Department of Administrative Services, upon request of the board, shall furnish necessary assistance to the board, or the board may employ such assistance as they may deem necessary.

(2) The expenses of the board, the cost of employed assistance, and other necessary expenses of the board shall be paid out of funds appropriated to the board specially for such purpose or, if no such appropriation is made, out of any emergency fund that may be appropriated to the board. All claims for those expenses and cost shall be approved by the chairperson or other person authorized to approve claims, and warrants shall be drawn on the State Treasurer for the payment thereof in the same manner as other expenses are paid. [1953 c.386 §7; 1967 c.454 §96; 1975 c.530 §7]

291.336 Appropriation bills requiring approval of board before project commenced or contract let; how requirement met. (1) As used in this section, “appropriation bill” means a legislative Act which appropriates money or authorizes the expenditure of dedicated or continuously appropriated moneys or otherwise makes moneys available for expenditure.

(2) In all cases where an appropriation bill heretofore or hereafter passed provides that a state

agency shall not commence any project or allow any contract to be let for any project without having the approval of the Emergency Board, such requirement may be met:

(a) During any period when the Legislative Assembly is in session, by the adoption of a resolution by each house approving the proposed action; or

(b) During any period when the Legislative Assembly is not in session, either by approval of the Emergency Board as provided in the appropriation bill, or by the elapse of 45 days without adverse action of the Emergency Board after notice of the proposed action has been given to each member of the Emergency Board at the last-known address of the member. [1957 c.382 §1]

Oregon Constitution

CONSTITUTION OF OREGON
2012 EDITION

The Oregon Constitution was framed by a convention of 60 delegates chosen by the people. The convention met on the third Monday in August 1857 and adjourned on September 18 of the same year. On November 9, 1857, the Constitution was approved by the vote of the people of Oregon Territory. The Act of Congress admitting Oregon into the Union was approved February 14, 1859, and on that date the Constitution went into effect.

The Constitution is here published as it is in effect following the approval of amendments and revisions on November 6, 2012. The text of the original signed copy of the Constitution filed in the office of the Secretary of State is retained unless it has been repealed or superseded by amendment or revision. Where the original text has been amended or revised or where a new provision has been added to the original Constitution, the source of the amendment, revision or addition is indicated in the source note immediately following the text of the amended, revised or new section. Notations also have been made setting out the history of repealed sections.

Unless otherwise specifically noted, the leadlines for the sections have been supplied by Legislative Counsel.

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PREAMBLE

We the people of the State of Oregon to the end that Justice be established, order maintained, and liberty perpetuated, do ordain this Constitution.—

ARTICLE I
BILL OF RIGHTS

Sec. 1. Natural rights inherent in people
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3. Freedom of religious opinion
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6. No religious test for witnesses or jurors
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15. Foundation principles of criminal law
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17. Jury trial in civil cases
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41. Work and training for corrections institution inmates; work programs; limitations; duties of corrections director
42. Rights of victim in criminal prosecutions and juvenile court delinquency proceedings
43. Rights of victim and public to protection from accused person during criminal proceedings; denial of pretrial release
44. Term of imprisonment imposed by court to be fully served; exceptions
45. Person convicted of certain crimes not eligible to serve as juror on grand jury or trial jury in criminal case

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.—

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.—

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religeous [sic] opinions, or interfere with the rights of conscience.—

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit.—

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religeous [sic], or theological institution, nor shall any money be appropriated for the payment of any religeous [sic] services in either house of the Legislative Assembly.—

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religeon [sic]; nor be questioned in any Court of Justice touching his religeous [sic] belief to affect the weight of his testimony.—

Section 7. Manner of administering oath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.—

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.—

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.—

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that the existing laws and constitutional provisions relative to criminal prosecutions shall be continued and remain in effect as to all prosecutions for crimes committed before the taking effect of this amendment. [Constitution of 1859; Amendment proposed by S.J.R. 4, 1931, and adopted by the people Nov. 8, 1932; Amendment proposed by S.J.R. 4, 1931 (2d s.s.), and adopted by the people May 18, 1934]

Note: The leadline to section 11 was a part of the measure submitted to the people by S.J.R. 4, 1931.

Section 12. Double jeopardy; compulsory self-incrimination. No person shall be put in jeopardy twice for the same offence [sic], nor be compelled in any criminal prosecution to testify against himself.—

Section 13. Treatment of arrested or confined persons. No person arrested, or confined in jail, shall be treated with unnecessary rigor.—

Section 14. Bailable offenses. Offences [sic], except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when the proof is evident, or the presumption strong.—

Section 15. Foundation principles of criminal law. Laws for the punishment of crime shall be founded on these principles: protection of society, personal responsibility, accountability for one's actions and reformation. [Constitution of 1859; Amendment proposed by S.J.R. 32, 1995, and adopted by the people Nov. 5, 1996]

Section 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case. Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.—In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the

direction of the Court as to the law, and the right of new trial, as in civil cases.

Section 17. Jury trial in civil cases. In all civil cases the right of Trial by Jury shall remain inviolate.—

Section 18. Private property or services taken for public use. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use. [Constitution of 1859; Amendment proposed by S.J.R. 17, 1919, and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 8, 1923, and adopted by the people Nov. 4, 1924]

Section 19. Imprisonment for debt. There shall be no imprisonment for debt, except in case of fraud or absconding debtors.—

Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.—

Section 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors. No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested.—

Section 22. Suspension of operation of laws. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Section 23. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it.—

Section 24. Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court.—

Section 25. Corruption of blood or forfeiture of estate. No conviction shall work corruption of blood, or forfeiture of estate.—

Section 26. Assemblages of people; instruction of representatives; application to legislature. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of greviances [sic].—

Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

Section 28. Quartering soldiers. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Section 29. Titles of nobility; hereditary distinctions. No law shall be passed granting any title of Nobility, or conferring hereditary distinctions.—

Section 30. Emigration. No law shall be passed prohibiting emigration from the State.—

Section 31. Rights of aliens; immigration to state. [Constitution of 1859; repeal proposed by H.J.R. 16, 1969, and adopted by the people May 26, 1970]

Section 32. Taxes and duties; uniformity of taxation. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax. [Constitution of 1859; Amendment proposed by H.J.R. 16, 1917, and adopted by the people June 4, 1917]

Section 33. Enumeration of rights not exclusive. This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.—

Section 34. Slavery or involuntary servitude. There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.— [Added to Bill of Rights as unnumbered section by vote of the people at time of adoption of the Oregon Constitution in accordance with section 4 of Article XVIII thereof]

Section 35. Restrictions on rights of certain persons. [Added to Bill of Rights as unnumbered section by vote of the people at time of adoption of the Oregon Constitution in accordance with Section 4 of Article XVIII thereof; Repeal proposed by H.J.R. 8, 1925, and adopted by the people Nov. 2, 1926]

Section 36. Liquor prohibition. [Created through initiative petition filed July 1, 1914, and adopted by the people Nov. 3, 1914; Repeal proposed by initiative petition filed March 20, 1933, and adopted by the people July 21, 1933]

Section 36. Capital punishment abolished. [Created through initiative petition filed July 2, 1914, and adopted by the people Nov. 3, 1914; Repeal proposed by S.J.R. 8, 1920 (s.s.), and adopted by the people May 21, 1920, as Const. Art. I, §38]

Note: At the general election in 1914 two sections, each designated as section 36, were created and added to the Constitution by separate initiative petitions. One of these sections was the prohibition section and the other abolished capital punishment.

Section 36a. Prohibition of importation of liquors. [Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916; Repeal proposed by initiative petition filed

March 20, 1933, and adopted by the people July 21, 1933]

Section 37. Penalty for murder in first degree. [Created through S.J.R. 8, 1920, and adopted by the people May 21, 1920; Repeal proposed by S.J.R. 3, 1963, and adopted by the people Nov. 3, 1964]

Section 38. Laws abrogated by amendment abolishing death penalty revived. [Created through S.J.R. 8, 1920, and adopted by the people May 21, 1920; Repeal proposed by S.J.R. 3, 1963, and adopted by the people Nov. 3, 1964]

Section 39. Sale of liquor by individual glass. The State shall have power to license private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, for the purpose of selling alcoholic liquor by the individual glass at retail, for consumption on the premises, including mixed drinks and cocktails, compounded or mixed on the premises only. The Legislative Assembly shall provide in such detail as it shall deem advisable for carrying out and administering the provisions of this amendment and shall provide adequate safeguards to carry out the original intent and purpose of the Oregon Liquor Control Act, including the promotion of temperance in the use and consumption of alcoholic beverages, encourage the use and consumption of lighter beverages and aid in the establishment of Oregon industry. This power is subject to the following:

(1) The provisions of this amendment shall take effect and be in operation sixty (60) days after the approval and adoption by the people of Oregon; provided, however, the right of a local option election exists in the counties and in any incorporated city or town containing a population of at least five hundred (500). The Legislative Assembly shall prescribe a means and a procedure by which the voters of any county or incorporated city or town as limited above in any county, may through a local option election determine whether to prohibit or permit such power, and such procedure shall specifically include that whenever fifteen per cent (15%) of the registered voters of any county in the state or of any incorporated city or town as limited above, in any county in the state, shall file a petition requesting an election in this matter, the question shall be voted upon at the next regular November biennial election, provided said petition is filed not less than sixty (60) days before the day of election.

(2) Legislation relating to this matter shall operate uniformly throughout the state and all individuals shall be treated equally; and all provisions shall be liberally construed for the accomplishment of these purposes. [Created through initiative petition filed July 2, 1952, and adopted by the people Nov. 4, 1952]

Section 40. Penalty for aggravated murder. Notwithstanding sections 15 and 16 of this Article, the penalty for aggravated murder as defined by law shall be death upon unanimous affirmative jury findings as provided by law and otherwise shall be life imprisonment with minimum sentence as provided by law. [Created through initiative petition filed July 6, 1983, and adopted by the people Nov. 6, 1984]

Section 41. Work and training for corrections institution inmates; work programs; limitations; duties of corrections director. (1) Whereas the people of the state of Oregon find and declare that inmates who are confined in corrections institutions should work as hard as the taxpayers who provide for their upkeep; and whereas the people also find and declare that inmates confined within corrections institutions must be fully engaged in productive activity if they are to successfully re-enter society with practical skills and a viable work ethic; now, therefore, the people

declare:

(2) All inmates of state corrections institutions shall be actively engaged full-time in work or on-the-job training. The work or on-the-job training programs shall be established and overseen by the corrections director, who shall ensure that such programs are cost-effective and are designed to develop inmate motivation, work capabilities and cooperation. Such programs may include boot camp prison programs. Education may be provided to inmates as part of work or on-the-job training so long as each inmate is engaged at least half-time in hands-on training or work activity.

(3) Each inmate shall begin full-time work or on-the-job training immediately upon admission to a corrections institution, allowing for a short time for administrative intake and processing. The specific quantity of hours per day to be spent in work or on-the-job training shall be determined by the corrections director, but the overall time spent in work or training shall be full-time. However, no inmate has a legally enforceable right to a job or to otherwise participate in work, on-the-job training or educational programs or to compensation for work or labor performed while an inmate of any state, county or city corrections facility or institution. The corrections director may reduce or exempt participation in work or training programs by those inmates deemed by corrections officials as physically or mentally disabled, or as too dangerous to society to engage in such programs.

(4) There shall be sufficient work and training programs to ensure that every eligible inmate is productively involved in one or more programs. Where an inmate is drug and alcohol addicted so as to prevent the inmate from effectively participating in work or training programs, corrections officials shall provide appropriate drug or alcohol treatment.

(5) The intent of the people is that taxpayer-supported institutions and programs shall be free to benefit from inmate work. Prison work programs shall be designed and carried out so as to achieve savings in government operations, so as to achieve a net profit in private sector activities or so as to benefit the community.

(6) The provisions of this section are mandatory for all state corrections institutions. The provisions of this section are permissive for county or city corrections facilities. No law, ordinance or charter shall prevent or restrict a county or city governing body from implementing all or part of the provisions of this section. Compensation, if any, shall be determined and established by the governing body of the county or city which chooses to engage in prison work programs, and the governing body may choose to adopt any power or exemption allowed in this section.

(7) The corrections director shall contact public and private enterprises in this state and seek proposals to use inmate work. The corrections director may: (a) install and equip plants in any state corrections institution, or any other location, for the employment or training of any of the inmates therein; or (b) purchase, acquire, install, maintain and operate materials, machinery and appliances necessary to the conduct and operation of such plants. The corrections director shall use every effort to enter into contracts or agreements with private business concerns or government agencies to accomplish the production or marketing of products or services produced or performed by inmates. The corrections director may carry out the director’s powers and duties under this section by delegation to others.

(8) Compensation, if any, for inmates who engage in prison work programs shall be determined and established by the corrections director. Such compensation shall not be subject to existing public or private sector minimum or prevailing wage laws, except where required to comply with federal law. Inmate compensation from enterprises entering into agreements with the state shall be exempt from unemployment compensation taxes to the extent allowed under federal law. Inmate injury or disease attributable to any inmate work shall be covered by a corrections system inmate injury fund rather than the workers compensation law. Except as otherwise required by federal law to permit transportation in interstate commerce of goods, wares or merchandise manufactured, produced or mined, wholly or in part by inmates or except as otherwise required by state law, any compensation

earned through prison work programs shall only be used for the following purposes: (a) reimbursement for all or a portion of the costs of the inmate's rehabilitation, housing, health care, and living costs; (b) restitution or compensation to the victims of the particular inmate's crime; (c) restitution or compensation to the victims of crime generally through a fund designed for that purpose; (d) financial support for immediate family of the inmate outside the corrections institution; and (e) payment of fines, court costs, and applicable taxes.

(9) All income generated from prison work programs shall be kept separate from general fund accounts and shall only be used for implementing, maintaining and developing prison work programs. Prison industry work programs shall be exempt from statutory competitive bid and purchase requirements. Expenditures for prison work programs shall be exempt from the legislative appropriations process to the extent the programs rely on income sources other than state taxes and fees. Where state taxes or fees are the source of capital or operating expenditures, the appropriations shall be made by the legislative assembly. The state programs shall be run in a businesslike fashion and shall be subject to regulation by the corrections director. Expenditures from income generated by state prison work programs must be approved by the corrections director. Agreements with private enterprise as to state prison work programs must be approved by the corrections director. The corrections director shall make all state records available for public scrutiny and the records shall be subject to audit by the Secretary of State.

(10) Prison work products or services shall be available to any public agency and to any private enterprise of any state, any nation or any American Indian or Alaskan Native tribe without restriction imposed by any state or local law, ordinance or regulation as to competition with other public or private sector enterprises. The products and services of corrections work programs shall be provided on such terms as are set by the corrections director. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding for-profit prison work programs that produce goods or services offered for sale in the private sector if the establishment or expansion would displace or significantly reduce preexisting private enterprise. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding prison work programs if the establishment or expansion would displace or significantly reduce government or nonprofit programs that employ persons with developmental disabilities. However, the decision to establish, maintain, expand, reduce or terminate any prison work program remains in the sole discretion of the corrections director.

(11) Inmate work shall be used as much as possible to help operate the corrections institutions themselves, to support other government operations and to support community charitable organizations. This work includes, but is not limited to, institutional food production; maintenance and repair of buildings, grounds, and equipment; office support services, including printing; prison clothing production and maintenance; prison medical services; training other inmates; agricultural and forestry work, especially in parks and public forest lands; and environmental clean-up projects. Every state agency shall cooperate with the corrections director in establishing inmate work programs.

(12) As used throughout this section, unless the context requires otherwise: "full-time" means the equivalent of at least forty hours per seven day week, specifically including time spent by inmates as required by the Department of Corrections, while the inmate is participating in work or on-the-job training, to provide for the safety and security of the public, correctional staff and inmates; "corrections director" means the person in charge of the state corrections system.

(13) This section is self-implementing and supersedes all existing inconsistent statutes. This section shall become effective April 1, 1995. If any part of this section or its application to any person or circumstance is held to be invalid for any reason, then the remaining parts or applications to any persons or circumstances shall not be affected but shall remain in full force and effect.

[Created through initiative petition filed Jan. 12, 1994, and adopted by the people Nov. 8, 1994; Amendment proposed by H.J.R. 2, 1997, and adopted by the people May 20, 1997; Amendment proposed by H.J.R. 82, 1999, and adopted by the people Nov. 2, 1999]

Note: Added to Article I as unnumbered section by initiative petition (Measure No. 17, 1994) adopted by the people Nov. 8, 1994.

Note: An initiative petition (Measure No. 40, 1996) proposed adding a new section relating to crime victims' rights to the Oregon Constitution. That section, appearing as section 42 of Article I in previous editions of this Constitution, was declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See Armatta v. Kitzhaber, 327 Or. 250, 959 P.2d 49 (1998).

Section 42. Rights of victim in criminal prosecutions and juvenile court delinquency proceedings. (1) To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, to accord crime victims due dignity and respect and to ensure that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant's innocence or guilt, and also to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal and juvenile court delinquency proceedings, the following rights are hereby granted to victims in all prosecutions for crimes and in juvenile court delinquency proceedings:

(a) The right to be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant will be present, and to be heard at the pretrial release hearing and the sentencing or juvenile court delinquency disposition;

(b) The right, upon request, to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant or convicted criminal and equivalent information regarding the alleged youth offender or youth offender;

(c) The right to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state;

(d) The right to receive prompt restitution from the convicted criminal who caused the victim's loss or injury;

(e) The right to have a copy of a transcript of any court proceeding in open court, if one is otherwise prepared;

(f) The right to be consulted, upon request, regarding plea negotiations involving any violent felony; and

(g) The right to be informed of these rights as soon as practicable.

(2) This section applies to all criminal and juvenile court delinquency proceedings pending or commenced on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, conviction or adjudication or otherwise terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal. Except as otherwise provided in subsections (3) and (4) of this section, nothing in this section may be used to invalidate a ruling of a court or to suspend any criminal or juvenile delinquency

proceedings at any point after the case is commenced.

(3)(a) Every victim described in paragraph (c) of subsection (6) of this section shall have remedy by due course of law for violation of a right established in this section.

(b) A victim may assert a claim for a right established in this section in a pending case, by a mandamus proceeding if no case is pending or as otherwise provided by law.

(c) The Legislative Assembly may provide by law for further effectuation of the provisions of this subsection, including authorization for expedited and interlocutory consideration of claims for relief and the establishment of reasonable limitations on the time allowed for bringing such claims.

(d) No claim for a right established in this section shall suspend a criminal or juvenile delinquency proceeding if such a suspension would violate a right of a criminal defendant guaranteed by this Constitution or the Constitution of the United States.

(4) Upon the victim's request, the prosecuting attorney, in the attorney's discretion, may assert and enforce a right established in this section.

(5) Upon the filing by the prosecuting attorney of an affidavit setting forth cause, a court shall suspend the rights established in this section in any case involving organized crime or victims who are minors.

(6) As used in this section:

(a) "Convicted criminal" includes a youth offender in juvenile court delinquency proceedings.

(b) "Criminal defendant" includes an alleged youth offender in juvenile court delinquency proceedings.

(c) "Victim" means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor.

(d) "Violent felony" means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

(7) In the event that no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim. [Created through H.J.R. 87, 1999, and adopted by the people Nov. 2, 1999; Amendment proposed by H.J.R. 49, 2007, and adopted by the people May 20, 2008]

Note: The effective date of House Joint Resolutions 87, 89, 90 and 94, compiled as sections 42, 43, 44 and 45, Article I, is Dec. 2, 1999.

Note: Sections 42, 43, 44 and 45, were added to Article I as unnumbered sections by the amendments proposed by House Joint Resolutions 87, 89, 90 and 94, 1999, and adopted by the people Nov. 2, 1999.

Section 43. Rights of victim and public to protection from accused person during criminal proceedings; denial of pretrial release. (1) To ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal proceedings, the following rights are hereby granted to victims in all prosecutions for crimes:

(a) The right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender or youth offender throughout the juvenile delinquency proceedings.

(b) The right to have decisions by the court regarding the pretrial release of a criminal defendant based upon the principle of reasonable protection of the victim and the public, as well as the

likelihood that the criminal defendant will appear for trial. Murder, aggravated murder and treason shall not be bailable when the proof is evident or the presumption strong that the person is guilty. Other violent felonies shall not be bailable when a court has determined there is probable cause to believe the criminal defendant committed the crime, and the court finds, by clear and convincing evidence, that there is danger of physical injury or sexual victimization to the victim or members of the public by the criminal defendant while on release.

(2) This section applies to proceedings pending or commenced on or after the effective date of this section. Nothing in this section abridges any right of the criminal defendant guaranteed by the Constitution of the United States, including the rights to be represented by counsel, have counsel appointed if indigent, testify, present witnesses, cross-examine witnesses or present information at the release hearing. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, conviction or adjudication or otherwise terminate any criminal or juvenile delinquency proceeding at any point after the case is commenced or on appeal. Except as otherwise provided in paragraph (b) of subsection (4) of this section and in subsection (5) of this section, nothing in this section may be used to invalidate a ruling of a court or to suspend any criminal or juvenile delinquency proceedings at any point after the case is commenced. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.

(3) As used in this section:

(a) “Victim” means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor.

(b) “Violent felony” means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

(4)(a) The prosecuting attorney is the party authorized to assert the rights of the public established by this section.

(b) Upon the victim’s request, the prosecuting attorney, in the attorney’s discretion, may assert and enforce a right established in this section.

(5)(a) Every victim described in paragraph (a) of subsection (3) of this section shall have remedy by due course of law for violation of a right established in this section.

(b) A victim may assert a claim for a right established in this section in a pending case, by a mandamus proceeding if no case is pending or as otherwise provided by law.

(c) The Legislative Assembly may provide by law for further effectuation of the provisions of this subsection, including authorization for expedited and interlocutory consideration of claims for relief and the establishment of reasonable limitations on the time allowed for bringing such claims.

(d) No claim for a right established in this section shall suspend a criminal or juvenile delinquency proceeding if such a suspension would violate a right of a criminal defendant or alleged youth offender guaranteed by this Constitution or the Constitution of the United States.

(6) In the event that no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim. [Created through H.J.R. 90, 1999, and adopted by the people Nov. 2, 1999; Amendment proposed by H.J.R. 50, 2007, and adopted by the people May 20, 2008]

Note: See notes under section 42 of this Article.

Section 44. Term of imprisonment imposed by court to be fully served; exceptions. (1)(a) A term of imprisonment imposed by a judge in open court may not be set aside or otherwise not carried out, except as authorized by the sentencing court or through the subsequent exercise of:

(A) The power of the Governor to grant reprieves, commutations and pardons; or

(B) Judicial authority to grant appellate or post-conviction relief.

(b) No law shall limit a court's authority to sentence a criminal defendant consecutively for crimes against different victims.

(2) This section applies to all offenses committed on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal.

(3) As used in this section, "victim" means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim. [Created through H.J.R. 94, 1999, and adopted by the people Nov. 2, 1999]

Note: See notes under section 42 of this Article.

Section 45. Person convicted of certain crimes not eligible to serve as juror on grand jury or trial jury in criminal case. (1) In all grand juries and in all prosecutions for crimes tried to a jury, the jury shall be composed of persons who have not been convicted:

(a) Of a felony or served a felony sentence within the 15 years immediately preceding the date the persons are required to report for jury duty; or

(b) Of a misdemeanor involving violence or dishonesty or served a sentence for a misdemeanor involving violence or dishonesty within the five years immediately preceding the date the persons are required to report for jury duty.

(2) This section applies to all criminal proceedings pending or commenced on or after the effective date of this section, except a criminal proceeding in which a jury has been impaneled and sworn on the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to disqualify a jury, invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal proceeding at any point after a jury is impaneled and sworn or on appeal. [Created through H.J.R. 89, 1999, and adopted by the people Nov. 2, 1999]

Note: See notes under section 42 of this Article.

ARTICLE II
SUFFRAGE AND ELECTIONS

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Section 1. Elections free. All elections shall be free and equal.—

Section 2. Qualifications of electors. (1) Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:

(a) Is 18 years of age or older;

(b) Has resided in this state during the six months immediately preceding the election, except that provision may be made by law to permit a person who has resided in this state less than 30 days immediately preceding the election, but who is otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States; and

(c) Is registered not less than 20 calendar days immediately preceding any election in the manner provided by law.

(2) Provision may be made by law to require that persons who vote upon questions of levying special taxes or issuing public bonds shall be taxpayers. [Constitution of 1859; Amendment proposed by initiative petition filed Dec. 20, 1910, and adopted by the people Nov. 5, 1912; Amendment proposed by S.J.R. 6, 1913, and adopted by the people Nov. 3, 1914; Amendment proposed by S.J.R. 6, 1923, and adopted by the people Nov. 4, 1924; Amendment proposed by H.J.R. 7, 1927, and adopted by the people June 28, 1927; Amendment proposed by H.J.R. 5, 1931, and adopted by the people Nov. 8, 1932; Amendment proposed by H.J.R. 26, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 41, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by initiative petition filed July 20, 1986, and adopted by the people Nov. 4, 1986; Amendment proposed by H.J.R. 4, 2007, and adopted by the people Nov. 4, 2008]

Note: The leadline to section 2 was a part of the measure submitted to the people by initiative petition (Measure No. 13, 1986) and adopted by the people Nov. 4, 1986.

Section 3. Rights of certain electors.
A person suffering from a mental handicap is entitled to the full rights of an elector, if otherwise qualified, unless the person has been adjudicated incompetent to vote as provided by law. The privilege of an elector, upon conviction of any crime which is punishable by imprisonment in the penitentiary, shall be forfeited, unless otherwise provided by law. [Constitution of 1859; Amendment proposed by S.J.R. 9, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by S.J.R. 26, 1979, and adopted by the people Nov. 4, 1980]

Section 4. Residence. For the purpose of voting, no person shall be deemed to have gained, or lost a residence, by reason of his presence, or absence while employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any Seminary of Learning; nor while kept at any alms house, or other assylum [sic], at public expence [sic]; nor while confined in any public prison.—

Section 5. Soldiers, seamen and marines; residence; right to vote. No soldier, seaman, or marine in the Army, or Navy of the United States, or of their allies, shall be deemed to have acquired a residence in the state, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.—

Section 6. Right of suffrage for certain persons. [Constitution of 1859; Repeal proposed by H.J.R. 4, 1927, and adopted by the people June 28, 1927]

Section 7. Bribery at elections. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given, or offered a bribe, threat, or reward to procure his election.—

Section 8. Regulation of elections. The Legislative Assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating, and conducting elections, and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.—

Section 9. Penalty for dueling. Every person who shall give, or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust, or profit.—

Section 10. Lucrative offices; holding other offices forbidden. No person holding a lucrative office, or appointment under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constition [sic] expressly permitted; Provided, that Officers in the Militia, to which there is attached no annual salary, and the Office of Post Master, where the compensation does not exceed One Hundred Dollars per annum, shall not be deemed lucrative.—

Section 11. When collector or holder of public moneys ineligible to office. No person who may hereafter be a collector, or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over according to law, all sums for which he may be liable.—

Section 12. Temporary appointments to office. In all cases, in which it is provided that an office shall not be filled by the same person, more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.—

Section 13. Privileges of electors. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the Militia on any day of election, except in time of war, or public danger.—

Section 14. Time of holding elections and assuming duties of office. The regular general biennial election in Oregon for the year A. D. 1910 and thereafter shall be held on the first Tuesday after the first Monday in November. All officers except the Governor, elected for a six year term in 1904 or for a four year term in 1906 or for a two year term in 1908 shall continue to hold their respective offices until the first Monday in January, 1911; and all officers, except the Governor elected at any regular general biennial election after the adoption of this amendment shall assume the duties of their respective offices on the first Monday in January following such election. All laws pertaining to the nomination of candidates, registration of voters and all other things incident to the holding of the regular biennial election shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November that they have heretofore been before the first Monday in June biennially, except as may hereafter be provided by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1907, and adopted by the people June 1, 1908]

Section 14a. Time of holding elections in incorporated cities and towns. Incorporated cities and towns shall hold their nominating and regular elections for their several elective officers at the same time that the primary and general biennial elections for State and county officers are held, and the election precincts and officers shall be the same for all elections held at the same time. All provisions of the charters and ordinances of incorporated cities and towns pertaining to the holding of elections shall continue in full force and effect except so far as they relate to the time of holding such elections. Every officer who, at the time of the adoption of this amendment, is the duly qualified incumbent of an elective office of an incorporated city or town shall hold his office for the term for which he was elected and until his successor is elected and qualified. The Legislature, and cities and towns, shall enact such supplementary legislation as may be necessary to carry the provisions of this amendment into effect. [Created through H.J.R. 22, 1917, and adopted by the people June 4, 1917]

Section 15. Method of voting in legislature. In all elections by the Legislative Assembly, or by either branch thereof, votes shall be given openly or viva voce, and not by ballot, forever; and in all elections by the people, votes shall be given openly, or viva voce, until the Legislative Assembly shall otherwise direct.—

Section 16. Election by plurality; proportional representation. In all elections authorized by this constitution until otherwise provided by law, the person or persons receiving the highest number

of votes shall be declared elected, but provision may be made by law for elections by equal proportional representation of all the voters for every office which is filled by the election of two or more persons whose official duties, rights and powers are equal and concurrent. Every qualified elector resident in his precinct and registered as may be required by law, may vote for one person under the title for each office. Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office. For an office which is filled by the election of one person it may be required by law that the person elected shall be the final choice of a majority of the electors voting for candidates for that office. These principles may be applied by law to nominations by political parties and organizations. [Constitution of 1859; Amendment proposed by initiative petition filed Jan. 29, 1908, and adopted by the people June 1, 1908]

Section 17. Place of voting. All qualified electors shall vote in the election precinct in the County where they may reside, for County Officers, and in any County in the State for State Officers, or in any County of a Congressional District in which such electors may reside, for Members of Congress.—

Section 18. Recall; meaning of words "the legislative assembly shall provide." (1) Every public officer in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public officer is elected.

(2) Fifteen per cent, but not more, of the number of electors who voted for Governor in the officer's electoral district at the most recent election at which a candidate for Governor was elected to a full term, may be required to file their petition demanding the officer's recall by the people.

(3) They shall set forth in the petition the reasons for the demand.

(4) If the public officer offers to resign, the resignation shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If the public officer does not resign within five days after the petition is filed, a special election shall be ordered to be held within 35 days in the electoral district to determine whether the people will recall the officer.

(5) On the ballot at the election shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than 200 words, the officer's justification of the officer's course in office. The officer shall continue to perform the duties of office until the result of the special election is officially declared. If an officer is recalled from any public office the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause.

(6) The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until the officer has actually held the office six months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after five days from the beginning of the first session after the election of the senator or representative.

(7) After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which the officer was elected unless such further petitioners first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election.

(8) Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words, "the legislative assembly shall provide," or any similar or equivalent words in this constitution or any amendment thereto, shall not

be construed to grant to the legislative assembly any exclusive power of lawmaking nor in any way to limit the initiative and referendum powers reserved by the people. [Created through initiative petition filed Jan. 29, 1908, and adopted by the people June 1, 1908; Amendment proposed by S.J.R. 16, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 1, 1983, and adopted by the people Nov. 6, 1984]

Note: "Recall." constituted the leadline to section 18 and was a part of the measure submitted to the people by S.J.R. 16, 1925.

Note: An initiative petition (Measure No. 3, 1992) proposed adding new sections relating to term limits to the Oregon Constitution. Those sections, appearing as sections 19, 20 and 21 of Article II in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See Lehman v. Bradbury, 333 Or. 231, 37 P.3d 989 (2002).

Section 22. Political campaign contribution limitations. Section (1) For purposes of campaigning for an elected public office, a candidate may use or direct only contributions which originate from individuals who at the time of their donation were residents of the electoral district of the public office sought by the candidate, unless the contribution consists of volunteer time, information provided to the candidate, or funding provided by federal, state, or local government for purposes of campaigning for an elected public office.

Section (2) Where more than ten percent (10%) of a candidate's total campaign funding is in violation of Section (1), and the candidate is subsequently elected, the elected official shall forfeit the office and shall not hold a subsequent elected public office for a period equal to twice the tenure of the office sought. Where more than ten percent (10%) of a candidate's total campaign funding is in violation of Section (1) and the candidate is not elected, the unelected candidate shall not hold a subsequent elected public office for a period equal to twice the tenure of the office sought.

Section (3) A qualified donor (an individual who is a resident within the electoral district of the office sought by the candidate) shall not contribute to a candidate's campaign any restricted contributions of Section (1) received from an unqualified donor for the purpose of contributing to a candidate's campaign for elected public office. An unqualified donor (an entity which is not an individual and who is not a resident of the electoral district of the office sought by the candidate) shall not give any restricted contributions of Section (1) to a qualified donor for the purpose of contributing to a candidate's campaign for elected public office.

Section (4) A violation of Section (3) shall be an unclassified felony. [Created through initiative petition filed Jan. 25, 1993, and adopted by the people Nov. 8, 1994]

Note: An initiative petition (Measure No. 6, 1994) adopted by the people Nov. 8, 1994, proposed a constitutional amendment as an unnumbered section. Section 22 sections (1), (2), (3) and (4) were designated in the proposed amendment as "SECTION 1.," "SECTION 2.," "SECTION 3." and "SECTION 4.," respectively.

Section 23. Approval by more than majority required for certain measures submitted to people. (1) Any measure that includes any proposed requirement for more than a majority of votes cast by the electorate to approve any change in law or government action shall become effective only if approved by at least the same percentage of voters specified in the proposed voting requirement.

(2) For the purposes of this section, "measure" includes all initiatives and all measures referred to the voters by the Legislative Assembly.

(3) The requirements of this section apply to all measures presented to the voters at the November 3, 1998 election and thereafter.

(4) The purpose of this section is to prevent greater-than-majority voting requirements from being imposed by only a majority of the voters. [Created through initiative petition filed Jan. 15, 1998, and adopted by the people Nov. 3, 1998]

Note: Added as unnumbered section to the Constitution but not to any Article therein by initiative petition (Measure No. 63, 1998) adopted by the people Nov. 3, 1998.

Note: An initiative petition (Measure No. 62, 1998) proposed adding new sections and a subsection relating to political campaigns to the Oregon Constitution. Those sections, appearing as sections 24 to 32 of Article II and sections 1 (6), 1b and 1c of Article IV in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See Swett v. Bradbury, 333 Or. 597, 43 P.3d 1094 (2002).

Section 24. Death of candidate prior to election. When any vacancy occurs in the nomination of a candidate for elective public office in this state, and the vacancy is due to the death of the candidate, the Legislative Assembly may provide by law that:

(1) The regularly scheduled election for that public office may be postponed;

(2) The public office may be filled at a subsequent election; and

(3) Votes cast for candidates for the public office at the regularly scheduled election may not be considered. [Created through S.J.R. 19, 2003, and adopted by the people Nov. 2, 2004]

ARTICLE III
DISTRIBUTION OF POWERS

Sec. 1. Separation of powers
2. Budgetary control over executive and administrative officers and agencies
3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits
4. Senate, confirmation of executive appointments

Section 1. Separation of powers. The powers of the Government shall be divided into three separate branches, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these branches, shall exercise any of the functions of another, except as in this Constitution expressly provided. [Constitution of 1859; Amendment proposed by H.J.R. 44, 2011, and adopted by the people Nov. 6, 2012]

Section 2. Budgetary control over executive and administrative officers and agencies. The Legislative Assembly shall have power to establish an agency to exercise budgetary control over all executive and administrative state officers, departments, boards, commissions and agencies of the State Government. [Created through S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952]

Note: Section 2 was designated as “Sec. 1” by S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952.

Section 3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits. (1) The Legislative Assembly is authorized to establish by law a joint committee composed of members of both houses of the Legislative Assembly, the membership to be as fixed by law, which committee may exercise, during the interim between sessions of the Legislative Assembly, such of the following powers as may be conferred upon it by law:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the committee for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.

(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.

(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.

(2) The Legislative Assembly shall prescribe by law what shall constitute an emergency for the purposes of this section.

(3) As used in this section, “state agency” means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government.

(4) The term of members of the joint committee established pursuant to this section shall run from the adjournment of one odd-numbered year regular session to the organization of the next odd-numbered year regular session. No member of a committee shall cease to be such member solely by reason of the expiration of his term of office as a member of the Legislative Assembly. [Created through S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 41, 2010, and adopted by the people Nov. 2, 2010]

Note: Section 3 was designated as “Sec. 2” by S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952.

Section 4. Senate confirmation of executive appointments. (1) The Legislative Assembly in the manner provided by law may require that all appointments and reappointments to state public office made by the Governor shall be subject to confirmation by the Senate.

(2) The appointee shall not be eligible to serve until confirmed in the manner required by law and if not confirmed in that manner, shall not be eligible to serve in the public office.

(3) In addition to appointive offices, the provisions of this section shall apply to any state elective office when the Governor is authorized by law or this Constitution to fill any vacancy therein, except the office of judge of any court, United States Senator or Representative and a district, county or precinct office. [Created through S.J.R. 20, 1977, and adopted by the people Nov. 7, 1978]

ARTICLE IV
LEGISLATIVE BRANCH

Sec. 1. Legislative power; initiative and referendum
1b. Payment for signatures
2. Number of Senators and Representatives
3. How Senators and Representatives chosen; filling vacancies; qualifications
4. Term of office of legislators; classification of Senators
6. Apportionment of Senators and Representatives; operative date
7. Senatorial districts; senatorial and representative subdistricts
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11. Legislative officers; rules of proceedings; adjournments
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Section 1. Legislative power; initiative and referendum. (1) The legislative power of the state, except for the initiative and referendum powers reserved to the people, is vested in a Legislative Assembly, consisting of a Senate and a House of Representatives.

(2)(a) The people reserve to themselves the initiative power, which is to propose laws and amendments to the Constitution and enact or reject them at an election independently of the Legislative Assembly.

(b) An initiative law may be proposed only by a petition signed by a number of qualified voters

equal to six percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(c) An initiative amendment to the Constitution may be proposed only by a petition signed by a number of qualified voters equal to eight percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(d) An initiative petition shall include the full text of the proposed law or amendment to the Constitution. A proposed law or amendment to the Constitution shall embrace one subject only and matters properly connected therewith.

(e) An initiative petition shall be filed not less than four months before the election at which the proposed law or amendment to the Constitution is to be voted upon.

(3)(a) The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session at which the Act is passed.

(b) A referendum on an Act or part thereof may be ordered by a petition signed by a number of qualified voters equal to four percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. A referendum petition shall be filed not more than 90 days after the end of the session at which the Act is passed.

(c) A referendum on an Act may be ordered by the Legislative Assembly by law. Notwithstanding section 15b, Article V of this Constitution, bills ordering a referendum and bills on which a referendum is ordered are not subject to veto by the Governor.

(4)(a) Petitions or orders for the initiative or referendum shall be filed with the Secretary of State. The Legislative Assembly shall provide by law for the manner in which the Secretary of State shall determine whether a petition contains the required number of signatures of qualified voters. The Secretary of State shall complete the verification process within the 30-day period after the last day on which the petition may be filed as provided in paragraph (e) of subsection (2) or paragraph (b) of subsection (3) of this section.

(b) Initiative and referendum measures shall be submitted to the people as provided in this section and by law not inconsistent therewith.

(c) All elections on initiative and referendum measures shall be held at the regular general elections, unless otherwise ordered by the Legislative Assembly.

(d) Notwithstanding section 1, Article XVII of this Constitution, an initiative or referendum measure becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon. A referendum ordered by petition on a part of an Act does not delay the remainder of the Act from becoming effective.

(5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district. The manner of exercising those powers shall be provided by general laws, but cities may provide the manner of exercising those powers as to their municipal legislation. In a city, not more than 15 percent of the qualified voters may be required to propose legislation by the initiative, and not more than 10 percent of the qualified voters may be required to order a referendum on legislation. [Created through H.J.R. 16, 1967, and adopted by the people May 28, 1968 (this section adopted in lieu of former sections 1 and 1a of this Article); Amendment proposed by S.J.R. 27, 1985, and adopted by the people May 20, 1986; Amendment proposed by S.J.R. 3, 1999, and adopted by the people May 16, 2000]

Note: An initiative petition (Measure No. 62, 1998) proposed adding new sections and a subsection relating to political campaigns to the Oregon Constitution. Those sections, appearing as sections 24 to 32 of Article II and sections 1 (6), 1b and 1c of Article IV in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See Swett v. Bradbury, 333 Or. 597, 43 P.3d 1094 (2002).

Section 1. Legislative authority vested in assembly; initiative and referendum; style of bills. [Constitution of 1859; Amendment proposed by H.J.R. 1, 1901, and adopted by the people June 2, 1902; Amendment proposed by S.J.R. 6, 1953, and adopted by the people Nov. 2, 1954; Repeal proposed by H.J.R. 16, 1967, and adopted by the people May 28, 1968 (present section 1 of this Article adopted in lieu of this section)]

Section 1a. Initiative and referendum on parts of laws and on local, special and municipal laws. [Created through initiative petition filed Feb. 3, 1906, and adopted by the people June 4, 1906; Repeal proposed by H.J.R. 16, 1967, and adopted by the people May 28, 1968 (present section 1 of this Article adopted in lieu of this section)]

Note: Section 1b as submitted to the people was preceded by the following:

To protect the integrity of initiative and referendum petitions, the People of Oregon add the following provisions to the Constitution of the State of Oregon:

Section 1b. Payment for signatures. It shall be unlawful to pay or receive money or other thing of value based on the number of signatures obtained on an initiative or referendum petition. Nothing herein prohibits payment for signature gathering which is not based, either directly or indirectly, on the number of signatures obtained. [Created through initiative petition filed Nov. 7, 2001, and adopted by the people Nov. 5, 2002]

Note: Added as unnumbered section to the Constitution but not to any Article therein by initiative petition (Measure No. 26, 2002) adopted by the people Nov. 5, 2002.

Section 1d. Effective date of amendment to section 1, Article IV, by S.J.R. 3, 1999. [Created through S.J.R. 3, 1999, and adopted by the people May 16, 2000; Repealed Dec. 31, 2002, as specified in text of section adopted by the people May 16, 2000]

Section 2. Number of Senators and Representatives. The Senate shall consist of sixteen, and the House of Representatives of thirty four members, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives, always keeping as near as may be the same ratio as to the number of Senators, and Representatives: Provided that the Senate shall never exceed thirty and the House of Representatives sixty members.—

Section 3. How Senators and Representatives chosen; filling vacancies; qualifications. (1) The senators and representatives shall be chosen by the electors of the respective counties or districts or subdistricts within a county or district into which the state may from time to time be divided by law.

(2)(a) If a vacancy occurs in the office of senator or representative from any county or district or subdistrict, the vacancy shall be filled as may be provided by law.

(b) Except as provided in paragraph (c) of this subsection, a person who is appointed to fill a

vacancy in the office of senator or representative must be an inhabitant of the district the person is appointed to represent for at least one year next preceding the date of the appointment.

(c) For purposes of an appointment occurring during the period beginning on January 1 of the year a reapportionment becomes operative under section 6 of this Article, the person must have been an inhabitant of the district for one year next preceding the date of the appointment or from January 1 of the year the reapportionment becomes operative to the date of the appointment, whichever is less. [Constitution of 1859; Amendment proposed by S.J.R. 20, 1929, and adopted by the people Nov. 4, 1930; Amendment proposed by H.J.R. 20, 1953, and adopted by the people Nov. 2, 1954; Amendment proposed by S.J.R. 14, 1995, and adopted by the people May 16, 1995; Amendment proposed by H.J.R. 31, 2007, and adopted by the people Nov. 4, 2008]

Section 3a. Applicability of qualifications for appointment to legislative vacancy. [Section 3a was designated section 1b, which was created by S.J.R. 14, 1995, and adopted by the people May 16, 1995; Repealed Dec. 31, 1999, as specified in text of section adopted by the people May 16, 1995]

Section 4. Term of office of legislators; classification of Senators. (1) The Senators shall be elected for the term of four years, and Representatives for the term of two years. The term of each Senator and Representative shall commence on the second Monday in January following his election, and shall continue for the full period of four years or two years, as the case may be, unless a different commencing day for such terms shall have been appointed by law.

(2) The Senators shall continue to be divided into two classes, in accordance with the division by lot provided for under the former provisions of this Constitution, so that one-half, as nearly as possible, of the number of Senators shall be elected biennially.

(3) Any Senator or Representative whose term, under the former provisions of this section, would have expired on the first Monday in January 1961, shall continue in office until the second Monday in January 1961. [Constitution of 1859; Amendment proposed by S.J.R. 23, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 28, 1959, and adopted by the people Nov. 8, 1960]

Section 5. Census. [Constitution of 1859; Repeal proposed by H.J.R. 16, 1971, and adopted by the people May 23, 1972]

Section 6. Apportionment of Senators and Representatives. [Constitution of 1859; Amendment proposed by initiative petition filed July 3, 1952, and adopted by the people Nov. 4, 1952; Repeal proposed by H.J.R. 6, 1985, and adopted by the people Nov. 4, 1986 (present section 6 of this Article adopted in lieu of this section)]

Section 6. Apportionment of Senators and Representatives; operative date. (1) At the odd-numbered year regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government, the number of Senators and Representatives shall be fixed by law and apportioned among legislative districts according to population. A senatorial district shall consist of two representative districts. Any Senator whose term continues through the next odd-numbered year regular legislative session after the operative date of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be determined by dividing the total population of the state by the number of Senators and by the number of Representatives. A reapportionment by the Legislative Assembly becomes operative as described in subsection (6) of this section.

(2) This subsection governs judicial review and correction of a reapportionment enacted by the Legislative Assembly.

(a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the state filed with the Supreme Court on or before August 1 of the year in which the Legislative Assembly enacts a reapportionment, to review any reapportionment so enacted.

(b) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before September 1 of the same year and the reapportionment becomes operative as described in subsection (6) of this section.

(c) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the Senators and Representatives in accordance with the provisions of subsection (1) of this section and all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or before September 15. The Secretary of State shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence, shall become part of the record. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or before November 1 of the same year.

(d) On or before November 15, the Supreme Court shall review the corrected reapportionment to assure its compliance with subsection (1) of this section and all law applicable thereto and may further correct the reapportionment if the court considers correction to be necessary.

(e) The corrected reapportionment becomes operative as described in subsection (6) of this section.

(3) This subsection governs enactment, judicial review and correction of a reapportionment if the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the odd-numbered year regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government.

(a) The Secretary of State shall make a reapportionment of the Senators and Representatives in accordance with the provisions of subsection (1) of this section and all law applicable thereto. The Secretary of State shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence, shall become part of the record. The reapportionment so made shall be filed with the Supreme Court by August 15 of the same year. The reapportionment becomes operative as described in subsection (6) of this section.

(b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the state filed with the Supreme Court on or before September 15 of the same year to review any reapportionment and the record made by the Secretary of State.

(c) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before October 15 of the same year and the reapportionment becomes operative as described in subsection (6) of this section.

(d) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a written opinion specifying with particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State to correct the reapportionment in those particulars,

and in no others, and file the corrected reapportionment with the Supreme Court on or before December 1 of the same year.

(e) On or before December 15, the Supreme Court shall review the corrected reapportionment to assure its compliance with subsection (1) of this section and all law applicable thereto and may further correct the reapportionment if the court considers correction to be necessary.

(f) The reapportionment becomes operative as described in subsection (6) of this section.

(4) Any reapportionment that becomes operative as provided in this section is a law of the state except for purposes of initiative and referendum.

(5) Notwithstanding section 18, Article II of this Constitution, after the convening of the next odd-numbered year regular legislative session following the reapportionment, a Senator whose term continues through that legislative session is subject to recall by the electors of the district to which the Senator is assigned and not by the electors of the district existing before the latest reapportionment. The number of signatures required on the recall petition is 15 percent of the total votes cast for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term in the two representative districts comprising the senatorial district to which the Senator was assigned.

(6)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made under this section becomes operative on the second Monday in January of the next odd-numbered year after the applicable deadline for making a final reapportionment under this section.

(b) For purposes of electing Senators and Representatives to the next term of office that commences after the applicable deadline for making a final reapportionment under this section, a reapportionment made under this section becomes operative on January 1 of the calendar year next following the applicable deadline for making a final reapportionment under this section. [Created through H.J.R. 6, 1985, and adopted by the people Nov. 4, 1986 (this section adopted in lieu of former section 6 of this Article); Amendment proposed by H.J.R. 31, 2007, and adopted by the people Nov. 4, 2008; Amendment proposed by S.J.R. 41, 2010, and adopted by the people Nov. 2, 2010]

Section 7. Senatorial districts; senatorial and representative subdistricts. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating such senatorial districts. Senatorial or representative districts comprising not more than one county may be divided into subdistricts from time to time by law. Subdistricts shall be composed of contiguous territory within the district; and the ratios to population of senators or representatives, as the case may be, elected from the subdistricts, shall be substantially equal within the district. [Constitution of 1859; Amendment proposed by H.J.R. 20, 1953, and adopted by the people Nov. 2, 1954]

Section 8. Qualification of Senators and Representatives; effect of felony conviction. (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or Representative if the person at the time of election:

(A) Is not a citizen of the United States; and

(B) Has not been for one year next preceding the election an inhabitant of the district from which the Senator or Representative may be chosen.

(b) For purposes of the general election next following the applicable deadline for making a final apportionment under section 6 of this Article, the person must have been an inhabitant of the district from January 1 of the year following the applicable deadline for making the final reapportionment to the date of the election.

(2) Senators and Representatives shall be at least twenty one years of age.

(3) A person may not be a Senator or Representative if the person has been convicted of a felony during:

(a) The term of office of the person as a Senator or Representative; or

(b) The period beginning on the date of the election at which the person was elected to the office of Senator or Representative and ending on the first day of the term of office to which the person was elected.

(4) A person is not eligible to be elected as a Senator or Representative if that person has been convicted of a felony and has not completed the sentence received for the conviction prior to the date that person would take office if elected. As used in this subsection, "sentence received for the conviction" includes a term of imprisonment, any period of probation or post-prison supervision and payment of a monetary obligation imposed as all or part of a sentence.

(5) Notwithstanding sections 11 and 15, Article IV of this Constitution:

(a) The office of a Senator or Representative convicted of a felony during the term to which the Senator or Representative was elected or appointed shall become vacant on the date the Senator or Representative is convicted.

(b) A person elected to the office of Senator or Representative and convicted of a felony during the period beginning on the date of the election and ending on the first day of the term of office to which the person was elected shall be ineligible to take office and the office shall become vacant on the first day of the next term of office.

(6) Subject to subsection (4) of this section, a person who is ineligible to be a Senator or Representative under subsection (3) of this section may:

(a) Be a Senator or Representative after the expiration of the term of office during which the person is ineligible; and

(b) Be a candidate for the office of Senator or Representative prior to the expiration of the term of office during which the person is ineligible.

(7)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or Representative if the person at all times during the term of office of the person as a Senator or Representative is not an inhabitant of the district from which the Senator or Representative may be chosen or which the Senator or Representative has been appointed to represent. A person does not lose status as an inhabitant of a district if the person is absent from the district for purposes of business of the Legislative Assembly.

(b) Following the applicable deadline for making a final apportionment under section 6 of this Article, until the expiration of the term of office of the person, a person may be an inhabitant of any district. [Constitution of 1859; Amendment proposed by H.J.R. 6, 1985, and adopted by the people Nov. 4, 1986; Amendment proposed by S.J.R. 33, 1993, and adopted by the people Nov. 8, 1994; Amendment proposed by S.J.R. 14, 1995, and adopted by the people May 16, 1995; Amendment proposed by H.J.R. 31, 2007, and adopted by the people Nov. 4, 2008]

Section 8a. Applicability of qualification for legislative office. [Created by S.J.R. 14, 1995, and adopted by the people May 16, 1995; Repealed Dec. 31, 1999, as specified in text of section adopted by the people May 16, 1995]

Section 9. Legislators free from arrest and not subject to civil process in certain cases; words uttered in debate. Senators and Representatives in all cases, except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof: Nor shall a member for words uttered in debate in either house, be questioned in any other

place.—

Section 10. Annual regular sessions of the Legislative Assembly; organizational session; extension of regular sessions. (1) The Legislative Assembly shall hold annual sessions at the Capitol of the State. Each session must begin on the day designated by law as the first day of the session. Except as provided in subsection (3) of this section:

(a) A session beginning in an odd-numbered year may not exceed 160 calendar days in duration; and

(b) A session beginning in an even-numbered year may not exceed 35 calendar days in duration.

(2) The Legislative Assembly may hold an organizational session that is not subject to the limits of subsection (1) of this section for the purposes of introducing measures and performing the duties and effecting the organization described in sections 11 and 12 of this Article. The Legislative Assembly may not undertake final consideration of a measure or reconsideration of a measure following a gubernatorial veto when convened in an organizational session.

(3) A regular session, as described in subsection (1) of this section, may be extended for a period of five calendar days by the affirmative vote of two-thirds of the members of each house. A session may be extended more than once. An extension must begin on the first calendar day after the end of the immediately preceding session or extension except that if the first calendar day is a Sunday, the extension may begin on the next Monday. [Constitution of 1859; Amendment proposed by S.J.R. 41, 2010, and adopted by the people Nov. 2, 2010]

Section 10a. Emergency sessions of the Legislative Assembly. In the event of an emergency the Legislative Assembly shall be convened by the presiding officers of both Houses at the Capitol of the State at times other than required by section 10 of this Article upon the written request of the majority of the members of each House to commence within five days after receipt of the minimum requisite number of requests. [Created through H.J.R. 28, 1975, and adopted by the people Nov. 2, 1976]

Section 11. Legislative officers; rules of proceedings; adjournments. Each house when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members; determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.—

Section 12. Quorum; failure to effect organization. Two thirds of each house shall constitute a quorum to do business, but a smaller number may meet; adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected.—

Section 13. Journal; when yeas and nays to be entered. Each house shall keep a journal of its proceedings.—The yeas and nays on any question, shall at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; provided that on a motion to adjourn it shall require one tenth of the members present to order the yeas, and nays.

Section 14. Deliberations to be open; rules to implement requirement. The deliberations of each house, of committees of each house or joint committees and of committees of the whole, shall

be open. Each house shall adopt rules to implement the requirement of this section and the houses jointly shall adopt rules to implement the requirements of this section in any joint activity that the two houses may undertake. [Constitution of 1859; Amendment proposed by S.J.R. 36, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by H.J.R. 29, 1977, and adopted by the people May 23, 1978]

Section 15. Punishment and expulsion of members. Either house may punish its members for disorderly behavior, and may with the concurrence of two thirds, expel a member; but not a second time for the same cause.—

Section 16. Punishment of nonmembers. Either house, during its session, may punish by imprisonment, any person, not a member, who shall have been guilty of disrespect to the house by disorderly or contemptious [sic] behavior in its presence, but such imprisonment shall not at any time, exceed twenty [sic] twenty four hours.—

Section 17. General powers of Legislative Assembly. Each house shall have all powers necessary for a chamber of the Legislative Branch, of a free, and independent State. [Constitution of 1859; Amendment proposed by H.J.R. 44, 2011, and adopted by the people Nov. 6, 2012]

Section 18. Where bills to originate. Bills may originate in either house, but may be amended, or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives.—

Section 19. Reading of bills; vote on final passage. Every bill shall be read by title only on three several days, in each house, unless in case of emergency two-thirds of the house where such bill may be pending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; provided, however, on its final passage such bill shall be read section by section unless such requirement be suspended by a vote of two-thirds of the house where such bill may be pending, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays. [Constitution of 1859; Amendment proposed by S.J.R. 15, 1945, and adopted by the people Nov. 5, 1946]

Section 20. Subject and title of Act. Every Act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an Act which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be expressed in the title.

This section shall not be construed to prevent the inclusion in an amendatory Act, under a proper title, of matters otherwise germane to the same general subject, although the title or titles of the original Act or Acts may not have been sufficiently broad to have permitted such matter to have been so included in such original Act or Acts, or any of them. [Constitution of 1859; Amendment proposed by S.J.R. 41, 1951, and adopted by the people Nov. 4, 1952]

Section 21. Acts to be plainly worded. Every act, and joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.—

Section 22. Mode of revision and amendment. No act shall ever be revised, or amended by mere reference to its title, but the act revised, or section amended shall be set forth, and published at full length. However, if, at any session of the Legislative Assembly, there are enacted two or more

acts amending the same section, each of the acts shall be given effect to the extent that the amendments do not conflict in purpose. If the amendments conflict in purpose, the act last signed by the Governor shall control. [Constitution of 1859; Amendment proposed by S.J.R. 28, 1975, and adopted by the people Nov. 2, 1976]

Section 23. Certain local and special laws prohibited. The Legislative Assembly, shall not pass special or local laws, in any of the following enumerated cases, that is to say:—

Regulating the jurisdiction, and duties of justices of the peace, and of constables;

For the punishment of Crimes, and Misdemeanors;

Regulating the practice in Courts of Justice;

Providing for changing the venue in civil, and Criminal cases;

Granting divorces;

Changing the names of persons;

For laying, opening, and working on highways, and for the election, or appointment of supervisors;

Vacating roads, Town plats, Streets, Alleys, and Public squares;

Summoning and empanneling [sic] grand, and petit jurors;

For the assessment and collection of Taxes, for State, County, Township, or road purposes;

Providing for supporting Common schools, and for the preservation of school funds;

In relation to interest on money;

Providing for opening, and conducting the elections of State, County, and Township officers, and designating the places of voting;

Providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.—

Section 24. Suit against state. Provision may be made by general law, for bringing suit against the State, as to all liabilities originating after, or existing at the time of the adoption of this Constitution; but no special act authorizeing [sic] such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.—

Section 25. Majority necessary to pass bills and resolutions; special requirements for bills raising revenue; signatures of presiding officers required. (1) Except as otherwise provided in subsection (2) of this section, a majority of all the members elected to each House shall be necessary to pass every bill or Joint resolution.

(2) Three-fifths of all members elected to each House shall be necessary to pass bills for raising revenue.

(3) All bills, and Joint resolutions passed, shall be signed by the presiding officers of the respective houses. [Constitution of 1859; Amendment proposed by H.J.R. 14, 1995, and adopted by the people May 21, 1996]

Section 26. Protest by member. Any member of either house, shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal.—

Section 27. All statutes public laws; exceptions. Every Statute shall be a public law, unless otherwise declared in the Statute itself.—

Section 28. When Act takes effect. No act shall take effect, until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law.

Section 29. Compensation of members. The members of the Legislative Assembly shall receive for their services a salary to be established and paid in the same manner as the salaries of other elected state officers and employes. [Constitution of 1859; Amendment proposed by S.J.R. 3, 1941, and adopted by the people Nov. 3, 1942; Amendment proposed by H.J.R. 5, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 8, 1961, and adopted by the people May 18, 1962]

Section 30. Members not eligible to other offices. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the Legislative Assembly; nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term; but this latter provision shall not be construed to apply to any officer elective by the people.—

Section 31. Oath of members. The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation;—I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Govenor [sic], Secretary of State, or a judge of the Supreme Court.—

Section 32. Income tax defined by federal law; review of tax laws required. Notwithstanding any other provision of this Constitution, the Legislative Assembly, in any law imposing a tax or taxes on, in respect to or measured by income, may define the income on, in respect to or by which such tax or taxes are imposed or measured, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provisions. At each regular session the Legislative Assembly shall, and at any special session may, provide for a review of the Oregon laws imposing a tax upon or measured by income, but no such laws shall be amended or repealed except by a legislative Act. [Created through H.J.R. 3, 1969, and adopted by the people Nov. 3, 1970]

Section 33. Reduction of criminal sentences approved by initiative or referendum process. Notwithstanding the provisions of section 25 of this Article, a two-thirds vote of all the members elected to each house shall be necessary to pass a bill that reduces a criminal sentence approved by the people under section 1 of this Article. [Created through initiative petition filed Nov. 16, 1993, and adopted by the people Nov. 8, 1994]

ARTICLE V
EXECUTIVE BRANCH

Sec. 1. Governor as chief executive; term of office; period of eligibility
2. Qualifications of Governor
3. Who not eligible
4. Election of Governor
5. Greatest number of votes decisive; election by legislature in case of tie
6. Contested elections
7. Term of office
8a. Vacancy in office of Governor
9. Governor as commander in chief of state military forces
10. Governor to see laws executed
11. Recommendations to legislature
12. Governor may convene legislature
13. Transaction of governmental business
14. Reprieves, commutations and pardons; remission of fines and forfeitures
15a. Single item and emergency clause veto
15b. Legislative enactments; approval by Governor; notice of intention to disapprove; disapproval and reconsideration by legislature; failure of Governor to return bill
16. Governor to Fill Vacancies by Appointment
17. Governor to issue writs of election to fill vacancies in legislature
18. Commissions

Section 1. Governor as chief executive; term of office; period of eligibility. The cheif [sic] executive power of the State, shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than Eight, in any period of twelve years.—

Section 2. Qualifications of Governor. No person except a citizen of the United States, shall be eligible to the Office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election, a resident within this State. The minimum age requirement of this section does not apply to a person who succeeds to the office of Governor under section 8a of this Article. [Constitution of 1859; Amendment proposed by H.J.R. 52, 1973, and adopted by the people Nov. 5, 1974]

Section 3. Who not eligible. No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the Office of Governor, except as may be otherwise provided in this Constitution.—

Section 4. Election of Governor. The Governor shall be elected by the qualified Electors of the State at the times, and places of choosing members of the Legislative Assembly; and the returns of every Election for Governor, shall be sealed up, and transmitted to the Secretary of State; directed to the Speaker of the House of Representatives, who shall open, and publish them in the presence of both houses of the Legislative Assembly.—

Section 5. Greatest number of votes decisive; election by legislature in case of tie. The person having the highest number of votes for Governor, shall be elected; but in case two or more

persons shall have an equal and the highest number of votes for Governor, the two houses of the Legislative Assembly at the next regular session thereof, shall forthwith by joint vote, proceed to elect one of the said persons Governor.—

Section 6. Contested elections. Contested Elections for Governor shall be determined by the Legislative Assembly in such manner as may be prescribed by law.—

Section 7. Term of office. The official term of the Governor shall be four years; and shall commence at such times as may be prescribed by this constitution, or prescribed by law.—

Section 8. Vacancy in office of Governor. [Constitution of 1859; Amendment proposed by S.J.R. 10, 1920 (s.s.), and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 8, 1945, and adopted by the people Nov. 5, 1946; Repeal proposed by initiative petition filed July 7, 1972, and adopted by the people Nov. 7, 1972 (present section 8a of this Article adopted in lieu of this section)]

Section 8a. Vacancy in office of Governor. In case of the removal from office of the Governor, or of his death, resignation, or disability to discharge the duties of his office as prescribed by law, the Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the State Treasurer; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the President of the Senate; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the Speaker of the House of Representatives, shall become Governor until the disability be removed, or a Governor be elected at the next general biennial election. The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing Governor. The Secretary of State or the State Treasurer shall appoint a person to fill his office until the election of a Governor, at which time the office so filled by appointment shall be filled by election; or, in the event of a disability of the Governor, to be Acting Secretary of State or Acting State Treasurer until the disability be removed. The person so appointed shall not be eligible to succeed to the office of Governor by automatic succession under this section during the term of his appointment. [Created through initiative petition filed July 7, 1972, and adopted by the people Nov. 7, 1972 (this section adopted in lieu of former section 8 of this Article)]

Section 9. Governor as commander in chief of state military forces. The Governor shall be commander in cheif [sic] of the military, and naval forces of this State, and may call out such forces to execute the laws, to suppress insurection [sic], or to repel invasion.

Section 10. Governor to see laws executed. He shall take care that the Laws be faithfully executed.—

Section 11. Recommendations to legislature. He shall from time to time give to the Legislative Assembly information touching the condition of the State, and reccommend [sic] such measures as he shall judge to be expedient[.]

Section 12. Governor may convene legislature. He may on extraordinary occasions convene the Legislative Assembly by proclamation, and shall state to both houses when assembled, the purpose for which they shall have been convened.—

Section 13. Transaction of governmental business. He shall transact all necessary business with the officers of government, and may require information in writing from the offices of the Administrative, and Military Departments upon any subject relating to the duties of their respective offices.—

Section 14. Reprieves, commutations and pardons; remission of fines and forfeitures. He shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences [sic] except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly, at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a farther [sic] reprieve.—

He shall have power to remit fines, and forfeitures, under such regulations as may be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines, and forfeitures shall have been made, and the several amounts remitted[.]

Section 15. [This section of the Constitution of 1859 was redesignated as section 15b by the amendment proposed by S.J.R. 12, 1915, and adopted by the people Nov. 7, 1916]

Section 15a. Single item and emergency clause veto. The Governor shall have power to veto single items in appropriation bills, and any provision in new bills declaring an emergency, without thereby affecting any other provision of such bill. [Created through S.J.R. 12, 1915, and adopted by the people Nov. 7, 1916; Amendment proposed by S.J.R. 13, 1921, and adopted by the people June 7, 1921]

Section 15b. Legislative enactments; approval by Governor; notice of intention to disapprove; disapproval and reconsideration by legislature; failure of Governor to return bill. (1) Every bill which shall have passed the Legislative Assembly shall, before it becomes a law, be presented to the Governor; if the Governor approve, the Governor shall sign it; but if not, the Governor shall return it with written objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider it.

(2) If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively.

(3) If any bill shall not be returned by the Governor within five days (Saturdays and Sundays excepted) after it shall have been presented to the Governor, it shall be a law without signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor within thirty days next after the adjournment (Saturdays and Sundays excepted) shall file such bill, with written objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislative Assembly at its next session in like manner as if it had been returned by the Governor.

(4) Before filing a bill after adjournment with written objections, the Governor must announce

publicly the possible intention to do so at least five days before filing the bill with written objections. However, nothing in this subsection requires the Governor to file any bill with objections because of the announcement. [Created through S.J.R. 12, 1915, and adopted by the people Nov. 7, 1916; Amendment proposed by H.J.R. 9, 1937, and adopted by the people Nov. 8, 1938; Amendment proposed by S.J.R. 4, 1987, and adopted by the people Nov. 8, 1988]

Note: See note at section 15, Article V.

Section 16. Governor to Fill Vacancies by Appointment. When during a recess of the legislative assembly a vacancy occurs in any office, the appointment to which is vested in the legislative assembly, or when at any time a vacancy occurs in any other state office, or in the office of judge of any court, the governor shall fill such vacancy by appointment, which shall expire when a successor has been elected and qualified. When any vacancy occurs in any elective office of the state or of any district or county thereof, the vacancy shall be filled at the next general election, provided such vacancy occurs more than sixty-one (61) days prior to such general election. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 30, 1985, and adopted by the people May 20, 1986; Amendment proposed by S.J.R. 4, 1993, and adopted by the people Nov. 8, 1994]

Note: The leadline to section 16 was a part of the measure submitted to the people by H.J.R. 5, 1925.

Section 17. Governor to issue writs of election to fill vacancies in legislature. He shall issue writs of Election to fill such vacancies as may have occured [sic] in the Legislative Assembly.

Section 18. Commissions. All commissions shall issue in the name of the State; shall be signed by the Govenor [sic], sealed with the seal of the State, and attested by the Secretary of State.—

ARTICLE VI
ADMINISTRATIVE DEPARTMENT

Sec. 1. Election of Secretary and Treasurer of state; terms of office; period of eligibility
2. Duties of Secretary of State
3. Seal of state
4. Powers and duties of Treasurer
5. Offices and records of executive officers
6. County Officers
7. Other officers
8. County officers' qualifications; location of offices of county and city officers; duties of such officers
9. Vacancies of county, township, precinct and city offices
10. County home rule under county charter

Section 1. Election of Secretary and Treasurer of state; terms of office; period of eligibility. There shall be elected by the qualified electors of the State, at the times and places of choosing Members of the Legislative Assembly, a Secretary, and Treasurer of State, who shall severally hold their offices for the term of four years; but no person shall be eligible to either of said offices more than Eight in any period of Twelve years.—

Section 2. Duties of Secretary of State. The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Branch; and shall when required lay the same, and all matters relative thereto before either chamber of the Legislative Assembly. The Secretary of State shall be by virtue of holding the office, Auditor of Public Accounts, and shall perform such other duties as shall be assigned to the Secretary of State by law. [Constitution of 1859; Amendment proposed by H.J.R. 44, 2011, and adopted by the people Nov. 6, 2012]

Section 3. Seal of state. There shall be a seal of State, kept by the Secretary of State for official purposes, which shall be called "The seal of the State of Oregon".—

Section 4. Powers and duties of Treasurer. The powers, and duties of the Treasurer of State shall be such as may be prescribed by law.—

Section 5. Offices and records of executive officers. The Governor, Secretary of State, and Treasurer of State shall severally keep the public records, books and papers at the seat of government in any manner relating to their respective offices. [Constitution of 1859; Amendment proposed by S.J.R. 13, 1985, and adopted by the people Nov. 4, 1986]

Section 6. County Officers: There shall be elected in each county by the qualified electors thereof at the time of holding general elections, a county clerk, treasurer and sheriff who shall severally hold their offices for the term of four years. [Constitution of 1859; Amendment proposed by initiative petition filed June 9, 1920, and adopted by the people Nov. 2, 1920; Amendment proposed by H.J.R. 7, 1955, and adopted by the people Nov. 6, 1956]

Note: The leadline to section 6 was a part of the measure proposed by initiative petition filed June 9, 1920, and adopted by the people Nov. 2, 1920.

Section 7. Other officers. Such other county, township, precinct, and City officers as may be necessary, shall be elected, or appointed in such manner as may be prescribed by law.—

Section 8. County officers' qualifications; location of offices of county and city officers; duties of such officers. Every county officer shall be an elector of the county, and the county assessor, county sheriff, county coroner and county surveyor shall possess such other qualifications as may be prescribed by law. All county and city officers shall keep their respective offices at such places therein, and perform such duties, as may be prescribed by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1955, and adopted by the people Nov. 6, 1956; Amendment proposed by H.J.R. 42, 1971, and adopted by the people Nov. 7, 1972; Amendment proposed by H.J.R. 22, 1973, and adopted by the people Nov. 5, 1974]

Section 9. Vacancies in county, township, precinct and city offices. Vacancies in County, Township, precinct and City offices shall be filled in such manner as may be prescribed by law.—

Section 9a. County manager form of government. [Created through H.J.R. 3, 1943, and adopted by the people Nov. 7, 1944; Repeal proposed by H.J.R. 22, 1957, and adopted by the people Nov. 4, 1958]

Section 10. County home rule under county charter. The Legislative Assembly shall provide by law a method whereby the legal voters of any county, by majority vote of such voters voting thereon at any legally called election, may adopt, amend, revise or repeal a county charter. A county charter may provide for the exercise by the county of authority over matters of county concern. Local improvements shall be financed only by taxes, assessments or charges imposed on benefited property, unless otherwise provided by law or charter. A county charter shall prescribe the organization of the county government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary. Such officers shall among them exercise all the powers and perform all the duties, as distributed by the county charter or by its authority, now or hereafter, by the Constitution or laws of this state, granted to or imposed upon any county officer. Except as expressly provided by general law, a county charter shall not affect the selection, tenure, compensation, powers or duties prescribed by law for judges in their judicial capacity, for justices of the peace or for district attorneys. The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal voters of every county relative to the adoption, amendment, revision or repeal of a county charter and to legislation passed by counties which have adopted such a charter; and no county shall require that referendum petitions be filed less than 90 days after the provisions of the charter or the legislation proposed for referral is adopted by the county governing body. To be circulated, referendum or initiative petitions shall set forth in full the charter or legislative provisions proposed for adoption or referral. Referendum petitions shall not be required to include a ballot title to be circulated. In a county a number of signatures of qualified voters equal to but not greater than four percent of the total number of all votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to order a referendum on county legislation or a part thereof. A number of signatures equal to but not greater than six percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose an initiative ordinance. A number of signatures equal to but not greater than eight percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose a charter amendment. [Created through H.J.R. 22, 1957, and adopted by the people Nov. 4, 1958; Amendment proposed by S.J.R. 48, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 21, 1977, and adopted by the people May 23, 1978]

ARTICLE VII (Amended)
JUDICIAL BRANCH

Sec. 1. Courts; election of judges; term of office; compensation
1a. Retirement of judges; recall to temporary active service
2. Amendment’s effect on courts, jurisdiction and judicial system; Supreme Court’s original jurisdiction
2a. Temporary appointment and assignment of judges
2b. Inferior courts may be affected in certain respects by special or local laws
3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmance notwithstanding error; determination of case by Supreme Court
4. Supreme Court; terms; statements of decisions of court

5. Juries; indictment; information; verdict in civil cases
6. Incompetency or malfeasance of public officer
7. Oath of office of Judges of Supreme Court
8. Removal, suspension or censure of judges
9. Juries of less than 12 jurors

Section 1. Courts; election of judges; term of office; compensation. The judicial power of the state shall be vested in one supreme court and in such other courts as may from time to time be created by law. The judges of the supreme and other courts shall be elected by the legal voters of the state or of their respective districts for a term of six years, and shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term for which they are elected. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 1a. Retirement of judges; recall to temporary active service. Notwithstanding the provisions of section 1, Article VII (Amended) of this Constitution, a judge of any court shall retire from judicial office at the end of the calendar year in which he attains the age of 75 years. The Legislative Assembly or the people may by law:

(1) Fix a lesser age for mandatory retirement not earlier than the end of the calendar year in which the judge attains the age of 70 years;

(2) Provide for recalling retired judges to temporary active service on the court from which they are retired; and

(3) Authorize or require the retirement of judges for physical or mental disability or any other cause rendering judges incapable of performing their judicial duties.

This section shall not affect the term to which any judge shall have been elected or appointed prior to or at the time of approval and ratification of this section. [Created through S.J.R. 3, 1959, and adopted by the people Nov. 8, 1960]

Section 2. Amendment's effect on courts, jurisdiction and judicial system; Supreme Court's original jurisdiction. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the supreme court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 2a. Temporary appointment and assignment of judges. The Legislative Assembly or the people may by law empower the Supreme Court to:

(1) Appoint retired judges of the Supreme Court or judges of courts inferior to the Supreme Court as temporary members of the Supreme Court.

(2) Appoint members of the bar as judges pro tempore of courts inferior to the Supreme Court.

(3) Assign judges of courts inferior to the Supreme Court to serve temporarily outside the district for which they were elected.

A judge or member of the bar so appointed or assigned shall while serving have all the judicial powers and duties of a regularly elected judge of the court to which he is assigned or appointed. [Created through S.J.R. 30, 1957, and adopted by the people Nov. 4, 1958]

Section 2b. Inferior courts may be affected in certain respects by special or local laws. Notwithstanding the provisions of section 23, Article IV of this Constitution, laws creating courts

inferior to the Supreme Court or prescribing and defining the jurisdiction of such courts or the manner in which such jurisdiction may be exercised, may be made applicable:

(1) To all judicial districts or other subdivisions of this state; or

(2) To designated classes of judicial districts or other subdivisions; or

(3) To particular judicial districts or other subdivisions. [Created through S.J.R. 34, 1961, and adopted by the people Nov. 6, 1962]

Section 3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmance notwithstanding error; determination of case by Supreme Court. In actions at law, where the value in controversy shall exceed $750, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of this state, unless the court can affirmatively say there is no evidence to support the verdict. Until otherwise provided by law, upon appeal of any case to the supreme court, either party may have attached to the bill of exceptions the whole testimony, the instructions of the court to the jury, and any other matter material to the decision of the appeal. If the supreme court shall be of opinion, after consideration of all the matters thus submitted, that the judgment of the court appealed from was such as should have been rendered in the case, such judgment shall be affirmed, notwithstanding any error committed during the trial; or if, in any respect, the judgment appealed from should be changed, and the supreme court shall be of opinion that it can determine what judgment should have been entered in the court below, it shall direct such judgment to be entered in the same manner and with like effect as decrees are now entered in equity cases on appeal to the supreme court. Provided, that nothing in this section shall be construed to authorize the supreme court to find the defendant in a criminal case guilty of an offense for which a greater penalty is provided than that of which the accused was convicted in the lower court. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by H.J.R. 71, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by H.J.R. 47, 1995, and adopted by the people May 21, 1996]

Section 4. Supreme Court; terms; statements of decisions of court. The terms of the supreme court shall be appointed by law; but there shall be one term at the seat of government annually. At the close of each term the judges shall file with the secretary of state concise written statements of the decisions made at that term. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 5. Juries; indictment; information. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by S.J.R. 23, 1957, and adopted by the people Nov. 4, 1958; Repeal proposed by S.J.R. 1, 1973, and adopted by the people Nov. 5, 1974 (present section 5 of this Article adopted in lieu of this section)]

Section 5. Juries; indictment; information; verdict in civil cases. (1) The Legislative Assembly shall provide by law for:

(a) Selecting juries and qualifications of jurors;

(b) Drawing and summoning grand jurors from the regular jury list at any time, separate from the panel of petit jurors;

(c) Empaneling more than one grand jury in a county; and

(d) The sitting of a grand jury during vacation as well as session of the court.

(2) A grand jury shall consist of seven jurors chosen by lot from the whole number of jurors in attendance at the court, five of whom must concur to find an indictment.

(3) Except as provided in subsections (4) and (5) of this section, a person shall be charged in a

circuit court with the commission of any crime punishable as a felony only on indictment by a grand jury.

(4) The district attorney may charge a person on an information filed in circuit court of a crime punishable as a felony if the person appears before the judge of the circuit court and knowingly waives indictment.

(5) The district attorney may charge a person on an information filed in circuit court if, after a preliminary hearing before a magistrate, the person has been held to answer upon a showing of probable cause that a crime punishable as a felony has been committed and that the person has committed it, or if the person knowingly waives preliminary hearing.

(6) An information shall be substantially in the form provided by law for an indictment. The district attorney may file an amended indictment or information whenever, by ruling of the court, an indictment or information is held to be defective in form.

(7) In civil cases three-fourths of the jury may render a verdict. [Created through S.J.R. 1, 1973, and adopted by the people Nov. 5, 1974 (this section adopted in lieu of former section 5 of this Article)]

Section 6. Incompetency or malfeasance of public officer. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 7. Oath of office of Judges of Supreme Court. Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe, and transmit to the secretary of state, the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the supreme court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 8. Removal, suspension or censure of judges. (1) In the manner provided by law, and notwithstanding section 1 of this Article, a judge of any court may be removed or suspended from his judicial office by the Supreme Court, or censured by the Supreme Court, for:

(a) Conviction in a court of this or any other state, or of the United States, of a crime punishable as a felony or a crime involving moral turpitude; or

(b) Wilful misconduct in a judicial office where such misconduct bears a demonstrable relationship to the effective performance of judicial duties; or

(c) Wilful or persistent failure to perform judicial duties; or

(d) Generally incompetent performance of judicial duties; or

(e) Wilful violation of any rule of judicial conduct as shall be established by the Supreme Court; or

(f) Habitual drunkenness or illegal use of narcotic or dangerous drugs.

(2) Notwithstanding section 6 of this Article, the methods provided in this section, section 1a of this Article and in section 18, Article II of this Constitution, are the exclusive methods of the removal, suspension, or censure of a judge. [Created through S.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by S.J.R. 48, 1975, and adopted by the people May 25,

1976]

Section 9. Juries of less than 12 jurors. Provision may be made by law for juries consisting of less than 12 but not less than six jurors. [Created through S.J.R. 17, 1971, and adopted by the people Nov. 7, 1972]

ARTICLE VII (Original)
THE JUDICIAL BRANCH

Note: Original Article VII, compiled below, has been supplanted in part by amended Article VII and in part by statutes enacted by the Legislative Assembly. The provisions of original Article VII relating to courts, jurisdiction and the judicial system, by the terms of section 2 of amended Article VII, are given the status of a statute and are subject to change by statutes enacted by the Legislative Assembly, except so far as changed by amended Article VII.

Sec. 1. Courts in which judicial power vested
2. Supreme Court
3. Terms of office of Judges
4. Vacancy
5. Chief Justice
6. Jurisdiction
7. Term of Supreme Court; statements of decisions of court
8. Circuit court
9. Jurisdiction of circuit courts
10. Supreme and circuit judges; election in classes
11. County judges and terms of county courts
12. Jurisdiction of county courts; county commissioners
13. Writs granted by county judge; habeas corpus proceedings
14. Expenses of court in certain counties
15. County clerk; recorder
16. Sheriff
17. Prosecuting attorneys
19. Official delinquencies
20. Removal of Judges of Supreme Court and prosecuting attorneys from office
21. Oath of office of Supreme Court Judges

Section 1. Courts in which judicial power vested. The Judicial power of the State shall be vested in a Suprume [sic] Court, Circuits [sic] Courts, and County Courts, which shall be Courts of Record having general jurisdiction, to be defined, limited, and regulated by law in accordance with this Constitution.— Justices of the Peace may also be invested with limited Judicial powers, and Municipal Courts may be created to administer the regulations of incorporated towns, and cities.—

Section 2. Supreme Court. The Supreme Court shall consist of Four Justices to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, and after their election to reside in their respective districts: The number of Justices, the Districts may be increased, but shall never exceed seven; and the boundaries of districts may be changed, but no Change of Districts, shall have the effect to remove a Judge from office, or require him to change his residence without his consent.

[Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Terms of office of Judges. The Judges first chosen under this Constitution shall allot among themselves, their terms of office, so that the term of one of them shall expire in Two years, one in Four years, and Two in Six years, and thereafter, one or more shall be chosen every Two years to serve for the term of Six years.—

Section 4. Vacancy. Every vacancy in the office of Judge of the Supreme Court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the Governor shall fill the vacancy by appointment.—

Section 5. Chief Justice. The Judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment shall be the Cheif [sic] Justice.—

Section 6. Jurisdiction. The Supreme Court shall have jurisdiction only to revise the final decisions of the Circuit Courts, and every cause shall be tried, and every decision shall be made by those Judges only, or a majority of them, who did not try the cause, or make the decision in the Circuit Court.—

Section 7. Term of Supreme Court; statements of decisions of court. The terms of the Supreme Court shall be appointed by Law; but there shall be one term at the seat of Government annually:—

And at the close of each term the Judges shall file with the Secretary of State, Concise written Statements of the decisions made at that term.—

Note: Section 7 is in substance the same as section 4 of amended Article VII.

Section 8. Circuit court. The Circuits [sic] Courts shall be held twice at least in each year in each County organized for judicial purposes, by one of the Justices of the Supreme Court at times to be appointed by law; and at such other times as may be appointed by the Judges severally in pursuance of law.—

Section 9. Jurisdiction of circuit courts. All judicial power, authority, and jurisdiction not vested by this Constitution, or by laws consistent therewith, exclusively in some other Court shall belong to the Circuit Courts, and they shall have appellate jurisdiction, and supervisory control over the County Courts, and all other inferior Courts, Officers, and tribunals.—

Section 10. Supreme and circuit judges; election in classes. The Legislative Assembly, may provide for the election of Supreme, and Circuit Judges, in distinct classes, one of which classes shall consist of three Justices of the Supreme Court, who shall not perform Circuit duty, and the other class shall consist of the necessary number of Circuit Judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges. [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 11. County judges and terms of county courts. There shall be elected in each County for the term of Four years a County Judge, who shall hold the County Court at times to be regulated

by law.—

Section 12. Jurisdiction of county courts; county commissioners. The County Court shall have the jurisdiction pertaining to Probate Courts, and boards of County Commissioners, and such other powers, and duties, and such civil Jurisdiction, not exceeding the amount or value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary, as may be prescribed by law.—But the Legislative Assembly may provide for the election of Two Commissioners to sit with the County Judge whilst transacting County business, in any, or all of the Counties, or may provide a seperate [sic] board for transacting such business.—

Section 13. Writs granted by county judge; habeas corpus proceedings. The County Judge may grant preliminary injuctions [sic], and such other writs as the Legislative Assembly may authorize him to grant, returnable to the Circuit Court, or otherwise as may be provided by law; and may hear, and decide questions arising upon habeas corpus; provided such decision be not against the authority, or proceedings of a Court, or Judge of equal, or higher jurisdiction.—

Section 14. Expenses of court in certain counties. The Counties having less than ten thousand inhabitants, shall be reimbursed wholly or in part for the salary, and expenses of the County Court by fees, percentage, & other equitable taxation, of the business done in said Court & in the office of the County Clerk. [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 15. County clerk; recorder. A County Clerk shall be elected in each County for the term of Two years, who shall keep all the public records, books, and papers of the County; record conveyances, and perform the duties of Clerk of the Circuit, and County Courts, and such other duties as may be prescribed by law:—But whenever the number of voters in any County shall exceed Twelve Hundred, the Legislative Assembly may authorize the election of one person as Clerk of the Circuit Court, one person as Clerk of the County Court, and one person Recorder of conveyances.—

Section 16. Sheriff. A sheriff shall be elected in each County for the term of Two years, who shall be the ministerial officer of the Circuit, and County Courts, and shall perform such other duties as may be prescribed by law.—

Section 17. Prosecuting attorneys. There shall be elected by districts comprised of one, or more counties, a sufficient number of prosecuting Attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct.—

Section 18. Verdict by Three-fourths Jury in Civil Cases; Jurors; Grand Jurors; Indictment May Be Amended, When. [Constitution of 1859; Amendment proposed by initiative petition filed Jan. 30, 1908, and adopted by the people June 1, 1908; Amendment proposed by H.J.R. 14, 1927, and adopted by the people June 28, 1927; Repeal proposed by S.J.R. 23, 1957, and adopted by the people Nov. 4, 1958]

Section 19. Official delinquencies. Public Officers shall not be impeached, but incompetency, corruption, malfeasance, or delinquency in office may be tried in the same manner as criminal offences [sic], and judgment may be given of dismissal from Office, and such further punishment as may have been prescribed by law.—

Note: Section 19 is the same as section 6 of amended Article VII.

Section 20. Removal of Judges of Supreme Court and prosecuting attorneys from office. The Govenor [sic] may remove from Office a Judge of the Supreme Court, or Prosecuting Attorney upon the Joint resolution of the Legislative Assembly, in which Two Thirds of the members elected to each house shall concur, for incompetency, Corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution.—

Section 21. Oath of office of Supreme Court Judges. Every judge of the Supreme Court before entering upon the duties of his office shall take, subscribe, and transmit to the Secretary of State the following oath.—I _____ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully, and impartially discharge the duties of a Judge of the Supreme, and Circuits [sic] Courts of said State according to the best of my ability, and that I will not accept any other office, except Judicial offices during the term for which I have been elected.—

ARTICLE VIII
EDUCATION AND SCHOOL LANDS

Sec. 1. Superintendent of Public Instruction
2. Common School Fund
3. System of common schools
4. Distribution of school fund income
5. State Land Board; land management
7. Prohibition of sale of state timber unless timber processed in Oregon
8. Adequate and Equitable Funding

Section 1. Superintendent of Public Instruction. The Governor shall be superintendent of public instruction, and his powers, and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties.—

Section 2. Common School Fund. (1) The sources of the Common School Fund are:

(a) The proceeds of all lands granted to this state for educational purposes, except the lands granted to aid in the establishment of institutions of higher education under the Acts of February 14, 1859 (11 Stat. 383) and July 2, 1862 (12 Stat. 503).

(b) All the moneys and clear proceeds of all property which may accrue to the state by escheat.

(c) The proceeds of all gifts, devises and bequests, made by any person to the state for common school purposes.

(d) The proceeds of all property granted to the state, when the purposes of such grant shall not be stated.

(e) The proceeds of the five hundred thousand acres of land to which this state is entitled under the Act of September 4, 1841 (5 Stat. 455).

(f) The five percent of the net proceeds of the sales of public lands to which this state became entitled on her admission into the union.

(g) After providing for the cost of administration and any refunds or credits authorized by law,

the proceeds from any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas and the proceeds from any tax or excise levied on the ownership of oil or natural gas. However, the rate of such taxes shall not be greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This paragraph does not include proceeds from any tax or excise as described in section 3, Article IX of this Constitution.

(2) All revenues derived from the sources mentioned in subsection (1) of this section shall become a part of the Common School Fund. The State Land Board may expend moneys in the Common School Fund to carry out its powers and duties under subsection (2) of section 5 of this Article. Unexpended moneys in the Common School Fund shall be invested as the Legislative Assembly shall provide by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The State Land Board may apply, as it considers appropriate, income derived from the investment of the Common School Fund to the operating expenses of the State Land Board in exercising its powers and duties under subsection (2) of section 5 of this Article. The remainder of the income derived from the investment of the Common School Fund shall be applied to the support of primary and secondary education as prescribed by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1967, and adopted by the people May 28, 1968; Amendment proposed by H.J.R. 6, 1979, and adopted by the people Nov. 4, 1980; Amendment to subsection (2) proposed by S.J.R. 1, 1987, and adopted by the people Nov. 8, 1988; Amendment to paragraph (b) of subsection (1) proposed by H.J.R. 3, 1989, and adopted by the people June 27, 1989]

Section 3. System of common schools. The Legislative Assembly shall provide by law for the establishment of a uniform, and general system of Common schools.

Section 4. Distribution of school fund income. Provision shall be made by law for the distribution of the income of the common school fund among the several Counties of this state in proportion to the number of children resident therein between the ages, four and twenty years.—

Section 5. State Land Board; land management. (1) The Governor, Secretary of State and State Treasurer shall constitute a State Land Board for the disposition and management of lands described in section 2 of this Article, and other lands owned by this state that are placed under their jurisdiction by law. Their powers and duties shall be prescribed by law.

(2) The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1967, and adopted by the people May 28, 1968]

Section 6. Qualifications of electors at school elections. [Created through initiative petition filed June 25, 1948, and adopted by the people Nov. 2, 1948; Repeal proposed by H.J.R. 4, 2007, and adopted by the people Nov. 4, 2008]

Note: The leadline to section 6 was a part of the measure proposed by initiative petition filed June 25, 1948, and adopted by the people Nov. 2, 1948.

Section 7. Prohibition of sale of state timber unless timber processed in Oregon. (1) Notwithstanding subsection (2) of section 5 of this Article or any other provision of this Constitution, the State Land Board shall not authorize the sale or export of timber from lands described in section 2 of this Article unless such timber will be processed in Oregon. The limitation

on sale or export in this subsection shall not apply to species, grades or quantities of timber which may be found by the State Land Board to be surplus to domestic needs.

(2) Notwithstanding any prior agreements or other provisions of law or this Constitution, the Legislative Assembly shall not authorize the sale or export of timber from state lands other than those described in section 2 of this Article unless such timber will be processed in Oregon. The limitation on sale or export in this subsection shall not apply to species, grades or quantities of timber which may be found by the State Forester to be surplus to domestic needs.

(3) This section first becomes operative when federal law is enacted allowing this state to exercise such authority or when a court or the Attorney General of this state determines that such authority lawfully may be exercised. [Created through S.J.R. 8, 1989, and adopted by the people June 27, 1989]

Section 8. Adequate and Equitable Funding. (1) The Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state's system of public education meets quality goals established by law, and publish a report that either demonstrates the appropriation is sufficient, or identifies the reasons for the insufficiency, its extent, and its impact on the ability of the state's system of public education to meet those goals.

(2) Consistent with such legal obligation as it may have to maintain substantial equity in state funding, the Legislative Assembly shall establish a system of Equalization Grants to eligible districts for each year in which the voters of such districts approve local option taxes as described in Article XI, section 11 (4)(a)(B) of this Constitution. The amount of such Grants and eligibility criteria shall be determined by the Legislative Assembly. [Created through initiative petition filed Oct. 22, 1999, and adopted by the people Nov. 7, 2000]

Note: Added to Article VIII as unnumbered section by initiative petition (Measure No. 1, 2000) adopted by the people Nov. 7, 2000.

Note: The leadline to section 8 was a part of the measure submitted to the people by Measure No. 1, 2000.

ARTICLE IX
FINANCE

Sec.	1.	Assessment and taxation; uniform rules; uniformity of operation of laws
	1a.	Poll or head tax; declaration of emergency in tax laws
	1b.	Ships exempt from taxation until 1935
	1c.	Financing redevelopment and urban renewal projects
	2.	Legislature to provide revenue to pay current state expenses and interest
	3.	Tax imposed only by law; statement of purpose
	3a.	Use of revenue from taxes on motor vehicle use and fuel; legislative review of allocation of taxes between vehicle classes
	3b.	Rate of levy on oil or natural gas; exception
	4.	Appropriation necessary for withdrawal from treasury
	5.	Publication of accounts
	6.	Deficiency of funds; tax levy to pay
	7.	Appropriation laws not to contain provisions on other subjects
	8.	Stationery for use of state
	9.	Taxation of certain benefits prohibited

10. Retirement plan contributions by governmental employees
11. Retirement plan rate of return contract guarantee prohibited
12. Retirement not to be increased by unused sick leave
13. Retirement plan restriction severability
14. Revenue estimate; retention of excess corporate tax revenue in General Fund for public education funding; return of other excess revenue to taxpayers; legislative increase in estimate
15. Prohibition on tax, fee or other assessment upon transfer of interest in real property; exception

Section 1. Assessment and taxation; uniform rules; uniformity of operation of laws. The Legislative Assembly shall, and the people through the initiative may, provide by law uniform rules of assessment and taxation. All taxes shall be levied and collected under general laws operating uniformly throughout the State. [Constitution of 1859; Amendment proposed by H.J.R. 16, 1917, and adopted by the people June 4, 1917]

Section 1a. Poll or head tax; declaration of emergency in tax laws. No poll or head tax shall be levied or collected in Oregon. The Legislative Assembly shall not declare an emergency in any act regulating taxation or exemption. [Created through initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by S.J.R. 10, 1911, and adopted by the people Nov. 5, 1912]

Section 1b. Ships exempt from taxation until 1935. All ships and vessels of fifty tons or more capacity engaged in either passenger or freight coasting or foreign trade, whose home ports of registration are in the State of Oregon, shall be and are hereby exempted from all taxes of every kind whatsoever, excepting taxes for State purposes, until the first day of January, 1935. [Created through S.J.R. 18, 1915, and adopted by the people Nov. 7, 1916]

Section 1c. Financing redevelopment and urban renewal projects. The Legislative Assembly may provide that the ad valorem taxes levied by any taxing unit, in which is located all or part of an area included in a redevelopment or urban renewal project, may be divided so that the taxes levied against any increase in the assessed value, as defined by law, of property in such area obtaining after the effective date of the ordinance or resolution approving the redevelopment or urban renewal plan for such area, shall be used to pay any indebtedness incurred for the redevelopment or urban renewal project. The legislature may enact such laws as may be necessary to carry out the purposes of this section. [Created through S.J.R. 32, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997]

Section 2. Legislature to provide revenue to pay current state expenses and interest. The Legislative Assembly shall provide for raising revenue sufficiently to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any.—

Section 3. Laws imposing taxes; gasoline and motor vehicle taxes. [Constitution of 1859; Amendment proposed by S.J.R. 11, 1941, and adopted by the people Nov. 3, 1942; Repeal proposed by S.J.R. 7, 1979, and adopted by the people May 20, 1980]

Section 3. Tax imposed only by law; statement of purpose. No tax shall be levied except in

accordance with law. Every law imposing a tax shall state distinctly the purpose to which the revenue shall be applied. [Created through S.J.R. 7, 1979, and adopted by the people May 20, 1980 (this section and section 3a adopted in lieu of former section 3 of this Article)]

Section 3a. Use of revenue from taxes on motor vehicle use and fuel; legislative review of allocation of taxes between vehicle classes. (1) Except as provided in subsection (2) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation.

(3) Revenues described in subsection (1) of this section that are generated by taxes or excises imposed by the state shall be generated in a manner that ensures that the share of revenues paid for the use of light vehicles, including cars, and the share of revenues paid for the use of heavy vehicles, including trucks, is fair and proportionate to the costs incurred for the highway system because of each class of vehicle. The Legislative Assembly shall provide for a biennial review and, if necessary, adjustment, of revenue sources to ensure fairness and proportionality. [Created through S.J.R. 7, 1979, and adopted by the people May 20, 1980 (this section and section 3 adopted in lieu of former section 3 of this Article); Amendment proposed by S.J.R. 44, 1999, and adopted by the people Nov. 2, 1999; Amendment proposed by S.J.R. 14, 2003, and adopted by the people Nov. 2, 2004]

Section 3b. Rate of levy on oil or natural gas; exception. Any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas, or the ownership thereof, shall not be levied at a rate that is greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This section does not apply to any tax or excise the proceeds of which are dedicated as described in sections 3 and 3a of this Article. [Created through H.J.R. 6, 1979, and adopted by the people Nov. 4, 1980]

Note: Section 3b was designated as “Section 3a” by H.J.R. 6, 1979, and adopted by the people Nov. 4, 1980.

Section 4. Appropriation necessary for withdrawal from treasury. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.—

Section 5. Publication of accounts. An accurate statement of the receipts, and expenditures of the public money shall be published with the laws of each odd-numbered year regular session of the

Legislative Assembly. [Constitution of 1859; Amendment proposed by S.J.R. 41, 2010, and adopted by the people Nov. 2, 2010]

Section 6. Deficiency of funds; tax levy to pay. Whenever the expenses, of any fiscal year, shall exceed the income, the Legislative Assembly shall provide for levying a tax, for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year.—

Section 7. Appropriation laws not to contain provisions on other subjects. Laws making appropriations, for the salaries of public officers, and other current expenses of the State, shall contain provisions upon no other subject.—

Section 8. Stationery for use of state. All stationary [sic] required for the use of the State shall be furnished by the lowest responsible bidder, under such regulations as may be prescribed by law. But no State Officer, or member of the Legislative Assembly shall be interested in any bid, or contract for furnishing such stationery.—

Section 9. Taxation of certain benefits prohibited. Benefits payable under the federal old age and survivors insurance program or benefits under section 3(a), 4(a) or 4(f) of the federal Railroad Retirement Act of 1974, as amended, or their successors, shall not be considered income for the purposes of any tax levied by the state or by a local government in this state. Such benefits shall not be used in computing the tax liability of any person under any such tax. Nothing in this section is intended to affect any benefits to which the beneficiary would otherwise be entitled. This section applies to tax periods beginning on or after January 1, 1986. [Created through H.J.R. 26, 1985, and adopted by the people May 20, 1986]

Section 10. Retirement plan contributions by governmental employees. (1) Notwithstanding any existing State or Federal laws, an employee of the State of Oregon or any political subdivision of the state who is a member of a retirement system or plan established by law, charter or ordinance, or who will receive a retirement benefit from a system or plan offered by the state or a political subdivision of the state, must contribute to the system or plan an amount equal to six percent of their salary or gross wage.

2. On and after January 1, 1995, the state and political subdivisions of the state shall not thereafter contract or otherwise agree to make any payment or contribution to a retirement system or plan that would have the effect of relieving an employee, regardless of when that employee was employed, of the obligation imposed by subsection (1) of this section.

3. On and after January 1, 1995, the state and political subdivisions of the state shall not thereafter contract or otherwise agree to increase any salary, benefit or other compensation payable to an employee for the purpose of offsetting or compensating an employee for the obligation imposed by subsection (1) of this section. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]

Section 11. Retirement plan rate of return contract guarantee prohibited. (1) Neither the state nor any political subdivision of the state shall contract to guarantee any rate of interest or return on the funds in a retirement system or plan established by law, charter or ordinance for the benefit of an employee of the state or a political subdivision of the state. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]

Section 12. Retirement not to be increased by unused sick leave. (1) Notwithstanding any existing Federal or State law, the retirement benefits of an employee of the state or any political subdivision of the state retiring on or after January 1, 1995, shall not in any way be increased as a result of or due to unused sick leave. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]

Section 13. Retirement plan restriction severability. If any part of Sections 10, 11 or 12 of this Article is held to be unconstitutional under the Federal or State Constitution, the remaining parts shall not be affected and shall remain in full force and effect. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]

Section 14. Revenue estimate; retention of excess corporate tax revenue in General Fund for public education funding; return of other excess revenue to taxpayers; legislative increase in estimate. (1) As soon as is practicable after adjournment sine die of an odd-numbered year regular session of the Legislative Assembly, the Governor shall cause an estimate to be prepared of revenues that will be received by the General Fund for the biennium beginning July 1. The estimated revenues from corporate income and excise taxes shall be separately stated from the estimated revenues from other General Fund sources.

(2) As soon as is practicable after the end of the biennium, the Governor shall cause actual collections of revenues received by the General Fund for that biennium to be determined. The revenues received from corporate income and excise taxes shall be determined separately from the revenues received from other General Fund sources.

(3) If the revenues received by the General Fund from corporate income and excise taxes during the biennium exceed the amount estimated to be received from corporate income and excise taxes for the biennium, by two percent or more, the total amount of the excess shall be retained in the General Fund and used to provide additional funding for public education, kindergarten through twelfth grade.

(4) If the revenues received from General Fund revenue sources, exclusive of those described in subsection (3) of this section, during the biennium exceed the amount estimated to be received from such sources for the biennium, by two percent or more, the total amount of the excess shall be returned to personal income taxpayers.

(5) The Legislative Assembly may enact laws:

(a) Establishing a tax credit, refund payment or other mechanism by which the excess revenues are returned to taxpayers, and establishing administrative procedures connected therewith.

(b) Allowing the excess revenues to be reduced by administrative costs associated with returning the excess revenues.

(c) Permitting a taxpayer’s share of the excess revenues not to be returned to the taxpayer if the taxpayer’s share is less than a de minimis amount identified by the Legislative Assembly.

(d) Permitting a taxpayer’s share of excess revenues to be offset by any liability of the taxpayer for which the state is authorized to undertake collection efforts.

(6)(a) Prior to the close of a biennium for which an estimate described in subsection (1) of this section has been made, the Legislative Assembly, by a two-thirds majority vote of all members elected to each House, may enact legislation declaring an emergency and increasing the amount of the estimate prepared pursuant to subsection (1) of this section.

(b) The prohibition against declaring an emergency in an act regulating taxation or exemption in section 1a, Article IX of this Constitution, does not apply to legislation enacted pursuant to this subsection.

(7) This section does not apply:

(a) If, for a biennium or any portion of a biennium, a state tax is not imposed on or measured by the income of individuals.

(b) To revenues derived from any minimum tax imposed on corporations for the privilege of carrying on or doing business in this state that is imposed as a fixed amount and that is nonapportioned (except for changes of accounting periods).

(c) To biennia beginning before July 1, 2001. [Created through H.J.R. 17, 1999, and adopted by the people Nov. 7, 2000; Amendment proposed by S.J.R. 41, 2010, and adopted by the people Nov. 2, 2010; Amendment proposed by initiative petition filed Dec. 7, 2011, and adopted by the people Nov. 6, 2012]

Note: The amendment to section 14 by Measure No. 85, 2012, as submitted to the people was followed by a paragraph 2 that reads as follows:

PARAGRAPH 2. (1) The amendment to section 14 of this Article applies to biennia beginning o**n or after July 1, 2013.**

(2) This section (Paragraph 2), setting forth the effective date of this amendment, is repealed on June 30, 2015.

Section 15. Prohibition on tax, fee or other assessment upon transfer of interest in real property; exception. The state, a city, county, district or other political subdivision or municipal corporation of this state shall not impose, by ordinance or other law, a tax, fee or other assessment upon the transfer of any interest in real property, or measured by the consideration paid or received upon the transfer of any interest in real property. This section does not apply to any tax, fee or other assessment in effect and operative on December 31, 2009. [Created through initiative petition filed March 4, 2010, and adopted by the people Nov. 6, 2012]

Note: Added to Article IX as unnumbered section by initiative petition (Measure No. 79, 2012) adopted by the people Nov. 6, 2012.

ARTICLE X
THE MILITIA

Sec. 1. State militia
2. Persons exempt
3. Officers

Section 1. State militia. The Legislative Assembly shall provide by law for the organization, maintenance and discipline of a state militia for the defense and protection of the State. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 2. Persons exempt. Persons whose religious tenets, or conscientious scruples forbid them to bear arms shall not be compelled to do so. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 3. Officers. The Governor, in his capacity as Commander-in-Chief of the military forces of the State, shall appoint and commission an Adjutant General. All other officers of the militia of the State shall be appointed and commissioned by the Governor upon the recommendation of the Adjutant General. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by

the people Nov. 6, 1962]

Section 4. Staff officers; commissions. [Constitution of 1859; Repeal proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 5. Legislature to make regulations for militia. [Constitution of 1859; Repeal proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 6. Continuity of government in event of enemy attack. [Created through H.J.R. 9, 1959, and adopted by the people Nov. 8, 1960; Repeal proposed by H.J.R. 24, 1975, and adopted by the people Nov. 2, 1976]

ARTICLE X-A
CATASTROPHIC DISASTERS

Sec. 1. Definitions; declaration of catastrophic disaster; convening of Legislative Assembly
2. Additional powers of Governor; use of General Fund moneys and lottery funds
3. Procedural requirements for Legislative Assembly
4. Additional powers of Legislative Assembly
5. Participation in session of Legislative Assembly by electronic or other means
6. Termination of operation of this Article; extension by Legislative Assembly; transition provisions; limitation on power of Governor to invoke this Article

Section 1. Definitions; declaration of catastrophic disaster; convening of Legislative Assembly. (1) As used in this Article, “catastrophic disaster” means a natural or human-caused event that:

(a) Results in extraordinary levels of death, injury, property damage or disruption of daily life in this state; and

(b) Severely affects the population, infrastructure, environment, economy or government functioning of this state.

(2) As used in this Article, “catastrophic disaster” includes, but is not limited to, any of the following events if the event meets the criteria listed in subsection (1) of this section:

(a) Act of terrorism.

(b) Earthquake.

(c) Flood.

(d) Public health emergency.

(e) Tsunami.

(f) Volcanic eruption.

(g) War.

(3) The Governor may invoke the provisions of this Article if the Governor finds and declares that a catastrophic disaster has occurred. A finding required by this subsection shall specify the nature of the catastrophic disaster.

(4) At the time the Governor invokes the provisions of this Article under subsection (3) of this section, the Governor shall issue a proclamation convening the Legislative Assembly under section 12, Article V of this Constitution, unless:

(a) The Legislative Assembly is in session at the time the catastrophic disaster is declared; or

(b) The Legislative Assembly is scheduled to convene in regular session within 30 days after the date the catastrophic disaster is declared.

(5) If the Governor declares that a catastrophic disaster has occurred, the Governor shall manage the immediate response to the disaster. The actions of the Legislative Assembly under sections 3 and 4 of this Article are limited to actions necessary to implement the Governor's immediate response to the disaster and to actions necessary to aid recovery from the disaster. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

Section 2. Additional powers of Governor; use of General Fund moneys and lottery funds. (1) If the Governor declares that a catastrophic disaster has occurred, the Governor may:

(a) Use moneys appropriated from the General Fund to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the appropriation at the time the appropriation was made.

(b) Use lottery funds allocated to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the allocation at the time the allocation was made. The Governor may not reallocate lottery funds under this paragraph for purposes not authorized by section 4, Article XV of this Constitution.

(2) The authority granted to the Governor by this section terminates upon the taking effect of a law enacted after the declaration of a catastrophic disaster that specifies purposes for which appropriated General Fund moneys or allocated lottery funds may be used, or upon the date on which the provisions of sections 1 to 5 of this Article cease to be operative as provided in section 6 of this Article, whichever is sooner. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

Section 3. Procedural requirements for Legislative Assembly. If the Governor declares that a catastrophic disaster has occurred:

(1) Notwithstanding sections 10 and 10a, Article IV of this Constitution, the Legislative Assembly may convene in a place other than the Capitol of the State if the Governor or the Legislative Assembly determines that the Capitol is inaccessible.

(2) Notwithstanding section 12, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, two-thirds of the members of each house who are able to attend shall constitute a quorum to do business.

(3) In a session of the Legislative Assembly that is called because of the catastrophic disaster or that was imminent or ongoing at the time the catastrophic disaster was declared, the number of members of each house that constitutes a quorum under subsection (2) of this section may suspend the rule regarding reading of bills under the same circumstances and in the same manner that two-thirds of the members may suspend the rule under section 19, Article IV of this Constitution.

(4) Notwithstanding section 25, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, three-fifths of the members of each house who are able to attend a session described in subsection (3) of this section shall be necessary to pass every bill or joint resolution.

(5) Notwithstanding section 1a, Article IX of this Constitution, the Legislative Assembly may declare an emergency in any bill regulating taxation or exemption, including but not limited to any bill that decreases or suspends taxes or postpones the due date of taxes, if the Legislative Assembly determines that the enactment of the bill is necessary to provide an adequate response to the catastrophic disaster. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

Section 4. Additional powers of Legislative Assembly. (1) If the Governor declares that a catastrophic disaster has occurred:

(a) The Legislative Assembly may enact laws authorizing the use of revenue described in section 3a, Article IX of this Constitution, for purposes other than those described in that section.

(b) The Legislative Assembly may, by a vote of the number of members of each house that constitutes a quorum under subsection (2) of section 3 of this Article, appropriate moneys that would otherwise be returned to taxpayers under section 14, Article IX of this Constitution, to state agencies for the purpose of responding to the catastrophic disaster.

(c) Notwithstanding section 7, Article XI of this Constitution, the Legislative Assembly may lend the credit of the state or create debts or liabilities in an amount the Legislative Assembly considers necessary to provide an adequate response to the catastrophic disaster.

(d) The provisions of section 15, Article XI of this Constitution, do not apply to any law that is approved by three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.

(e) The Legislative Assembly may take action described in subsection (6) of section 15, Article XI of this Constitution, upon approval by three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.

(f) Notwithstanding section 4, Article XV of this Constitution, the Legislative Assembly may allocate proceeds from the State Lottery for any purpose and in any ratio the Legislative Assembly determines necessary to provide an adequate response to the catastrophic disaster.

(2) Nothing in this section overrides or otherwise affects the provisions of section 15b, Article V of this Constitution. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

Section 5. Participation in session of Legislative Assembly by electronic or other means. For purposes of sections 3 and 4 of this Article, a member of the Legislative Assembly who cannot be physically present at a session convened under section 1 of this Article shall be considered in attendance if the member is able to participate in the session through electronic or other means that enable the member to hear or read the proceedings as the proceedings are occurring and enable others to hear or read the member's votes or other contributions as the votes or other contributions are occurring. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

Section 6. Termination of operation of this Article; extension by Legislative Assembly; transition provisions; limitation on power of Governor to invoke this Article. (1) Except as provided in subsection (2) of this section, the provisions of sections 1 to 5 of this Article, once invoked, shall cease to be operative not later than 30 days following the date the Governor invoked the provisions of sections 1 to 5 of this Article, or on an earlier date recommended by the Governor and determined by the Legislative Assembly. The Governor may not recommend a date under this subsection unless the Governor finds and declares that the immediate response to the catastrophic disaster has ended.

(2) Prior to expiration of the 30-day limit established in subsection (1) of this section, the Legislative Assembly may extend the operation of sections 1 to 5 of this Article beyond the 30-day limit upon the approval of three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.

(3) The determination by the Legislative Assembly required by subsection (1) of this section or an extension described in subsection (2) of this section shall take the form of a bill. A bill that extends the operation of sections 1 to 5 of this Article shall establish a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative. A bill described in this

subsection shall be presented to the Governor for action in accordance with section 15b, Article V of this Constitution.

(4) A bill described in subsection (3) of this section may include any provisions the Legislative Assembly considers necessary to provide an orderly transition to compliance with the requirements of this Constitution that have been overridden under this Article because of the Governor's declaration of a catastrophic disaster.

(5) The Governor may not invoke the provisions of sections 1 to 5 of this Article more than one time with respect to the same catastrophic disaster. A determination under subsection (1) of this section or an extension described in subsection (2) of this section that establishes a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative does not prevent invoking the provisions of sections 1 to 5 of this Article in response to a new declaration by the Governor that a different catastrophic disaster has occurred. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

ARTICLE XI
CORPORATIONS AND INTERNAL IMPROVEMENTS

Sec. 1. Prohibition of state banks
2. Formation of corporations; municipal charters; intoxicating liquor regulation
2a. Merger of adjoining municipalities; county-city consolidation
3. Liability of stockholders
4. Compensation for property taken by corporation
5. Restriction of municipal powers in Acts of incorporation
6. State not to be stockholder in company; exceptions
7. Credit of State Not to Be Loaned; Limitation Upon Power of Contracting Debts
8. State not to assume debts of counties, towns or other corporations
9. Limitations on powers of county or city to assist corporations
10. County debt limitation
11. Property tax limitations on assessed value and rate of tax; exceptions
11b. Property tax categories; limitation on categories; exceptions
11c. Limits in addition to other tax limits
11d. Effect of section 11b on exemptions and assessments
11e. Severability of sections 11b, 11c and 11d
11k. Limitation on applicability of section 11 (8) voting requirements to elections on measures held in May or November of any year
11L. Limitation on applicability of sections 11 and 11b on bonded indebtedness to finance capital costs
12. People's utility districts
13. Interests of employes when operation of transportation system assumed by public body
14. Metropolitan service district charter
15. Funding of programs imposed upon local governments; exceptions

Section 1. Prohibition of state banks. The Legislative Assembly shall not have the power to establish, or incorporate any bank or banking company, or monied [sic] institution whatever; nor shall any bank company, or instition [sic] exist in the State, with the privilege of making, issuing, or putting in circulation, any bill, check, certificate, prommisory [sic] note, or other paper, or the paper of any bank company, or person, to circulate as money.—

Note: The semicolon appearing in the signed Constitution after the word “whatever” in section 1 was not in the original draft reported to and adopted by the convention and is not part of the Constitution. State v. H.S. & L.A., 8 Or. 396, 401 (1880).

Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon. [Constitution of 1859; Amendment proposed by initiative petition filed Dec.13, 1905, and adopted by the people June 4, 1906; Amendment proposed by initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910]

Section 2a. Merger of adjoining municipalities; county-city consolidation. (1) The Legislative Assembly, or the people by the Initiative, may enact a general law providing a method whereby an incorporated city or town or municipal corporation may surrender its charter and be merged into an adjoining city or town, provided a majority of the electors of each of the incorporated cities or towns or municipal corporations affected authorize the surrender or merger, as the case may be.

(2) In all counties having a city therein containing over 300,000 inhabitants, the county and city government thereof may be consolidated in such manner as may be provided by law with one set of officers. The consolidated county and city may be incorporated under general laws providing for incorporation for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [Created through H.J.R. 10, 1913, and adopted by the people Nov. 3, 1914; Amendment proposed by S.J.R. 29, 1967, and adopted by the people Nov. 5, 1968]

Section 3. Liability of stockholders. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid and no more, excepting that the stockholders of corporations or joint stock companies conducting the business of banking shall be individually liable equally and ratably and not one for another, for the benefit of the depositors of said bank, to the amount of their stock, at the par value thereof, in addition to the par value of such shares, unless such banking corporation shall have provided security through membership in the federal deposit insurance corporation or other instrumentality of the United States or otherwise for the benefit of the depositors of said bank equivalent in amount to such double liability of said stockholders. [Constitution of 1859; Amendment proposed by S.J.R. 13, 1911, and adopted by the people Nov. 5, 1912; Amendment proposed by H.J.R. 2, 1943, and adopted by the people Nov. 7, 1944]

Section 4. Compensation for property taken by corporation. No person’s property shall be taken by any corporation under authority of law, without compensation being first made, or secured in such manner as may be prescribed by law.

Section 5. Restriction of municipal powers in Acts of incorporation. Acts of the Legislative Assembly, incorporating towns, and cities, shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.—

Section 6. State not to be stockholder in company; exceptions. (1) The state shall not subscribe to, or be interested in the stock of any company, association or corporation. However, as provided by law the state may hold and dispose of stock, including stock already received, that is donated or bequeathed; and may invest, in the stock of any company, association or corporation, any funds or moneys that:

(a) Are donated or bequeathed for higher education purposes;

(b) Are the proceeds from the disposition of stock that is donated or bequeathed for higher education purposes, including stock already received; or

(c) Are dividends paid with respect to stock that is donated or bequeathed for higher education purposes, including stock already received.

(2) Notwithstanding the limits contained in subsection (1) of this section, the state may hold and dispose of stock:

(a) Received in exchange for technology created in whole or in part by a public institution of post-secondary education; or

(b) Received prior to December 5, 2002, as a state asset invested in the creation or development of technology or resources within Oregon. [Constitution of 1859; Amendment proposed by H.J.R. 11, 1955, and adopted by the people Nov. 6, 1956; Amendment proposed by H.J.R. 27, 1969, and adopted by the people Nov. 3, 1970; Amendment proposed by S.J.R. 17, 2001, and adopted by the people May 21, 2002]

Section 7. Credit of State Not to Be Loaned; Limitation Upon Power of Contracting Debts. The Legislative Assembly shall not lend the credit of the state nor in any manner create any debt or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of war or to repel invasion or suppress insurrection or to build and maintain permanent roads; and the Legislative Assembly shall not lend the credit of the state nor in any manner create any debts or liabilities to build and maintain permanent roads which shall singly or in the aggregate with previous debts or liabilities incurred for that purpose exceed one percent of the true cash value of all the property of the state taxed on an ad valorem basis; and every contract of indebtedness entered into or assumed by or on behalf of the state in violation of the provisions of this section shall be void and of no effect. This section does not apply to any agreement entered into pursuant to law by the state or any agency thereof for the lease of real property to the state or agency for any period not exceeding 20 years and for a public purpose. [Constitution of 1859; Amendment proposed by initiative petition filed July 2, 1912, and adopted by the people Nov. 5, 1912; Amendment proposed by H.J.R. 11, 1920 (s.s.), and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 4, 1961, and adopted by the people Nov. 6, 1962; Amendment proposed by S.J.R. 19, 1963, and adopted by the people Nov. 3, 1964]

Note: The leadline to section 7 was a part of the measure submitted to the people by H.J.R. 11, 1920 (s.s.).

Section 8. State not to assume debts of counties, towns or other corporations. The State shall never assume the debts of any county, town, or other corporation whatever, unless such debts, shall have been created to repel invasion, suppress insurrection, or defend the State in war.—

Section 9. Limitations on powers of county or city to assist corporations. No county, city, town or other municipal corporation, by vote of its citizens, or otherwise, shall become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association. Provided, that any municipal corporation designated as a port under any general or special law of the state of Oregon, may be empowered by statute to raise money and expend the same in the form of a bonus to aid in establishing water transportation lines between such port and any other domestic or foreign port or ports, and to aid in establishing water transportation lines on the interior rivers of this state, or on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers; any debts of a municipality to raise money created for the aforesaid purpose shall be incurred only on approval of a majority of those voting on the question, and shall not, either singly or in the aggregate, with previous debts and liabilities incurred for that purpose, exceed one per cent of the assessed valuation of all property in the municipality. [Constitution of 1859; Amendment proposed by S.J.R. 13, 1917, and adopted by the people June 4, 1917]

Section 10. County debt limitation. No county shall create any debt or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of $5,000; provided, however, counties may incur bonded indebtedness in excess of such $5,000 limitation to carry out purposes authorized by statute, such bonded indebtedness not to exceed limits fixed by statute. [Constitution of 1859; Amendment proposed by initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by initiative petition filed July 2, 1912, and adopted by the people Nov. 5, 1912; Amendment proposed by S.J.R. 11, 1919, and adopted by the people June 3, 1919; Amendment proposed by H.J.R. 7, 1920 (s.s.), and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 1, 1921 (s.s.), and adopted by the people Nov. 7, 1922; Amendment proposed by S.J.R. 5, 1921 (s.s.), and adopted by the people Nov. 7, 1922; Amendment proposed by H.J.R. 3, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by S.J.R. 18, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 19, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 21, 1957, and adopted by the people Nov. 4, 1958]

Section 11. Tax and indebtedness limitation. [Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916; Amendment proposed by H.J.R. 9, 1931, and adopted by the people Nov. 8, 1932; Amendment proposed by H.J.R. 9, 1951, and adopted by the people Nov. 4, 1952; Repeal proposed by S.J.R. 33, 1961, and adopted by the people Nov. 6, 1962 (second section 11 of this Article adopted in lieu of this section)]

Section 11. Tax base limitation. [Created through S.J.R. 33, 1961, and adopted by the people Nov. 6, 1962 (this section adopted in lieu of first section 11 of this Article); Amendment proposed by H.J.R. 28, 1985, and adopted by the people May 20, 1986; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 of this Article adopted in lieu of this section and sections 11a, 11f, 11g, 11h, 11i and 11j of this Article)]

Section 11. Property tax limitations on assessed value and rate of tax; exceptions. (1)(a) For the tax year beginning July 1, 1997, each unit of property in this state shall have a maximum assessed value for ad valorem property tax purposes that does not exceed the property's real market value for the tax year beginning July 1, 1995, reduced by 10 percent.

(b) For tax years beginning after July 1, 1997, the property's maximum assessed value shall not

increase by more than three percent from the previous tax year.

(c) Notwithstanding paragraph (a) or (b) of this subsection, property shall be valued at the ratio of average maximum assessed value to average real market value of property located in the area in which the property is located that is within the same property class, if on or after July 1, 1995:

(A) The property is new property or new improvements to property;

(B) The property is partitioned or subdivided;

(C) The property is rezoned and used consistently with the rezoning;

(D) The property is first taken into account as omitted property;

(E) The property becomes disqualified from exemption, partial exemption or special assessment; or

(F) A lot line adjustment is made with respect to the property, except that the total assessed value of all property affected by a lot line adjustment shall not exceed the total maximum assessed value of the affected property under paragraph (a) or (b) of this subsection.

(d) Property shall be valued under paragraph (c) of this subsection only for the first tax year in which the changes described in paragraph (c) of this subsection are taken into account following the effective date of this section. For each tax year thereafter, the limits described in paragraph (b) of this subsection apply.

(e) The Legislative Assembly shall enact laws that establish property classes and areas sufficient to make a determination under paragraph (c) of this subsection.

(f) Each property's assessed value shall not exceed the property's real market value.

(g) There shall not be a reappraisal of the real market value used in the tax year beginning July 1, 1995, for purposes of determining the property's maximum assessed value under paragraph (a) of this subsection.

(2) The maximum assessed value of property that is assessed under a partial exemption or special assessment law shall be determined by applying the percentage reduction of paragraph (a) and the limit of paragraph (b) of subsection (1) of this section, or if newly eligible for partial exemption or special assessment, using a ratio developed in a manner consistent with paragraph (c) of subsection (1) of this section to the property's partially exempt or specially assessed value in the manner provided by law. After disqualification from partial exemption or special assessment, any additional taxes authorized by law may be imposed, but in the aggregate may not exceed the amount that would have been imposed under this section had the property not been partially exempt or specially assessed for the years for which the additional taxes are being collected.

(3)(a)(A) The Legislative Assembly shall enact laws to reduce the amount of ad valorem property taxes imposed by local taxing districts in this state so that the total of all ad valorem property taxes imposed in this state for the tax year beginning July 1, 1997, is reduced by 17 percent from the total of all ad valorem property taxes that would have been imposed under repealed sections 11 and 11a of this Article (1995 Edition) and section 11b of this Article but not taking into account Ballot Measure 47 (1996), for the tax year beginning July 1, 1997.

(B) The ad valorem property taxes to be reduced under subparagraph (A) of this paragraph are those taxes that would have been imposed under repealed sections 11 or 11a of this Article (1995 Edition) or section 11b of this Article, as modified by subsection (11) of this section, other than taxes described in subsection (4), (5), (6) or (7) of this section, taxes imposed to pay bonded indebtedness described in section 11b of this Article, as modified by paragraph (d) of subsection (11) of this section, or taxes described in section 1c, Article IX of this Constitution.

(C) It shall be the policy of this state to distribute the reductions caused by this paragraph so as to reflect:

(i) The lesser of ad valorem property taxes imposed for the tax year beginning July 1, 1995, reduced by 10 percent, or ad valorem property taxes imposed for the tax year beginning July 1,

1994;

(ii) Growth in new value under subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1) of this section, as added to the assessment and tax rolls for the tax year beginning July 1, 1996, or July 1, 1997 (or, if applicable, for the tax year beginning July 1, 1995); and

(iii) Ad valorem property taxes authorized by voters to be imposed in tax years beginning on or after July 1, 1996, and imposed according to that authority for the tax year beginning July 1, 1997.

(D) It shall be the policy of this state and the local taxing districts of this state to prioritize public safety and public education in responding to the reductions caused by this paragraph while minimizing the loss of decision-making control of local taxing districts.

(E) If the total value for the tax year beginning July 1, 1997, of additions of value described in subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1) of this section that are added to the assessment and tax rolls for the tax year beginning July 1, 1996, or July 1, 1997, exceeds four percent of the total assessed value of property statewide for the tax year beginning July 1, 1997 (before taking into account the additions of value described in subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1) of this section), then any ad valorem property taxes attributable to the excess above four percent shall reduce the dollar amount of the reduction described in subparagraph (A) of this paragraph.

(b) For the tax year beginning July 1, 1997, the ad valorem property taxes that were reduced under paragraph (a) of this subsection shall be imposed on the assessed value of property in a local taxing district as provided by law, and the rate of the ad valorem property taxes imposed under this paragraph shall be the local taxing district's permanent limit on the rate of ad valorem property taxes imposed by the district for tax years beginning after July 1, 1997, except as provided in subsection (5) of this section.

(c)(A) A local taxing district that has not previously imposed ad valorem property taxes and that seeks to impose ad valorem property taxes shall establish a limit on the rate of ad valorem property tax to be imposed by the district. The rate limit established under this subparagraph shall be approved by a majority of voters voting on the question. The rate limit approved under this subparagraph shall serve as the district's permanent rate limit under paragraph (b) of this subsection.

(B) The voter participation requirements described in subsection (8) of this section apply to an election under this paragraph.

(d) If two or more local taxing districts seek to consolidate or merge, the limit on the rate of ad valorem property tax to be imposed by the consolidated or merged district shall be the rate that would produce the same tax revenue as the local taxing districts would have cumulatively produced in the year of consolidation or merger, if the consolidation or merger had not occurred.

(e)(A) If a local taxing district divides, the limit on the rate of ad valorem property tax to be imposed by each local taxing district after division shall be the same as the local taxing district's rate limit under paragraph (b) of this subsection prior to division.

(B) Notwithstanding subparagraph (A) of this paragraph, the limit determined under this paragraph shall not be greater than the rate that would have produced the same amount of ad valorem property tax revenue in the year of division, had the division not occurred.

(f) Rates of ad valorem property tax established under this subsection may be carried to a number of decimal places provided by law and rounded as provided by law.

(g) Urban renewal levies described in this subsection shall be imposed as provided in subsections (15) and (16) of this section and may not be imposed under this subsection.

(h) Ad valorem property taxes described in this subsection shall be subject to the limitations described in section 11b of this Article, as modified by subsection (11) of this section.

(4)(a)(A) A local taxing district other than a school district may impose a local option ad valorem property tax that exceeds the limitations imposed under this section by submitting the question of the

levy to voters in the local taxing district and obtaining the approval of a majority of the voters voting on the question.

(B) The Legislative Assembly may enact laws permitting a school district to impose a local option ad valorem property tax as otherwise provided under this subsection.

(b) A levy imposed pursuant to legislation enacted under this subsection may be imposed for no more than five years, except that a levy for a capital project may be imposed for no more than the lesser of the expected useful life of the capital project or 10 years.

(c) The voter participation requirements described in subsection (8) of this section apply to an election held under this subsection.

(5)(a) Any portion of a local taxing district levy shall not be subject to reduction and limitation under paragraphs (a) and (b) of subsection (3) of this section if that portion of the levy is used to repay:

(A) Principal and interest for any bond issued before December 5, 1996, and secured by a pledge or explicit commitment of ad valorem property taxes or a covenant to levy or collect ad valorem property taxes;

(B) Principal and interest for any other formal, written borrowing of moneys executed before December 5, 1996, for which ad valorem property tax revenues have been pledged or explicitly committed, or that are secured by a covenant to levy or collect ad valorem property taxes;

(C) Principal and interest for any bond issued to refund an obligation described in subparagraph (A) or (B) of this paragraph; or

(D) Local government pension and disability plan obligations that commit ad valorem property taxes and to ad valorem property taxes imposed to fulfill those obligations.

(b)(A) A levy described in this subsection shall be imposed on assessed value as otherwise provided by law in an amount sufficient to repay the debt described in this subsection. Ad valorem property taxes may not be imposed under this subsection that repay the debt at an earlier date or on a different schedule than established in the agreement creating the debt.

(B) A levy described in this subsection shall be subject to the limitations imposed under section 11b of this Article, as modified by subsection (11) of this section.

(c)(A) As used in this subsection, “local government pension and disability plan obligations that commit ad valorem property taxes” is limited to contractual obligations for which the levy of ad valorem property taxes has been committed by a local government charter provision that was in effect on December 5, 1996, and, if in effect on December 5, 1996, as amended thereafter.

(B) The rates of ad valorem property taxes described in this paragraph may be adjusted so that the maximum allowable rate is capable of raising the revenue that the levy would have been authorized to raise if applied to property valued at real market value.

(C) Notwithstanding subparagraph (B) of this paragraph, ad valorem property taxes described in this paragraph shall be taken into account for purposes of the limitations in section 11b of this Article, as modified by subsection (11) of this section.

(D) If any proposed amendment to a charter described in subparagraph (A) of this paragraph permits the ad valorem property tax levy for local government pension and disability plan obligations to be increased, the amendment must be approved by voters in an election. The voter participation requirements described in subsection (8) of this section apply to an election under this subparagraph. No amendment to any charter described in this paragraph may cause ad valorem property taxes to exceed the limitations of section 11b of this Article, as amended by subsection (11) of this section.

(d) If the levy described in this subsection was a tax base or other permanent continuing levy, other than a levy imposed for the purpose described in subparagraph (D) of paragraph (a) of this subsection, prior to the effective date of this section, for the tax year following the repayment of debt

described in this subsection the local taxing district's rate of ad valorem property tax established under paragraph (b) of subsection (3) of this section shall be increased to the rate that would have been in effect had the levy not been excepted from the reduction described in subsection (3) of this section. No adjustment shall be made to the rate of ad valorem property tax of local taxing districts other than the district imposing a levy under this subsection.

(e) If this subsection would apply to a levy described in paragraph (d) of this subsection, the local taxing district imposing the levy may elect out of the provisions of this subsection. The levy of a local taxing district making the election shall be included in the reduction and ad valorem property tax rate determination described in subsection (3) of this section.

(6)(a) The ad valorem property tax of a local taxing district, other than a city, county or school district, that is used to support a hospital facility shall not be subject to the reduction described in paragraph (a) of subsection (3) of this section. The entire ad valorem property tax imposed under this subsection for the tax year beginning July 1, 1997, shall be the local taxing district's permanent limit on the rate of ad valorem property taxes imposed by the district under paragraph (b) of subsection (3) of this section.

(b) Ad valorem property taxes described in this subsection shall be subject to the limitations imposed under section 11b of this Article, as modified by subsection (11) of this section.

(7) Notwithstanding any other existing or former provision of this Constitution, the following are validated, ratified, approved and confirmed:

(a) Any levy of ad valorem property taxes approved by a majority of voters voting on the question in an election held before December 5, 1996, if the election met the voter participation requirements described in subsection (8) of this section and the ad valorem property taxes were first imposed for the tax year beginning July 1, 1996, or July 1, 1997. A levy described in this paragraph shall not be subject to reduction under paragraph (a) of subsection (3) of this section but shall be taken into account in determining the local taxing district's permanent rate of ad valorem property tax under paragraph (b) of subsection (3) this section. This paragraph does not apply to levies described in subsection (5) of this section or to levies to pay bonded indebtedness described in section 11b of this Article, as modified by subsection (11) of this section.

(b) Any serial or one-year levy to replace an existing serial or one-year levy approved by a majority of the voters voting on the question at an election held after December 4, 1996, and to be first imposed for the tax year beginning July 1, 1997, if the rate or the amount of the levy approved is not greater than the rate or the amount of the levy replaced.

(c) Any levy of ad valorem property taxes approved by a majority of voters voting on the question in an election held on or after December 5, 1996, and before the effective date of this section if the election met the voter participation requirements described in subsection (8) of this section and the ad valorem property taxes were first imposed for the tax year beginning July 1, 1997. A levy described in this paragraph shall be treated as a local option ad valorem property tax under subsection (4) of this section. This paragraph does not apply to levies described in subsection (5) of this section or to levies to pay bonded indebtedness described in section 11b of this Article, as modified by subsection (11) of this section.

(8) An election described in subsection (3), (4), (5)(c)(D), (7)(a) or (c) or (11) of this section shall authorize the matter upon which the election is being held only if:

(a) At least 50 percent of registered voters eligible to vote in the election cast a ballot; or

(b) The election is a general election in an even-numbered year.

(9) The Legislative Assembly shall replace, from the state's General Fund, revenue lost by the public school system because of the limitations of this section. The amount of the replacement revenue shall not be less than the total replaced in fiscal year 1997-1998.

(10)(a) As used in this section:

(A) “Improvements” includes new construction, reconstruction, major additions, remodeling, renovation and rehabilitation, including installation, but does not include minor construction or ongoing maintenance and repair.

(B) “Ad valorem property tax” does not include taxes imposed to pay principal and interest on bonded indebtedness described in paragraph (d) of subsection (11) of this section.

(b) In calculating the addition to value for new property and improvements, the amount added shall be net of the value of retired property.

(11) For purposes of this section and for purposes of implementing the limits in section 11b of this Article in tax years beginning on or after July 1, 1997:

(a)(A) The real market value of property shall be the amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm’s length transaction occurring as of the assessment date for the tax year, as established by law.

(B) The Legislative Assembly shall enact laws to adjust the real market value of property to reflect a substantial casualty loss of value after the assessment date.

(b) The $5 (public school system) and $10 (other government) limits on property taxes per $1,000 of real market value described in subsection (1) of section 11b of this Article shall be determined on the basis of property taxes imposed in each geographic area taxed by the same local taxing districts.

(c)(A) All property taxes described in this section are subject to the limits described in paragraph (b) of this subsection, except for taxes described in paragraph (d) of this subsection.

(B) If property taxes exceed the limitations imposed under either category of local taxing district under paragraph (b) of this subsection:

(i) Any local option ad valorem property taxes imposed under this subsection shall be proportionally reduced by those local taxing districts within the category that is imposing local option ad valorem property taxes; and

(ii) After local option ad valorem property taxes have been eliminated, all other ad valorem property taxes shall be proportionally reduced by those taxing districts within the category, until the limits are no longer exceeded.

(C) The percentages used to make the proportional reductions under subparagraph (B) of this paragraph shall be calculated separately for each category.

(d) Bonded indebtedness, the taxes of which are not subject to limitation under this section or section 11b of this Article, consists of:

(A) Bonded indebtedness authorized by a provision of this Constitution;

(B) Bonded indebtedness issued on or before November 6, 1990; or

(C) Bonded indebtedness:

(i) Incurred for capital construction or capital improvements; and

(ii)(I) If issued after November 6, 1990, and approved prior to December 5, 1996, the issuance of which has been approved by a majority of voters voting on the question; or

(II) If approved by voters after December 5, 1996, the issuance of which has been approved by a majority of voters voting on the question in an election that is in compliance with the voter participation requirements in subsection (8) of this section.

(12) Bonded indebtedness described in subsection (11) of this section includes bonded indebtedness issued to refund bonded indebtedness described in subsection (11) of this section.

(13) As used in subsection (11) of this section, with respect to bonded indebtedness issued on or after December 5, 1996, “capital construction” and “capital improvements”:

(a) Include public safety and law enforcement vehicles with a projected useful life of five years or more; and

(b) Do not include:

(A) Maintenance and repairs, the need for which could reasonably be anticipated.

(B) Supplies and equipment that are not intrinsic to the structure.

(14) Ad valorem property taxes imposed to pay principal and interest on bonded indebtedness described in section 11b of this Article, as modified by subsection (11) of this section, shall be imposed on the assessed value of the property determined under this section or, in the case of specially assessed property, as otherwise provided by law or as limited by this section, whichever is applicable.

(15) If ad valorem property taxes are divided as provided in section 1c, Article IX of this Constitution, in order to fund a redevelopment or urban renewal project, then notwithstanding subsection (1) of this section, the ad valorem property taxes levied against the increase shall be used exclusively to pay any indebtedness incurred for the redevelopment or urban renewal project.

(16) The Legislative Assembly shall enact laws that allow collection of ad valorem property taxes sufficient to pay, when due, indebtedness incurred to carry out urban renewal plans existing on December 5, 1996. These collections shall cease when the indebtedness is paid. Unless excepted from limitation under section 11b of this Article, as modified by subsection (11) of this section, nothing in this subsection shall be construed to remove ad valorem property taxes levied against the increase from the dollar limits in paragraph (b) of subsection (11) of this section.

(17)(a) If, in an election on November 5, 1996, voters approved a new tax base for a local taxing district under repealed section 11 of this Article (1995 Edition) that was not to go into effect until the tax year beginning July 1, 1998, the local taxing district's permanent rate limit under subsection (3) of this section shall be recalculated for the tax year beginning on July 1, 1998, to reflect:

(A) Ad valorem property taxes that would have been imposed had repealed section 11 of this Article (1995 Edition) remained in effect; and

(B) Any other permanent continuing levies that would have been imposed under repealed section 11 of this Article (1995 Edition), as reduced by subsection (3) of this section.

(b) The rate limit determined under this subsection shall be the local taxing district's permanent rate limit for tax years beginning on or after July 1, 1999.

(18) Section 32, Article I, and section 1, Article IX of this Constitution, shall not apply to this section.

(19)(a) The Legislative Assembly shall by statute limit the ability of local taxing districts to impose new or additional fees, taxes, assessments or other charges for the purpose of using the proceeds as alternative sources of funding to make up for ad valorem property tax revenue reductions caused by the initial implementation of this section, unless the new or additional fee, tax, assessment or other charge is approved by voters.

(b) This subsection shall not apply to new or additional fees, taxes, assessments or other charges for a government product or service that a person:

(A) May legally obtain from a source other than government; and

(B) Is reasonably able to obtain from a source other than government.

(c) As used in this subsection, "new or additional fees, taxes, assessments or other charges" does not include moneys received by a local taxing district as:

(A) Rent or lease payments;

(B) Interest, dividends, royalties or other investment earnings;

(C) Fines, penalties and unitary assessments;

(D) Amounts charged to and paid by another unit of government for products, services or property; or

(E) Payments derived from a contract entered into by the local taxing district as a proprietary function of the local taxing district.

(d) This subsection does not apply to a local taxing district that derived less than 10 percent of the local taxing district's operating revenues from ad valorem property taxes, other than ad valorem property taxes imposed to pay bonded indebtedness, during the fiscal year ending June 30, 1996.

(e) An election under this subsection need not comply with the voter participation requirements described in subsection (8) of this section.

(20) If any provision of this section is determined to be unconstitutional or otherwise invalid, the remaining provisions shall continue in full force and effect. [Created through H.J.R. 85, 1997, and adopted by the people May 20, 1997 (this section adopted in lieu of former sections 11, 11a, 11f, 11g, 11h, 11i and 11j of this Article)]

Note: The effective date of House Joint Resolution 85, 1997, is June 19, 1997.

Section 11a. School district tax levy. [Created through S.J.R. 3, 1987, and adopted by the people May 19, 1987; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11f, 11g, 11h, 11i and 11j of this Article)]

Section 11b. Property tax categories; limitation on categories; exceptions. (1) During and after the fiscal year 1991-92, taxes imposed upon any property shall be separated into two categories: One which dedicates revenues raised specifically to fund the public school system and one which dedicates revenues raised to fund government operations other than the public school system. The taxes in each category shall be limited as set forth in the table which follows and these limits shall apply whether the taxes imposed on property are calculated on the basis of the value of that property or on some other basis:

MAXIMUM ALLOWABLE TAXES
For Each $1000.00 of
Property's Real Market Value

Fiscal Year	School System	Other than Schools
1991-1992	$15.00	$10.00
1992-1993	$12.50	$10.00
1993-1994	$10.00	$10.00
1994-1995	$ 7.50	$10.00
1995-1996 and thereafter	$ 5.00	$10.00

Property tax revenues are deemed to be dedicated to funding the public school system if the revenues are to be used exclusively for educational services, including support services, provided by some unit of government, at any level from pre-kindergarten through post-graduate training.

(2) The following definitions shall apply to this section:

(a) "Real market value" is the minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion, from an informed buyer acting without compulsion, in an "arms-length" transaction during the period for which the property is taxed.

(b) A "tax" is any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property except incurred charges and assessments for local improvements.

(c) “Incurred charges” include and are specifically limited to those charges by government which can be controlled or avoided by the property owner.

(i) because the charges are based on the quantity of the goods or services used and the owner has direct control over the quantity; or

(ii) because the goods or services are provided only on the specific request of the property owner; or

(iii) because the goods or services are provided by the governmental unit only after the individual property owner has failed to meet routine obligations of ownership and such action is deemed necessary to enforce regulations pertaining to health or safety.

Incurred charges shall not exceed the actual costs of providing the goods or services.

(d) A “local improvement” is a capital construction project undertaken by a governmental unit

(i) which provides a special benefit only to specific properties or rectifies a problem caused by specific properties, and

(ii) the costs of which are assessed against those properties in a single assessment upon the completion of the project, and

(iii) for which the payment of the assessment plus appropriate interest may be spread over a period of at least ten years.

The total of all assessments for a local improvement shall not exceed the actual costs incurred by the governmental unit in designing, constructing and financing the project.

(3) The limitations of subsection (1) of this section apply to all taxes imposed on property or property ownership except

(a) Taxes imposed to pay the principal and interest on bonded indebtedness authorized by a specific provision of this Constitution.

(b) Taxes imposed to pay the principal and interest on bonded indebtedness incurred or to be incurred for capital construction or improvements, provided the bonds are offered as general obligations of the issuing governmental unit and provided further that either the bonds were issued not later than November 6, 1990, or the question of the issuance of the specific bonds has been approved by the electors of the issuing governmental unit.

(4) In the event that taxes authorized by any provision of this Constitution to be imposed upon any property should exceed the limitation imposed on either category of taxing units defined in subsection (1) of this section, then, notwithstanding any other provision of this Constitution, the taxes imposed upon such property by the taxing units in that category shall be reduced evenly by the percentage necessary to meet the limitation for that category. The percentages used to reduce the taxes imposed shall be calculated separately for each category and may vary from property to property within the same taxing unit. The limitation imposed by this section shall not affect the tax base of a taxing unit.

(5) The Legislative Assembly shall replace from the State’s general fund any revenue lost by the public school system because of the limitations of this section. The Legislative Assembly is authorized, however, to adopt laws which would limit the total of such replacement revenue plus the taxes imposed within the limitations of this section in any year to the corresponding total for the previous year plus 6 percent. This subsection applies only during fiscal years 1991-92 through 1995-96, inclusive. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11c. Limits in addition to other tax limits. The limits in section 11b of this Article are in addition to any limits imposed on individual taxing units by this Constitution. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11d. Effect of section 11b on exemptions and assessments. Nothing in sections 11b to 11e of this Article is intended to require or to prohibit the amendment of any current statute which partially or totally exempts certain classes of property or which prescribes special rules for assessing certain classes of property, unless such amendment is required or prohibited by the implementation of the limitations imposed by section 11b of this Article. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11e. Severability of sections 11b, 11c and 11d. If any portion, clause or phrase of sections 11b to 11e of this Article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses and phrases shall not be affected but shall remain in full force and effect. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11f. School district tax levy following merger. [Created through H.J.R. 14, 1989, and adopted by the people Nov. 6, 1990; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11a, 11g, 11h, 11i and 11j of this Article)]

Note: Section 11f was designated as “Section 11b” by H.J.R. 14, 1989, and adopted by the people Nov. 6, 1990.

Section 11g. Tax increase limitation; exceptions. [Created through initiative petition filed Dec. 8, 1995, and adopted by the people Nov. 5, 1996; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11a, 11f, 11h, 11i and 11j of this Article)]

Section 11h. Voluntary contributions for support of schools or other public entities. [Created through initiative petition filed Dec. 8, 1995, and adopted by the people Nov. 5, 1996; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11a, 11f, 11g, 11i and 11j of this Article)]

Section 11i. Legislation to implement limitation and contribution provisions. [Created through initiative petition filed Dec. 8, 1995, and adopted by the people Nov. 5, 1996; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11a, 11f, 11g, 11h and 11j of this Article)]

Section 11j. Severability of sections 11g, 11h and 11i. [Created through initiative petition filed Dec. 8, 1995, and adopted by the people Nov. 5, 1996; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11a, 11f, 11g, 11h and 11i of this Article)]

Section 11k. Limitation on applicability of section 11 (8) voting requirements to elections on measures held in May or November of any year. Notwithstanding subsection (8) of section 11 of this Article, subsection (8) of section 11 of this Article does not apply to any measure voted on in an election held in May or November of any year. [Created through H.J.R. 15, 2007, and adopted by the people Nov. 4, 2008]

Section 11L. Limitation on applicability of sections 11 and 11b on bonded indebtedness to finance capital costs. (1) The limitations of sections 11 and 11b of this Article do not apply to bonded indebtedness incurred by local taxing districts if the bonded indebtedness was incurred on or after January 1, 2011, to finance capital costs as defined in subsection (5) of this section.

(2) Bonded indebtedness described in subsection (1) of this section includes bonded indebtedness issued to refund bonded indebtedness described in subsection (1) of this section.

(3) Notwithstanding subsection (1) of this section, subsection (8) of section 11 of this Article, as limited by section 11k of this Article, applies to measures that authorize bonded indebtedness described in subsection (1) of this section.

(4) The weighted average life of bonded indebtedness incurred on or after January 1, 2011, to finance capital costs may not exceed the weighted average life of the capital costs that are financed with that indebtedness.

(5)(a) As used in this section, "capital costs" means costs of land and of other assets having a useful life of more than one year, including costs associated with acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair.

(b) "Capital costs" does not include costs of routine maintenance or supplies. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 12. People's utility districts. Peoples' [sic] Utility Districts may be created of territory, contiguous or otherwise, within one or more counties, and may consist of an incorporated municipality, or municipalities, with or without unincorporated territory, for the purpose of supplying water for domestic and municipal purposes; for the development of water power and/or electric energy; and for the distribution, disposal and sale of water, water power and electric energy. Such districts shall be managed by boards of directors, consisting of five members, who shall be residents of such districts. Such districts shall have power:

(a) To call and hold elections within their respective districts.

(b) To levy taxes upon the taxable property of such districts.

(c) To issue, sell and assume evidences of indebtedness.

(d) To enter into contracts.

(e) To exercise the power of eminent domain.

(f) To acquire and hold real and other property necessary or incident to the business of such districts.

(g) To acquire, develop, and/or otherwise provide for a supply of water, water power and electric energy.

Such districts may sell, distribute and/or otherwise dispose of water, water power and electric energy within or without the territory of such districts.

The legislative assembly shall and the people may provide any legislation, that may be necessary, in addition to existing laws, to carry out the provisions of this section. [Created through initiative petition filed July 3, 1930, and adopted by the people Nov. 4, 1930]

Section 13. Interests of employes when operation of transportation system assumed by public body. Notwithstanding the provisions of section 20, Article I, section 10, Article VI, and sections 2 and 9, Article XI, of this Constitution, when any city, county, political subdivision, public agency or municipal corporation assumes responsibility for the operation of a public transportation system, the city, county, political subdivision, public agency or municipal corporation shall make fair and equitable arrangements to protect the interests of employes and retired employes affected. Such protective arrangements may include, without being limited to, such provisions as may be necessary for the preservation of rights, privileges and benefits (including continuation of pension

rights and payment of benefits) under existing collective bargaining agreements, or otherwise. [Created through H.J.R. 13, 1965, and adopted by the people Nov. 8, 1966]

Section 14. Metropolitan service district charter. (1) The Legislative Assembly shall provide by law a method whereby the legal electors of any metropolitan service district organized under the laws of this state, by majority vote of such electors voting thereon at any legally called election, may adopt, amend, revise or repeal a district charter.

(2) A district charter shall prescribe the organization of the district government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the powers and perform all the duties, as granted to, imposed upon or distributed among district officers by the Constitution or laws of this state, by the district charter or by its authority.

(3) A district charter may provide for the exercise by ordinance of powers granted to the district by the Constitution or laws of this state.

(4) A metropolitan service district shall have jurisdiction over matters of metropolitan concern as set forth in the charter of the district.

(5) The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal electors of a metropolitan service district relative to the adoption, amendment, revision or repeal of a district charter and district legislation enacted thereunder. Such powers shall be exercised in the manner provided for county measures under section 10, Article VI of this Constitution. [Created by S.J.R. 2, 1989, and adopted by the people Nov. 6, 1990]

Section 15. Funding of programs imposed upon local governments; exceptions. (1) Except as provided in subsection (7) of this section, when the Legislative Assembly or any state agency requires any local government to establish a new program or provide an increased level of service for an existing program, the State of Oregon shall appropriate and allocate to the local government moneys sufficient to pay the ongoing, usual and reasonable costs of performing the mandated service or activity.

(2) As used in this section:

(a) “Enterprise activity” means a program under which a local government sells products or services in competition with a nongovernment entity.

(b) “Local government” means a city, county, municipal corporation or municipal utility operated by a board or commission.

(c) “Program” means a program or project imposed by enactment of the Legislative Assembly or by rule or order of a state agency under which a local government must provide administrative, financial, social, health or other specified services to persons, government agencies or to the public generally.

(d) “Usual and reasonable costs” means those costs incurred by the affected local governments for a specific program using generally accepted methods of service delivery and administrative practice.

(3) A local government is not required to comply with any state law or administrative rule or order enacted or adopted after January 1, 1997, that requires the expenditure of money by the local government for a new program or increased level of service for an existing program until the state appropriates and allocates to the local government reimbursement for any costs incurred to carry out the law, rule or order and unless the Legislative Assembly provides, by appropriation, reimbursement in each succeeding year for such costs. However, a local government may refuse to comply with a state law or administrative rule or order under this subsection only if the amount

appropriated and allocated to the local government by the Legislative Assembly for a program in a fiscal year:

(a) Is less than 95 percent of the usual and reasonable costs incurred by the local government in conducting the program at the same level of service in the preceding fiscal year; or

(b) Requires the local government to spend for the program, in addition to the amount appropriated and allocated by the Legislative Assembly, an amount that exceeds one-hundredth of one percent of the annual budget adopted by the governing body of the local government for that fiscal year.

(4) When a local government determines that a program is a program for which moneys are required to be appropriated and allocated under subsection (1) of this section, if the local government expended moneys to conduct the program and was not reimbursed under this section for the usual and reasonable costs of the program, the local government may submit the issue of reimbursement to nonbinding arbitration by a panel of three arbitrators. The panel shall consist of one representative from the Oregon Department of Administrative Services, the League of Oregon Cities and the Association of Oregon Counties. The panel shall determine whether the costs incurred by the local government are required to be reimbursed under this section and the amount of reimbursement. The decision of the arbitration panel is not binding upon the parties and may not be enforced by any court in this state.

(5) In any legal proceeding or arbitration proceeding under this section, the local government shall bear the burden of proving by a preponderance of the evidence that moneys appropriated by the Legislative Assembly are not sufficient to reimburse the local government for the usual and reasonable costs of a program.

(6) Except upon approval by three-fifths of the membership of each house of the Legislative Assembly, the Legislative Assembly shall not enact, amend or repeal any law if the anticipated effect of the action is to reduce the amount of state revenues derived from a specific state tax and distributed to local governments as an aggregate during the distribution period for such revenues immediately preceding January 1, 1997.

(7) This section shall not apply to:

(a) Any law that is approved by three-fifths of the membership of each house of the Legislative Assembly.

(b) Any costs resulting from a law creating or changing the definition of a crime or a law establishing sentences for conviction of a crime.

(c) An existing program as enacted by legislation prior to January 1, 1997, except for legislation withdrawing state funds for programs required prior to January 1, 1997, unless the program is made optional.

(d) A new program or an increased level of program services established pursuant to action of the Federal Government so long as the program or increased level of program services imposes costs on local governments that are no greater than the usual and reasonable costs to local governments resulting from compliance with the minimum program standards required under federal law or regulations.

(e) Any requirement imposed by the judicial branch of government.

(f) Legislation enacted or approved by electors in this state under the initiative and referendum powers reserved to the people under section 1, Article IV of this Constitution.

(g) Programs that are intended to inform citizens about the activities of local governments.

(8) When a local government is not required under subsection (3) of this section to comply with a state law or administrative rule or order relating to an enterprise activity, if a nongovernment entity competes with the local government by selling products or services that are similar to the products

and services sold under the enterprise activity, the nongovernment entity is not required to comply with the state law or administrative rule or order relating to that enterprise activity.

(9) Nothing in this section shall give rise to a claim by a private person against the State of Oregon based on the establishment of a new program or an increased level of service for an existing program without sufficient appropriation and allocation of funds to pay the ongoing, usual and reasonable costs of performing the mandated service or activity.

(10) Subsection (4) of this section does not apply to a local government when the local government is voluntarily providing a program four years after the effective date of the enactment, rule or order that imposed the program.

(11) In lieu of appropriating and allocating funds under this section, the Legislative Assembly may identify and direct the imposition of a fee or charge to be used by a local government to recover the actual cost of the program. [Created through H.J.R. 2, 1995, and adopted by the people Nov. 5, 1996]

Section 15a. Subsequent vote for reaffirmation of section 15. [Created through H.J.R. 2, 1995, and adopted by the people Nov. 5, 1996; Repeal proposed by S.J.R. 39, 1999, and adopted by the people Nov. 7, 2000]

ARTICLE XI-A
RURAL CREDITS

[Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916; Repeal proposed by S.J.R. 1, 1941, and adopted by the people Nov. 3, 1942]

ARTICLE XI-A
FARM AND HOME LOANS TO VETERANS

Sec. 1. State empowered to make farm and home loans to veterans; standards and priorities for loans
2. Bonds
3. Eligibility to receive loans
4. Tax levy
5. Repeal of conflicting constitutional provisions
6. Refunding bonds

Section 1. State empowered to make farm and home loans to veterans; standards and priorities for loans. (1) Notwithstanding the limits contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed eight percent of the true cash value of all the property in the state, for the purpose of creating a fund, to be known as the “Oregon War Veterans’ Fund,” to be advanced for the acquisition of farms and homes for the benefit of male and female residents of the State of Oregon who served in the Armed Forces of the United States. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund, except that moneys in the Oregon War Veterans’ Fund may also be appropriated to the Director of Veterans’ Affairs to be expended, without security, for the following purposes:

(a) Aiding veterans’ organizations in connection with their programs of service to veterans;

(b) Training service officers appointed by the counties to give aid as provided by law to veterans and their dependents;

(c) Aiding the counties in connection with programs of service to veterans;

(d) The duties of the Director of Veterans' Affairs as conservator of the estates of beneficiaries of the United States Veterans' Administration; and

(e) The duties of the Director of Veterans' Affairs in providing services to veterans, their dependents and survivors.

(2) The Director of Veterans' Affairs may establish standards and priorities with respect to the granting of loans from the Oregon War Veterans' Fund that, as determined by the director, best accomplish the purposes and promote the financial sustainability of the Oregon War Veterans' Fund, including, but not limited to, standards and priorities necessary to maintain the tax-exempt status of earnings from bonds issued under authority of this section and section 2 of this Article. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 1, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 14, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 14, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by H.J.R. 33, 1969, and adopted by the people Nov. 3, 1970; Amendment proposed by H.J.R. 12, 1973, and adopted by the people May 28, 1974; Amendment proposed by H.J.R. 10, 1977, and adopted by the people May 17, 1977; Amendment proposed by S.J.R. 53, 1977, and adopted by the people May 17, 1977; Amendment proposed by S.J.R. 2, 1999, and adopted by the people Nov. 7, 2000; Amendment proposed by H.J.R. 7, 2009, and adopted by the people Nov. 2, 2010]

Section 2. Bonds. Bonds of the state of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 hereof for the purpose of creating said "Oregon War Veterans' Fund." Said bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 1, 1949, and adopted by the people Nov. 7, 1950]

Section 3. Eligibility to receive loans. No person shall receive money from the Oregon War Veterans' Fund except the following:

(1) A person who:

(a) Resides in the State of Oregon at the time of applying for a loan from the fund;

(b) Is a veteran, as that term is defined by Oregon law;

(c) Served under honorable conditions on active duty in the Armed Forces of the United States; and

(d) Satisfies the requirements applicable to the funding source for the loan from the Oregon War Veterans' Fund.

(2)(a) The spouse of a person who is qualified to receive a loan under subsection (1) of this section but who has either been missing in action or a prisoner of war while on active duty in the Armed Forces of the United States even though the status of missing or being a prisoner occurred prior to completion of a minimum length of service or the person never resided in this state, provided the spouse resides in this state at the time of application for the loan.

(b) The surviving spouse of a person who was qualified to receive a loan under subsection (1) of this section but who died while on active duty in the Armed Forces of the United States even though the death occurred prior to completion of a minimum length of service or the person never resided in this state, provided the surviving spouse resides in this state at the time of application for the loan.

(c) The eligibility of a surviving spouse under this subsection shall terminate on the spouse's remarriage.

(3) As used in this section, "active duty" does not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or National Guard unit. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 1, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 14, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 14, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by S.J.R. 23, 1971, and adopted by the people Nov. 7, 1972; Amendment proposed by H.J.R. 23, 1975, and adopted by the people May 25, 1976; Amendment proposed by H.J.R. 23, 1979, and adopted by the people May 20, 1980; Amendment proposed by S.J.R. 3, 1995, and adopted by the people Nov. 5, 1996; Amendment proposed by S.J.R. 2, 1999, and adopted by the people Nov. 7, 2000; Amendment proposed by H.J.R. 7, 2009, and adopted by the people Nov. 2, 2010]

Section 4. Tax levy. There shall be levied each year, at the same time and in the same manner that other taxes are levied, a tax upon all property in the state of Oregon not exempt from taxation, not to exceed two (2) mills on each dollar valuation, to provide for the payment of principal and interest of the bonds authorized to be issued by this article. The two (2) mills additional tax herein provided for hereby is specifically authorized and said tax levy hereby authorized shall be in addition to all other taxes which may be levied according to law. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997]

Section 5. Repeal of conflicting constitutional provisions. The provisions of the constitution in conflict with this amendment hereby are repealed so far as they conflict herewith. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944]

Section 6. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this article. There may be issued and outstanding at any one time bonds aggregating the amount authorized by section 1 hereof, but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944]

ARTICLE XI-B
STATE PAYMENT OF IRRIGATION AND DRAINAGE DISTRICT INTEREST

[Created through H.J.R. 32, 1919, and adopted by the people June 3, 1919; Repeal proposed by H.J.R. 1, 1929, and adopted by the people Nov. 4, 1930]

ARTICLE XI-C
WORLD WAR VETERANS' STATE AID SINKING FUND

[Created through H.J.R. 12, 1921, and adopted by the people June 7, 1921; Amendment proposed by H.J.R. 7, 1923, and adopted by the people Nov. 4, 1924; Repeal proposed by S.J.R. 12, 1951, and adopted by the people Nov. 4, 1952]

ARTICLE XI-D
STATE POWER DEVELOPMENT

Sec. 1. State's rights, title and interest to water and water-power sites to be held in perpetuity
2. State's powers enumerated
3. Legislation to effectuate article
4. Construction of article

Section 1. State's rights, title and interest to water and water-power sites to be held in perpetuity. The rights, title and interest in and to all water for the development of water power and to water power sites, which the state of Oregon now owns or may hereafter acquire, shall be held by it in perpetuity. [Created through initiative petition filed July 7, 1932, and adopted by the people Nov. 8, 1932]

Section 2. State's powers enumerated. The state of Oregon is authorized and empowered:

1. To control and/or develop the water power within the state;
2. To lease water and water power sites for the development of water power;
3. To control, use, transmit, distribute, sell and/or dispose of electric energy;
4. To develop, separately or in conjunction with the United States, or in conjunction with the political subdivisions of this state, any water power within the state, and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;
5. To develop, separately or in conjunction with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, any water power in any interstate stream and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;
6. To contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, for the purchase or acquisition of water, water power and/or electric energy for use, transmission, distribution, sale and/or disposal thereof;
7. To fix rates and charges for the use of water in the development of water power and for the sale and/or disposal of water power and/or electric energy;
8. To loan the credit of the state, and to incur indebtedness to an amount not exceeding one and one-half percent of the true cash value of all the property in the state taxed on an ad valorem basis, for the purpose of providing funds with which to carry out the provisions of this article, notwithstanding any limitations elsewhere contained in this constitution;
9. To do any and all things necessary or convenient to carry out the provisions of this article.

[Created through initiative petition filed July 7, 1932, and adopted by the people Nov. 8, 1932; Amendment proposed by S.J.R. 6, 1961, and adopted by the people Nov. 6, 1962]

Section 3. Legislation to effectuate article. The legislative assembly shall, and the people may, provide any legislation that may be necessary in addition to existing laws, to carry out the provisions of this article; Provided, that any board or commission created, or empowered to administer the laws enacted to carry out the purposes of this article shall consist of three members and be elected without party affiliation or designation. [Created through initiative petition filed July 7, 1932, and adopted by the people Nov. 8, 1932]

Section 4. Construction of article. Nothing in this article shall be construed to affect in any way the laws, and the administration thereof, now existing or hereafter enacted, relating to the appropriation and use of water for beneficial purposes, other than for the development of water

power. [Created through initiative petition filed July 7, 1932, and adopted by the people Nov. 8, 1932]

ARTICLE XI-E
STATE REFORESTATION

Section 1. State empowered to lend credit for forest rehabilitation and reforestation; bonds; taxation. The credit of the state may be loaned and indebtedness incurred in an amount which shall not exceed at any one time 3/16 of 1 percent of the true cash value of all the property in the state taxed on an ad valorem basis, to provide funds for forest rehabilitation and reforestation and for the acquisition, management, and development of lands for such purposes. So long as any such indebtedness shall remain outstanding, the funds derived from the sale, exchange, or use of said lands, and from the disposal of products therefrom, shall be applied only in the liquidation of such indebtedness. Bonds or other obligations issued pursuant hereto may be renewed or refunded. An ad valorem tax shall be levied annually upon all the property in the state of Oregon taxed on an ad valorem basis, in sufficient amount to provide for the payment of such indebtedness and the interest thereon. The legislative assembly may provide other revenues to supplement or replace the said tax levies. The legislature shall enact legislation to carry out the provisions hereof. This amendment shall supersede all constitutional provisions in conflict herewith. [Created through H.J.R. 24, 1947, and adopted by the people Nov. 2, 1948; Amendment proposed by S.J.R. 7, 1961, and adopted by the people Nov. 6, 1962; Amendment proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997]

ARTICLE XI-F(1)
HIGHER EDUCATION BUILDING PROJECTS

Sec. 1. State empowered to lend credit for higher education building projects
2. Limitation on authorization to incur indebtedness
3. Sources of revenue
4. Bonds
5. Legislation to effectuate Article

Section 1. State empowered to lend credit for higher education building projects. The credit of the state may be loaned and indebtedness incurred in an amount which shall not exceed at any one time three-fourths of one percent of the true cash value of all the taxable property in the state, as determined by law to provide funds with which to acquire, construct, improve, repair, equip and furnish buildings, structures, land and other projects, or parts thereof, that the legislative assembly determines will benefit higher education institutions or activities. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 12, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 101, 2010, and adopted by the people May 18, 2010]

Section 2. Limitation on authorization to incur indebtedness. Indebtedness shall not be incurred to finance projects described in section 1 of this Article unless the constructing authority conservatively estimates that the constructing authority will have sufficient revenues to pay the indebtedness and operate the projects financed with the proceeds of the indebtedness. For purposes of this section, “revenues” includes all funds available to the constructing authority except amounts appropriated by the legislative assembly from the General Fund. [Created through H.J.R. 26, 1949,

and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 101, 2010, and adopted by the people May 18, 2010]

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the state of Oregon in sufficient amount, with the aforesaid revenues, to provide for the payment of such indebtedness and the interest thereon. The legislative assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 101, 2010, and adopted by the people May 18, 2010]

Section 4. Bonds. Bonds issued pursuant to this article shall be the direct general obligations of the state, and be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by statute. Such bonds may be refunded with bonds of like obligation. Unless provided by statute, no bonds shall be issued pursuant to this article for the construction of buildings or other structures for higher education until after all of the aforesaid outstanding revenue bonds shall have been redeemed or refunded. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950]

Section 5. Legislation to effectuate Article. The legislative assembly shall enact legislation to carry out the provisions hereof. This article shall supersede all conflicting constitutional provisions. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950]

ARTICLE XI-F(2)
VETERANS' BONUS

Sec. 1. State empowered to lend credit to pay veterans' bonus; issuance of bonds
2. Definitions
3. Amount of bonus
4. Survivors of certain deceased veterans entitled to maximum amount
5. Certain persons not eligible
6. Order of distribution among survivors
7. Bonus not saleable or assignable; bonus free from creditors' claims and state taxes
8. Administration of Article; rules and regulations
9. Applications
10. Furnishing forms; printing, office supplies and equipment; employes; payment of expenses

Section 1. State empowered to lend credit to pay veterans' bonus; issuance of bonds. Notwithstanding the limitations contained in Section 7 of Article XI of the constitution, the credit of the State of Oregon may be loaned and indebtedness incurred to an amount not exceeding 5 percent of the assessed valuation of all the property in the state, for the purpose of creating a fund to be paid to residents of the State of Oregon who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and were honorably discharged from such service, which fund shall be known as the "World War II Veterans' Compensation Fund."

Bonds of the State of Oregon, containing a direct promise on behalf of the state to pay the face value thereof with the interest thereon provided for may be issued to an amount authorized in Section 1 hereof for the purpose of creating said World War II Veterans' Compensation Fund. Refunding bonds may be issued and sold to refund any bonds issued under authority of Section 1

hereof. There may be issued and outstanding at any one time bonds aggregating the amount authorized by Section 1, but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. Said bonds shall be a direct obligation of the State and shall be in such form and shall run for such periods of time and bear such rates of interest as shall be provided by statute. No person shall be eligible to receive money from said fund except the veterans as defined in Section 3 of this act [sic]. The legislature shall and the people may provide any additional legislation that may be necessary, in addition to existing laws, to carry out the provisions of this section. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 2. Definitions. The following words, terms, and phrases, as used in this act [sic] shall have the following meaning unless the text otherwise requires:

1. "Domestic service" means service within the continental limits of the United States, excluding Alaska, Hawaii, Canal Zone and Puerto Rico.
2. "Foreign Service" means service in all other places, including sea duty.
3. "Husband" means the unremarried husband, and "wife" means the unremarried wife.
4. "Child or Children" means child or children of issue, child or children by adoption or child or children to whom the deceased person has stood in loco parentis for one year or more immediately preceding his death.
5. "Parent or Parents" means natural parent or parents; parent or parents by adoption; or, person or persons, including stepparent or stepparents, who have stood in loco parentis to the deceased person for a period of one year or more immediately prior to entrance into the armed service of the United States.
6. "Veterans" means any person who shall have served in active duty in the armed forces of the United States at any time between September 16, 1940, and June 30, 1946, both dates inclusive, and who, at the time of commencing such service, was and had been a bona fide resident of the State of Oregon for at least one year immediately preceding the commencement of such service, and who shall have been separated from such service under honorable conditions, or who is still in such service, or who has been retired. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 3. Amount of bonus. Every veteran who was in such service for a period of at least 90 days shall be entitled to receive compensation at the rate of Ten Dollars ($10.00) for each full month during which such veteran was in active domestic service and Fifteen Dollars ($15.00) for each full month during which such veteran was in active foreign service within said period of time. Any veteran who was serving on active duty in the armed forces between September 16, 1940, and June 30, 1946, whose services were terminated by reason of service-connected disabilities, and who, upon filing a claim for disabilities with the United States Veterans' Administration within three months after separation from the armed service, was rated not less than 50% disabled as a result of such claim, shall be deemed to have served sufficient time to entitle him or her to the maximum payment under this act [sic] and shall be so entitled. The maximum amount of compensation payable under this act [sic] shall be six hundred dollars ($600.00) and no such compensation shall be paid to any veteran who shall have received from another state a bonus or compensation because of such military service. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 4. Survivors of certain deceased veterans entitled to maximum amount. The survivor or survivors, of the deceased veteran whose death was caused or contributed to by a

service-connected disease or disability incurred in service under conditions other than dishonorable, shall be entitled, in the order of survivorship provided in this act [sic], to receive the maximum amount of said compensation irrespective of the amount such deceased would have been entitled to receive if living. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 5. Certain persons not eligible. No compensation shall be paid under this act [sic] to any veteran who, during the period of service refused on conscientious, political or other grounds to subject himself to full military discipline and unqualified service, or to any veteran for any periods of time spent under penal confinement during the period of active duty, or for service in the merchant marine: Provided, however, that for the purposes of this act [sic], active service in the chaplain corps, or medical corps shall be deemed unqualified service under full military discipline. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 6. Order of distribution among survivors. The survivor or survivors of any deceased veteran who would have been entitled to compensation under this act [sic], other than those mentioned in Section 4 of this act [sic], shall be entitled to receive the same amount of compensation as said deceased veteran would have received, if living, which shall be distributed as follows:

1. To the husband or wife, as the case may be, the whole amount.
2. If there be no husband or wife, to the child or children, equally; and
3. If there be no husband or wife or child or children, to the parent or parents, equally. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 7. Bonus not saleable or assignable; bonus free from creditors' claims and state taxes. No sale or assignment of any right or claim to compensation under this act [sic] shall be valid, no claims of creditors shall be enforcible against rights or claims to or payments of such compensation, and such compensation shall be exempt from all taxes imposed by the laws of this state. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 8. Administration of article; rules and regulations. The director of Veterans' Affairs, State of Oregon, referred to herein as the "director" hereby is authorized and empowered, and it shall be his duty, to administer the provisions of this act [sic], and with the approval of the veterans advisory committee may make such rules and regulations as are deemed necessary to accomplish the purpose hereof. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 9. Applications. All applications for certificates under this act [sic] shall be made within two years from the effective date hereof and upon forms to be supplied by the director. Said applications shall be duly verified by the claimant before a notary public or other person authorized to take acknowledgments, and shall set forth applicant's name, residence at the time of entry into the service, date and place of enlistment, induction or entry upon active federal service, beginning and ending dates of foreign service, date of discharge, retirement or release from active federal service, statement of time lost by reason of penal confinement during the period of active duty; together with the applicant's original discharge, or certificate in lieu of lost discharge, or certificate of service, or if the applicant has not been released at the time of application, a statement by competent military authority that the applicant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that the applicant has not been

separated from service under circumstances other than honorable. The director may require such further information to be included in such application as deemed necessary to enable him to determine the eligibility of the applicant. Such applications, together with satisfactory evidence of honorable service, shall be filed with the director. The director shall make such reasonable requirements for applicants as may be necessary to prevent fraud or the payment of compensation to persons not entitled thereto. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 10. Furnishing forms; printing, office supplies and equipment; employes; payment of expenses. The director shall furnish free of charge, upon request, the necessary forms upon which applications may be made and may authorize the county clerks, Veterans organizations and other organizations, and notaries public willing to assist veterans without charge, to act for him in receiving application under this act [sic], and shall furnish such clerks, organizations and notaries public, with the proper forms for such purpose. The director hereby is authorized and directed with the approval of the veterans' advisory committee, to procure such printing, office supplies and equipment and to employ such persons as may be necessary in order to properly carry out the provisions of this act [sic], and all expense incurred by him in the administration thereof shall be paid out of the World War II Veterans' Compensation Fund, in the manner provided by law for payment of claims from other state funds. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

ARTICLE XI-G
HIGHER EDUCATION INSTITUTIONS AND ACTIVITIES; COMMUNITY COLLEGES

Sec. 1. State empowered to lend credit for financing higher education institutions and activities, and community colleges
2. Bonds
3. Sources of revenue

Section 1. State empowered to lend credit for financing higher education institutions and activities, and community colleges. (1) Notwithstanding the limitations contained in section 7, Article XI of this Constitution, and in addition to other exceptions from the limitations of such section, the credit of the state may be loaned and indebtedness incurred in an amount not to exceed at any time three-fourths of one percent of the true cash value of all taxable property in the state, as determined by law.

(2) Proceeds from any loan authorized or indebtedness incurred under this section shall be used to provide funds with which to acquire, construct, improve, repair, equip and furnish buildings, structures, land and other projects, or parts thereof, that the Legislative Assembly determines will benefit higher education institutions or activities or community colleges authorized by law to receive state aid.

(3) The amount of any indebtedness incurred under this section in any biennium shall be matched by an amount that is at least equal to the amount of the indebtedness. The matching amount must be used for the same or similar purposes as the proceeds of the indebtedness and may consist of moneys appropriated from the General Fund or any other moneys available to the constructing authority for such purposes. However, the matching amount may not consist of proceeds of indebtedness incurred by the state under any other Article of this Constitution. Any matching amount appropriated from the General Fund to meet the requirements of this subsection must be specifically designated therefor by the Legislative Assembly.

(4) Nothing in this section prevents the financing of projects, or parts thereof, by a combination of the moneys available under this section, under Article XI-F(1) of this Constitution, and from other lawful sources. [Created through H.J.R. 8, 1963 (s.s.), and adopted by the people May 15, 1964; Amendment proposed by H.J.R. 2, 1967 (s.s.), and adopted by the people May 28, 1968; Amendment proposed by H.J.R. 101, 2010, and adopted by the people May 18, 2010]

Section 2. Bonds. Bonds issued pursuant to this Article shall be the direct general obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest as the Legislative Assembly provides. Such bonds may be refunded with bonds of like obligation. [Created through H.J.R. 8, 1963 (s.s.), and adopted by the people May 15, 1964]

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon the taxable property within the State of Oregon in sufficient amount to provide for the prompt payment of bonds issued pursuant to this Article and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through H.J.R. 8, 1963 (s.s.), and adopted by the people May 15, 1964]

ARTICLE XI-H
POLLUTION CONTROL

Sec. 1. State empowered to lend credit for financing pollution control facilities or related activities
2. Only facilities 70 percent self-supporting and self-liquidating authorized; exceptions
3. Authority of public bodies to receive funds
4. Sources of revenue
5. Bonds
6. Legislation to effectuate Article

Section 1. State empowered to lend credit for financing pollution control facilities or related activities. In the manner provided by law and notwithstanding the limitations contained in sections 7 and 8, Article XI, of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one percent of the true cash value of all taxable property in the state:

(1) To provide funds to be advanced, by contract, grant, loan or otherwise, to any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, for the purpose of planning, acquisition, construction, alteration or improvement of facilities for or activities related to, the collection, treatment, dilution and disposal of all forms of waste in or upon the air, water and lands of this state; and

(2) To provide funds for the acquisition, by purchase, loan or otherwise, of bonds, notes or other obligations of any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, issued or made for the purposes of subsection (1) of this section. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970; Amendment proposed by S.J.R. 41, 1989, and adopted by the people May 22, 1990]

Section 2. Only facilities 70 percent self-supporting and self-liquidating authorized; exceptions. The facilities for which funds are advanced and for which bonds, notes or other obligations are issued or made and acquired pursuant to this Article shall be only such facilities as conservatively appear to the agency designated by law to make the determination to be not less than

70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees. This section shall not apply to any activities for which funds are advanced and shall not apply to facilities for the collection, treatment, dilution, removal and disposal of hazardous substances. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970; Amendment proposed by S.J.R. 41, 1989, and adopted by the people May 22, 1990]

Section 3. Authority of public bodies to receive funds. Notwithstanding the limitations contained in section 10, Article XI of this Constitution, municipal corporations, cities, counties, and agencies of the State of Oregon, or combinations thereof, may receive funds referred to in section 1 of this Article, by contract, grant, loan or otherwise and may also receive such funds through disposition to the state, by sale, loan or otherwise, of bonds, notes or other obligations issued or made for the purposes set forth in section 1 of this Article. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all taxable property within the State of Oregon in sufficient amount to provide, together with the revenues, gifts, grants from the Federal Government, user charges, assessments and other fees referred to in section 2 of this Article for the payment of indebtedness incurred by the state and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

Section 5. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by law. Such bonds may be refunded with bonds of like obligation. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

Section 6. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions and shall supersede any conflicting provision of a county or city charter or act of incorporation. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

ARTICLE XI-I(1)
WATER DEVELOPMENT PROJECTS

Sec. 1. State empowered to lend credit to establish Water Development Fund; eligibility; use
2. Bonds
3. Refunding bonds
4. Sources of revenue
5. Legislation to effectuate Article

Section 1. State empowered to lend credit to establish Water Development Fund; eligibility; use. Notwithstanding the limits contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed one and one-half percent of the true cash value of all the property in the state for the purpose of creating a fund to be known as the Water Development Fund. The fund shall be used to provide financing for loans for residents of this state for construction of water development projects for irrigation, drainage, fish protection, watershed restoration and municipal uses and for the acquisition

of easements and rights of way for water development projects authorized by law. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund. As used in this section, “resident” includes both natural persons and any corporation or cooperative, either for profit or nonprofit, whose principal income is from farming in Oregon or municipal or quasi-municipal or other body subject to the laws of the State of Oregon. Not less than 50 percent of the potential amount available from the fund will be reserved for irrigation and drainage projects. For municipal use, only municipalities and communities with populations less than 30,000 are eligible for loans from the fund. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977; Amendment proposed by S.J.R. 6, 1981, and adopted by the people May 18, 1982; Amendment proposed by H.J.R. 45, 1987, and adopted by the people May 17, 1988]

Section 2. Bonds. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 3. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the State of Oregon in sufficient amount to provide for the payment of principal and interest of the bonds issued pursuant to this Article. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies.
[Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 5. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

ARTICLE XI-I(2)
MULTIFAMILY HOUSING FOR ELDERLY AND DISABLED

Sec. 1. State empowered to lend credit for multifamily housing for elderly and disabled persons
2. Sources of revenue
3. Bonds
4. Legislation to effectuate Article

Section 1. State empowered to lend credit for multifamily housing for elderly and disabled persons. In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one-half of one percent of the true cash value

of all taxable property in the state to provide funds to be advanced, by contract, grant, loan or otherwise, for the purpose of providing additional financing for multifamily housing for the elderly and for disabled persons. Multifamily housing means a structure or facility designed to contain more than one living unit. Additional financing may be provided to the elderly to purchase ownership interest in the structure or facility. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978; Amendment proposed by S.J.R. 34, 1979, and adopted by the people May 20, 1980; Amendment proposed by H.J.R. 1, 1981, and adopted by the people May 18, 1982]

Section 2. Sources of revenue. The bonds shall be payable from contract or loan proceeds; bond reserves; other funds available for these purposes; and, if necessary, state ad valorem taxes. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978]

Section 3. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time and bear such rates of interest as shall be provided by law. The bonds may be refunded with bonds of like obligation. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978]

Section 4. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978]

ARTICLE XI-J
SMALL SCALE LOCAL ENERGY LOANS

Sec. 1. State empowered to loan credit for small scale local energy loans; eligibility; use
2. Bonds
3. Refunding bonds
4. Sources of revenue
5. Legislation to effectuate Article

Section 1. State empowered to loan credit for small scale local energy loans; eligibility; use. Notwithstanding the limits contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed one-half of one percent of the true cash value of all the property in the state for the purpose of creating a fund to be known as the Small Scale Local Energy Project Loan Fund. The fund shall be used to provide financing for the development of small scale local energy projects. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 2. Bonds. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 3. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any

time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of all bonds outstanding including refunding bonds, exceed the amount so authorized. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the State of Oregon in sufficient amount to provide for the payment of principal and interest of the bonds issued pursuant to this Article. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 5. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

ARTICLE XI-K
GUARANTEE OF BONDED INDEBTEDNESS OF EDUCATION DISTRICTS

Sec. 1. State empowered to guarantee bonded indebtedness of education districts
2. State empowered to lend credit for state guarantee of bonded indebtedness of education districts
3. Repayment by education districts
4. Sources of revenue
5. Bonds
6. Legislation to effectuate Article

Section 1. State empowered to guarantee bonded indebtedness of education districts. To secure lower interest costs on the general obligation bonds of school districts, education service districts and community college districts, the State of Oregon may guarantee the general obligation bonded indebtedness of those districts as provided in sections 2 to 6 of this Article and laws enacted pursuant to this Article. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 2. State empowered to lend credit for state guarantee of bonded indebtedness of education districts. In the manner provided by law and notwithstanding the limitations contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an amount not to exceed, at any one time, one-half of one percent of the true cash value of all taxable property in the state, to provide funds as necessary to satisfy the state guaranty of the bonded general obligation indebtedness of school districts, education service districts and community college districts that qualify, under procedures that shall be established by law, to issue general obligation bonds that are guaranteed by the full faith and credit of this state. The state may guarantee the general obligation debt of qualified school districts, education service districts and community college districts and may guarantee general obligation bonded indebtedness incurred to refund the school district, education service district or community college district general obligation bonded indebtedness. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 3. Repayment by education districts. The Legislative Assembly may provide that reimbursement to the state shall be obtained from, but shall not be limited to, moneys that otherwise

would be used for the support of the educational programs of the school district, the education service district or the community college district that incurred the bonded indebtedness with respect to which any payment under the state's guaranty is made. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 4. Sources of revenue. The State of Oregon may issue bonds if and as necessary to provide funding to satisfy the state's guaranty obligations undertaken pursuant to this Article. In addition, notwithstanding anything to the contrary in Article VIII of this Constitution, the state may borrow available moneys from the Common School Fund if such borrowing is reasonably necessary to satisfy the state's guaranty obligations undertaken pursuant to this Article. The State of Oregon also may issue bonds if and as necessary to provide funding to repay the borrowed moneys, and any interest thereon, to the Common School Fund. The bonds shall be payable from any moneys reimbursed to the state under section 3 of this Article, from any moneys recoverable from the school district, the education service district or the community college district that incurred the bonded indebtedness with respect to which any payment under the state's guaranty is made, any other funds available for these purposes and, if necessary, from state ad valorem taxes. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 5. Bonds. Bonds of the state issued pursuant to this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time and bear such rates of interest as shall be provided by law. The bonds may be refunded with bonds of like obligation. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 6. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article, including provisions that authorize the state's recovery, from any school district, education service district or community college district that incurred the bonded indebtedness with respect to which any payment under the state's guaranty is made, any amounts necessary to make the state whole. This Article shall supersede all conflicting constitutional provisions and shall supersede any conflicting provision of any law, ordinance or charter pertaining to any school district, education service district or community college district. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

ARTICLE XI-L
OREGON HEALTH AND SCIENCE UNIVERSITY

Sec. 1. State empowered to lend credit for financing capital costs of Oregon Health and Science University; bonds
2. Sources of repayment
3. Refunding bonds
4. Legislation to effectuate Article
5. Relationship to conflicting provisions of Constitution

Section 1. State empowered to lend credit for financing capital costs of Oregon Health and Science University; bonds. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an aggregate outstanding principal amount not to exceed, at any one time, one-half of one percent of the real market value of all property in the state, to provide

funds to finance capital costs of Oregon Health and Science University. Bonds issued under this section may not be paid from ad valorem property taxes.

(2) Any indebtedness incurred under this section shall be in the form of general obligation bonds of the State of Oregon containing a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, and interest on such bonds, in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds shall be the direct obligation of the State of Oregon and shall be in such form, run for such period of time, have such terms and bear such rates of interest as may be provided by statute. The full faith and credit and taxing power of the State of Oregon shall be pledged to the payment of the principal, premium, if any, and interest on such bonds provided, however, that the ad valorem taxing power of the State of Oregon may not be pledged to the payment of such bonds.

(3) The proceeds from bonds issued under this section shall be used to finance capital costs of Oregon Health and Science University and costs of issuing bonds pursuant to this Article. Bonds issued under this section to finance capital costs of Oregon Health and Science University shall be issued in an aggregate principal amount that produces net proceeds for the university in an amount that does not exceed $200 million.

(4) The proceeds from bonds issued under this section may not be used to finance operating costs of Oregon Health and Science University.

(5) As used in this Article, “bonds” means bonds, notes or other financial obligations of the State of Oregon issued under this section. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 2. Sources of repayment. The principal, premium, if any, interest and any other amounts payable with respect to bonds issued under section 1 of this Article shall be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for such purpose by the Legislative Assembly from the General Fund, including any taxes levied to pay the bonds other than ad valorem property taxes;

(2) Amounts allocated for such purpose by the Legislative Assembly from the proceeds of the State Lottery or from the Master Settlement Agreement entered into on November 23, 1998, by the State of Oregon and leading United States tobacco product manufacturers; and

(3) Amounts appropriated or allocated for such purpose by the Legislative Assembly from other sources of revenue. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 3. Refunding bonds. Bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 4. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through H.J.R. 19, 2001, and a**dopted by the people May 21, 2002]**

Section 5. Relationship to conflicting provisions of Constitution. This Article shall supersede all conflicting provisions of this constitution. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

ARTICLE XI-M
SEISMIC REHABILITATION OF PUBLIC EDUCATION BUILDINGS

Sec. 1. State empowered to lend credit for seismic rehabilitation of public education buildings; bonds
2. Sources of repayment
3. Refunding bonds
4. Legislation to effectuate Article
5. Relationship to conflicting provisions of Constitution

Note: Article XI-M was designated as "Article XI-L" by S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002.

Section 1. State empowered to lend credit for seismic rehabilitation of public education buildings; bonds. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an aggregate outstanding principal amount not to exceed, at any one time, one-fifth of one percent of the real market value of all property in the state, to provide funds for the planning and implementation of seismic rehabilitation of public education buildings, including surveying and conducting engineering evaluations of the need for seismic rehabilitation.

(2) Any indebtedness incurred under this section must be in the form of general obligation bonds of the State of Oregon containing a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, interest and other amounts payable with respect to the bonds, in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds are the direct obligation of the State of Oregon and must be in a form, run for a period of time, have terms and bear rates of interest as may be provided by statute. The full faith and credit and taxing power of the State of Oregon must be pledged to the payment of the principal, premium, if any, and interest on the general obligation bonds; however, the ad valorem taxing power of the State of Oregon may not be pledged to the payment of the bonds issued under this section.

(3) As used in this section, "public education building" means a building owned by the State Board of Higher Education, a school district, an education service district, a community college district or a community college service district. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 2. Sources of repayment. The principal, premium, if any, interest and other amounts payable with respect to the general obligation bonds issued under section 1 of this Article must be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for the purpose by the Legislative Assembly from the General Fund, including taxes, other than ad valorem property taxes, levied to pay the bonds;

(2) Amounts allocated for the purpose by the Legislative Assembly from the proceeds of the State Lottery or from the Master Settlement Agreement entered into on November 23, 1998, by the State of Oregon and leading United States tobacco product manufacturers; and

(3) Amounts appropriated or allocated for the purpose by the Legislative Assembly from other sources of revenue. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Refunding bonds. General obligation bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 4. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 5. Relationship to conflicting provisions of Constitution. This Article supersedes conflicting provisions of this Constitution. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

ARTICLE XI-N
SEISMIC REHABILITATION OF EMERGENCY SERVICES BUILDINGS

Sec. 1. State empowered to lend credit for seismic rehabilitation of emergency services buildings; bonds
2. Sources of repayment
3. Refunding bonds
4. Legislation to effectuate Article
5. Relationship to conflicting provisions of Constitution

Note: Article XI-N was designated as “Article XI-L” by S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002.

Section 1. State empowered to lend credit for seismic rehabilitation of emergency services buildings; bonds. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an aggregate outstanding principal amount not to exceed, at any one time, one-fifth of one percent of the real market value of all property in the state, to provide funds for the planning and implementation of seismic rehabilitation of emergency services buildings, including surveying and conducting engineering evaluations of the need for seismic rehabilitation.

(2) Any indebtedness incurred under this section must be in the form of general obligation bonds of the State of Oregon containing a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, interest and other amounts payable with respect to the bonds, in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds are the direct obligation of the State of Oregon and must be in a form, run for a period of time, have terms and bear rates of interest as may be provided by statute. The full faith and credit and taxing power of the State of Oregon must be pledged to the payment of the principal, premium, if any, and interest on the general obligation bonds; however, the ad valorem taxing power of the State of Oregon may not be pledged to the payment of the bonds issued under this section.

(3) As used in this section:

(a) “Acute inpatient care facility” means a licensed hospital with an organized medical staff, with permanent facilities that include inpatient beds, and with comprehensive medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for but not limited to acutely ill patients and accident victims. “Acute inpatient care facility” includes the Oregon Health and Science University.

(b) "Emergency services building" means a public building used for fire protection services, a hospital building that contains an acute inpatient care facility, a police station, a sheriff's office or a similar facility used by a state, county, district or municipal law enforcement agency. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 2. Sources of repayment. The principal, premium, if any, interest and other amounts payable with respect to the general obligation bonds issued under section 1 of this Article must be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for the purpose by the Legislative Assembly from the General Fund, including taxes, other than ad valorem property taxes, levied to pay the bonds;

(2) Amounts allocated for the purpose by the Legislative Assembly from the proceeds of the State Lottery or from the Master Settlement Agreement entered into on November 23, 1998, by the State of Oregon and leading United States tobacco product manufacturers; and

(3) Amounts appropriated or allocated for the purpose by the Legislative Assembly from other sources of revenue. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Refunding bonds. General obligation bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 4. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 5. Relationship to conflicting provisions of Constitution. This Article supersedes conflicting provisions of this Constitution. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

ARTICLE XI-O
PENSION LIABILITIES

Sec. 1. State empowered to lend credit for pension liabilities
2. Refunding obligations
3. Legislation to effectuate Article
4. Relationship to conflicting provisions of Constitution

Section 1. State empowered to lend credit for pension liabilities. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred to finance the State of Oregon's pension liabilities. Indebtedness authorized by this section also may be used to pay costs of issuing or incurring indebtedness under this section.

(2) Indebtedness incurred under this section is a general obligation of the State of Oregon and must contain a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, and interest on that indebtedness. The State of Oregon shall pledge its full faith and credit and taxing power to pay that indebtedness; however, the ad valorem taxing power of the State of Oregon may not be pledged to pay that indebtedness. The amount of indebtedness authorized by this section and outstanding at any time may not exceed one percent of the real market value of all property in the state. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

Section 2. Refunding obligations. Indebtedness incurred under section 1 of this Article may be refunded with like obligations. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

Section 3. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

Section 4. Relationship to conflicting provisions of Constitution. This Article supersedes all conflicting provisions of this Constitution. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

ARTICLE XI-P
SCHOOL DISTRICT CAPITAL COSTS

Sec. 1. State empowered to lend credit for grants or loans to school districts to finance capital costs; general obligation bond proceeds as matching funds
2. Sources of repayment
3. Refunding bonds
4. School capital matching fund
5. “Capital costs” defined
6. Legislation to effectuate Article
7. Relationship to conflicting provision of Constitution

Section 1. State empowered to lend credit for grants or loans to school districts to finance capital costs; general obligation bond proceeds as matching funds. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the State of Oregon may loan its credit and incur indebtedness, in an aggregate outstanding principal amount not to exceed, at any one time, one-half of one percent of the real market value of the real property in this state, to provide funds to be advanced by grant or loan to school districts to finance the capital costs of the school districts. Bonds issued under this section may not be paid from ad valorem property taxes.

(2) Indebtedness incurred under this section must be in the form of general obligation bonds of the State of Oregon containing a direct promise to pay the principal, interest and premium, if any, of the bonds in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds are the direct obligation of the State of Oregon and must be in such form, run for such periods of time, have such terms and bear such rates of interest as may be provided by statute. The State of Oregon shall pledge its full faith and credit and taxing power to the payment of the principal, interest and premium, if any, of the bonds. However, the State of Oregon may not pledge its ad valorem taxing power to the payment of the bonds.

(3) The proceeds from bonds issued under this section may be used only to provide matching funds to finance the capital costs of school districts that have received voter approval for local general obligation bonds and to provide for the costs of issuing bonds and the payment of debt service.

(4) The proceeds from bonds issued under this section may not be used to finance the operating costs of school districts. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 2. Sources of repayment. The principal, interest and premium, if any, of the bonds issued under section 1 of this Article must be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for repayment by the Legislative Assembly from the General Fund, including taxes levied to pay the bonds except ad valorem property taxes;

(2) Amounts appropriated or allocated for repayment by the Legislative Assembly from other sources of revenue; or

(3) Any other available moneys. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 3. Refunding bonds. Bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 4. School capital matching fund. (1) There is created a school capital matching fund. Moneys in the fund may be invested and the earnings shall be retained in the fund or expended as provided by the Legislative Assembly.

(2) The Legislative Assembly may by law appropriate, allocate or transfer moneys or revenue to the school capital matching fund.

(3) The Legislative Assembly may appropriate, allocate or transfer moneys in the school capital matching fund and earnings on moneys in the fund for the purposes of providing:

(a) State matching funds to school districts to finance capital costs; and

(b) Payment of debt service for general obligation bonds issued pursuant to this Article. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 5. "Capital costs" defined. As used in this Article, "capital costs" means costs of land and of other assets having a useful life of more than one year, including costs associated with acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 6. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

Section 7. Relationship to conflicting provision of Constitution. This Article supersedes any conflicting provision of this Constitution. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010]

ARTICLE XI-Q
REAL OR PERSONAL PROPERTY OWNED OR OPERATED BY STATE

Sec. 1. State empowered to lend credit for real or personal property to be owned or operated by state; refinancing authority
2. Limit on indebtedness; general obligation of state
3. Legislation to effectuate Article
4. Relationship to conflicting provisions of Constitution

Note: Article XI-Q was designated as "Article XI-P" by S.J.R. 48, 2010, and adopted by the people Nov. 2, 2010.

Section 1. State empowered to lend credit for real or personal property to be owned or operated by state; refinancing authority. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred to finance the costs of:

(a) Acquiring, constructing, remodeling, repairing, equipping or furnishing real or personal property that is or will be owned or operated by the State of Oregon, including, without limitation, facilities and systems;

(b) Infrastructure related to the real or personal property; or

(c) Indebtedness incurred under this subsection.

(2) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred to refinance:

(a) Indebtedness incurred under subsection (1) of this section.

(b) Borrowings issued before the effective date of this Article to finance or refinance costs described in subsection (1) of this section. [Created through S.J.R. 48, 2010, and adopted by the people Nov. 2, 2010]

Note: The effective date of Senate Joint Resolution 48, 2010, is Dec. 2, 2010.

Section 2. Limit on indebtedness; general obligation of state. (1) Indebtedness may not be incurred under section 1 of this Article if the indebtedness would cause the total principal amount of indebtedness incurred under section 1 of this Article and outstanding to exceed one percent of the real market value of the property in this state.

(2) Indebtedness incurred under section 1 of this Article is a general obligation of the State of Oregon and must contain a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, and interest on the obligation. The full faith and credit and taxing power of the State of Oregon must be pledged to payment of the indebtedness. However, the State of Oregon may not pledge or levy an ad valorem tax to pay the indebtedness. [Created through S.J.R. 48, 2010, and adopted by the people Nov. 2, 2010]

Section 3. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through S.J.R. 48, 2010, and adopted by the people Nov. 2, 2010]

Section 4. Relationship to conflicting provisions of Constitution. This Article supersedes conflicting provisions of this Constitution. [Created through S.J.R. 48, 2010, and adopted by the people Nov. 2, 2010]

ARTICLE XII
STATE PRINTING

Section 1. State printing; State Printer. Laws may be enacted providing for the state printing and binding, and for the election or appointment of a state printer, who shall have had not less than ten years' experience in the art of printing. The state printer shall receive such compensation as may from time to time be provided by law. Until such laws shall be enacted the state printer shall be elected, and the printing done as heretofore provided by this constitution and the general laws. [Constitution of 1859; Amendment proposed by S.J.R. 1, 1901, and adopted by the people June 6, 1904; Amendment proposed by initiative petition filed Feb. 3, 1906, and adopted by the people June 4, 1906]

ARTICLE XIII
SALARIES

Section 1. Salaries or other compensation of state officers.
[Constitution of 1859; Repeal proposed by S.J.R. 12, 1955, and adopted by the people Nov. 6, 1956]

ARTICLE XIV
SEAT OF GOVERNMENT

Sec. 1. Seat of government
2. Erection of state house prior to 1865

Section 1. Seat of government. [Constitution of 1859; Repeal proposed by S.J.R. 41, 1957, and adopted by the people Nov. 4, 1958 (present section 1 and former 1958 section 3 of this Article adopted in lieu of this section and former original section 3 of this Article)]

Section 1. Seat of government. The permanent seat of government for the state shall be Marion County. [Created through S.J.R. 41, 1957, and adopted by the people Nov. 4, 1958 (this section and former 1958 section 3 of this Article adopted in lieu of former original sections 1 and 3 of this Article)]

Section 2. Erection of state house prior to 1865. No tax shall be levied, or money of the State expended, or debt contracted for the erection of a State House prior to the year eighteen hundred and sixty five.—

Section 3. Limitation on removal of seat of government; location of state institutions.
[Constitution of 1859; Amendment proposed by S.J.R. 1, 1907, and adopted by the people June 1, 1908; Repeal proposed by S.J.R. 41, 1957, and adopted by the people Nov. 4, 1958 (present section 1 and former 1958 section 3 of this Article adopted in lieu of this section and former section 1 of this Article)]

Section 3. Location and use of state institutions.
[Created through S.J.R. 41, 1957, and adopted by the people Nov. 4, 1958 (this section, designated as "Section 2" by S.J.R. 41, 1957, and present section 1 of this Article adopted in lieu of former original sections 1 and 3 of this Article); Repeal proposed by S.J.R. 9, 1971, and adopted by the people Nov. 7, 1972]

ARTICLE XV
MISCELLANEOUS

Sec. 1. Officers to hold office until successors elected; exceptions; effect on defeated incumbent
2. Tenure of office; how fixed; maximum tenure
3. Oaths of office
4. Regulation of lotteries; state lottery; use of net proceeds from state lottery
4a. Use of net proceeds from state lottery for parks and recreation areas
4b. Use of net proceeds from state lottery for fish and wildlife, watershed and habitat protection
4c. Audit of agency receiving certain net proceeds from state lottery
5. Property of married women not subject to debts of husband; registration of separate property
5a. Policy regarding marriage
6. Minimum area and population of counties
7. Officers not to receive fees from or represent claimants against state
8. Persons eligible to serve in legislature
9. When elective office becomes vacant
10. The Oregon Property Protection Act of 2000
11. Home Care Commission

Section 1. Officers to hold office until successors elected; exceptions; effect on defeated incumbent. (1) All officers, except members of the Legislative Assembly and incumbents who seek reelection and are defeated, shall hold their offices until their successors are elected, and qualified.

(2) If an incumbent seeks reelection and is defeated, he shall hold office only until the end of his term; and if an election contest is pending in the courts regarding that office when the term of such an incumbent ends and a successor to the office has not been elected or if elected, has not qualified because of such election contest, the person appointed to fill the vacancy thus created shall serve only until the contest and any appeal is finally determined notwithstanding any other provision of this constitution. [Constitution of 1859; Amendment proposed by H.J.R. 51, 1969, and adopted by the people Nov. 3, 1970]

Section 2. Tenure of office; how fixed; maximum tenure. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the Legislative Assembly shall not create any office, the tenure of which shall be longer than four years.

Section 3. Oaths of office. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.—

Note: The amendments to sections 4, 4a, 4b and 4c and the repeal of section 4d by Measure No. 76, 2010, as submitted to the people was preceded by a preamble that reads as follows:

PREAMBLE: The people of the State of Oregon find that renewing the current dedication in the Oregon Constitution of fifteen percent of lottery revenues to parks, water quality and fish and wildlife habitats will provide lasting social, economic, environmental and public health benefits.

The people of the State of Oregon also find that renewal of the Parks and Natural Resources Fund will support voluntary efforts to:

(1) Protect and restore water quality, watersheds and habitats for native fish and wildlife that provide a healthy environment for current and future generations of Oregonians;

(2) Maintain and expand public parks, natural areas and recreation areas to meet the diverse needs of a growing population and to provide opportunities for [sic] to experience nature and enjoy outdoor recreation activities close to home and in the many special places throughout Oregon;

(3) Provide jobs and economic opportunities improving the health of our forests, prairies, lakes, streams, wetlands, rivers, and parks, including efforts to halt the spread of invasive species;

(4) Strengthen the audit and reporting requirements, identify desired outcomes and specify allowable uses of the fund in order to provide more strategic, accountable and efficient uses of the Parks and Natural Resources Fund; and

(5) Enhance the ability of public land managers, private organizations, individuals and businesses to work together in local, regional and statewide partnerships to expand recreation opportunities, improve water quality and conserve fish and wildlife habitat.

Section 4. Regulation of lotteries; state lottery; use of net proceeds from state lottery. (1) Except as provided in subsections (2), (3), (4), (8) and (9) of this section, lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

(2) The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal or religious organization means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.

(3) There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for any of the following purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon’s parks, beaches, watersheds and native fish and wildlife.

(4)(a) The State Lottery Commission shall be comprised of five members appointed by the Governor and confirmed by the Senate who shall serve at the pleasure of the Governor. At least one of the Commissioners shall have a minimum of five years experience in law enforcement and at least one of the Commissioners shall be a certified public accountant. The Commission is empowered to promulgate rules related to the procedures of the Commission and the operation of the State Lottery. Such rules and any statutes enacted to further implement this article shall insure the integrity, security, honesty, and fairness of the Lottery. The Commission shall have such additional powers and duties as may be provided by law.

(b) The Governor shall appoint a Director subject to confirmation by the Senate who shall serve at the pleasure of the Governor. The Director shall be qualified by training and experience to direct the operations of a state-operated lottery. The Director shall be responsible for managing the affairs of the Commission. The Director may appoint and prescribe the duties of no more than four Assistant Directors as the Director deems necessary. One of the Assistant Directors shall be responsible for a security division to assure security, integrity, honesty, and fairness in the operations and administration of the State Lottery. To fulfill these responsibilities, the Assistant Director for security shall be qualified by training and experience, including at least five years of law enforcement experience, and knowledge and experience in computer security.

(c) The Director shall implement and operate a State Lottery pursuant to the rules, and under the guidance, of the Commission. The State Lottery may operate any game procedure authorized by the commission, except parimutuel racing, social games, and the games commonly known in Oregon as bingo or lotto, whereby prizes are distributed using any existing or future methods among adult persons who have paid for tickets or shares in that game; provided that, in lottery games utilizing computer terminals or other devices, no coins or currency shall ever be dispensed directly to players from such computer terminals or devices.

(d) There is hereby created within the General Fund the Oregon State Lottery Fund which is continuously appropriated for the purpose of administering and operating the Commission and the State Lottery. The State Lottery shall operate as a self-supporting revenue-raising agency of state government and no appropriations, loans, or other transfers of state funds shall be made to it. The State Lottery shall pay all prizes and all of its expenses out of the revenues it receives from the sale of tickets or shares to the public and turnover the net proceeds therefrom to a fund to be established by the Legislative Assembly from which the Legislative Assembly shall make appropriations for the benefit of any of the following public purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon's parks, beaches, watersheds and native fish and wildlife. Effective July 1, 1997, 15% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Effective July 1, 2003, 18% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Earnings on moneys in the education stability fund shall be retained in the fund or expended for the public purpose of financing public education in Oregon as provided by law. Except as provided in subsection (6) of this section, moneys in the education stability fund shall be invested as provided by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The Legislative Assembly may appropriate other moneys or revenue to the education stability fund. The Legislative Assembly shall appropriate amounts sufficient to pay lottery bonds before appropriating the net proceeds from the State Lottery for any other purpose. At least 84% of the total annual revenues from the sale of all lottery tickets or shares shall be returned to the public in the form of prizes and net revenues benefiting the public purpose.

(5) Notwithstanding paragraph (d) of subsection (4) of this section, the amount in the education stability fund created under paragraph (d) of subsection (4) of this section may not exceed an amount that is equal to five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium. If the amount in the education stability fund exceeds five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium:

(a) Additional net proceeds from the State Lottery may not be deposited in the education stability fund until the amount in the education stability fund is reduced to less than five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium; and

(b) Fifteen percent of the net proceeds from the State Lottery shall be deposited into the school capital matching fund created under section 4, Article XI-P of this Constitution.

(6) The Legislative Assembly may by law appropriate, allocate or transfer any portion of the principal of the education stability fund created under paragraph (d) of subsection (4) of this section for expenditure on public education if:

(a) The proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Legislative Assembly finds one of the following:

(A) That the last quarterly economic and revenue forecast for a biennium indicates that moneys available to the state's General Fund for the next biennium will be at least three percent less than appropriations from the state's General Fund for the current biennium;

(B) That there has been a decline for two or more consecutive quarters in the last 12 months in seasonally adjusted nonfarm payroll employment; or

(C) That a quarterly economic and revenue forecast projects that revenues in the state's General Fund in the current biennium will be at least two percent below what the revenues were projected to be in the revenue forecast on which the legislatively adopted budget for the current biennium was based; or

(b) The proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Governor declares an emergency.

(7) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts described in subsection (6) of this section.

(8) Effective July 1, 1999, 15% of the net proceeds from the State Lottery shall be deposited in a parks and natural resources fund created by the Legislative Assembly. Of the moneys in the parks and natural resources fund, 50% shall be deposited in a parks subaccount and distributed for the public purposes of financing the protection, repair, operation, and creation of state, regional and local public parks, ocean shore and public beach access areas, historic sites and recreation areas, and 50% shall be deposited in a natural resources subaccount and distributed for the public purposes of financing the restoration and protection of native fish and wildlife, watersheds and water quality in Oregon. The Legislative Assembly shall not limit expenditures from the parks and natural resources fund, or from the parks or natural resources subaccounts. The Legislative Assembly may appropriate other moneys or revenue to the parks and natural resources fund.

(9) Only one State Lottery operation shall be permitted in the State.

(10) The Legislative Assembly has no power to authorize, and shall prohibit, casinos from operation in the State of Oregon.

[Constitution of 1859; Amendment proposed by H.J.R. 14, 1975, and adopted by the people Nov. 2, 1976; Amendment proposed by initiative petition filed April 3, 1984, and adopted by the people Nov. 6, 1984 (paragraph designations in subsection (4) were not included in the petition); Amendment proposed by H.J.R. 20, 1985, and adopted by the people Nov. 4, 1986; Amendment proposed by H.J.R. 15, 1995, and adopted by the people May 16, 1995; Amendment proposed by initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by H.J.R. 80, 2002 (3rd s.s.), and adopted by the people Sept. 17, 2002; Revision proposed by H.J.R. 13, 2009, and adopted by the people May 18, 2010; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Note: The amendments to section 4, as adopted by the people in Measure No. 66, 1998, incorrectly set forth the text of section 4 as it existed at the time the measure was submitted to the people. The text of the measure, as approved by the voters, was printed here.

Note: The amendments to section 4, as adopted by the people in Measure No. 76, 2010, at the Nov. 2010 general election did not set forth the text of section 4 as it was revised by the people in

Measure No. 68, 2010 (H.J.R. 13, 2009), at the May 2010 primary election. The text of section 4, as revised by Measure No. 68, 2010, and amended by Measure No. 76, 2010, is printed here.

Section 4a. Use of net proceeds from state lottery for parks and recreation areas. (1) In each biennium the Legislative Assembly shall appropriate all of the moneys in the parks subaccount of the parks and natural resources fund established under section 4 of this Article for the uses allowed in subsection (2) of this section, and to achieve all of the following:

(a) Provide additional public parks, natural areas or outdoor recreational areas to meet the needs of current and future residents of the State of Oregon;

(b) Protect natural, cultural, historic and outdoor recreational resources of state or regional significance;

(c) Manage public parks, natural areas and outdoor recreation areas to ensure their long-term ecological health and provide for the enjoyment of current and future residents of the State of Oregon; and

(d) Provide diverse and equitable opportunities for residents of the State of Oregon to experience nature and participate in outdoor recreational activities in state, regional, local or neighborhood public parks and recreation areas.

(2) The moneys in the parks subaccount shall be used only to:

(a) Maintain, construct, improve, develop, manage and operate state parks, ocean shores, public beach access areas, historic sites, natural areas and outdoor and recreation areas;

(b) Acquire real property, or interests therein, that has significant natural, scenic, cultural, historic or recreational values, for the creation or operation of state parks, ocean shores, public beach access areas, outdoor recreation areas and historic sites; and

(c) Provide grants to regional or local government entities to acquire property for public parks, natural areas or outdoor recreation areas, or to develop or improve public parks, natural areas or outdoor recreation areas.

(3) In each biennium the Legislative Assembly shall appropriate no less than twelve percent of the moneys in the parks subaccount for local and regional grants as authorized under paragraph (c) of subsection (2) of this section. However, if in any biennium the amount of net proceeds deposited in the parks and natural resources fund created under section 4 of this Article increases by more than fifty percent above the amount deposited in the 2009-2011 biennium, the Legislative Assembly shall appropriate no less than twenty-five percent of the moneys in the parks subaccount for local and regional grants as authorized under paragraph (c) of subsection (2) of this section. The grants shall be administered by a single state agency. The costs of the state agency in administering the grants shall not be paid out of the portion of the moneys in the parks subaccount appropriated for local and regional grants. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Section 4b. Use of net proceeds from state lottery for fish and wildlife, watershed and habitat protection. (1) In each biennium the Legislative Assembly shall appropriate all of the moneys in the natural resources subaccount of the parks and natural resources fund established under section 4 of this Article for the uses allowed in subsections (2) and (3) of this section, and to accomplish all of the following:

(a) Protect and improve water quality in Oregon’s rivers, lakes, and streams by restoring natural watershed functions or stream flows;

(b) Secure long-term protection for lands and waters that provide significant habitats for native fish and wildlife;

(c) Restore and maintain habitats needed to sustain healthy and resilient populations of native fish and wildlife;

(d) Maintain the diversity of Oregon's plants, animals and ecosystems;

(e) Involve people in voluntary actions to protect, restore and maintain the ecological health of Oregon's lands and waters; and

(f) Remedy the conditions that limit the health of fish and wildlife, habitats and watershed functions in greatest need of conservation.

(2) In each biennium the Legislative Assembly shall appropriate no less than sixty-five percent of the moneys in the natural resources subaccount to one state agency, and that agency shall distribute those moneys as grants to entities other than state or federal agencies for projects that achieve the outcomes specified in subsection (1) of this section. However, if in any biennium the amount of net proceeds deposited in the parks and natural resources fund created under section 4 of this Article increases by more than fifty percent above the amount deposited in the 2009-2011 biennium, the Legislative Assembly shall appropriate no less than seventy percent of the moneys in the natural resources subaccount to one state agency, and that agency shall distribute those moneys as grants to entities other than state or federal agencies for projects that achieve the outcomes specified in subsection (1) of this section. In addition, these moneys shall be used only to:

(a) Acquire from willing owners interests in land or water that will protect or restore native fish or wildlife habitats, which interests may include but are not limited to fee interests, conservation easements or leases;

(b) Carry out projects to protect or restore native fish or wildlife habitats;

(c) Carry out projects to protect or restore natural watershed functions to improve water quality or stream flows; and

(d) Carry out resource assessment, planning, design and engineering, technical assistance, monitoring and outreach activities necessary for projects funded under paragraphs (a) through (c) of this subsection.

(3) In each biennium the Legislative Assembly shall appropriate that portion of the natural resources subaccount not appropriated under subsection (2) of this section to support all of the following activities:

(a) Develop, implement or update state conservation strategies or plans to protect or restore native fish or wildlife habitats or to protect or restore natural watershed functions to improve water quality or stream flows;

(b) Develop, implement or update regional or local strategies or plans that are consistent with the state strategies or plans described in paragraph (a) of this subsection;

(c) Develop, implement or update state strategies or plans to prevent, detect, control or eradicate invasive species that threaten native fish or wildlife habitats or that impair water quality;

(d) Support local delivery of programs or projects, including watershed education activities, that protect or restore native fish or wildlife habitats or watersheds;

(e) Pay the state agency costs of administering subsection (2) of this section, which costs shall not be paid out of the moneys available for grants under subsection (2) of this section; and

(f) Enforce fish and wildlife and habitat protection laws and regulations. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Section 4c. Audit of agency receiving certain net proceeds from state lottery. The Secretary of State shall regularly audit any state agency that receives moneys from the parks and natural resources fund established under section 4 of this Article to address the financial integrity, compliance with applicable laws, efficiency and effectiveness of the use of the moneys. The costs of

the audit shall be paid from the parks and natural resources fund. However, such costs may not be paid from the portions of such fund, or the subaccounts of the fund, that are dedicated to grants. The audit shall be submitted to the Legislative Assembly as part of a biennial report to the Legislative Assembly. In addition, each agency that receives moneys from the parks and natural resources fund shall submit a biennial performance report [sic] the Legislature [sic] Assembly that describes the measurable biennial and cumulative results of activities and programs financed by the fund. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Note: Added as section 4c to the Constitution but not to any Article therein by initiative petition (Measure No. 66, 1998) adopted by the people Nov. 3, 1998.

Section 4d. Subsequent vote for reaffirmation of sections 4a, 4b and 4c and amendment to section 4. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Repeal proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Section 4e. Transfer of moneys in school capital matching subaccount to school capital matching fund created under section 4, Article XI-P. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010; Repealed Jan. 2, 2011, as specified in text of section adopted by the people May 18, 2010]

Section 5. Property of married women not subject to debts of husband; registration of separate property. The property and pecuniary rights of every married woman, at the time of marriage or afterwards, acquired by gift, devise, or inheritance shall not be subject to the debts, or contracts of the husband; and laws shall be passed providing for the registration of the wife's seperate [sic] property.

Section 5a. Policy regarding marriage. It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage. [Created through initiative petition filed March 2, 2004, and adopted by the people Nov. 2, 2004]

Note: Added as unnumbered section to the Constitution but not to any Article therein by initiative petition (Measure No. 36, 2004) adopted by the people Nov. 2, 2004.

Section 6. Minimum area and population of counties. No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

Section 7. Officers not to receive fees from or represent claimants against state. No State officers, or members of the Legislative Assembly, shall directly or indirectly receive a fee, or be engaged as counsel, agent, or Attorney in the prosecution of any claim against this State.—

Section 8. Certain persons not to hold real estate or mining claims; working mining claims. [Constitution of 1859; Repeal proposed by S.J.R. 14, 1945, and adopted by the people Nov. 5, 1946]

Section 8. Persons eligible to serve in legislature. Notwithstanding the provisions of section 1 article III and section 10 article II of the Constitution of the State of Oregon, a person employed by the State Board of Higher Education, a member of any school board or employee thereof, shall be eligible to a seat in the Legislative Assembly and such membership in the Legislative Assembly shall not prevent such person from being employed by the State Board of Higher Education or from being a member or employee of a school board. [Created through initiative petition filed June 13, 1958, and adopted by the people Nov. 4, 1958]

Section 9. When elective office becomes vacant. The Legislative Assembly may provide that any elective public office becomes vacant, under such conditions or circumstances as the Legislative Assembly may specify, whenever a person holding the office is elected to another public office more than 90 days prior to the expiration of the term of the office he is holding. For the purposes of this section, a person elected is considered to be elected as of the date the election is held. [Created through S.J.R. 41, 1959, and adopted by the people Nov. 8, 1960]

Section 10. The Oregon Property Protection Act of 2000. (1) This section may be known and shall be cited as the "Oregon Property Protection Act of 2000."

(2) Statement of principles. The People, in the exercise of the power reserved to them under the Constitution of the State of Oregon, declare that:

(a) A basic tenet of a democratic society is that a person is presumed innocent and should not be punished until proven guilty;

(b) The property of a person generally should not be forfeited in a forfeiture proceeding by government unless and until that person is convicted of a crime involving the property;

(c) The value of property forfeited should be proportional to the specific conduct for which the owner of the property has been convicted; and

(d) Proceeds from forfeited property should be used for treatment of drug abuse unless otherwise specified by law for another purpose.

(3) Forfeitures prohibited without conviction. Except as provided in this section, a judgment of forfeiture of property in a civil forfeiture proceeding by the State or any of its political subdivisions may not be entered until and unless the person claiming the property is convicted of a crime in Oregon or another jurisdiction and the property:

(a) Constitutes proceeds of the crime for which the claimant has been convicted;

(b) Was instrumental in committing or facilitating the crime for which the claimant has been convicted;

(c) Constitutes proceeds of one or more other crimes similar to the crime for which the claimant was convicted; or

(d) Was instrumental in committing or facilitating one or more other crimes similar to the crime for which the claimant was convicted.

(4) Forfeiture based on similar crimes. Property may be forfeited under paragraph (c) or (d) of subsection (3) of this section only if the claimant is notified in writing of the other crime or crimes claimed to be similar to the crime for which the claimant was convicted. The notice must be given at the time the claimant is given notice of the seizure of the property for forfeiture, and the claimant must have an opportunity to challenge the seizure and forfeiture of the property.

(5) Forfeiture without conviction of claimant. The property of a claimant who has not been convicted of a crime may be forfeited in a civil forfeiture proceeding only if the claimant consents to the forfeiture of the property or the forfeiting agency proves the property constitutes proceeds or an

instrumentality of crime committed by another person as described in subsection (3) of this section and:

(a) The claimant took the property with the intent to defeat forfeiture of the property;

(b) The claimant knew or should have known that the property constituted proceeds or an instrumentality of criminal conduct; or

(c) The claimant acquiesced in the criminal conduct. A person shall be considered to have acquiesced in criminal conduct if the person knew of the criminal conduct and failed to take reasonable action under the circumstances to terminate the criminal conduct or prevent use of the property to commit or facilitate the criminal conduct.

(6) Standard of proof. (a) Except as provided in paragraph (b) of this subsection, if the property to be forfeited in a civil forfeiture action is personal property, the forfeiting agency must prove the elements specified in subsection (3) or (5) of this section by a preponderance of the evidence. If the property to be forfeited in a civil forfeiture action is real property, the forfeiting agency must prove the elements specified in subsection (3) or (5) of this section by clear and convincing evidence.

(b) If a forfeiting agency establishes in a forfeiture proceeding that cash, weapons or negotiable instruments were found in close proximity to controlled substances or to instrumentalities of criminal conduct, the burden is on any person claiming the cash, weapons or negotiable instruments to prove by a preponderance of the evidence that the cash, weapons or negotiable instruments are not proceeds of criminal conduct or an instrumentality of criminal conduct.

(7) Value of property forfeited. The value of the property forfeited under the provisions of this section may not be excessive and shall be substantially proportional to the specific conduct for which the owner of the property has been convicted. For purposes of this section, “property” means any interest in anything of value, including the whole of any lot or tract of land and tangible and intangible personal property, including currency, instruments or securities or any other kind of privilege, interest, claim or right whether due or to become due. Nothing in this section shall prohibit a person from voluntarily giving a judgment of forfeiture.

(8) Financial institutions. In a civil forfeiture proceeding, if a financial institution claiming an interest in the property demonstrates that it holds an interest, the financial institution’s interest is not subject to forfeiture.

(9) Exception for unclaimed property and contraband. Notwithstanding the provisions of subsection (3) of this section, if, following notice to all persons known to have an interest or who may have an interest, no person claims an interest in the seized property or if the property is contraband, a judgment of forfeiture may be allowed and entered without a criminal conviction. For purposes of this subsection, “contraband” means personal property, articles or things, including but not limited to controlled substances or drug paraphernalia, that a person is prohibited by Oregon statute or local ordinance from producing, obtaining or possessing.

(10) Exception for forfeiture of animals. This section does not apply to the forfeiture of animals that have been abused, neglected or abandoned.

(11) Law enforcement seizures unaffected. Nothing in this section shall be construed to affect the temporary seizure of property for evidentiary, forfeiture, or protective purposes, or to alter the power of the Governor to remit fines or forfeitures under Article V, Section 14, of this Constitution.

(12) Disposition of property to drug treatment. Any sale of forfeited property shall be conducted in a commercially reasonable manner. Property forfeited in a civil forfeiture proceeding shall be distributed or applied in the following order:

(a) To the satisfaction of any foreclosed liens, security interests and contracts in the order of their priority;

(b) To the State or any of its political subdivisions for actual and reasonable expenses related to the costs of the forfeiture proceeding, including attorney fees, storage, maintenance, management, and disposition of the property incurred in connection with the sale of any forfeited property; and

(c) To the State or any of its political subdivisions to be used exclusively for drug treatment, unless another disposition is specially provided by law.

(13) Restrictions on State transfers. Neither the State of Oregon, its political subdivisions, nor any forfeiting agency shall transfer forfeiture proceedings to the federal government unless a state court has affirmatively found that:

(a) The activity giving rise to the forfeiture is interstate in nature and sufficiently complex to justify the transfer;

(b) The seized property may only be forfeited under federal law; or

(c) Pursuing forfeiture under state law would unduly burden the state forfeiting agencies.

(14) Penalty for violations. Any person acting under color of law, official title or position who takes any action intending to conceal, transfer, withhold, retain, divert or otherwise prevent any moneys, conveyances, real property, or any things of value forfeited under the law of this State or the United States from being applied, deposited or used in accordance with the requirements of this section shall be subject to a civil penalty in an amount treble the value of the forfeited property concealed, transferred, withheld, retained or diverted. Nothing in this subsection shall be construed to impair judicial immunity if otherwise applicable.

(15) Reporting requirement. All forfeiting agencies shall report the nature and disposition of all property seized for forfeiture or forfeited to a State asset forfeiture oversight committee that is independent of any forfeiting agency. The asset forfeiture oversight committee shall generate and make available to the public an annual report of the information collected. The asset forfeiture oversight committee shall also make recommendations to ensure that asset forfeiture proceedings are handled in a manner that is fair to innocent property owners and interest holders.

(16) Severability. If any part of this section or its application to any person or circumstance is held to be invalid for any reason, then the remaining parts or applications to any persons or circumstances shall not be affected but shall remain in full force and effect. [Created through initiative petition filed Jan. 5, 2000, and adopted by the people Nov. 7, 2000; Amendment proposed by S.J.R. 18, 2007, and adopted by the people May 20, 2008]

Note: The leadlines to section 10 and subsections (2), (3), (9) and (11) to (16) of section 10 were a part of the measure submitted by initiative petition (Measure No. 3, 2000) adopted by the people Nov. 7, 2000. The leadlines to subsections (4) to (8) and (10) of section 10 were a part of S.J.R. 18, 2007, which was adopted by the people May 20, 2008.

Note: The text of section 11 (sections 1 to 3, Measure No. 99, 2000) as submitted to the people was preceded by a preamble that reads as follows:

WHEREAS, thousands of Oregon seniors and persons with disabilities live independently in their own homes, which they prefer and is less costly than institutional care (i.e. nursing homes), because over 10,000 home care workers, (also known as client employed providers), paid by the State of Oregon provide in-home support services;

WHEREAS, home care workers provide services that range from housekeeping, shopping, meal preparation, money management and personal care to medical care and treatment, but receive little, if any, training in those areas resulting in a detrimental impact on quality of care;

WHEREAS, the quality of care provided to seniors and people with disabilities is diminished when there is a lack of stability in the workforce which is the result of home care workers receiving low wages, minimal training and benefits;

WHEREAS, both home care workers and clients receiving home care services would benefit from creating an entity which has the authority to provide, and is held accountable for the quality of services provided in Oregon's in-home system of long-term care.

Section 11. Home Care Commission. (1) Ensuring High Quality Home Care Services: Creation and Duties of the Quality Home Care Commission. (a) The Home Care Commission is created as an independent public commission consisting of nine members appointed by the Governor.

(b) The duties and functions of the Home Care Commission include, but are not limited to:

(A) Ensuring that high quality, comprehensive home care services are provided to the elderly and people with disabilities who receive personal care services in their homes by home care workers hired directly by the client and financed by payments from the State or by payments from a county or other public agency which receives money for that purpose from the State;

(B) Providing routine, emergency and respite referrals of qualified home care providers to the elderly and people with disabilities who receive personal care services by home care workers hired directly by the client and financed in whole or in part by the State, or by payment from a county or other public agency which receives money for that purpose from the State;

(C) Provide training opportunities for home care workers, seniors and people with disabilities as consumers of personal care services;

(D) Establish qualifications for home care workers;

(E) Establish and maintain a registry of qualified home care workers;

(F) Cooperate with area agencies on aging and disability services and other local agencies to provide the services described and set forth in this section.

(2) Home Care Commission Operation/Selection. (a) The Home Care Commission shall be comprised of nine members. Five members of the Commission shall be current or former consumers of home care services for the elderly or people with disabilities. One member shall be a representative of the Oregon Disabilities Commission, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Governor's Commission on Senior Services, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Oregon Association of Area Agencies on Aging and Disabilities, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Senior and Disabled Services Division, (or a successor entity, for as long as a comparable entity exists).

(b) The term of office of each member is three years, subject to confirmation by the Senate. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. A member is eligible for reappointment and may serve no more than three consecutive terms. In making appointments to the Commission, the Governor may take into consideration any nominations or recommendations made by the representative groups or agencies.

(3) Other Provisions — Legal Duties and Responsibilities of the Commission. (a) The Home Care Commission shall, in its own name, for the purpose of carrying into effect and promoting its functions, have authority to contract, lease, acquire, hold, own, encumber, insure, sell, replace, deal in and with and dispose of real and personal property.

(b) When conducting any activities in this Section or in subsection (1) of this section, and in making decisions relating to those activities, the Home Care Commission shall first consider the effect of its activities and its decisions on improving the quality of service delivery and ensuring adequate hours of service are provided to clients who are served by home care workers.

(c) Clients of home care services retain their right to select the providers of their choice, including family members.

(d) Employees of the Commission are not employees of the State of Oregon for any purpose.

(e) Notwithstanding the provisions in paragraph (d) of this subsection, the State of Oregon shall be held responsible for unemployment insurance payments for home care workers.

(f) For purposes of collective bargaining, the Commission shall be the employer of record of home care workers hired directly by the client and paid by the State, or by a county or other public agency which receives money for that purpose from the State. Home care workers have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with the Commission on matters concerning employment relations. These rights shall be exercised in accordance with the rights granted to public employees with mediation and interest arbitration as the method of concluding the collective bargaining process. Home care workers shall not have the right to strike.

(g) The Commission may adopt rules to carry out its functions. [Created through initiative petition filed Nov. 10, 1999, and adopted by the people Nov. 7, 2000]

Note: The leadlines to subsections (1), (2) and (3) of section 11, except the periods in subsections (2) and (3), were a part of the measure submitted to the people by initiative petition (Measure No. 99, 2000) and adopted by the people Nov. 7, 2000.

Note: Section 11 was submitted to the voters as sections 1, 2 and 3 and added to the Constitution but not to any Article therein by Measure No. 99, 2000.

Note: In Measure No. 99, 2000, subsection (1)(a) and (b)(A) to (F) were designated as section 1 (A) and (B)(1) to (6); subsection (2)(a) and (b) as section 2 (A) and (B); and subsection (3)(a) to (g) as section 3 (A) to (G). The reference to subsection (1) of this section was a reference to Section 1 above, and the reference to paragraph (d) of this subsection was a reference to subsection (D) of this section.

Note: In Measure No. 99, 2000, the period in subsection (1)(b)(F) appeared as a semicolon, and there was no period in subsection (3)(e).

ARTICLE XVI
BOUNDARIES

Section 1. State boundaries. The State of Oregon shall be bounded as provided by section 1 of the Act of Congress of February 1859, admitting the State of Oregon into the Union of the United States, until:

(1) Such boundaries are modified by appropriate interstate compact or compacts heretofore or hereafter approved by the Congress of the United States; or

(2) The Legislative Assembly by law extends the boundaries or jurisdiction of this state an additional distance seaward under authority of a law heretofore or hereafter enacted by the Congress of the United States. [Constitution of 1859; Amendment proposed by S.J.R. 4, 1957, and adopted by the people Nov. 4, 1958; Amendment proposed by H.J.R. 24, 1967, and adopted by the people Nov. 5, 1968]

ARTICLE XVII
AMENDMENTS AND REVISIONS

Sec. 1. Method of amending Constitution
2. Method of revising Constitution

Section 1. Method of amending Constitution. Any amendment or amendments to this Constitution may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection, at the next regular general election, except when the legislative assembly shall order a special election for that purpose. If a majority of the electors voting on any such amendment shall vote in favor thereof, it shall thereby become a part of this Constitution. The votes for and against such amendment, or amendments, severally, whether proposed by the legislative assembly or by initiative petition, shall be canvassed by the secretary of state in the presence of the governor, and if it shall appear to the governor that the majority of the votes cast at said election on said amendment, or amendments, severally, are cast in favor thereof, it shall be his duty forthwith after such canvass, by his proclamation, to declare the said amendment, or amendments, severally, having received said majority of votes to have been adopted by the people of Oregon as part of the Constitution thereof, and the same shall be in effect as a part of the Constitution from the date of such proclamation. When two or more amendments shall be submitted in the manner aforesaid to the voters of this state at the same election, they shall be so submitted that each amendment shall be voted on separately. No convention shall be called to amend or propose amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular general election. This article shall not be construed to impair the right of the people to amend this Constitution by vote upon an initiative petition therefor. [Created through initiative petition filed Feb. 3, 1906, and adopted by the people June 4, 1906]

Note: The above section replaces sections 1 and 2 of Article XVII of the original Constitution.

Section 2. Method of revising Constitution. (1) In addition to the power to amend this Constitution granted by section 1, Article IV, and section 1 of this Article, a revision of all or part of this Constitution may be proposed in either house of the Legislative Assembly and, if the proposed revision is agreed to by at least two-thirds of all the members of each house, the proposed revision shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, notwithstanding section 1, Article IV of this Constitution, at the next regular state-wide primary election, except when the Legislative Assembly orders a special election for that purpose. A proposed revision may deal with more than one subject and shall be voted upon as one question. The votes for and against the proposed revision shall be canvassed by the Secretary of State in the presence of the Governor and, if it appears to the Governor that the majority of the votes cast in the election on the proposed revision are in favor of the proposed revision, he shall, promptly following the canvass, declare, by his proclamation, that the proposed revision has received a majority of votes and has been adopted by the people as the Constitution of the State of Oregon or as a part of the Constitution of the State of Oregon, as the case may be. The revision shall be in effect as the Constitution or as a part of this Constitution from the date of such proclamation.

(2) Subject to subsection (3) of this section, an amendment proposed to the Constitution under section 1, Article IV, or under section 1 of this Article may be submitted to the people in the form of alternative provisions so that one provision will become a part of the Constitution if a proposed revision is adopted by the people and the other provision will become a part of the Constitution if a proposed revision is rejected by the people. A proposed amendment submitted in the form of alternative provisions as authorized by this subsection shall be voted upon as one question.

(3) Subsection (2) of this section applies only when:

(a) The Legislative Assembly proposes and refers to the people a revision under subsection (1) of this section; and

(b) An amendment is proposed under section 1, Article IV, or under section 1 of this Article; and

(c) The proposed amendment will be submitted to the people at an election held during the period between the adjournment of the legislative session at which the proposed revision is referred to the people and the next regular legislative session. [Created through H.J.R. 5, 1959, and adopted by the people Nov. 8, 1960]

ARTICLE XVIII
SCHEDULE

Sec. 1. Election to accept or reject Constitution
2. Questions submitted to voters
3. Majority of votes required to accept or reject Constitution
4. Vote on certain sections of Constitution
5. Apportionment of Senators and Representatives
6. Election under Constitution; organization of state
7. Former laws continued in force
8. Officers to continue in office
9. Crimes against territory
10. Saving existing rights and liabilities
11. Judicial districts

Section 1. Election to accept or reject Constitution. For the purpose of taking the vote of the electors of the State, for the acceptance or rejection of this Constitution, an election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of Delegates in Congress, so far as applicable, except as herein otherwise provided.

Section 2. Questions submitted to voters. Each elector who offers to vote upon this Constitution, shall be asked by the judges of election this question:

Do you vote for the Constitution? Yes, or No.

And also this question:

Do you vote for Slavery in Oregon? Yes, or No.

And in the poll books shall be columns headed respectively.

“Constitution, Yes.”	“Constitution, No”
“Slavery, Yes.”	“Slavery, No”.

And the names of the electors shall be entered in the poll books, together with their answers to the said questions, under their appropriate heads. The abstracts of the votes transmitted to the

Secretary of the Territory, shall be publicly opened, and canvassed by the Governor and Secretary, or by either of them in the absence of the other; and the Governor, or in his absence the Secretary, shall forthwith issue his proclamation, and publish the same in the several newspapers printed in this State, declaring the result of the said election upon each of said questions. [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Majority of votes required to accept or reject Constitution. If a majority of all the votes given for, and against the Constitution, shall be given for the Constitution, then this Constitution shall be deemed to be approved, and accepted by the electors of the State, and shall take effect accordingly; and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors of the State, and shall be void.—

Section 4. Vote on certain sections of Constitution. If this Constitution shall be accepted by the electors, and a majority of all the votes given for, and against slavery, shall be given for slavery, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

"Sec. ___"Persons lawfully held as slaves in any State, Territory, or District of the United States, under the laws thereof, may be brought into this State, and such Slaves, and their descendants may be held as slaves within this State, and shall not be emancipated without the consent of their owners."

And if a majority of such votes shall be given against slavery, then the foregoing section shall not, but the following sections shall be added to the Bill of Rights, and shall be a part of this Constitution.

"Sec. ___There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted." [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Note: See sections 34 and 35 of Article I, Oregon Constitution.

Section 5. Apportionment of Senators and Representatives. Until an enumeration of the inhabitants of the State shall be made, and the senators and representatives apportioned as directed in the Constitution, the County of Marion shall have two senators, and four representatives.

Linn two senators, and four representatives.

Lane two senators, and three representatives.

Clackamas and Wasco, one senator jointly, and Clackamas three representatives, and Wasco one representative.

Yamhill one senator, and two representatives.

Polk one senator, and two representatives.

Benton one senator, and two representatives.

Multnomah, one senator, and two representatives.

Washington, Columbia, Clatsop, and Tillamook one senator jointly, and Washington one representative, and Washington and Columbia one representative jointly, and Clatsop and Tillamook one representative jointly.

Douglas, one senator, and two representatives.

Jackson one senator, and three representatives.

Josephine one senator, and one representative.

Umpqua, Coos and Curry, one senator jointly, and Umpqua one representative, and Coos and Curry one representative jointly. [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 6. Election under Constitution; organization of state. If this Constitution shall be ratified, an election shall be held on the first Monday of June 1858, for the election of members of the Legislative Assembly, a Representative in Congress, and State and County officers, and the Legislative Assembly shall convene at the Capital on the first Monday of July 1858, and proceed to elect two senators in Congress, and make such further provision as may be necessary to the complete organization of a State government.—

Section 7. Former laws continued in force. All laws in force in the Territory of Oregon when this Constitution takes effect, and consistent therewith, shall continue in force until altered, or repealed.—

Section 8. Officers to continue in office. All officers of the Territory of Oregon, or under its laws, when this Constitution takes effect, shall continue in office, until superseded by the State authorities.—

Section 9. Crimes against territory. Crimes and misdemeanors committed against the Territory of Oregon shall be punished by the State, as they might have been punished by the Territory, if the change of government had not been made.—

Section 10. Saving existing rights and liabilities. All property and rights of the Territory, and of the several counties, subdivisions, and political bodies corporate, of, or in the Territory, including fines, penalties, forfeitures, debts and claims, of whatsoever nature, and recognizances, obligations, and undertakings to, or for the use of the Territory, or any county, political corporation, office, or otherwise, to or for the public, shall inure to the State, or remain to the county, local division, corporation, officer, or public, as if the change of government had not been made. And private rights shall not be affected by such change.—

Section 11. Judicial districts. Until otherwise provided by law, the judicial districts of the State, shall be constituted as follows: The counties of Jackson, Josephine, and Douglas, shall constitute the first district. The counties of Umpqua, Coos, Curry, Lane, and Benton, shall constitute the second district.—The counties of Linn, Marion, Polk, Yamhill and Washington, shall constitute the third district.—The counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop, and Tillamook, shall constitute the fourth district—and the County of Tillamook shall be attached to the county of Clatsop for judicial purposes.—

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