



# SPECIAL SESSION RULES OF THE HOUSE OF REPRESENTATIVES

## Seventy-fifth Legislative Assembly

Adopted February 1, 2010

### DEFINITIONS

- 1.01 Definitions.** (1) "Measure" means bill, resolution or memorial, but does not include amendments.
- (2) "Member" means member of the House.
- (3) "Printing" includes printing and other means of reproducing copy.
- (4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.
- (5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-fifth Legislative Assembly.
- (6) "Special Session" means the special session of the Seventy-fifth Legislative Assembly convening February 1, 2010.
- (7) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.
- (8) "Committee" includes standing, special, and statutory committees or task forces, any subcommittee thereof and conference committees.
- (9) A "business day" is defined as any day that the House meets in floor session or committees hold meetings.
- (10) "Session day" begins with the initial convening of the House that particular calendar day, and ends with the adjournment of that session.

### RULES

**2.01 Use of Mason's Manual.** Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

**2.03 House Procedures and Personnel Handbook.** All provisions of the House Procedures and Personnel Handbook, are incorporated herein by reference, and are considered as an addendum to these rules and have the effect of a rule herein.

**2.05 Procedure for Amending Rules.** Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House," referred to the Committee on Rules by the Speaker, and if reported from the Committee on Rules, upon distribution of the report, it shall be in order to vote on the proposed amendment immediately. Amendments may be proposed to these Special Session Rules or the rules adopted by the Seventy-fifth Legislative Assembly that are in effect for the entire term when the Assembly is not in Special Session.

**2.10 Procedure for Suspending Rules.** (1) Forty votes are required to suspend any rule.

(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 House.** These rules shall be in effect during the Special Session and shall sunset upon the adjournment of the special session sine die.

## CONVENING

**3.01 Quorum.** (1) A quorum of the House is forty members.

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

**3.03 Attendance.** (1) Except for emergencies, a member shall attend all sessions of the House unless an excuse is filed with the Chief Clerk forty-eight (48) hours in advance. All requests for an excused absence will be presumed approved unless the member is otherwise notified by leadership. A member shall attend all meetings of the committees of the House of which he or she is a member unless excused by the chair. No member shall be considered excused, however, unless the Speaker or chair has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

**3.05 Session Hour.** Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

**3.07 Open Sessions.** All deliberations and meetings of the House shall be open to the press and public.

**3.08 Daily Session Length.** (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, excluding time used in recess, unless a majority of those members present vote to suspend this provision.

(2) The convening of a session after adjournment constitutes the beginning of a new session day.

## VOTING

**3.12 Electronic Roll Call System.** The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

**3.15 Roll Call.** (1) The electronic voting system shall be used as the roll call to determine the presence of a quorum and/or the presence of members under a Call of the House. Members shall press the "yea" button to record their attendance.

(2) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(3) Upon demand of two members, an oral roll call shall be taken and recorded on any measure that requires more than 31 affirmative votes. The clerk shall call the roll of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(4) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(5) The electronic voting system shall not be used for election of officers.

(6) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(7) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by oral roll call. The clerk shall call the roll of the membership in alphabetical order. The Speaker's name shall be called last.

(8) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was within the bar of the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

**3.20 Requirements for Voting.** (1) Each member within the bar when the question is stated and the member's name is called shall vote. No member shall be allowed to abstain from voting.

(2) If a member refuses to vote when the member's name is called, the Speaker shall immediately call for the member's vote a second time. If the member again refuses to vote, the Speaker shall read subsection (3) of this rule. The Speaker shall then call for the member to announce the member's vote immediately. If the member fails to vote immediately after this third request, the Speaker shall state for the record: "The member's failure to vote constitutes an intentional violation of House Rule 3.20, subsection (1), and a high breach of decorum. The journal shall show that the Representative is censured for the violation; the clerk shall record the Representative's vote on the measure on which the member refused to vote as a 'yea;' and the member may also be subject to other penalties as the House may order."

(3) Any member's refusal to vote, as required by House Rules, shall be recorded in the journal as an intentional violation of House Rule 3.20, subsection (1), and a high breach of decorum. The Representative shall be censured; the clerk shall record the Representative's vote on the measure on which the member refused to vote as a 'yea;' and the member may also be subject to other penalties as the House may order.

(4) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

**3.21 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 floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant by 5:00 p. m. the next business day following the vote on the measure. The statement shall be limited to the substance of the oral explanation given on the floor or in committee.

**3.26 Electronic Roll Call; Time, Changes.** When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote, at the end of which time, the clerk will display the vote. After the individual votes have been displayed, any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

**3.28 Electronic Roll Call; Misuse, Penalties.** No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

**3.30 Voting by Presiding Officer.** The Speaker shall vote whenever a roll call is required. The Speaker's name shall be called last on an oral roll call vote.

**3.35 Explanation of Vote.** (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next business day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

**3.45 Printed Measures Required for Voting.** No measure or amendment to a measure shall be finally voted on until an electronic or printed copy is made available to the members.

**3.50 Third Reading Requirement.** (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

**3.55 Call of the House.** (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

## ORDER OF BUSINESS

**4.01 Order of Business.** (1) The general order of business shall be:

- (a) Call to order.
- (b) Opening ceremony, prayer and/or inspirational message (At the opening session of the day only).
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- (h) Reports from standing committees.
- (i) Reports from special committees.
- (j) Propositions and motions.
- (k) Introduction and first reading of House bills.
- (l) Second reading of House bills.
- (m) Third reading of House bills.
- (n) Final reading of memorials and resolutions.
- (o) Bills, reports and other business lying on the table.
- (p) First reading of Senate bills.
- (q) Second reading of Senate bills.
- (r) Third reading of Senate bills.
- (s) Other business of the House.
- (t) Other business of the Senate.
- (u) Announcements.
- (v) Remonstrances.

(2) The presiding officer, under the order of business *Reports from Standing Committees and Reports from Special Committees*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the orders of business Opening ceremony, prayer and/or inspirational message, Courtesies and Remonstrances, nor will a Call of the House be in order.

(5) Under the order of business of Courtesies all honorary pages and/or groups shall be greeted by the Presiding Officer on behalf of the House. A request to return to the order of business of Courtesies shall be out of order until all other orders of the day have been completed.

(6) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

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

(8) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(9) Appropriation bills shall take precedence over all other measures on the third reading calendar.

## MOTIONS

**5.01 Making Motion.** (1) When a motion is made, it shall be restated by the presiding officer.

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

(3) No second to a motion is required.

**5.05 Motion in Possession of the House.** After a motion is restated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

**5.10 Precedence of Motions.** (1) When a question is under debate, no motion shall be received except the following:

(a) To adjourn.

(b) To recess.

(c) To lay on the table.

(d) For the previous question.

(e) To postpone to a certain time or day.

(f) To refer or re-refer.

(g) To amend.

(h) To postpone indefinitely.

(i) To reconsider.

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

**5.15 Nondebatable Motions.** Motions to adjourn, to recess, to lay on the table, to withdraw a measure from committee and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

**5.20 Votes on Motions.** If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

**5.30 Division of the Question.** Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

**5.35 Amendments to be Germane.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

**5.37 Amendments to the Title of a Bill.** No title (*"Relating to" clause*) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

**5.40 Amendments from Floor.** No measure shall be amended upon the floor.

## DEBATE AND DECORUM

**6.01 Decorum During Session and Committee Proceedings.** (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

**6.05 Use of Electronic Devices.** (1) The use of cellular phones is prohibited during floor sessions and committee meetings.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during floor sessions and committee meetings.

**6.07 Recognition of Members.** When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member's desk.

(1) The device labeled "to speak" shall be used when a member seeks recognition for purposes of debate or making motions.

(2) The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under Mason's Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

**6.10 Conduct in Debate.** (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking, the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

**6.20 Interrupting a Member.** Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

**6.25 Frequency with Which Member May Speak.** (1) The author 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 on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again on the question 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 debate:

(1) On the final passage of a measure, the author thereof or the chair of the committee that reports the measure or a member designated by the chair may speak for ten minutes and other members may speak for five minutes.

(2) When a committee report is accompanied by a minority report, the member to explain the committee report may speak for ten minutes and upon a motion to substitute a minority report for the committee report, the member to carry the minority report may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (1) of this rule to another member. However, no member may yield time to a member closing debate.

**6.35 Call to Order.** (1) The presiding officer shall call to order any member who violates the Rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

**6.40 Discipline.** If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

## PRESIDING OFFICER

**7.01 Election of Presiding Officer; Pro Tempore Presiding Officer.** The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

**7.05 Temporary Presiding Officer.** (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

**7.10 Duties of Presiding Officer.** (1) The Speaker shall enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as temporary presiding officer, shall take the chair every session day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, and immediately call the members to order and cause the roll to be called.

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

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

## COMMITTEES

**8.01 Names of Committees.** There shall be the following 14 standing committees to which shall be referred all measures.

- (1) Agriculture, Natural Resources and Rural Communities;
- (2) Business and Labor;
- (3) Consumer Protection and Government Accountability;
- (4) Education;
- (5) Environment and Water;
- (6) Health Care;
- (7) Human Services;
- (8) Judiciary;
- (9) Revenue;
- (10) Rules;
- (11) Sustainability and Economic Development;
- (12) Transportation;
- (13) Veterans' and Emergency Services;
- (14) Ways and Means;

The Speaker may appoint special committees.

**8.05 Committee Appointments.** (1) Except as otherwise provided by law or resolution, members of all committees, and the chairs and vice-chairs thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

**8.10 Committee Quorum; Rules.** (1) A majority of the members of a committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

**8.15 Committee Meetings.** (1) All committees shall meet at the call of the chair, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings.

(a) As used in this rule:

(i) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

(ii) Electronic transmission of all notices shall happen as soon as practical after the official posting and shall be available on the legislative website.

(b) Public Hearings:

(i) Interim committees may conduct public hearings on measures pre-session filed for a scheduled special session upon approval of the Speaker.

(ii) Special Session Committees may conduct public hearings on measures with one hour notice, if an advisory notice of the public hearing was posted two business days prior to the convening of a scheduled special session. This subsection only applies to the first three days of a scheduled special session.

(iii) Otherwise forty-eight (48) hours notice shall be required for the first public hearing on House measures; and

(iv) Twenty-four (24) hours notice shall be required for all other public hearings.

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

(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may suspend the provisions of subsection (5) (b) (iii) relating to forty-eight hours notice requirement for first public hearing on House measures.

(7) The chair or the Speaker shall cause notice of each committee meeting to be given to the public, and written notice to be posted on the bulletin board outside the House chambers. Such posting and notice to the public shall be given immediately upon call of meetings, and notice of the meeting shall be announced on the floor if the House is in session.

(8) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(9) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

(a) Members present, excused or absent;

(b) All motions and their disposition;

(c) The results of all votes; and

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

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

(11) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(12) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the Committee on Rules. The committee shall conduct a hearing on the matter and shall, if it concludes that the complaint is justified, recommend to the House that censure or other action be taken.

**8.20 Committee Action Required.** (1) A chair shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the chair, the Speaker and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within five session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (i) with the recommendation that it be referred to another committee, (ii) favorably as to passage, or (iii) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

(4) When a measure is reported out of committee without amendments it shall be delivered to the Chief Clerk of the House within one business day after the committee action reporting the measure out.

(5) When a measure is reported out of committee with amendments, the measure shall be delivered to the Chief Clerk of the House within two business days after the committee action reporting the measure out.

**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.

**8.25 Committee Actions to be Recorded and Reported.** (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered appropriately in the status report and journal as a part of the history of the measure.

**8.30 Committee of the Whole Prohibited.** (1) No motion to dissolve into the committee of the whole shall be allowed.

## REFERRAL OF MEASURES; COMMITTEE REPORTS

**9.01 Referral to Committee.** (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than seven calendar days following such referral, the measure shall be referred by the Speaker to any standing or special committee. Notice of referral shall be announced from the rostrum or a printed list shall be distributed to the desks of the members and posted in the measure history status report. Upon convening of the House, the Journal shall include a cumulative listing of all referrals in order by date

(2) In carrying out the provisions of this rule, at the time of initial referral, the Speaker may make a subsequent referral of any measure to any standing or special committee to be effective after the measure is reported out of the committee to which it was initially referred.

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

**9.05 Committee Reports.** After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the chair of the committee.

**9.10 Consideration of Committee Reports.** (1) Reports from standing committees shall be listed on the committee report file or be read under the order of business of Standing Committee Reports in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.

(2) No motion is required to adopt a committee report.

**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members who are present and vote in opposition to the committee report, accompanies the committee report, both shall be filed and placed on the calendar under the order of business of Propositions and Motions the session day following second reading. No member may sign on to more than one report.

(2) As all committee reports are properly before the House without debate or requirement of adoption prior to third reading and final passage, when the committee report, is accompanied by a minority report the following process shall be in order. The carrier of the committee report shall explain the committee report and without debate the carrier of the minority report may move immediately that the minority report be substituted for the committee report. After the motion to substitute has been decided, the measure, if a bill, shall be further considered as provided by Rule 9.37(2) or, if other than a bill, as provided by Rule 9.35(3).

(3) The notice of intent to file a minority report may only be applied to a measure reported out of a policy committee. They shall notify the Chair or Committee staff by 5 p.m. of the business day on which final action on the measure was taken, or before adjournment of the Committee meeting during which such final action was taken, if adjournment is later than 5 p.m.

(4) Any members giving such notice shall have until 5 p.m. the next business day after the notice was given, to deliver the minority report, including any amendments to the Committee staff. Committee staff shall file the Minority report and Committee Report no later than the next business day after receipt of the Minority Report.

(5) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.

(6) The minority report is subject to the requirements of House Rule 5.35.

(a) Issues contained within a minority report must have been submitted as proposed LC amendments and distributed to the committee for possible consideration.

(b) If a work session occurs within 24 hours of the first public hearing subsection (a) will not apply but the issues contained within the minority report must have come under discussion in the committee filing the committee report.

**9.30 Withdrawing Measure from Committee.** (1) A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

(2) Immediately following the motion to withdraw a measure from committee, the clerk shall read the measure's number, title, and summary.

**9.32 When a Bill Goes to Second Reading.** (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar the same session day for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, the bill shall be placed on the calendar for second reading on the same session day distribution of the amendments or the engrossed bill is made available to the members.

(3) When a bill is reported with a minority report, the bill shall be placed on the calendar for second reading on the same session day distribution of the amendments or the engrossed bills are made available to the members.

**9.35 When a Measure Other Than a Bill Goes to Final Reading.** (1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar the same day for final reading.

(2) When a measure other than a bill is reported favorably with amendments, the measure shall be placed on the calendar for final reading on the same session day distribution of the amendments or the engrossed bill is made available to the members.

(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar, for final reading on the same session day on which the minority report was substituted or rejected.

**9.37 When a Bill Goes to Third Reading.** (1) A bill shall be placed on the third reading calendar on the session day following its second reading.

(2) When a bill is reported with a minority report the bill shall be placed on the calendar for third reading the same session day on which the minority report was substituted or rejected.

## RECONSIDERATION

**10.01 Reconsideration.** (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.

(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same 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 and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.

(4) The motion to reconsider shall be voted on the first session day after that on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion, subject to the provisions of House Rule 5.10.

(5) Thirty-one votes are required to reconsider the final vote on a measure.

(6) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.

**10.05 Transmitting Measures on Which Reconsideration Moved.** When a member has given notice of intention to move for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.

**10.10 Recall of Measure.** (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately, with debate on the motion, but not on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

### CONCURRENCE; CONFERENCE

**11.01 Vote to Concur in Amendments of Other House.** (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall be in order immediately after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

**11.05 Conference Committee.** (1) When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

**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) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers. Notice of the meeting shall be announced on the floor if the House is in session.

**11.15 Adoption of Conference Committee Report.** (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report. A dissenting conferee shall 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. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall be in order immediately after the conference committee report has been made available to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

**11.20 Discharge of Conferees.** (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

## SPONSORSHIP

**12.03 Pre-session Filing and Printing for a Scheduled Special Session.** (1) Any member of the House may pre-file one measure with the Chief Clerk for introduction.

(2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk at least 15 business days prior to the scheduled start of the Special Session.

(3) The Chief Clerk shall order the measure printed and no printed pre-filed measure shall be withdrawn.

(a) The content of the pre-filed measure shall be deemed public information upon receipt by the Chief Clerk.

(b) Interim Committees may hold public hearings on the pre-session filed measures with approval of the Speaker.

(c) Measures posted for a public hearing at least two business days prior to the start of the scheduled special session may hold, with approval of the Speaker, a public hearing with one hour notice. This subsection 3 (c) only applies to the first three days of the scheduled special session.

(4) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(5) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

**12.05 Pre-session Drafting Requests for a Regular Session.** 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 charges the Legislative Counsel imposes under ORS 173.130.

**12.07 Pre-session Drafting Requests for a Scheduled Special Session.** (1) Every member shall be entitled to one drafting request of the Legislative Counsel. Such request must be submitted to Legislative Counsel at least 60 calendar days prior to the first day of the scheduled special session

(2) No other drafting requests by an individual member shall be allowed within 60 calendar days prior to the first day of the scheduled special session and sine die of the scheduled special session.

**12.10 Sponsorship.** (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If all of the original sponsors are withdrawn, the committee shall become the sponsor of the measure.

**12.20 Committee Sponsorship.** (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The chair shall sign the proposed measure for presentation at the desk.

## INTRODUCTION OF MEASURES

**13.01 Requirements of Presentation of Measures for Introduction.** (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the chair or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the

*Form and Style Manual for Legislative Measures*. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

**13.05 Deadline on Introductions.** No measure shall be accepted by the desk for introduction in the House except:

Measures approved by the Speaker and so identified for introduction by a committee.

**13.10 Legislative Counsel Drafting Services.** Legislative Counsel shall not accept requests for drafting of measures for introduction during special session except:

(a) Committee proposals approved for drafting by the Speaker.

## PUBLICATIONS

**14.01 Journal; Status Report.** (1) The House 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 House.

(2) The House shall cause a status report, arranged chronologically by the measure number, to be maintained. The status report shall contain a synopsis of the actions taken in each house on the measure.

**14.05 Other Legislative Publications.** (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

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

**14.10 Distribution of Legislative Publications.** (1) There shall be delivered to the Chief Clerk the numbers of copies of measures, status reports, the legislative schedule, and the legislative index as required for the operations of the House.

**14.15 Measure Summaries.** (1) No measure shall be accepted at the desk for introduction unless it is accompanied by 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 Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall appear on the first page of the measure.

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

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may appear on the first page of the measure if printed engrossed or may be made a part of the amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

**14.25 Financial and Revenue Impact Statements.** (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. Upon notice of a measure being scheduled by a House committee for work session, the Legislative Fiscal and Revenue Officers shall review each measure and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as either a Fiscal Impact Statement or Budget Report to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and any governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee, the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

**14.30 Legislative Newsletters.** (1) Each member may issue legislative newsletters or other informational material to their 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 exception:

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

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any 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 and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

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

(4) As used in this rule, "constituent" means an individual that lives within a member's legislative district.

## RECORDS RETENTION

**14.50 Policy on Records Retention.** (1) Except as provided in subsection (3) of this rule, records of members 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) (a) A member must retain notices of amounts of expenses required by ORS 244.100 (2) for five years.

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

(c) A member 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.

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

(5) In order to ensure consistent and timely compliance with the disclosure provisions of the Public Records Law, a member 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.

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

(7) For the purpose of this rule, "legislative assistant" means a person employed to assist a member, to assist the Speaker of the House or to assist the majority or minority offices.

## PERSONNEL RULES AND PROCEDURES

**15.01 Personnel Rules and Procedures.** (1) Except as otherwise provided by law, the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures and Personnel Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore, they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

### **OFFICERS; PERSONNEL; ALLOWANCES**

**15.05 Chief Clerk; Election and Duties.** There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House. The Chief Clerk shall take an oath to support the Constitution of the United States and the Constitution of the State of Oregon, for the true and faithful exercise of the duties of the Office of the Chief Clerk, and to keep the confidences of the House. The Chief Clerk serves at the pleasure of the body and may be removed only by a majority vote of the members.

(a) The Chief Clerk shall perform the following duties:

(i) Appoint a Sergeant at Arms in consultation with the Speaker.

(ii) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures and Personnel Handbook.

(iii) Serve as parliamentarian of the House.

(iv) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(v) Prepare all measures, histories, journals and related publications for distribution.

(vi) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(vii) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(i) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(ii) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

(iii) Execute all processes issued by authority of the House or any of its committees.

(iv) Perform such other duties as the Chief Clerk or Speaker may direct.

**15.10 Member's Personal Staff.** (1) (a) A member may appoint personal staff for the special session according to the allowance provided in H.R. 15.25 or as allowed under Enrolled HB 5025 (2009 Session Laws).

(b) A member may designate one person for the duration of the special session to act as a staff assistant for purposes of access to the chamber of the House.

(c) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

(d) For purposes of computing fringe benefits, persons appointed under subsection (1)(a) of this rule who are paid less than \$773 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

**15.15 Leadership Office Personnel.** (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures and Personnel Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

**15.20 Other Personnel.** (1) In compliance with the House Procedures and Personnel Handbook the Legislative Administrator, in consultation with each chair of a committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives or designated to have access to the floor during the special session shall for the duration of the special session serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

**15.25 Expense Allowance.** (1) Each member has an allowance of \$35,023.00 during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim or special session for expenses as described under subsection (1) of this rule.

## SERVICES AND SUPPLIES

**16.01 Services and Supplies.** (1) Each member shall have an individual services and supplies account. New members will receive a one-time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual expense account.

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

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.
- (f) Bill (measure) packets.
- (g) Communications with constituents in compliance with H.R. 14.30.
- (h) Rental expenses incurred for a town hall meeting.
- (i) Establishment and maintenance of a district office.
- (j) Billings from state agencies for services and supplies.
- (k) Reasonable travel expenses incurred by members while on official legislative business. This item does not include in-district travel.

(l) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

(m) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) Should a member resign or be removed from office, the individual expense allowance as provided under House Rules or the adopted Legislative Assembly budget shall be prorated based on length of service and, in the event an overage exists, further indebtedness shall be prohibited and the overage shall be deducted from their personal monthly expense allowance and any remaining indebtedness shall be billed by the Legislative Administrator and appropriate steps for collection taken. Any amount expended in excess of allocation is a debt owed to the state.

(6) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

**16.05 Attorney General Opinions.** (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. Any legislative appropriation specifically intended for payment of costs for Attorney General opinions shall be divided in the same proportion as the number of majority party members and the number of minority party members in the House. This rule takes precedence over ORS 180.060(2).

(2) The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

## PRIVILEGES

**17.01 Floor Privileges.** (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.10 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; (d) persons authorized by the Speaker; and (e) accredited members of the news media.

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

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

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

**17.05 Lounge Privileges.** The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

**17.10 Assembly Transition.** Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

## ACCREDITATION OF NEWS MEDIA

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

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

## LOBBYISTS

**19.01 Regulation of Lobbyists.** (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The Committee on Rules may, and on the complaint of five members of the House, shall investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

(3) If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

## CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

**19.10 Statement of Philosophy.** The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

**19.20 Campaign Contributions During Session.** No member of the House, during session, shall accept and/or solicit a contribution to the member or the member's principal campaign committee or accept and/or solicit an expenditure in support of the member from any person. This does not limit a member from using existing campaign funds.

## WORKPLACE HARASSMENT

**20.01 Policy on Workplace Harassment.** (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from workplace harassment. Workplace harassment in any manner will not be tolerated.

(2) Workplace harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,
- (d) sexual advances and propositions,
- (e) sexually degrading words used to describe an individual,
- (f) display in the work place of any sexually suggestive object or picture, and

(g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session)<sup>1</sup> shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes: Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

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<sup>1</sup> See page 21

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on Workplace Harassment for the purpose of deliberations regarding Workplace Harassment complaints only. The chair shall be a member of the majority party and the vice chair shall be a member of the minority party.

(6) The House shall provide education concerning harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

## 67th OREGON LEGISLATIVE ASSEMBLY -- 1993 Regular Session

## Enrolled House Resolution 1

Introduced and printed pursuant to House Rule 13.01

Whereas the Oregon House of Representatives is committed to creating and maintaining a work environment in which House Members and House employees are free from sexual harassment and are treated respectfully; now, therefore,

**Be It Resolved by the House of Representatives of the State of Oregon:**

**SECTION 1.** (1) The policy of the House of Representatives as stated in the House Rules and this Resolution applies to House Members and to all regular, interim and session House employees, including all House committee staff, House caucus staff, House Members' assistants, interns and volunteers, and to all other categories of House employees.

(2) House Members and employees are expected to discourage sexual harassment in the workplace and at events, professional meetings, seminars or any activities that involve legislative business.

(3) All complaints of sexual harassment shall be promptly, thoroughly and respectfully resolved.

(4) The House policy for reporting and resolving sexual harassment complaints is intended to:

(a) Encourage members and employees to report harassment;

(b) Assure that any complaint and a resolution thereof are resolved as discreetly as possible; and

(c) Guarantee that retaliation is not tolerated against any person who complains of or reports sexual harassment.

(5) When a determination is made that sexual harassment has occurred, appropriate disciplinary action shall follow. As a general rule, sanctions assessed shall be proportionate to the seriousness of the offense. For employees, sanctions may include reprimand, suspension or termination. For House Members, sanctions may include reprimand, censure or expulsion.

(6) A supervisor who does not take appropriate action when the supervisor knows or has reason to suspect that harassment is occurring shall face a similar array of sanctions proportionate to the seriousness of the offense.

**SECTION 2.** (1) The formal and informal procedures instituted pursuant to House Rules and this Resolution shall apply only to allegations of sexual harassment brought against House Members or against House personal staff.

(2) House personal staff includes Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the House Members, including the Speaker's office and the Majority and Minority offices. House personal staff does not include committee staff and House staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(3) A person claiming to be aggrieved shall file a complaint to initiate the formal or informal procedures pursuant to House Rules and this Resolution no later than one year after the sexual harassment occurred.

**SECTION 3.** The following notice of the House policy shall be given to all House Members and House employees:

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If you believe you have been sexually harassed, you have options. You can tell the offender about the offender's behavior, explain which action disturbed you and ask that the behavior stop. You can communicate with the offender in person or in writing. If you do not want to confront the offender directly, or if you have talked to the offender and the offensive behavior has not stopped, or if you believe your complaint has resulted in retaliation, you may use the informal or formal procedure established by the Rules of the House of Representatives and House Resolution 1 (1993) for pursuing your sexual harassment complaint.

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

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**SECTION 4.** Many people who believe they have experienced sexual harassment simply want it to end; they do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address this need. However, a person making a complaint is not required to use this procedure as a prerequisite to proceeding with a formal House complaint or a complaint to an administrative agency or to the courts. The informal and formal procedures stated in this Resolution are optional. The informal complaint shall be handled as discreetly as possible. Every effort shall be made to maintain confidentiality. The informal procedure consists of the following steps:

(1)(a) The person making the complaint shall submit the complaint to an intermediary of the person's choice. The intermediary shall immediately take appropriate action to assure that the person making the complaint has a safe and nonhostile work environment. The Speaker or the Chief Clerk shall assist in making the appropriate arrangements upon notice from the intermediary. The intermediary shall notify the Majority and Minority Leaders and the supervisor of the person making the complaint that a complaint has been made. The Majority and Minority Leaders shall immediately notify the person who is the subject of the complaint of the fact that a complaint has been made, the name of the person making the complaint and the name of the intermediary.

(b) A reasonable number of House Members and staff of the House of Representatives, including the Chief Clerk, the Legislative Administrator and the Administrative Service Personnel Officer, shall be designated jointly by the Majority and Minority Leaders as intermediaries. A person designated as an intermediary shall receive special training in order to be prepared to assist the person making the complaint. Designated intermediaries shall be identified by name, with contact telephone number and office location. Copies of a list of the identification information on designated intermediaries shall be available in each House Member's office. While the intermediary is not an advocate, an intermediary, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to take disciplinary action. The intermediary's role is to listen, answer questions and explain options. The intermediary shall not serve as a counselor or psychologist but shall provide reference information about available human services resources. The role of an intermediary is to help the person making the complaint in determining who can best deal with the person's concerns and inform that person of available options.

(2) After meeting with an intermediary, the person making the complaint may decide that further action is necessary. If so, the person may request that the intermediary refer the matter to the Majority and Minority Leaders for informal remedial action or may institute formal complaint procedures.

(3) The informal procedure shall be kept confidential and any documentation related thereto shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502. Confidentiality shall extend until such time as a formal written complaint, if any, is filed as provided in this Resolution with the House Judiciary Committee counsel.

(4) If the subject person is not the Speaker or Majority or Minority Leader, informal remedial action shall be determined by the Speaker of the House and the Majority and Minority Leaders after appropriate investigation and within 60 days of the making of the complaint. The person who is the subject of the complaint shall be advised of the action by the Leadership.

(5) If the subject person is the Speaker or Majority or Minority Leader, the complaint shall be referred to the Legislative Counsel for the purpose of appointing an outside investigator. The investigator's report shall be submitted to the Speaker and the chairperson and vice chairperson of the Committee on Sexual Harassment within 10 days of the appointment. The chairperson and vice chairperson shall take the action described in subsection (4) of this section.

**SECTION 5.** An aggrieved person may file a formal written complaint instead of participating in the informal complaint procedure described in section 4 of this Resolution, or may file a formal written complaint if, after participating in the informal procedure, the person is not satisfied with the resolution of the informal complaint. The formal complaint procedure shall consist of the following steps:

(1) A formal written complaint shall be filed with the Majority and Minority Leaders. Designated staff shall be made available to assist the person filing the complaint in development of the formal written complaint. If no work reassignment has occurred preceding the filing of the formal written complaint, the Majority or Minority Leader shall take immediate action to assure the person filing the complaint of a safe and nonhostile work environment, including reassigning the person to other duties. The Majority and Minority Leaders shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. With the consent of the person filing the complaint, the Majority and Minority Leaders may work to resolve the complaint. However, if there is no consent or no resolution, the formal written complaint shall be filed by the Majority and Minority Leaders with the House Judiciary Committee counsel within seven days of the determination that there is no consent or no resolution.

(2) After the filing of a formal written complaint with the House Judiciary Committee counsel, the Majority and Minority Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of sexual harassment. If the respondent is either the Majority or Minority Leader, or the Majority and Minority Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, the Legislative Counsel shall be notified and shall appoint an independent investigator within five days after receiving the notice.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Speaker and the Majority and Minority Leaders, the person filing the complaint, the person who is the subject of the complaint and members of the Committee on Sexual Harassment. If the investigator was appointed by the Legislative Counsel, the investigator shall also report to the Legislative Counsel.

**SECTION 6.** (1) At the convening of each Regular Session of the Legislative Assembly, the Speaker shall appoint an equal number of House Members of the majority and minority parties to the Committee on Sexual Harassment, which shall be established for purposes of resolving sexual harassment complaints under House Rules and this Resolution.

(2) Upon receipt of the formal written complaint and the investigator's report, the Committee on Sexual Harassment shall schedule a public hearing on the complaint. The committee shall notify the Majority and Minority Leaders, the Speaker, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with the House Judiciary Committee counsel.

(3) At the hearing, only the members of the committee shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the committee by requesting witnesses and documents to be presented to the committee and by requesting questions that the committee may address to the witnesses.

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

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

**SECTION 7.** (1)(a) If, at the conclusion of the hearing, the Committee on Sexual Harassment recommends any sanction, the sanction shall be proportionate to the seriousness of the offense.

(b) For House personal staff, recommended sanctions may include reprimand, suspension or termination. Any recommended sanction against a House personal staff member shall be imposed by the supervising House Member.

(c) For House Members, recommended sanctions may include reprimand, censure or expulsion. Any recommended sanction against a House Member shall be referred to the floor after the request for review time has passed or after the review is completed for approval by a two-thirds majority vote of the House before final action is taken against a House Member.

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

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

**SECTION 8.** (1) Each House employee shall be given a notice of the House policy on sexual harassment stated in section 3 of this Resolution. Formal education concerning sexual harassment shall be provided to all House employees by the staff of the Legislative Administration Committee. Participation in formal education is required as a condition of employment, internship or involvement as a volunteer during a Regular Session.

(2) Each House Member shall be given a notice of the House policy stated in section 3 of this Resolution and, in the respective caucuses, each House Member shall participate in education provided by the caucuses within 15 days after the convening of each Regular Session.

(3) Notice of the House policy shall be posted in work areas.

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**SECTION 9.** In order to provide and maintain a workplace free from sexual harassment, the House may pursue an action against an alleged harasser without the complaint of an affected person. A complaint may be filed by either the Majority or Minority Leader with the House Judiciary Committee counsel. Such a complaint shall be subject to the same procedures as are followed when a formal written complaint is filed under section 5 of this Resolution with the House Judiciary Committee counsel.

**SECTION 10.** If it is determined, after a hearing before the Committee on Sexual Harassment, that a complaint of sexual harassment is malicious or frivolous in nature, the person filing the complaint shall be subject to appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

**SECTION 11.** Retaliatory action of any kind against any person who participates in any activity authorized or directed by House Rules on sexual harassment or this Resolution as a result of a person seeking redress under the procedures specified in House Rules and this Resolution is prohibited. Retaliation shall result in appropriate disciplinary action, including reprimand, suspension or termination for an employee and reprimand, censure or expulsion for a House Member.

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