

**SPECIAL SESSION RULES OF THE SENATE
SEVENTY- FIFTH LEGISLATIVE ASSEMBLY
Adopted February 1, 2010**

DEFINITIONS

1.01 Definitions.

- (1) “Chamber” means the entire area of the Senate Floor and the side aisles.
- (2) “Chamber area” includes the entire area of the Senate Floor including the areas immediately adjacent to the Senate Chamber.
- (3) “Constitutional majority (16)” means a majority of the members of the Senate except in the case of those measures requiring an otherwise constitutionally designated majority vote.
- (4) “Courtesy of the floor” means admittance within the bar granted upon request of a member in accordance with SR 17.01 (2).
- (5) “Majority” means a majority of those members present.
- (6) “Measure” means bill, resolution or memorial, but does not include amendments.
- (7) “Member” means member of the Senate.
- (8) “Legislative assistant” means a person employed to assist a member of the Senate, to assist the Senate President or to assist the majority or minority offices of the Senate.
- (9) “Printing” includes printing and other means of reproducing copy.
- (10) “Remonstrance” may be considered as a “protest” under section 26, Article IV of the Oregon Constitution.
- (11) “Within the bar” means within the area of the Chamber that is enclosed by waist-high partitions and that contains the members' desks and the rostrum.
- (12) ”Special Session” means the Special Session of the Seventy-fifth Legislative Assembly convening February 1, 2010.

RULES

2.01 Use of Mason's Manual of Legislative Procedure.

Mason's Manual of Legislative Procedure shall apply to cases not provided for by the Oregon Constitution, the Senate Rules, custom of the Senate or statute.

2.05 Procedure for Amending Rules.

No standing rule of the Senate shall be adopted, amended or rescinded except upon the affirmative vote of a constitutional majority (16). After the organizational meeting of the Senate, the adoption, amendment or rescision of rules shall be proposed in writing, read at a regular business session, printed, distributed to members' desks, and allowed to lie on the table for at least one day prior to any vote thereon.

2.10 Procedure for Suspending Rules.

(1) No rule of the Senate shall be suspended except by unanimous consent of the members or by the affirmative vote of two-thirds of the members (20). In suspending a provision of the Oregon Constitution, as provided by the Oregon Constitution, an affirmative vote of two-thirds of the members is required. The vote shall be a roll call vote.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

2.20 Rules of the Senate.

The amendments to the Rules of the Senate adopted for the Special Session are repealed upon the adjournment sine die of the Special Session.

- (1) The following deadlines for committees, with the exception of Rules, Finance and Revenue, and Ways and Means, shall be observed during the special session.
 - (a) February 4, 2010 – Last day for Senate bills to be posted on a committee agenda.
 - (b) February 11, 2010 – Last day for policy committees to hold work sessions on Senate bills.
 - (c) February 17, 2010 --- Last day for House bills to be posted on a committee agenda.
 - (d) February 19, 2010 -- Last day for action on bills in all policy committees, including Finance and Revenue and Rules, except upon approval by the President.
- (2) The last day to hold a work session on all measures in all committees is February 22, 2010 without approval of the Senate President except for the Ways and Means Committee.

CONVENING

3.01 Quorum.

- (1) A quorum of the Senate is 20 members.
- (2) If a quorum is present, the Senate shall proceed with the transaction of business. When there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

3.05 Session Hour; Deliberations Open.

- (1) Unless otherwise ordered by a majority of the members present, the hour of meeting shall be designated by the President.
- (2) All deliberations of the Senate and its committees shall be open to the public. However, this provision does not prohibit clearing the gallery or hearing room in the event of a disturbance, during which time deliberations shall be in recess.

3.10 Attendance.

- (1) A member shall attend all sessions of the Senate unless excused by the President. The Journal Editor will record on each roll call all members “present,” “excused,” or “absent.”
- (2) The President or committee chair may excuse a member from committee meetings. The minutes of the committee shall record all committee members as “present,” “excused,” or “absent.”

VOTING

3.15 Roll Call.

- (1) A roll call vote of “ayes” and “nays” shall be taken and recorded on the final passage of all measures, with the exception of memorials and resolutions that affect only the Senate and do not appropriate money.
- (2) Upon demand of two members, a roll call shall be taken and recorded on any question.
- (3) If the presiding officer is in doubt on any motion considered on voice vote, the presiding officer shall order a roll call vote.

3.20 Requirements for Voting.

- (1) Every member who is in attendance when the question is stated shall vote.
- (2) Except by unanimous consent, no member shall be permitted to vote on any question unless in attendance at the time the question is put. A member shall be considered in attendance if the member is in the Chamber area. However, a member must be within the bar to vote.

3.30 Voting by President.

The President shall vote whenever a roll call is required. The President's name is called last.

3.33 Announcement of Conflict of Interest.

- (1) When involved in a potential conflict of interest as defined by ORS 244.020, a member shall announce, on the Senate floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of a potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have more than the announcement recorded, the member shall reduce to writing the nature of the potential conflict as given in the oral explanation and file it with the Secretary of the Senate or the committee assistant. The written statement must be filed by 5 p.m. of the next session day following the vote on the measure .

(3) Failure to comply with section (1) of this rule may constitute improper conduct as determined by the Special Committee on Conduct appointed in accordance with Senate Rule 18.04 (1).

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

(a) The complaint must be in writing;

(b) The complaint must be specific in its allegations and be accompanied by documentation supporting the allegations;

(c) The complaint must be signed by at least two persons who witnessed the conduct that is the subject of the complaint; and

(d) The complaint, in the manner prescribed by the Secretary of the Senate, must be filed with the Secretary's office within 10 days of the alleged violation.

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

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

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

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

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

(a) Reprimand;

(b) Censure; or

(c) Expulsion.

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

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

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

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

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

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

3.35 Explanation of Vote.

(1) Any member may explain a vote on any matter for which a roll call vote is taken. The member may make the oral explanation from the floor following completion of the roll call and announcement of the result. Oral explanations shall not exceed two minutes.

(2) The vote explanation must be germane to the subject and shall not reflect on the honor or integrity of other members of the Legislative Assembly. If the explanation offered from the floor does not meet the requirements of this subsection, the President may call the member to order. The President may direct the Secretary of the Senate to delete out of order material from the Journal.

(3) If the member wishes the explanation to be entered in the Journal, the member must file a written explanation with the Secretary of the Senate by 5 p.m. of the day following the day the vote was taken.

3.45 Printed Measures Required for Voting.

(1) No measure, or amendment to a measure, shall be finally voted on until it has been printed and placed on the desks of the members except as provided by Rule 5.40.

(2) A printing error in a printed measure or printed amendments to a measure under consideration of the Senate shall be considered corrected if the correction is made on the original copy and initialed by the appropriate member. The original measure is found in the original measure folder at the Senate Desk.

3.50 Third Reading Requirements.

Except for resolutions and memorials that affect the Senate only, no measure shall pass the Senate until after third reading nor shall any measure be read more than once in any one day.

3.55 Call of the Senate.

- (1) Three members may demand a Call of the Senate at any time there is a pending question and before a roll call has commenced.
- (2) Upon a Call of the Senate, the Chamber doors shall be closed until proceedings under the Call have been terminated. No other business shall be transacted until the proceedings under the Call are terminated. A member must remain in attendance until proceedings under the Call are terminated. A member shall be considered in attendance when in the Chamber area. However, a member must comply with the provisions of Senate Rule 3.20 for the purpose of voting.
- (3) Upon a Call of the Senate, the Sergeant at Arms shall cause all members not excused to come to the floor. If the Sergeant at Arms cannot locate an unexcused member, that fact shall be reported to the President who shall announce the fact to the members.
- (4) Proceedings under a Call of the Senate shall be considered terminated only when the question for which the Call was invoked has been voted on, or when a motion to remove the Call is approved by at least two-thirds (20) of the members of the Senate.
- (5) A motion to remove the Call shall be in order when the Sergeant at Arms reports that unexcused members cannot be located. If there is no quorum after the report of the Sergeant at Arms is received, the Senate may remove the Call by the consent of the majority of the members present.
- (6) Under the proceedings of a Call of the Senate:
 - (a) Senate guests may leave the Chamber at will; however, they shall not be permitted to return until the proceedings are terminated or the Call has been removed.
 - (b) Members of the House, the press and Senate staff on Senate business may leave the Chamber and return at will during the proceedings under the Call.

ORDER OF BUSINESS**4.01 Order of Business.**

- (1) The general order of business shall be:
 - (a) Roll Call
 - (b) Honors to the Colors and the Pledge of Allegiance
 - (c) Invocation
 - (d) Courtesies of the Senate
 - (e) Remonstrances

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- (f) Reports from conference committees
 - g Reports from special committees
 - h Propositions and motions
 - i Action on Executive Appointments requiring Senate confirmation
 - j Introduction and first reading of Senate measures
 - k Second reading of Senate measures
 - l Third reading of Senate measures
 - m First reading of House measures
 - n Second reading of House measures
 - o Third reading of House measures
 - p Other business of the Senate
 - q Announcements
- (2) Special performances for opening ceremonies shall be in accordance with policies developed by the President.
- (3) Messages from the Governor or the House may be read at any time. Courtesies may be extended at any time.
- (4) Questions relating to the priority of business shall be decided without debate.
- (5) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the Senate may be made a special order of business upon the vote of a majority of the members present. When the appropriate time for consideration of the subject arrives, the Senate shall take up the subject.
- (6) When scheduled for third reading, appropriation bills shall take precedence over all other bills from the same house of origin.
- (7) Under the order of business of Remonstrances, no member may speak for longer than two minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or Senate shall not be impugned.

MOTIONS

5.01 Moving a Motion.

- (1) When a motion is moved, it shall be stated by the President. If the motion is in writing, it shall be handed to the Secretary of the Senate and read aloud before debate on the motion begins.
- (2) A motion shall be reduced to writing upon request of any member.
- (3) No second to a motion is required.

5.05 Motion in Possession of the Senate.

After a motion is stated by the President or read by the Secretary of the Senate or the Reading Clerk, it is in the possession of the Senate. The motion may be withdrawn only with the permission of the Senate and prior to a decision on the motion.

5.10 Precedence of Motions.

- (1) When a question is under debate, only the following motions shall be made:
 - (a) To adjourn
 - (b) To recess
 - (c) To lay on the table
 - (d) To move the previous question
 - (e) To postpone to a certain day
 - (f) To refer or rerefer
 - (g) To amend
 - (h) To postpone indefinitely
 - (i) To withdraw a motion.
- (2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

5.15 Undeatable Motions.

- (1) The following motions are undeatable:
 - (a) To adjourn

- (b) To recess
 - (c) To suspend the Rules
 - (d) To lay on the table
 - (e) To move the previous question
 - (f) To amend an undebatable motion
 - (g) To take from the table.
- (2) All incidental questions shall be decided without debate.
- (3) An appeal to the committee chair or the President is undebatable, although the member making the appeal may state briefly the reason for the appeal, and the chair or the President may state briefly the rationale for the ruling.

5.17 Form of Previous Question.

- (1) The previous question shall be put in this form: "Shall the main question be now put?" The main question is the question immediately under consideration.
- (2) The previous question shall only be admitted when demanded by a majority of the members present. Until it is decided, it shall preclude all amendments and further debate on the question, except for closing arguments.

5.20 Form of Question on a Motion.

The question on a motion shall be put in this form:
"Those in favor say, 'aye'" and after the response, "Those opposed say, 'no'."

5.25 Effect of Motion to Indefinitely Postpone.

- (1) When a measure or question has been indefinitely postponed, no further action on the measure or question shall be allowed in the same session of the Legislative Assembly. The vote is not subject to a motion for reconsideration.
- (2) When the motion to indefinitely postpone a measure or question fails, the motion shall not be allowed again on the same day or at the same stage of the measure or question.

5.30 Division of the Question.

- (1) Any member may call for a division of a question if the question presents propositions so distinct in substance that if one is taken away, a substantive proposition remains for the decision of the Senate.
- (2) The question of final passage or adoption of any measure is not subject to division.

5.40 Amendments from the Floor.

No measure shall be amended on the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Secretary of the Senate.

DEBATE AND DECORUM

6.01 Decorum.

(1) When a member is speaking, no one shall walk between the member and the rostrum. No one shall leave the Chamber or hearing room in a manner disruptive of the proceedings. When the Senate is in daily session, or a hearing is being conducted, no one in the Chamber, gallery or hearing room shall act in a manner disruptive of the proceedings.

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

6.05 Recognition of Members.

When a member seeks to be recognized by the chair, the member shall use the electrical signal device at the member's desk, or the member shall rise and respectfully address the chair. Exceptions to this rule are:

- (a) When demanding a Call of the Senate or a roll call.
- (b) When allowed to interrupt a speaker for one of the purposes listed in *Mason's Manual of Legislative Procedures*, section 92.

6.10 Conduct in Debate.

(1) In speaking, a member must confine remarks to the question under debate and shall avoid personalities. A member may refer to the actions of a committee if such actions are relevant to the debate, but a member shall not impugn the motives of another Senate or House member's vote or argument.

(2) In speaking, a member may address another member by using the appellation of Senator or the appellation of Senator and the member's district number or other description of district.

(3) A member's right to read from any paper or book as a part of a speech is subject to the will of the Senate. If any member objects to such reading, the matter shall be immediately put to a vote without debate.

(4) No member is permitted to use audio or visual aides during debate unless unanimous consent has been granted.

- (5) No one other than a member may speak during debate.

6.20 Questioning a Member.

- (1) All questions asked of a member shall be addressed through the chair.
- (2) Members responding to a question shall confine remarks to the question only.

6.25 Frequency with Which Member May Speak.

- (1) The mover of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.
- (2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak has spoken.
- (3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has previously spoken on the question shall not be permitted to speak again until every member wishing to speak on the question has spoken.
- (4) No member may speak more than twice on any question.

6.30 Limitation on Duration of Debate.

The following rules apply to the length of time a member shall have the floor in debate:

- (1) On the final passage of a measure, the chair of the committee reporting the measure, or a member designated by the chair, may speak for ten minutes. In the case of multiple carriers, each member may speak for five minutes. Other members may speak for five minutes.
- (2) On a motion to adopt or substitute a committee report, the member who moves the motion may speak for ten minutes. Other members may speak for five minutes.
- (3) The member closing debate on final passage or moving to adopt or substitute a committee report may speak for ten minutes. In the case of multiple carriers, one member shall be designated to close.
- (4) On other debatable motions, a member may speak for five minutes.
- (5) Any member may yield the time allowed under this rule to another member. However, no additional time can be yielded to a member closing debate.
- (6) When a member who has the floor asks a question of another member, the time used in answering shall be taken from the questioning member.

6.35 Call to Order.

(1) If a member transgresses the rules of the Senate, the President, or any member through the President, may call the member to order. Unless permitted by the President to explain, the member called to order shall be seated immediately.

(2) The member who is called to order may appeal the ruling of the President. If the Senate decides the appeal in favor of the member, the member may proceed with the debate. If the Senate decides the appeal against the member, the member may proceed “in order” or be liable to a motion of censure of the Senate.

6.40 Discipline.

If a member is called to order for words spoken in debate, the member objecting shall immediately repeat the words to which objection is taken and they shall be recorded by the Journal Editor. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection was made, the member shall not be held answerable or subject to censure.

PRESIDING OFFICER

7.01 Officers of the Senate.

The officers of the Senate shall be those elected to the Senate for the Seventy-fifth Legislative Assembly under Regular Session Rules 7.01, 7.05, 15.01 and Interim Rule 207.01.

7.05 Temporary Presiding Officer.

(1) The President may designate a member other than the President pro tempore to act temporarily as the presiding officer. The designation shall not extend beyond adjournment on the day of the appointment. The member does not lose the right to vote while presiding. The President may resume the chair at his or her pleasure.

(2) If, at any time, the office of the President of the Senate becomes vacant, the President pro tempore shall become President until a new President is elected.

7.10 Duties of Presiding Officer.

(1) The President shall take the chair every day at the hour as provided in Senate Rule 3.05.

(2) The President shall immediately call the members to order and have the roll called.

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

(4) The President shall have general control and direction of all Senate employees and all employees of the Legislative Assembly when they are in the Senate Chamber.

(5) The President shall have control of the Senate Chamber and adjacent areas.

COMMITTEES

8.05 Committee Appointments.

- (1) The President may establish special committees and conference committees.
- (2) Members of all committees, and the chairs and vice chairs thereof, shall be appointed by the President.
- (3) The President shall appoint members to other committees as necessary or as required by law.
- (4) The President shall be an ex officio member of each committee and have the power to vote. As an ex officio member on committees the President does not increase the size of the respective committees, but is counted for purposes of quorum. Ex officio membership does not increase the number of members required to provide a quorum.

8.10 Committee Quorum; Rules.

- (1) A majority of the members appointed to a committee shall constitute a quorum for the transaction of business before the committee.
- (2) Final action on a measure in committee shall be taken only on the affirmative vote of a majority of the membership.
- (3) All committees shall be governed by committee rules adopted by a majority of committee members, the Senate Rules and *Mason's Manual of Legislative Procedure* and statute.
- (4) Approval of an affirmative vote of a majority of the Senate members appointed to joint committees is required for final action.

8.15 Committee Meetings.

- (1) All committees shall meet at the call of the committee chair. The chair shall cause notice of the meeting to be given to the public. The chair may designate a time certain for an agenda item. The chair shall begin a time certain agenda item at the appointed time and accommodate witnesses wishing to testify to the extent practicable. Written notice is to be posted outside the Senate Chamber at least 24 hours in advance of the meeting,. Notice of all committee meetings shall be made available electronically to all members. Whenever possible, such meetings shall be announced on the floor while the Senate is in session.
- (2) In the event that the committee does not complete the scheduled agenda, the items may be carried over to the next scheduled meeting with the following guidelines:
 - (a) The measure must have been initially scheduled with a 24-hour or one-hour notice.
 - (b) The measure must be carried over for the same type of meeting.
 - (c) The chair announces in committee his/her intent to schedule the measure at the next meeting.

- (d) A revised agenda listing the measures that originally received 24-hour or one-hour notice shall be posted as soon as possible following adjournment of the committee meeting.
- (3) No committee shall meet during the time the Senate is in session without approval of the President.
- (4) Committee meetings held at a time or place not provided for in the Joint Legislative Schedule require the advance approval of the President.
- (5) Approval of the President must be obtained if the location of a meeting will require the expenditure of state monies for travel.
- (6) Any meeting of a Senate committee held through the use of telephone or other electronic communication shall be conducted in accordance with SR 8.15.

8.16 Committee Meeting--Less Than -24 Hours' Notice.

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

Notwithstanding the provision of Senate Rule 8.15, the committee chair may call a meeting of a committee with less than 24 hours' notice if, at least one hour prior to the meeting, notice is given to the Secretary of the Senate's Office and posted outside the Senate Chamber and in any other place reasonably designed to give notice to the public and interested persons. Whenever possible, such meetings shall be announced on the floor while the Senate is in session.

For the purpose of expediting the Special Session of the 75th Legislative Assembly, the President may waive the public notice requirements for the special session committees scheduled for the afternoon of the first day and the morning of the second day of session to hold informational meetings. This provision sunsets upon adjournment sine die of the Special Session.

8.20 Committee Action Required.

- (1) Upon written request of a majority of committee members filed with the committee chairperson and the Secretary of the Senate, the chairperson shall order a hearing or work session on any measure in the possession of the committee. The hearing or work session shall be held only after notice as required by Rule 8.15(1), but shall be held within a reasonable time.
- (2) The committee shall not report a measure to the floor of the Senate unless the written Legislative Counsel amendments accompanying the report have been approved by a majority of the members of the committee at a meeting called for that purpose.

8.25 Committee Meeting Records.

- (1) Each meeting of a committee or subcommittee shall be sound recorded. A tapelog shall be maintained to provide reference to the sound recording. The tapelog shall contain at least the following information:
 - (a) Attendance of members and staff
 - (b) Names of all witnesses
 - (c) Recorded vote on all official actions
 - (d) Any announcements of conflicts of interest
 - (e) References to the tapelog, sufficient to serve as an index to the original sound recording.
- (2) Testimony and exhibits submitted in writing shall be attached to the tapelog and considered as part of the official record.

REFERRAL OF MEASURES TO COMMITTEE

8.40 Referral to Committee.

- (1) Within seven calendar days following first reading of a measure, the President shall refer the measure to an appropriate committee and may refer it to not more than one additional committee. Any measure appropriating money or requiring the expenditure of money may also be referred to the Joint Committee on Ways and Means. Subsequent referrals may occur before or after having been referred to and reported out of any other committee. The President may, at any time, rescind a subsequent referral.
- (2) At the request of a committee reporting on a measure, the President may rescind or add a subsequent referral to another committee.
- (3) The Secretary of the Senate shall publish and distribute to the members a current listing of measures referred. A list of measures referred shall be placed in the Journal. The President may either announce the referral decisions or order the referrals made in accordance with the printed list.

8.42 Withdrawing Measure from Committee.

A measure, including one referred by the President to a joint committee, may be withdrawn from a committee by a motion to withdraw, and by the affirmative vote of a constitutional majority (16) of the members of the Senate.

8.43 Motion to Refer or Rerefer.

A measure may be referred or rereferred to committee either under Propositions and Motions or on third reading. An affirmative vote of a majority of those present is necessary. A measure may be referred or rereferred with recommendations to a committee. These recommendations must be in

writing and filed with the Secretary of the Senate before the vote is taken on the motion to refer with recommendations.

COMMITTEE REPORTS

8.50 Committee Reports.

(1) All committee reports on measures shall be signed by the committee chair and shall comply with the following rules:

- (a) Committee reports on bills with no amendments must be submitted to the Secretary of the Senate as soon as possible following final committee action on the measure.
- (b) Committee reports with amendments must be submitted to the Secretary of the Senate as soon as possible following final committee action on the measure.
- (c) When a committee requests a subsequent referral or requests a referral be rescinded, the request shall be in writing and accompany the committee report.

(2) If a minority report is to be filed, notice must be given to the committee on the day the report was adopted. The minority report, together with the committee report, shall be filed jointly in accordance with SR 8.50(a) and (b).

(3) All committee reports shall be filed in a manner prescribed by the Secretary of the Senate. Reports which are not in the proper form and style may be returned to the committee or corrected by the Secretary of the Senate and the President or their designees. Any substantive changes must be approved by the committee.

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

- (a) The measure in the form reported out
- (b) The recommendation of the committee
- (c) A staff measure summary for all measures except appropriation bills.
- (d) A fiscal impact statement, if applicable, prepared by the Legislative Fiscal Officer for all measures except for concurrent resolutions of a congratulatory or memorial substance.
- (e) A revenue impact statement, if applicable, prepared by the Legislative Revenue Officer, for all measures except for concurrent resolutions of a congratulatory or memorial substance.
- (f) Budget notes, if applicable, as adopted by a majority of the Committee on Ways and Means.
- (g) Revenue notes, if applicable, as adopted by a majority of the Committee on Revenue.

8.52 Committee Reports--Read or Announced.

- (1) At the discretion of the President, committee reports at the Senate Desk may be either read or announced under the proper order of business. If reports are announced, the Secretary of the Senate shall distribute to the members a summary of all reports and measures passed to calendar.
- (2) The Secretary of the Senate shall cause the committee report to be entered in the Status Report and Journal.

8.55 Second Reading of Measures.

- (1) Measures reported favorably without amendments and having no subsequent referral shall be placed on the second reading calendar for the same session day on which the report is read or announced.
- (2) Measures reported favorably with amendments and having no subsequent referral shall be placed on the Second reading calendar for the same session day on which printed amendments are distributed.

8.60 Dissents; Minority Reports.

- (1) Any member of a committee who dissents from the committee recommendations may request to be listed in the committee report as not concurring. The names of members not concurring shall be recorded in the Status Report and Journal. No minority reports may be filed in the Joint Committee on Ways and Means.
- (2) Members of the committee wishing to file a minority report must notify the chair or committee staff before adjournment of the committee. Committee members may subscribe to a minority report only if present during the committee meeting when action was taken and at least two members must sign on to a minority report. No member shall sign on a minority report unless they dissented when the final action of the measure was taken.
- (3) A minority report shall be filed jointly with the committee report in the Secretary of the Senate's office. The minority draft amendments must be requested from the legislative counsel within an hour following the adjournment of the committee where notice was given. In order for staff to complete their work in an orderly and practical manner, the draft amendments shall be submitted to committee staff within an hour after receipt from Legislative Counsel.
- (4) On the day next following distribution of amendments, it shall be in order under Propositions and Motions to move the adoption of the committee report and then to move that the minority report be substituted for the committee report. When action on the minority report is completed, the measure shall be read for the third time and considered immediately.

8.75 Germaneness.

If, at any time after filing of a committee report, including a conference committee report, and before final action by the Senate on the measure, a member raises the question of the germaneness of the

amendments, the President shall decide the question based on section 402 of *Mason's Manual of Legislative Procedure* and announce the decision from the rostrum.

8.80 Third Reading and Final Passage.

- (1) Except as provided in Senate Rule 3.50, measures shall be placed on the calendar for third reading and final passage the next session day following second reading.
- (2) When a measure is reported favorably but with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for third reading and final passage. The measure shall be placed on the calendar for third reading and final passage on the session day following the day of distribution of the printed amendments and second reading.
- (3) Upon the recommendation of the committee chair reporting a measure with amendments, or at the President's discretion, the President may order a measure printed with the amendments engrossed therein. If the measure is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measure unless the amendments have been distributed.

8.85 Order of Consideration for Final Passage.

- (1) When placed on the calendar for final passage, measures shall be considered in their numerical order. However, appropriations measures shall precede other measures.
- (2) Except as otherwise provided in these rules, no motion is required to adopt a committee report.

RECONSIDERATION

10.01 Reconsideration.

- (1) A motion for reconsideration may be made by a member who voted on the prevailing side when:
 - (a) A measure or executive appointment has passed or been confirmed;
 - (b) A measure or executive appointment has failed to pass or has been denied;
 - (c) A non-procedural motion has been adopted; or
 - (d) A non-procedural motion is defeated.

A motion for reconsideration is not in order on a vote whereby a measure was indefinitely postponed.

- (2) Notice of intent to move for reconsideration must be given orally by the member who intends to move the motion. Notice must be given prior to adjournment on the day on which the vote to be reconsidered was taken.

- (3) A motion to reconsider may be debated together with the main question, if the subject of the main question is debatable.
- (4) The motion to reconsider must be made immediately after the vote to be reconsidered was taken.
- (5) A majority affirmative vote of those present and voting is required to reconsider a vote, including a measure requiring an otherwise constitutionally designated majority vote. There shall be only one reconsideration of any final vote even though this action reverses the previous action.

10.10 Recall of a Measure.

In order to reconsider the vote on a measure no longer in possession of the Senate, a motion to recall the measure is in order. Measures originating in either the House or the Senate may be recalled from the Governor at any time prior to signing and filing of the measure by the Governor. A motion to request the return of a measure shall be acted upon immediately and without debate.

CONFERENCE

11.01 Vote to Concur in Amendments of Other House.

- (1) Upon return to the Senate of a Senate measure which has been amended in the House, the vote to concur and repass the measure, or not to concur with the House amendments, shall not be taken sooner than one hour after the message from the House has been read.
- (2) A motion to concur and repass the measure, or not to concur with the House amendments, shall come under the order of business of Propositions and Motions and is not subject to referral to a committee.
- (3) On the motion to concur and repass the measure, a roll call vote is required and a constitutional majority (16) is needed for concurrence and repassage, except in the case of a measure requiring an otherwise constitutionally designated majority vote.
- (4) On a motion not to concur, the affirmative vote of a majority of the members present is needed. If the motion not to concur is adopted, the President shall appoint a conference committee.
- (5) If a motion not to concur is defeated, the President shall immediately order a roll call vote on the question of concurrence and repassage of the measure.
- (6) If the motion to concur and repass the measure is defeated, the President shall appoint a conference committee.

11.05 Conference Committee.

Upon receipt of a message from the House that it has failed to concur with Senate amendments to a House measure, the President shall appoint a conference committee of two or more members to represent the Senate and meet with a similar committee of the House. At least one member

appointed shall have served on the Senate committee that considered the measure. The President may request the committee chair to designate one of the members.

11.10 Authority of Conference Committee.

(1) The conference committee has authority to propose amendments only within the scope of the issue between the houses.

(2) The Senate conferees shall meet with the House conferees as soon as is practicable after appointment. The time and place shall be agreed upon by a majority of all the conferees. The committee shall immediately notify the President and the Secretary of the Senate of the time and place of the meeting. The Secretary of the Senate shall immediately cause notice of the meeting to be given to the public and posted outside the Senate Chambers. Notice of the meeting shall be announced on the floor, if the Senate is in session.

11.15 Adoption of Conference Committee Report.

(1) If a majority of conference committee members of each house agree to an amendment, or otherwise resolve the issue between the houses, the report shall be filed with both houses. A majority of conferees from each house shall sign the report. A dissenting conferee may indicate that fact when signing the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. When repassage is required, a motion to adopt the conference committee report and repass the measure is necessary. A motion shall not be made sooner than one hour after the conference committee report has been printed and distributed and then may be made at any time.

(3) On the motion to adopt the conference committee report and repass the measure, a roll call vote is required and the affirmative votes of a constitutional majority (16) is needed, except in the case of a measure requiring an otherwise constitutionally designated majority vote.

(4) If the motion to adopt the conference committee report and repass the measure fails, the President may appoint another conference committee.

(5) On a motion to refuse to adopt the conference committee report, the affirmative vote of a majority of those present is needed. If the motion is adopted, the President may appoint a conference committee.

(6) It shall not be in order to refer, rerefer or amend a conference committee report.

(7) When the conference committee report concerns a measure that originated in the House, the Senate may take action in accordance with subsections (1) and (2) without waiting for action by the House.

11.20 Discharge of Conferees.

(1) If a majority of conference committee members cannot agree within a reasonable time, the Senate conferees shall advise the President of their inability to agree with the House conferees and

request discharge. The President shall then discharge the Senate conferees and may appoint a new conference committee to represent the Senate.

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

SPONSORSHIP

12.01 Sponsorship.

(1) Every measure introduced in the Senate shall bear the name of the chief sponsor(s) and shall comply with ORS 171.127.

(2) Upon written request, filed with the Secretary of the Senate, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(3) When the measure is in the possession of the Senate, the President may order the name of a sponsor deleted from a printed engrossed or enrolled measure if a sponsor requests in writing to have the name removed because it was placed on the measure by error or because the measure has been so substantially altered that the sponsor can no longer sponsor it. If the removal is so ordered, the name shall be removed from the list of sponsors at enrolling of the measure, and from the measure history in the Status Report at the next printing.

(4) If removal of the sponsor's name leaves the measure without sponsorship, the name of the committee that reported the measure shall be named as sponsor.

12.02 Requester.

(1) Every measure introduced at the request of an individual, organization, state agency, or legislative interim committee shall indicate that it is introduced by request and identify the requester in accordance with ORS 171.127.

(2) When the measure is in the possession of the Senate, the President may order the name of a requester added or deleted from a printed engrossed or enrolled measure if the chief sponsor or the requester asks in writing to have the name added or removed.

(3) A requester's name may be removed because it was placed on the measure by error or because the measure has been so substantially altered that the requester can no longer support the measure.

(4) If the addition or removal is so ordered, the requester's name shall also be added or removed from the measure at enrolling and from the measure history in the Status Report at the next printing.

12.05 Committee Sponsorship.

Any measure to be sponsored by a committee must be approved for such sponsorship by a majority of the committee members and must be signed by the committee chair.

INTRODUCTION OF MEASURES

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

- (1) All drafting requests and measures must be approved by the President except for the allocated caucus requests in accordance with SIR 213.20(2). In accordance with SIR 213.20 (3), drafting requests and introduction of appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means may be allowed during the session.
- (2) The sponsor of a measure for introduction shall present to the Secretary of the Senate one copy of the measure, which has a bill back initialed by the sponsor(s). Such presentation may be made only by a member, authorized staff of a member or, in the case of a committee, by the chair or authorized committee staff. The Secretary of the Senate or a person authorized by the Secretary of the Senate shall, upon request, provide a time-dated receipt to the person presenting the measure.
- (3) A copy of the measure designated as the original shall be placed in the original measure folder. Copies of all amendments and reports, and a record of all actions on the measure shall be maintained with the original measure folder.
- (4) Immediately after presentation to the Secretary of the Senate, the measure shall be sent to Legislative Counsel for examination and compliance with the “Form and Style Manual for Legislative Measures” and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

13.02 Measure Summary.

- (1) No measure shall be accepted by the Secretary of the Senate for introduction without an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Secretary of the Senate which does not comply with this requirement shall be returned to the member or committee that presented it.
- (2) The summary may be edited by Legislative Counsel and must be printed on the first page of the measure. The summaries of measures may be compiled and published by the appropriate legislative agency.
- (3) If a material error in a printed summary is brought to the attention of Legislative Counsel, Counsel shall cause a corrected summary to be prepared which shows the changes made in the summary. Changes shall be shown in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Secretary of the Senate. The President may order the corrected summary printed and distributed as directed by the Secretary of the Senate.
- (4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the printed amendment. The summary shall be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.
- (5) All summaries must comply with ORS 171.134.

13.11 Confidentiality; Consolidation of Requests.

(1) A member may designate that a request for measure drafting services be treated as confidential in accordance with ORS 173.230. Requests from a committee may not be treated confidentially.

(2) Whenever a request is made for measure drafting services, Legislative Counsel shall inform the requester of all nonconfidential requests for similar measures and attempt to consolidate all such requests in one measure. Legislative Counsel shall also inform requesters of confidential drafts when similar but nonconfidential requests are made. This will be done in order to determine whether the requester wishes to consolidate the confidential request with similar but nonconfidential requests.

PUBLICATIONS AND RECORDS

14.01 Journal; Status Report

(1) The Senate shall cause a Journal of its proceedings to be maintained. The Journal shall contain a full, true and correct chronological record of all proceedings of the Senate.

(2) The Senate shall cause a Status Report to be composed daily during the regular session of the Legislative Assembly. The measures shall be listed in numerical order and shall contain title, sponsor and a history of actions taken in each house.

(3) The President may direct publication of the Status Report on a weekly cumulative basis, with daily supplements reflecting the proceedings of the previous day.

14.03 Senate Records.

(1) As used in this rule, "Senate record" means a measure or amendment of a measure, a document, book, paper, photograph, sound recording or other material produced by the Senate, a Senate committee or staff member, in connection with the exercise of legislative or investigatory functions, but does not include the record of an official act of the Legislative Assembly kept by the Secretary of State under section 2, Article VI of the Oregon Constitution.

(2) Subject to the needs of Senate members and Senate staff in the performance of official duties, Senate records in the possession of the Senate shall be available for public inspection, subject to such requirements as may be imposed by the President to insure their safety.

(3) Sound recordings shall be made of every floor session of the Senate and be kept in the custody and control of the Secretary of the Senate. Sound recordings shall be made of every committee meeting and be kept in the custody and control of the Legislative Administrator.

(4) A Senate committee or Senate staff member having possession of Senate records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of the session, deliver all such Senate records to the Legislative Administrator.

- (5) Senate records shall not be loaned except to staff of the Legislative Assembly who require access to such records in the performance of official duties. Arrangements for having records copied may be made and an appropriate fee to meet costs may be imposed. All monies collected under this rule shall be promptly turned over to the Legislative Administrator or designee.

14.05 Other Legislative Publications.

- (1) Unless otherwise directed by resolution, the President is authorized to implement the powers vested in the Senate by ORS 171.206.
- (2) All orders for printing and distribution of publications printed for the Senate, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the President or by a designee.

14.08 Records Retention

- (1) Except as provided in section (2) of this rule, records of members of the Senate and their legislative assistants that contain information relating to the conduct of the public's business must be retained for one year after the records are created.
- (2) The following subsections are exceptions to section (1) of this rule.
 - (a) A member of the Senate must retain notices of amounts of expenses required by ORS 244.100 (2) for five years.
 - (b) A member of the Senate must retain documents in support of statements of economic interest required by ORS 244.050 for five years.
 - (c) A member of the Senate must retain relevant documents that are in the member's possession when the member receives a public records request, or a request for discovery of records issued in a court or administrative proceeding, until the request for records is resolved.
- (3) A member of the Senate or legislative assistant may, at any time, deliver records required to be retained under this rule to the Legislative Administrator. A person who ceases to be a member of the Legislative Assembly shall deliver records under subsection (2) of this rule to the Legislative Administrator within 60 days after the member ceases to be a member. Records delivered to the Legislative Administrator under this rule must identify the person delivering the records and specify the date on which the records may be destroyed.
- (4) In order to ensure consistent and timely compliance with the disclosure provisions of the Public Records Law, a member of the Senate may designate the Legislative Administrator to receive public records requests on their behalf. The Legislative Administrator then will assist the member in preparing responses to requests. Regardless of whether or not a member has designated the Legislative Administrator to receive their public records requests, the member may request assistance from the Legislative Administrator or Legislative Counsel in responding to public records requests at any time.

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

14.10 Distribution of Legislative Publications.

(1) In implementation of ORS 171.206, and for the proper functioning of the Senate, the Secretary of the Senate shall order from the Legislative Administrator a sufficient number of copies of all publications printed for either house of the Legislative Assembly.

(2) Unless otherwise directed by joint resolution or otherwise provided under ORS 171.206, 171.236 or 182.070, the Legislative Administration Committee shall, upon request, cause to be distributed, without charge, the publications of each session of the Legislative Assembly to boards of county commissioners, cities, public libraries, law schools in the state and accredited representatives of the news media as considered appropriate.

(3) Each member is authorized up to 15 mailings of weekly Status Reports, indexes and Legislative Schedules without charge.

(4) Each member is authorized a maximum of 50 additional copies of measures without charge.

(5) Mailings of legislative publications requested by members shall not be made to any person who is a lobbyist, as defined in ORS 171.725.

14.20 Legislative Newsletters.

(1) Each member may issue legislative newsletters or other informational material to constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exceptions:

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

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

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator or actions occurring before the Legislative Assembly or its committees or affecting its activities when such material is not campaign material and does not serve partisan political purposes. The following subsections explain in detail acceptable and unacceptable mailings:

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

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

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

(d) **Town Hall Meetings & Other Meetings With Groups Of Constituents:** Members may not spend state funds or use staff on state time to advertise a town hall meeting or other meeting with a group of constituents that takes place during the 60-day window, even if the expenditure occurs prior to the deadline in accordance with SR 14.20(1). Members may not distribute a written handout at a town hall meeting or other meeting with a group of constituents that takes place during the 60-day window, if the handout was prepared by staff on state time, even if they completed their work on the handout prior to the deadline in accordance with SR 14.20(1). Handouts produced by other legislative offices or other government agencies are permissible. State business cards may be made available at a town hall meeting or other meeting with a group of constituents during the 60-day window.

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

OFFICERS; PERSONNEL

15.01 Secretary of the Senate; Duties.

Under the direction of the President, the Secretary of the Senate, in addition to performing those duties provided by law or other provisions of these rules, shall:

(a) Authorize and supervise the preparation and distribution of all measures, Status Reports, Journals and related publications of the Senate.

(b) Be responsible for the keeping of the measures, papers and records of the proceedings and actions of the Senate and have charge of the publications and distribution of publications related thereto.

(c) Instruct and supervise staff of Senate committees in the preparation of official Senate records.

(d) Receipt for documents transmitted to the Senate and take receipts from persons, including Senate committees, receiving documents from the Senate.

(e) Serve as parliamentarian for the Senate.

(f) Instruct and supervise Senate employees engaged in carrying out the duties described in paragraphs (a), (b) and (c) herein, and employees, other than members' personal staff, assigned to duties in or related to the Chamber area.

15.02 Sergeant at Arms; Appointment and Duties.

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

(2) Under direction of the President, the Sergeant at Arms, assisted by the Capitol Executive Security when directed by the President/Secretary, shall maintain order in the chamber and other areas assigned to the Senate, execute all processes issued by authority of the Senate or any of its committees, and perform such other duties as the President may direct. The Sergeant at Arms shall permit such ingress and egress to the chamber during sessions as may be directed by the President/Secretary or allowed by the rules.

15.04 Senate Desk and Floor Personnel.

(1) The Secretary of the Senate, in consultation with the President of the Senate, shall appoint Senate desk staff, floor personnel and receptionists as necessary to conduct the business of the Senate and in accordance with the current Legislative Assembly budget.

(2) Personnel assigned to the Senate Desk and the Senate floor, including receptionists shall perform duties as directed by the Secretary of the Senate and the President.

15.05 Other Personnel.

(1) Subject to the provisions of this rule, a member may appoint personal staff for the session or the interim or both, according to the allowance provided in the current Legislative Assembly budget.

(a) A member shall establish salaries payable to persons appointed under subsection (1) (a) of this rule and in accordance with the policies and procedures as adopted by the Legislative Assembly.

(b) Each member will be allowed to have the equivalent of one full-time employee. Compensation must be no less than State of Oregon minimum wage at full-time. One full-time employee is eligible for 100% benefits, or two at 50% benefits. A part-time employee must earn at least 50% of State of Oregon minimum wage to be eligible for benefits.

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

(2) The caucus leaders may each appoint such staff as is necessary to conduct the business of the caucus as provided in the current Legislative Assembly budget.

- (3) The President may appoint such staff as is necessary to perform the duties of the offices of the President or to assist the Senate.
- (4) In consultation with each committee chair, the President may appoint a committee administrator and committee assistant to conduct the business of the committee and in accordance with the current Legislative Administration budget, may appoint other personnel as determined necessary for the proper operation of the committee.
- (5) Employees of the Senate serve at the pleasure of the appointing authority and shall be appointed or dismissed by written notice thereof to the Legislative Administrator.
- (6) The time of service for all employees begins on the date contained in their letter of appointment, which shall be filed with the Legislative Administrator's office.
- (7) To maintain professionalism in the legislative process, dress code policies may be established for positions which support decorum and protocol of the Senate.

SERVICES AND SUPPLIES

16.01 Office Supplies, Stationery and Equipment.

- (1) The Legislative Administrator shall issue office supplies directly to Senate members and staff in accordance with the Rules of the Senate and policies of the Legislative Administration Committee. Members and staff shall comply with ORS 171.136.
- (2) New members will receive a one-time allowance of \$200 for start-up expenses. The costs of requisitioned services and supplies shall be charged against the member's individual services and supplies account. Monthly reports of the status of the member's services and supplies accounts shall be provided to each member.
- (3) Services and supplies that may be obtained under this rule include:
 - (a) Postage (all classes)
 - (b) Subscriptions to newspapers and periodicals
 - (c) Office supplies
 - (d) Copying, facsimile charges
 - (e) Newsletter printing, postage and labels
 - (f) Any other service or supply authorized by the President.
- (4) All orders for stationery and printing may be placed with the Secretary of the Senate.

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

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

16.05 Requests for Attorney General Opinions.

Requests for opinions from the Attorney General require approval of the President as a necessary condition for authorizing payment from legislative funds. This rule takes precedence over subsection (2) of ORS 180.060. Legislative Counsel shall provide legal advice and opinions to the members of the Senate without prior approval of the President.

PRIVILEGES

17.01 Floor Privileges.

(1) When the Senate is in session, no person shall be permitted within the bar except:

(a) Members of the Senate;

(b) Desk and floor personnel of the Senate;

(c) Members of the House of Representatives;

(d) Accredited representatives of the news media;

(e) Staff of the Senate President's office and caucus offices; and

(f) One member of a Senator's personal staff or a member of the staff of a Senate committee, may be seated at a member's desk. Additional Senate staff members are permitted on the side aisles.

(2) Courtesies of the floor may be extended only to special dignitaries, former members of the Legislative Assembly and members of the family of a member to whom courtesies of the floor have been extended in accordance with policies as set by the President. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) No person who is a lobbyist as defined in ORS 171.725 shall be permitted in the Senate Chamber area during its daily session. Any person transgressing this subsection shall be removed from the Chamber and shall be subject to the penalties provided by law for violation of lobbying regulations. Notes from a lobbyist are prohibited while the Senate is in daily floor session.

(4) Admission to the side aisles beyond the bar shall be reserved for the families and guests of members of the Senate, local and state-elected officials and such other persons as may be authorized by the President. However, the privilege shall not be granted to any person actively engaged in

seeking the passage or defeat of any measure, except during consideration of Concurrent Resolutions as may be authorized by the President.

- (5) No food, beverage or smoking is permitted on the side aisles or within the bar.
- (6) While the Senate is in daily session, the center aisle of the floor shall be kept clear of all persons, except members and the Secretary of the Senate or someone acting under the direction of the Secretary of the Senate and conducting the business of the Senate. Access to the Chamber during a daily session shall be by the side doors and side aisles.
- (7) Beginning 15 minutes before the opening of each session and ending 15 minutes after the session, no person shall be permitted in the Chamber area except those authorized to be in the Chamber under this rule.

17.02 Accreditation of News Media.

- (1) 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 President, indicating the publication, news wire service, radio or television station represented. However, any representative of a news media who is attending the session as a lobbyist, as defined in ORS 171.125, shall not be entitled to accreditation or the privileges of the floor.
- (3) Accredited representatives of the news media may use still cameras on the side aisles. The use of motion picture or television cameras in the Chamber, or still cameras within the bar, may be permitted by the President. The Secretary of the Senate shall provide adequate camera locations for accredited representatives of the news media in the Senate gallery. Personnel of Legislative Media Services are subject to this rule.

17.03 Distribution of Materials on Floor.

- (1) No materials on any measure which is on the third reading calendar or on the agenda may be distributed on the floor except materials prepared for, or by, a member of the Senate.
- (2) No anonymous material shall be distributed to members on the floor at any time. A copy of any material distributed to members' desks must be filed with the Secretary of the Senate prior to distribution.
- (3) Nothing in the rule prohibits a member from requesting and receiving specific material delivered by legislative staff.
- (4) The Sergeant at Arms shall enforce this rule.

17.05 Lounge Privileges.

The lounge is for the convenience of Senators. Supervision, operation and use of the Senate Lounge shall be directed through agreement of the Caucus Leaders.

IMPROPER CONDUCT

18.01 Work Environment.

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

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

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

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

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

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

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

(a) Verbal abuse of a sexual nature;

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

(c) Touching of a sexual nature;

(d) Sexual advances and propositions;

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

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

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

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

18.02 Scope.

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

18.03 Notice.

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

If you believe you have been a victim of improper conduct, you have options. You can tell the offender about the action that disturbed you and ask the offender to stop. You can communicate with the offender in person or in writing. You may also use the informal or formal procedures established by the Rules of the Senate as set forth in 18.05 and 18.06 to pursue a complaint of improper conduct if you:

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

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

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

18.04 Special Committee on Conduct.

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

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

18.05 Informal Procedure.

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

informal and formal procedures in the Senate rules on improper conduct are optional; a person may or may not use them.

- (1) The person making the complaint must submit the complaint to an intermediary designated pursuant to subsection (5) of this rule within 30 days of the improper conduct.
- (2) The intermediary has two roles. First, the intermediary ensures that the person making the complaint has a safe and nonhostile work environment. The President or the Secretary of the Senate shall assist the intermediary in making the appropriate arrangements. Second, the intermediary listens, answers questions and explains options. The intermediary is not an advocate but a mediator who, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to impose disciplinary action.
- (3) The identities of the parties to the informal procedure shall be confidential. Any records related to the informal procedure shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502 without regard to the public's interest in their disclosure. Confidentiality shall extend until such time as a formal written complaint, if any, is filed with the Legislative Counsel as provided in Rule 18.06.
- (4) After meeting with an intermediary, the person making the complaint may decide to take further action and institute formal complaint procedures.
- (5) The Caucus Leaders shall designate as intermediaries a reasonable number of Senate members and staff of the Senate, including the Secretary, the Legislative Administrator and the Employee Services Manager. A description of the function of the intermediary shall be prepared by the Legislative Administrator and approved by the Special Committee on Conduct. Designated intermediaries shall be identified by name, with contact telephone number and office location, and a list of the designated intermediaries shall be given to all Senate members and Senate employees. The Senate shall save harmless and indemnify any intermediary against any tort claim or demand arising out of an alleged act or omission occurring in the performance of duty under these rules.

18.06 Formal Procedure.

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

- (1) During a legislative session, the person must file a formal written complaint with the Caucus Leaders. If the person filing the complaint agrees, the Caucus Leaders may work to resolve the complaint informally. However, if there is no informal resolution, the formal written complaint shall be filed by the Caucus Leaders with Legislative Counsel within seven days of the determination that there is no consent or no resolution. During the interim between legislative sessions, the person must file a formal written complaint with the Legislative Counsel.
- (2) The person must file the formal written complaint within 30 days of the improper conduct or, if the person has timely begun an informal procedure, within 14 days of the end of the informal procedure.

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

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

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

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

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

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

18.07 Time Limits.

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

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

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

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

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

18.08 Hearing.

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

complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with Legislative Counsel.

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

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

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

18.09 Sanctions.

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

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

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

(c) The President must impose any sanction recommended against persons other than Senate personal staff and members. Recommended sanctions may include, as appropriate, reprimand, censure or exclusion from part or all of the Senate.

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

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

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

18.10 Malicious or Frivolous Claims.

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

18.11 Retaliation Prohibited.

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

EXECUTIVE APPOINTMENTS

19.10 Referral to Committee.

Following reading of the message from the Governor appointing a person to a position or office requiring confirmation by the Senate, the President shall refer the appointment to an appropriate committee and may refer it to not more than one additional committee. The committee shall consider the appointment as soon as practicable.

19.20 Committee Review of Appointees.

- (1) All persons initially appointed to boards, commissions or agencies, subject to the provisions of section 4, Article III of the Oregon Constitution, shall appear before the appropriate Senate committee prior to confirmation by the Senate.
- (2) The chair of the executive appointments committee, with the consent of the President of the Senate and a majority of the committee members, may waive appearance before the committee of persons appointed by the Governor.

19.35 Committee Action.

- (1) The committee may, after public hearing, take action on the appointment and promptly file the report with the Secretary of the Senate. On final action the committee shall recommend that:
 - (a) the Senate confirm;
 - (b) the Senate confirm en bloc;
 - (c) the Senate refuse to confirm; or
 - (d) the appointment be reported to the Senate without recommendation.

19.40 Additional Time for Consideration.

- (1) If any appointment submitted by the Governor and subject to Senate confirmation is submitted too late for the Senate to review the recommendation of the committee or otherwise consider the appointment, that appointment shall be carried over to the next convening of the Senate as required by section 4, Article III of the Oregon Constitution and ORS 171.562 and 171.565.
- (2) The proposed appointment shall not be considered rejected, or confirmation denied, if the appointment is carried over. The action of carrying over consideration of the appointment shall be duly recorded in the Journal.

19.55 Consideration of Committee Reports.

- (1) Action on a committee report recommending Senate confirmation shall be placed on the calendar as soon as possible following reading or distribution of the report.

(2) If the committee recommendation is to refuse to confirm or no recommendation, action on the report shall take place as soon as possible following reading or distribution of the report.

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

19.60 Confirmation en bloc.

(1) If a committee reports on nominees en bloc, the report shall be placed on the calendar for confirmation as soon as possible after reading or distribution of the list of appointments.

(2) When there is more than one appointee to an individual board, commission or agency, a motion to confirm en bloc, when recommended by the committee, shall be in order.

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