

OFFICERS OF THE SENATE

GENE DERFLER, President

TOM HARTUNG, President Pro Tempore

JUDY HALL, Secretary of the Senate

SENATE CAUCUS LEADERS

DAVID NELSON, Majority Leader

BEV CLARNO, Assistant Majority Leader

VERNE DUNCAN, Assistant Majority Leader

RANDY MILLER, Assistant Majority Leader

JASON ATKINSON, Majority Whip

KATE BROWN, Democratic Leader

SUSAN CASTILLO, Assistant Democratic Leader

RICK METSGER, Assistant Democratic Leader

TONY CORCORAN, Democratic Whip

SENATE DESK PERSONNEL

CATHY DAY, Publications Coordinator

CYNDY JOHNSTON, Calendar Composer

PATRICK BRENNAN, Reading Clerk

CERTIFICATE OF APPROVAL

We, the undersigned, having supervised the revision of the Journal and Status Report of the Senate covering the Third Special Session of the Seventy-first Legislative Assembly, hereby certify that such Journal and Status Report are correct to the best of our information and belief.

Dated at Salem the 8th day of July, 2002.

GENE DERFLER
President of the Senate

JUDY HALL
Secretary of the Senate

THIRD SPECIAL SESSION COMMITTEE MEMBERSHIP

SPECIAL COMMITTEE ON BUDGET—

Lenn Hannon, Chair (discharged 6/20/02) (appointed 6/25/02)
 Steve Harper (appointed Chair 6/20/02) (discharged 6/25/02)
 Roger Beyer (discharged 6/25/02)
 Margaret Carter (appointed 6/21/02) (discharged 6/25/02)
 Peter Courtney
 Avel Gordly
 Ken Messerle (appointed 6/20/02) (discharged 6/25/02)
 John Minnis (appointed 6/25/02)
 David Nelson (appointed 6/25/02)
 Charles Starr (appointed 6/21/02) (discharged 6/25/02)

SPECIAL COMMITTEE ON REVENUE—

Ted Ferrioli, Chair
 Joan Dukes
 Bill Fisher
 Tom Hartung (appointed 6/25/02)
 John Minnis (discharged 6/25/02)
 Cliff Trow

SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS—

Bev Clarno, Chair
 Jason Atkinson
 Mae Yih

THIRD SPECIAL SESSION COMMITTEE STAFF

Committee Name	Staff	Phone	Location
Budget	Ken Rocco, Legislative Fiscal Officer	503-986-1828	H-178
	Adrienne Sexton, Administrator	503-986-1828	H-178
	Patricia Nielsen, Committee Assistant	503-986-1086	453
Government Affairs	Marjorie Taylor, Administrator	503-986-1755	347
	Patsy Wood, Committee Assistant	503-986-1474	354
Revenue	Paul Warner, Legislative Revenue Officer	503-986-1266	H-197
	Kim Taylor James, Office Manager	503-986-1266	H-197

MESSAGES FROM THE GOVERNOR

Date	Title	Page
June 12, 2002	Proclamation Calling Special Session	SSJ-1
August 7, 2002	Veto Message on SB 1022 (Seventy-First Third Special Session)	SSJ-30

Wednesday, June 12, 2002—Morning Session

Senate convened at 9:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Brown, Carter, Castillo, Clarno, Corcoran, Courtney, Deckert, Dukes, Duncan, Fisher, George, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Minnis, Morrisette, Nelson, Starr, Yih; absent—Burdick, Ferrioli, Miller, Trow; excused—Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Suellen Scott, Secretary of the Senate's office.

Senate at ease. Senate reassembled.

The following proclamation from the Governor was read:

PROCLAMATION CALLING SPECIAL SESSION

WHEREAS: The State of Oregon faces a budget deficit, currently projected to be over \$870 million which must be rebalanced by budget reductions, one-time revenues and new revenues; and

WHEREAS: The State of Oregon needs to deliberate the opportunities for and the implications of economic stimulus initiatives; and

WHEREAS: The State of Oregon is still in need of a school stabilization fund to help tide our schools through economic downturns, and the state should continue to explore new ideas for a school stabilization fund; and

NOW, THEREFORE, I, John A. Kitzhaber, Governor of the State of Oregon, pursuant to Article V, section 12, of the Oregon Constitution, hereby proclaim Wednesday, June 12, 2002 at 9:00 a.m. to be

THE CONVENING OF THE OREGON LEGISLATIVE ASSEMBLY

for the purposes of rebalancing the budget, to further deliberate economic stimulus opportunities and to consider new school stabilization fund proposals.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, June 9, 2002.

John A. Kitzhaber, Governor

Senate recessed until 9:30 a.m. by unanimous consent on motion of Nelson.

Senate reconvened at 9:30 a.m. President Derfler in Chair. All present except Shields, excused; Brown, Gordly, Metsger, attending legislative business.

Senate, having recessed following the reading of the Proclamation from the Governor, resumed under the general order business by unanimous consent at the request of the Chair.

Harper moved that the 2002 Second Special Session Senate Rules, as amended, be adopted as the Special Session Senate Rules for the Third Special Session of the Seventy-first Legislative Assembly. On adoption the vote was: Ayes, 23; nays, 3—Carter, Corcoran, Messerle; excused, 1—Shields; attending legislative business, 3—Brown, Gordly, Metsger. Third Special Session Rules adopted.

THIRD SPECIAL SESSION RULES OF THE SENATE SEVENTY-FIRST LEGISLATIVE ASSEMBLY**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, with the exception of Room 231.

(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) "Printing" includes printing and other means of reproducing copy.

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

(10) "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.

(11) "Special Session" means the Third Special Session of the Seventy-first Legislative Assembly convening June 12, 2002 at 9:00 a.m.

RULES**2.01 Use of Mason's Manual of Legislative Procedure.**

Mason's Manual of Legislative Procedure shall apply to cases not provided for in these rules or otherwise covered by the Oregon Constitution, statute or custom.

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.

(1) The amendments to the Rules of the Senate adopted for the special session are repealed upon the adjournment sine die of the special session.

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," "attending legislative business," 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), Regular Session Rules of the Seventy-first Legislative Assembly.

(4) During the special session, the Senate shall observe the policy on announcement of conflict of interest in accordance with SR 3.33 Regular Session Rules for the Seventy-first Legislative Assembly.

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 submit a written explanation in lieu of an oral explanation following announcement of the result of the vote. 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 indicate that request at the time the explanation is given. The member shall reduce to writing the substance of the oral explanation. The written explanation must be filed with the Secretary of the Senate by 5 p.m. of 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 and subsidiary motions for which the Call was invoked have been voted on, or when a motion to remove the Call is approved by at least two-thirds (20) of the members of the Senate.

(5) A motion to remove the Call shall be in order when the Sergeant at Arms reports that unexcused members cannot be located. If there is no quorum, after the report of the Sergeant at Arms is received, the Senate may remove the Call by the consent of the majority of the members present.

(6) Under the proceedings of a Call of the Senate:

(a) Senate guests may leave the Chamber at will; however, they shall not be permitted to return until the proceedings are terminated or the Call has been removed.

(b) Members of the House, the press and Senate staff on Senate business may leave the Chamber and return at will during the proceedings under the Call.

ORDER OF BUSINESS

4.01 Order of Business.

(1) The general order of business shall be:

(a) Roll Call

(b) Honors to the Colors and the Pledge of Allegiance

(c) Invocation

(d) Courtesies of the Senate

(e) Remonstrances

(f) Reports from 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) Messages from the Governor or the House may be read at any time. Courtesies may be extended at any time.

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

(4) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the Senate may be made a special order of business 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.

(5) When scheduled for third reading, appropriation bills shall take precedence over all other bills from the same house of origin.

(6) Under the order of business 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 undeatable 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 undeatable, 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.

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.

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 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 video reproductions during debate. As used in this rule, “audio and video reproductions” include films, audio and video tapes or slides.

(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 by the Senate for the Seventy-first Legislative Assembly under Regular Session Rules 7.01 and 15.01.

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 special 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 standing committee and have the power to vote. As an ex officio member on a standing committee the President does not increase the size of the respective committees. 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 special 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 members.

(3) All special 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.

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.

(2) Meetings to resolve conflicts or inconsistencies between two or more measures may be called on shorter notice.

Written notice to the public shall be given immediately upon call of such a meeting. The meeting shall be announced on the floor of the Senate if it is in session.

(3) No committee shall meet during the time the Senate is in session without approval of the President. Any member attending a meeting during a session shall be considered excused to attend business of the Senate and subject only to a Call of the Senate.

(4) Committee meetings held at a time or place not provided for in the Joint Legislative Schedule require the advance approval of the President, if the meeting time would cause a member to miss a regularly scheduled meeting of another committee.

(5) Approval of the President must be obtained if the location of a meeting will require the expenditure of state monies for travel.

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

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

(2) The committee chair or the President shall cause notice of each committee meeting to be given to the public, and written notice to be given to the Secretary of the Senate's office and posted outside the Senate Chamber, in the lobby areas of the 2nd and 3rd floor wings, in the Press Room 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.

8.20 Committee Action Required.

(1) Each committee shall act upon referred measures as soon as practicable.

(2) 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.

8.25 Committee Meeting Records.

(1) Each meeting of a committee or subcommittee shall be sound recorded. As soon as practicable after each meeting, written minutes of the meeting shall be prepared and distributed. The minutes 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 recording log, sufficient to serve as an index to the original sound recording.

(2) Testimony and exhibits submitted in writing shall be attached to the minutes 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. The referral may occur before or after it has 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 President may either announce the referral decisions from the rostrum or order the referrals made in accordance with a 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. Committee reports must be submitted to the Secretary of the Senate no later than 12:00 noon of the session day following final committee action on the measure. 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) 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.

(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) A staff measure summary for all measures except appropriation bills and joint memorials

(d) A fiscal impact statement, if applicable, prepared by the Legislative Fiscal Officer

(e) A revenue impact statement, if applicable, prepared by the Legislative Revenue Officer

(f) Budget notes, if applicable, as adopted by a majority of the Committee on Ways and Means.

(4) If the committee is of the opinion that a fiscal impact statement or a revenue statement is not applicable, the report shall state that decision and be filed without such statements.

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.

8.75 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 following distribution of the printed amendments.

(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 to the desks of the members.

(4) Measures passed to the calendar in the regular order of business which, according to Legislative Counsel, conflict with measures previously passed in the current session, may be taken from the calendar for the purpose of resolving the conflict. A motion by the chair of the committee that considered the measure is in order for removal of the measure from the calendar.

(5) Notwithstanding the provisions of this rule, it shall be in order for the Secretary of the Senate to replace a measure on the calendar for third reading and final passage in the regular order of business immediately after the committee report resolving the conflict has been read. If changes other than resolving conflicts or minor corrections are made, consideration of the measure must comply with the regular procedure.

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.

8.95 Substitute Measure.

A substitute measure shall be treated as a newly introduced measure providing it is relevant to the title and subject of the original measure. After first reading, the measure shall be placed on second reading, on the next session day, without referral to committee.

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.

10.05 Transmitting Measures which may be Reconsidered.

When a member has given notice of intention to move for reconsideration of the final vote passing a measure, the Secretary of the Senate shall not transmit that measure until a motion for reconsideration has been made or the time for making a motion has expired. However, if the measure subject to reconsideration was passed on what the President has reasonable cause to believe is one of the final days of the session, the Secretary of the Senate shall transmit the measure notwithstanding the fact that notice of reconsideration has been given.

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 be taken as soon as practicable 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 votes 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 three 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 until the conference committee report has been printed 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 the next printing of the measure, and from the measure history in the Status Report at the next printing.

(4) If removal of the sponsor's name leaves the measure without sponsorship, the President may order the name of the committee that reported the measure to 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.

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

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

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

12.05 Committee Sponsorship.

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

INTRODUCTION OF MEASURES

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

(1) All measures must be approved for introduction by the President.

(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.

13.10 Legislative Counsel Drafting Services.

The Legislative Counsel shall not accept drafting requests except committee proposals approved for drafting by the President.

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 and printed during the special 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.

14.10 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.

(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; Duties.

The Sergeant at Arms, assisted by the Capitol Executive Security when directed by the President, 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 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) The majority and minority leaders may each appoint such staff as is necessary to conduct the business of the caucus as provided in the current Legislative Assembly budget.

(2) The President may appoint such staff as is necessary to perform the duties of the office or to assist the Senate.

(3) 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.

(4) 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.

(5) 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.

(6) To maintain professionalism in the legislative process, dress code policies may be established for positions which support decorum and protocol of the Senate.

15.20 Expense Allowance.

A member may obtain services and supplies necessary to conduct legislative business during the special session. The costs of such services and supplies shall be charged against any unexpended or unobligated amount in the member's services and supplies account from regular session or from the member's interim staff account. If these accounts are depleted, the costs shall be withheld from the member's monthly interim expense allowance.

15.30 Members' Per Diem

A member of the Senate shall receive a per diem determined as provided in ORS 171.072 (9) for each session day, not calendar day, of the special session. "Session day" is defined as a day that the Senate convenes to conduct the business of the special session.

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

(a) Postage (all classes)

(b) Subscriptions to newspapers and periodicals

(c) Out-of-state telephone toll charges

(d) Office supplies

(e) Copying, facsimile charges

(f) Newsletter printing, postage and labels

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

(3) All orders for stationery and printing may be placed with the Secretary of the Senate.

(4) 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) One member of the staff of the majority office and the minority office; and

(f) One member of a Senator's personal staff or a member of the staff of a Senate standing committee, statutory committee, special committee, the majority office

minority office 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. 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.

(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 Majority Leader and the Minority Leader.

IMPROPER CONDUCT

18.01 Work Environment.

During the special session, the Senate shall observe the policy on improper conduct in accordance with SR 18.01-18.12 Regular Session Rules for the Seventy-first Legislative Assembly.

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 special 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.

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 refuse to confirm; or
- (c) 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 practicable following reading or distribution of the report.

(2) 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 practicable 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.

The Secretary of the Senate was directed by the President to notify the Governor and the House of Representatives that the Senate has completed its organization and is ready for the business of the Third Special Session of the Seventy-first Legislative Assembly.

President Derfler announced the following Special Session Committee assignments:

SPECIAL SESSION COMMITTEE ON REVENUE

Sen. Ted Ferrioli, Chair
 Sen. Joan Dukes
 Sen. Bill Fisher
 Sen. John Minnis
 Sen. Cliff Trow

SPECIAL SESSION COMMITTEE ON BUDGET

Sen. Lenn Hannon, Chair
 Sen. Roger Beyer
 Sen. Peter Courtney
 Sen. Avel Gordly
 Sen. Steve Harper

SPECIAL SESSION COMMITTEE ON GOVERNMENT AFFAIRS

Sen. Bev Clarno, Chair
 Sen. Jason Atkinson
 Sen. Mae Yih

Harper moved that in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Senate Third Special Session Rules for the Seventy-first Legislative Assembly, the requirement that on its final passage each bill shall be read section by section be suspended for the duration of this Special Session; and that the requirement that every bill shall be read by title only on three several days in each house be suspended.

On suspension of the constitutional provisions, the vote was, Ayes, 26; excused, 1—Shields; attending legislative business, 3—Brown, Gordly, Metsger. Constitutional provisions suspended.

Senate at ease. Senate reassembled.

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

SCR 16 -- Introduced, read first time and referred to Special Committee on Government Affairs.

SB 1020 -- Introduced, read first time and transmitted to President's desk for referral.

SB 1021 -- Introduced, read first time and referred to Special Committee on Revenue.

Senate recessed until 3:00 p.m. by unanimous consent at the request of the Chair.

Wednesday, June 12, 2002—Afternoon Session

Senate reconvened at 3:00 p.m. President Derfler in Chair. All present except Burdick, Carter, Courtney, Morrisette, Trow, Yih, absent; Beyer, Castillo, Deckert, Dukes, Duncan, Miller, Shields, excused; Brown, Clarno, Ferrioli, Gordly, attending

legislative business. Call of the Senate demanded by Hannon joined by Starr and Metsger. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent. All present except Miller, absent; Beyer, Castillo, Deckert, Dukes, Duncan, Shields, excused; Brown, attending legislative business. Senate reassembled.

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

Vetoed HB 4025, 4029, 4030, 4036, 4041, 4042 (2002 Second Special Session) -- Message from the House announcing bills tabled en bloc together with the Governor's messages.

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

SB 1022 -- Introduced, read first time and referred to Special Committee on Revenue.

Senate recessed until 1:00 p.m. Thursday by unanimous consent at the request of the Chair.

Thursday, June 13, 2002—Afternoon Session

Convening of the Senate delayed until 1:30 p.m. Senate convened at 1:30 p.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Burdick, Castillo, Clarno, Corcoran, Courtney, Deckert, Dukes, Duncan, Ferrioli, Fisher, George, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Minnis, Morrisette, Nelson, Shields, Starr, Trow, Yih; excused—Carter, Miller; attending legislative business—Brown. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Bud Richmond, Information Systems, Legislative Administration Committee.

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

SB 1022 -- Report by Special Committee on Revenue recommending passage with amendments. (Amendments distributed June 13)

SR 4 -- Introduced, read first time and referred to Special Committee on Government Affairs.

SB 1022 -- Read second time and passed to calendar.

Senate adjourned until 9:00 a.m. Friday by unanimous consent at the request of the Chair.

Friday, June 14, 2002—Morning Session

Senate convened at 9:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Castillo, Clarno, Corcoran, Courtney, Deckert, Duncan, Ferrioli, Fisher, George, Gordly, Hannon, Harper, Messerle, Metsger, Miller, Minnis, Morrisette, Nelson, Shields, Starr, Trow; excused—Brown, Burdick, Carter, Dukes, Hartung, Yih. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Shields, Mid-Multnomah County.

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

SR 4 -- Report by Special Committee on Government Affairs recommending adoption.

SB 5583; 1023 -- Introduced, read first time and referred to Special Committee on Budget.

Senate recessed until 11:00 a.m. by unanimous consent on motion of Nelson.

Senate reconvened at 11:00 a.m. President Derfler in Chair. All present except Dukes, excused.

Senate, having recessed following the order of First Reading of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SR 4 -- Read second time and passed to calendar.

SR 4 -- Read final time. Senate at ease. Senate reassembled. Carried by Yih. Call of the Senate demanded by Atkinson joined by Minnis and Starr. All present. On adoption of resolution the vote was: Ayes, 18; nays, 12—Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Ferrioli, Gordly, Hannon, Metsger, Shields, Trow. Resolution adopted.

SB 1022 A-Eng. -- Read third time. Carried by Ferrioli. Call of the Senate demanded by Atkinson joined by George and Starr. All present. On passage of bill the vote was: Ayes, 21; nays, 9—Burdick, Carter, Corcoran, Dukes, Hannon, Metsger, Shields, Trow, Yih. Bill passed.

Senate recessed until 2:00 p.m. by unanimous consent at the request of the Chair.

Friday, June 14, 2002—Afternoon Session

Senate reconvened at 2:00 p.m. President Derfler in Chair. All present except Gordly, Hannon, excused; Brown, attending legislative business.

Senate, having recessed following the order of Third Reading of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

Senate adjourned until 9:00 a.m. Saturday by unanimous consent at the request of the Chair.

Saturday, June 15, 2002—Morning Session

Senate convened at 9:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Brown, Carter, Clarno, Courtney, Dukes, Duncan, Ferrioli, Gordly, Hannon, Harper, Metsger, Miller, Minnis, Morrisette, Nelson, Shields, Starr, Trow, Yih; absent—Beyer, Burdick, Castillo, Corcoran, Deckert, George, Messerle, excused—Fisher, Hartung. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Verne Duncan, Clackamas County. National anthem performed by Senator Margaret Carter.

HJR 80 -- Message from the House announcing adoption.

HB 5090, 5091; 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4058, 4059 -- Message from the House announcing passage.

SB 1022 -- Message from the House announcing passage as amended by the House.

SB 1024 -- Introduced, read first time and referred to Special Committee on Budget.

HB 4053 -- Read first time and transmitted to President's desk for referral.

HB 5090, 5091; 4055 -- Read first time and referred to Special Committee on Budget.

HJR 80; HB 4050, 4051, 4052, 4054, 4056, 4058, 4059 -- Read first time and referred to Special Committee on Revenue.

Senate recessed until 10:00 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 10:00 a.m. President Derfler in Chair. All present except Beyer, Burdick, Carter, Castillo, Corcoran, Deckert, Dukes, Ferrioli, Gordly, Messerle, Morrisette, Trow, Yih, absent; Fisher, Hartung, excused.

Call of the Senate demanded by Courtney joined by Harper and Miller. All present except Beyer, Burdick, Castillo, Corcoran, Deckert, Messerle, absent; Fisher, Hartung, excused. Further proceedings under the Call terminated by implied consent.

Senate adjourned until 9:00 a.m. Monday by unanimous consent at the request of the Chair.

Monday, June 17, 2002—Morning Session

Senate convened at 9:00 a.m. Harper in Chair. The following members were present: Atkinson, Beyer, Brown, Carter, Castillo, Clarno, Courtney,

Deckert, Dukes, Duncan, Ferrioli, Fisher, Gordly, Hannon, Messerle, Metsger, Miller, Minnis, Morrisette, Nelson, Shields, Starr, Trow, Yih, President Derfler; excused—Burdick, Corcoran, George, Hartung. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Bev Clarno, Bend. Musical performance by Lindy Gravelle, Redmond.

Senate recessed until 2:00 p.m. by unanimous consent at the request of the Chair.

Monday, June 17, 2002—Afternoon Session

Recess extended until 2:30 p.m. Recess extended until 4:30 p.m. Senate reconvened at 4:30 p.m. Beyer in Chair. All present except Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Fisher, George, Hannon, Messerle, Minnis, absent; Hartung, Yih, excused; Brown, Ferrioli, attending legislative business.

Call of the Senate demanded by Derfler joined by Atkinson and Shields. All present except Burdick, absent; Hartung, Yih, excused; Ferrioli, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent. All present except Burdick, absent; Hartung, Yih, excused; Ferrioli, attending legislative business. Senate reassembled.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

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

SB 1024 -- Report by Special Committee on Budget recommending passage.

Committee Report Summary No. 4 listing the following report was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 5090 -- Report by Special Committee on Budget recommending passage of the A-engrossed bill.

SJR 51 -- Introduced, read first time and referred to Special Committee on Revenue.

SB 1025, 1026 -- Introduced, read first time and referred to Special Committee on Government Affairs.

SB 1024 -- Read second time and passed to calendar.

SB 1024 -- Rules suspended by unanimous consent on motion of Hannon in order that the Senate may take final action immediately.

SB 1024 -- Under rules suspension, read third time. Carried by Hannon. On passage of bill the vote was: Ayes, 28; excused, 2—Hartung, Yih. Bill passed.

HB 5090 -- Read second time and passed to calendar.

HB 5090 -- Rules suspended by unanimous consent on motion of Courtney in order that the Senate may take final action immediately.

HB 5090 A-Eng. -- Under rules suspension, read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 28; excused, 2—Carter, Hartung. Bill passed.

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

Tuesday, June 18, 2002—Morning Session

Convening of the Senate delayed until 11:30 a.m.
Convening of the Senate delayed until 1:30 p.m.

Tuesday, June 18, 2002—Afternoon Session

Convening of the Senate delayed until 2:30 p.m. Senate convened at 2:30 p.m. Nelson in Chair. The following members were present: Atkinson, Beyer, Burdick, Carter, Castillo, Clarno, Corcoran, Deckert, Dukes, Duncan, Ferrioli, Fisher, George, Gordly, Harper, Hartung, Messerle, Metsger, Miller, Minnis, Morrisette, Shields, Starr, Trow, Yih; attending legislative business—Brown, Courtney, Hannon, President Derfler. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Margaret Carter, North/Northeast Portland.

Senate at ease. Senate reassembled. (President Derfler in Chair)

Senate recessed until 4:00 p.m. by unanimous consent at the request of the Chair.

Senate adjourned until 10:00 a.m. Wednesday by implied consent at the request of the Chair.

Wednesday, June 19, 2002—Morning Session

Senate convened at 10:00 a.m. Clarno in Chair. The following members were present: Castillo, Corcoran, Courtney, Duncan, Ferrioli, Fisher, Gordly, Hannon, Hartung, Messerle, Metsger, Miller, Morrisette, Nelson, Starr; absent—Atkinson, Beyer, Burdick, Dukes, George, Harper, Shields, Trow, Yih; attending legislative business—Brown, Carter, Deckert, Minnis, President Derfler.

Call of the Senate demanded by Miller joined by Fisher and Starr. All present except Atkinson,

Burdick, Dukes, Shields, Trow, Yih, absent; Brown, Carter, Deckert, Minnis, President Derfler, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent. All present except Brown, Carter, Deckert, Minnis, President Derfler, attending legislative business. Senate reassembled. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Charles Starr, Western Washington County.

Senate recessed until 11:00 a.m. by unanimous consent at the request of the Chair. Recess extended until 1:30 p.m.

Wednesday, June 19, 2002—Afternoon Session

Recess extended until 2:30 p.m. Recess extended until 2:45 p.m. Senate reconvened at 2:45 p.m. Clarno in Chair. All present except Burdick, Deckert, Miller, absent; Carter, excused.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

Committee Report Summary No. 5 listing the following report was distributed to members June 18. Summary list recorded in Journal and Status Report by order of the President.

HJR 80 -- Report by Special Committee on Revenue recommending adoption with amendments to the A-engrossed resolution.

Committee Report Summary No. 6 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 4050 -- Report by Special Committee on Revenue recommending passage of the A-engrossed bill.

HB 4052 -- Report by Special Committee on Revenue recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 19)

Committee Report Summary No. 7 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1025 -- Report by Special Committee on Government Affairs recommending passage.

SB 1022 B-Eng. -- Senate refused to concur in House amendments by voice vote on motion of Ferrioli. Conferees to be appointed.

SB 1025 -- Read second time and passed to calendar.

HJR 80; HB 4050, 4052 -- Read second time and passed to calendar.

Senate reverted to the order of Propositions and Motions by implied consent.

HB 4050 -- Taken from the calendar and rereferred to Special Committee on Revenue by voice vote on motion of Ferrioli.

Senate recessed until 8:00 p.m. by unanimous consent at the request of the Chair.

Wednesday, June 19, 2002—Evening Session

Senate reconvened at 8:00 p.m. President Derfler in Chair. All present except Burdick, absent; Carter, excused.

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

Committee Report Summary No. 8 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 4050 -- Report by Special Committee on Revenue recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 19)

Committee Report Summary No. 9 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 4054 -- Report by Special Committee on Revenue recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 19)

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

HB 4054 -- Under rules suspension, read second time and passed to calendar.

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

HJR 80; HB 4054 -- Rules suspended by unanimous consent on motion of Ferrioli in order that the Senate may take final action immediately.

HJR 80 B-Eng. -- Under rules suspension, read final time. Carried by Ferrioli. Senate at ease. Senate reassembled. Call of the Senate demanded by

Atkinson joined by Nelson and Trow. All present except Carter, excused. On adoption of resolution the vote was: Ayes, 17; nays, 12—Burdick, Castillo, Corcoran, Courtney, Deckert, Dukes, Gordly, Hannon, Metsger, Shields, Trow, Yih; excused, 1—Carter. Resolution adopted.

Senate recessed until 10:00 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 10:00 p.m. President Derfler in Chair. All present.

Senate, having recessed under the order of Third Reading of House Measures, resumed under that order by unanimous consent at the request of the Chair.

HB 4054 B-Eng. -- Under rules suspension, read third time. Carried by Trow. George granted unanimous consent to read from printed material on the floor (SR 6.10). Potential conflict of interest declared by Hannon. Call of the Senate demanded by Brown joined by Carter and Shields. All present. Bill failed to receive the three-fifths constitutionally-required majority; the vote was: Ayes, 17; nays, 13—Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Miller, Minnis, Nelson, Starr, Yih. Bill failed.

HB 4054 B-Eng. -- Beyer, having voted on the prevailing side, served notice of possible reconsideration and moved for immediate reconsideration. Senate at ease. Senate reassembled. Motion to reconsider vote carried on voice vote. Vote reconsidered.

HB 4054 B-Eng. -- Rereferred to Special Committee on Revenue by voice vote on motion of Beyer.

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

Thursday, June 20, 2002—Morning Session

Senate convened at 11:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Carter, Castillo, Clarno, Corcoran, Courtney, Duncan, Fisher, George, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Miller, Minnis, Morrisette, Nelson, Shields, Starr, Trow, Yih; absent—Burdick, Deckert; attending legislative business—Brown, Dukes, Ferrioli. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Avel Gordly, Portland.

Senate recessed until 11:30 a.m. by unanimous consent on motion of Nelson.

Senate reconvened at 11:30 a.m. President Derfler in Chair. All present except Burdick, Deckert, absent; Fisher, attending legislative business.

President Derfler announced the following committee assignments effective immediately:

SPECIAL COMMITTEE ON BUDGET

Sen. Lenn Hannon, Chair (discharged)
 Sen. Steve Harper, Chair (appointed)
 Sen. Ken Messerle (appointed)

Senate, having recessed under the order of Third Reading of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1025 -- Read third time. Carried by Starr, Miller. (Hartung in Chair) Call of the Senate demanded by Miller joined by Atkinson and George. Pending arrival of members subject to the Call, Senate at ease. Members subject to the Call arrived. All present except Corcoran, Deckert, Metsger, excused. Senate reassembled. (President Derfler in Chair) Bill failed; the vote was: Ayes, 14; nays, 13—Brown, Burdick, Carter, Castillo, Courtney, Dukes, Duncan, Ferrioli, Gordly, Hannon, Morrisette, Shields, Trow; excused, 3—Corcoran, Deckert, Metsger. Bill failed.

Senate at ease. Senate reassembled. (Hartung in Chair)

HB 4050 B-Eng. -- Read third time. Carried by Minnis. (President Derfler in Chair) Minnis closed debate on final consideration. Further action interrupted by adjournment.

HB 4052 -- Carried over to June 21 calendar by implied consent.

Senate adjourned until 9:00 a.m. Friday by unanimous consent at the request of the Chair.

Friday, June 21, 2002—Morning Session

Senate convened at 9:00 a.m. President Pro Tempore Hartung in Chair. The following members were present: Atkinson, Beyer, Castillo, Courtney, Dukes, George, Gordly, Messerle, Metsger, Miller, Minnis, Morrisette, Starr, Trow; absent—Burdick, Carter, Clarno, Corcoran, Deckert, Duncan, Ferrioli, Fisher, Hannon, Harper, Nelson, Shields, Yih; attending legislative business—Brown, President Derfler.

Call of the Senate demanded by Miller joined by Starr and Minnis. All present except Burdick, Carter, Clarno, Corcoran, Duncan, Ferrioli, Fisher, Hannon, Harper, Shields, Yih, absent; Brown, President Derfler, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent. All present except Burdick, Corcoran, Hannon, Harper, Yih, absent; Brown, President Derfler, attending legislative business. Senate reassembled. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Tom Hartung, Cedar Mill.

Senate recessed until 9:30 a.m. by unanimous consent on motion of Dukes.

Senate reconvened at 9:30 a.m. President Derfler in Chair. All present except Corcoran, absent.

Senate, having recessed following the order of Invocation, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1027 -- Introduced, read first time and transmitted to President's desk for referral.

President Derfler announced that yesterday, when the Senate adjourned, Senator Minnis had closed discussion on the third reading and final consideration of HB 4050. In accordance with *Mason's Manual of Legislative Procedure, Section 445 (3)*, the procedure for today is to read the bill under its proper order of third reading and then take the vote without further discussion.

HB 4050 B-Eng. -- Bill read. On passage of the bill the vote was: Ayes, 27; nays, 2—Carter, Yih; absent, 1—Corcoran. Bill passed.

HB 4052 -- Read third time. Taken from its place on today's third reading calendar and rereferred to Special Committee on Revenue by voice vote on motion of Fisher.

President Derfler announced the following committee assignments effective immediately:

SPECIAL COMMITTEE ON BUDGET

Sen. Margaret Carter
 Sen. Charles Starr

Senate adjourned until 1:00 p.m. Saturday by unanimous consent at the request of the Chair.

Saturday, June 22, 2002—Morning Session

Floor session cancelled. Convening of the Senate postponed until 10:00 a.m. Monday.

Monday, June 24, 2002—Morning Session

Convening of the Senate delayed until 11:30 a.m.
 Convening of the Senate delayed until 1:00 p.m.

Monday, June 24, 2002—Afternoon Session

Convening of the Senate delayed until 1:30 p.m. Senate convened at 1:30 p.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Brown, Castillo, Clarno, Corcoran, Courtney, Duncan, Ferrioli, Fisher, Gordly, Hannon, Harper, Messerle, Metsger, Shields, Starr, Trow, Yih; absent—Burdick, Carter, Deckert, Dukes, George, Hartung, Miller, Minnis, Morrisette, Nelson.

Call of the Senate demanded by Trow joined by Starr and Shields. All present except Burdick, Carter, Deckert, Dukes, George, Hartung, Miller, Minnis, Morrisette, absent. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent. All present except Carter, George, Hartung, Miller, absent. Senate reassembled. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Bud Richmond, Information Systems, Legislative Administration Committee.

Senate adjourned until 9:00 a.m. Tuesday by unanimous consent at the request of the Chair.

Tuesday, June 25, 2002—Morning Session

Senate convened at 9:00 a.m. Starr in Chair. The following members were present: Atkinson, Beyer, Brown, Carter, Castillo, Clarno, Corcoran, Courtney, Deckert, Dukes, Duncan, Ferrioli, Fisher, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Miller, Minnis, Morrisette, Nelson, Shields, Trow, Yih; absent—Burdick, George; attending legislative business—President Derfler. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Jim Wiles, Committee Services, Legislative Administration Committee.

Senate recessed until 9:35 a.m. by unanimous consent on motion of Nelson.

Senate reconvened at 9:35 a.m. President Derfler in Chair. All present except Burdick, absent.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1022 -- Ferrioli, Fisher, Dukes appointed Senate conferees.

Committee Report Summary No. 10 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 5091 -- Report by Special Committee on Budget recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 25)

HB 5091 -- Read second time and passed to calendar.

HB 5091 -- Rules suspended by unanimous consent on motion of Harper in order that the Senate may take final action immediately.

HB 5091 A-Eng.* -- Under rules suspension, read third time. Carried by Harper. Castillo read from printed material on the floor by implied consent (SR 6.10). Potential conflict of interest declared by

Shields. Call of the Senate demanded by Atkinson joined by Brown and Nelson. All present. Bill failed, the vote was: Ayes, 14; nays, 16--Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Hannon, Metsger, Morrisette, Nelson, Shields, Trow. Bill failed.

HB 5091 A-Eng.* -- Nelson, having voted on the prevailing side, served notice of possible reconsideration and moved for immediate reconsideration. Motion to reconsider vote carried on voice vote. Vote reconsidered.

HB 5091 A-Eng.* -- Rereferred to Special Committee on Budget by voice vote on motion of Nelson.

Senate recessed until 1:00 p.m. by unanimous consent at the request of the Chair.

Tuesday, June 25, 2002—Afternoon Session

Recess extended until 5:00 p.m. Recess extended until 7:00 p.m.

Tuesday, June 25, 2002—Evening Session

Senate reconvened at 7:00 p.m. President Derfler in Chair. All present except Shields, excused; Courtney, Gordly, Hannon, Hartung, Miller, Nelson, attending legislative business.

Senate, having recessed under the order of Announcements, reverted to the order of Other Business of the Senate by unanimous consent at the request of the Chair.

President Derfler announced the following committee assignments effective immediately:

SPECIAL COMMITTEE ON REVENUE

Sen. John Minnis (discharged)
Sen. Tom Hartung (appointed)

SPECIAL COMMITTEE ON BUDGET

Sen. Lenn Hannon, Chair (appointed)
Sen. Steve Harper, Chair (discharged)
Sen. Roger Beyer (discharged)
Sen. Margaret Carter (discharged)
Sen. Ken Messerle (discharged)
Sen. John Minnis (appointed)
Sen. David Nelson (appointed)
Sen. Charles Starr (discharged)

Senate adjourned until 9:00 a.m. Wednesday by unanimous consent at the request of the Chair.

Wednesday, June 26, 2002—Morning Session

Senate convened at 9:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Brown, Carter, Castillo, Clarno, Corcoran, Courtney, Dukes, Duncan, Ferrioli, Fisher,

Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Minnis, Morrisette, Nelson, Shields, Starr, Trow, Yih; absent—Burdick, Deckert, George; excused—Miller. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Margaret Carter, North/Northeast Portland.

Senate recessed until 1:00 p.m. by unanimous consent at the request of the Chair.

Wednesday, June 26, 2002—Afternoon Session

Senate reconvened at 1:00 p.m. President Derfler in Chair. All present except Atkinson, Beyer, Corcoran, Ferrioli, George, Miller, Minnis, absent.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

Committee Report Summary No. 11 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 4051 -- Report by Special Committee on Revenue without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 4052 -- Report by Special Committee on Revenue without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 4054 -- Report by Special Committee on Revenue without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 4056 -- Report by Special Committee on Revenue without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 4059 -- Report by Special Committee on Revenue without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SJR 52 -- Introduced, read first time and referred to Special Committee on Budget.

SR 5 -- Introduced, read first time and referred to Special Committee on Government Affairs.

Senate at ease. Senate reassembled.

Senate reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

SR 5 -- Report by Special Committee on Government Affairs recommending adoption.

SR 5 -- Read second time and passed to calendar.

SR 5 -- Read final time. Carried by Carter. On adoption of resolution the vote was: Ayes, 23; absent, 7—Atkinson, Beyer, Corcoran, Ferrioli, Fisher, George, Miller. Resolution adopted.

Senate recessed until 5:00 p.m. by unanimous consent at the request of the Chair.

Wednesday, June 26, 2002—Evening Session

Recess extended until 8:00 p.m. Recess extended until 8:40 p.m.

Senate adjourned until 10:00 a.m. Thursday by implied consent at the request of the Chair.

Thursday, June 27, 2002—Morning Session

Senate convened at 10:00 a.m. President Derfler in Chair. The following members were present: Brown, Courtney, Hartung, Morrisette; absent—Atkinson, Beyer, Burdick, Carter, Castillo, Clarno, Corcoran, Deckert, Dukes, Duncan, Ferrioli, Fisher, George, Gordly, Hannon, Harper, Messerle, Metsger, Miller, Minnis, Nelson, Shields, Starr, Trow, Yih.

Call of the Senate demanded by Hartung joined by Courtney and Morrisette. All present except Burdick, Deckert, Yih, absent. Further proceedings under the Call terminated by implied consent. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Ted Ferrioli, John Day.

SB 1022 -- Message from the House announcing Winters, Doyle, Hopson, Knopp, March appointed House conferees.

HB 5090 -- Message from the House announcing the Speaker signed on June 26.

Senate recessed until 10:50 a.m. by unanimous consent on motion of Nelson.

Senate reconvened at 10:50 a.m. President Derfler in Chair. All present except Burdick, Deckert, absent.

Senate, having recessed following the order of Reports from Conference Committees, resumed under the general order of business by unanimous consent at the request of the Chair.

Committee Report Summary No. 13 listing the following reports was distributed to members June 26. Summary list recorded in Journal and Status Report by order of the President.

HB 5091 -- Report by Special Committee on Budget recommending passage with amendments to the B-engrossed bill. (Amendments distributed June 26)

HB 4051 -- Report by Special Committee on Budget recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 26)

HB 4052 -- Report by Special Committee on Budget recommending passage with amendments to the B-engrossed bill. (Amendments distributed June 26)

HB 4055 -- Report by Special Committee on Budget recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 26)

HB 4056 -- Report by Special Committee on Budget without recommendation as to passage but with amendments to the A-engrossed bill. (Amendments distributed June 26)

HB 4059 -- Report by Special Committee on Budget recommending passage with amendments to the A-engrossed bill. (Amendments distributed June 26)

HB 4051, 4055, 4056, 4059 -- Read second time and passed to calendar.

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

HB 5091; 4051, 4052, 4055, 4056, 4059 -- Rereferred to Special Committee on Budget by unanimous consent on motion of Hannon.

Senate recessed until 1:30 p.m. by unanimous consent at the request of the Chair.

Thursday, June 27, 2002—Afternoon Session

Senate reconvened at 1:30 p.m. President Derfler in Chair. All present.

Senate, having recessed following the order of Second Reading of House Measures, reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

HB 5091 -- Report by Special Committee on Budget recommending passage with amendments to the C-engrossed bill. (Amendments distributed June 27)

HB 4051 -- Report by Special Committee on Budget recommending passage with amendments to the B-engrossed bill. (Amendments distributed June 27)

HB 4052 -- Report by Special Committee on Budget recommending passage of the C-engrossed bill.

HB 4055 -- Report by Special Committee on Budget recommending passage with amendments to the B-engrossed bill. (Amendments distributed June 27)

HB 4059 -- Report by Special Committee on Budget recommending passage of the B-engrossed bill.

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

HB 5091; 4051, 4052, 4055, 4059 -- Rules suspended by unanimous consent on motion of Hannon in order that the Senate may take final action immediately.

HB 5091 D-Eng. -- Under rules suspension, bill read. Carried by Hannon. Call of the Senate demanded by Brown joined by Morrisette and Burdick. All present. On passage of bill the vote was: Ayes, 18; nays, 12—Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Miller, Morrisette, Starr, Yih. Bill passed.

HB 4051 C-Eng. -- Under rules suspension, read third time. Carried by Hannon. On passage of bill the vote was: Ayes, 18; nays, 12—Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Miller, Nelson, Starr, Yih. Bill passed.

HB 4052 C-Eng. -- Under rules suspension, read third time. Carried by Courtney. Call of the Senate demanded by Courtney joined by Brown and Carter. All present. On passage of bill the vote was: Ayes, 22; nays, 8—Carter, Corcoran, Dukes, George, Morrisette, Shields, Trow, Yih. Bill passed.

HB 4055 C-Eng. -- Under rules suspension, read third time. Carried by Hannon. Call of the Senate demanded by Hannon joined by Nelson and Duncan. All present. Senate at ease. Senate reassembled. On passage of bill the vote was: Ayes, 18; nays, 12—Burdick, Carter, Castillo, Clarno, Corcoran, Deckert, Dukes, George, Harper, Metsger, Morrisette, Yih. Bill passed. Without objection, Castillo declared potential conflict of interest after the vote.

HB 4059 B-Eng. -- Under rules suspension, read third time. Carried by Courtney. Miller moved that bill be rereferred to Special Committee on Budget. Call of the Senate demanded by Ferrioli joined by Deckert and Trow. All present. Motion failed, the vote was: Ayes, 12; nays, 18—Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, Gordly, Hannon, Hartung, Metsger, Minnis, Morrisette, Shields, Trow, Yih. Motion failed.

HB 4059 B-Eng. -- On passage of bill the vote was: Ayes, 17; nays, 13—Atkinson, Beyer, Clarno, Ferrioli, Fisher, George, Harper, Messerle, Metsger, Miller, Morrisette, Nelson, Yih. Bill passed.

Senate recessed until 4:30 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 4:30 p.m. President Derfler in Chair. All present except Beyer, Burdick, George, excused.

Senate, having recessed under the order of Third Reading of House Measures, reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

SJR 52 -- Report by Special Committee on Budget recommending adoption.

HB 4056 -- Report by Special Committee on Budget recommending passage with amendments to the B-engrossed bill. (Amendments distributed June 27)

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

SJR 52 -- Read second time and passed to calendar.

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

SJR 52; HB 4056 -- Rules suspended by unanimous consent on motion of Ferrioli in order that the Senate may take final action immediately.

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

SJR 52 -- Under rules suspension, read final time. Carried by Ferrioli. On adoption of resolution the vote was: Ayes, 27; excused, 3—Atkinson, Burdick, George. Resolution adopted.

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

HB 4056 C-Eng. -- Under rules suspension, read third time. Carried by Minnis. Call of the Senate demanded by Minnis joined by Brown and Nelson. All present except George, excused. On passage of bill the vote was: Ayes, 17; nays, 12—Atkinson, Beyer, Carter, Clarno, Deckert, Ferrioli, Fisher, Miller, Shields, Starr, Trow, Yih; excused, 1—George. Bill passed.

HB 5090 -- President Derfler signed on June 26.

Senate adjourned until 10:00 a.m. Friday by unanimous consent at the request of the Chair.

Friday, June 28, 2002—Morning Session

Senate convened at 10:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Castillo, Clarno, Corcoran, Dukes, Ferrioli, Fisher, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Minnis, Morrisette, Nelson, Shields, Starr, Trow, Yih; absent—Burdick, Deckert, George, Miller; excused—Carter; attending legislative business—Brown, Courtney, Duncan. Colors were posted and the Senate pledged allegiance to the flag. The Senate observed a moment of silence.

Senate recessed until 1:30 p.m. by unanimous consent at the request of the Chair.

Friday, June 28, 2002—Afternoon Session

Recess extended until 3:00 p.m. Senate reconvened at 3:00 p.m. President Derfler in Chair. All present except Beyer, Brown, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Ferrioli, Fisher, George, Miller, Morrisette, Shields, Yih, absent; Carter, excused.

Call of the Senate demanded by Atkinson joined by Starr and Trow. All present except Beyer, Brown, Burdick, Castillo, Corcoran, Courtney, Deckert, Dukes, Ferrioli, Fisher, George, Miller, Morrisette, Shields, Yih, absent; Carter, excused. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent. All present except Burdick, Ferrioli, George, Miller, Shields, absent; Carter, excused. Senate reassembled.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

SCR 16 -- Report by Special Committee on Government Affairs recommending adoption with amendments. (Amendments distributed June 28)

SCR 16 -- Read second time and passed to calendar.

Senate recessed until 4:30 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 4:30 p.m. President Derfler in Chair. All present except Atkinson, Beyer, Brown, Burdick, Carter, Castillo, Clarno, Corcoran, Courtney, Deckert, Dukes, Duncan, Ferrioli, George, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Miller, Morrisette, Nelson, Shields, Trow, Yih, absent.

Call of the Senate demanded by Minnis joined by Starr and Fisher. All present except Burdick, Deckert, Duncan, Ferrioli, George, Hannon, Harper, Hartung, Miller, Shields, absent. Further proceedings under the Call terminated by implied consent. All present except

Burdick, Deckert, Duncan, Ferrioli, George, Hannon, Harper, Hartung, Miller, Shields, absent.

HB 5091; 4055, 4059 -- Message from the House announcing refusal to concur in Senate amendments. Westlund, Close, Johnson, Morgan, Schrader appointed House conferees.

HJR 80; HB 4050, 4051, 4052 -- Message from the House announcing refusal to concur in Senate amendments. Shetterly, Bates, Butler, Hass, Williams appointed House conferees.

HJR 80 -- Ferrioli, Castillo, Starr appointed Senate conferees.

HB 5091 -- Hannon, Courtney, Dukes appointed Senate conferees.

HB 4050 -- Minnis, Duncan, Trow appointed Senate conferees.

HB 4051 -- Hannon, Courtney appointed Senate conferees.

HB 4052 -- Ferrioli, Starr, Trow appointed Senate conferees.

HB 4055 -- Hannon, Courtney, Duncan appointed Senate conferees.

Senate adjourned until 10:00 a.m. Saturday by unanimous consent at the request of the Chair.

Saturday, June 29, 2002—Morning Session

Senate convened at 10:00 a.m. President Derfler in Chair. The following members were present: Atkinson, Beyer, Castillo, Clarno, Corcoran, Courtney, Duncan, Ferrioli, Gordly, Hannon, Harper, Hartung, Messerle, Metsger, Minnis, Morrisette, Nelson, Starr, Trow; absent—Burdick, Carter, Deckert, Dukes, George, Miller, Shields, Yih; excused—Fisher; attending legislative business—Brown. Colors were posted and the Senate pledged allegiance to the flag. The Senate observed a moment of silence.

HB 4059 -- Hannon, Courtney, Duncan appointed Senate conferees.

Senate recessed until 12:00 p.m. by unanimous consent at the request of the Chair.

Saturday, June 29, 2002—Afternoon Session

Recess extended until 12:30 p.m. Senate reconvened at 12:30 p.m. President Derfler in Chair. All present except Atkinson, Burdick, Carter, Corcoran, Courtney, Deckert, Dukes, Ferrioli, George, Miller, Morrisette, Shields, Yih, absent; Fisher, excused.

Call of the Senate demanded by Trow joined by Beyer and Harper. All present except Atkinson, Burdick, Carter, Dukes, Ferrioli, George, Miller, Shields, Yih, absent; Fisher, excused. Further proceedings under the Call terminated by implied consent. All present except Atkinson, Burdick, Carter, Dukes, Ferrioli, George, Miller, Shields, Yih, absent; Fisher, excused.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

HB 4062 -- Message from the House announcing passage.

SJR 52 -- Message from the House announcing adoption.

SB 1022 -- Report by Conference Committee, signed by Senators Ferrioli, Dukes and Representatives Doyle, Hopson, Knopp, March, Winters, recommending that the Senate concur in House amendments dated June 14 and that the bill be further amended and repassed. (Amendments distributed June 29)

SB 1022 B-Eng.* -- Conference committee report adopted and bill repassed on motion of Hannon. Call of the Senate demanded by Nelson joined by Dukes and Starr. All present except Atkinson, Burdick, Carter, Ferrioli, George, Miller, Shields, Yih, absent; Fisher, excused. The vote was: Ayes, 18; nays, 3—Corcoran, Deckert, Dukes; absent, 8—Atkinson, Burdick, Carter, Ferrioli, George, Miller, Shields, Yih; excused, 1—Fisher. Bill repassed.

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

HB 4062 -- Read first time and referred to Special Committee on Revenue.

Senate proceeded to the order of Other Business of the Senate by unanimous consent at the request of the Chair.

The following measures were referred to committee on June 29 and recorded on Committee Referral List No. 1 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1027 Special Committee on Revenue
HB 4053 Special Committee on Budget

Senate recessed until 3:00 p.m. by unanimous consent on motion of Nelson.

Recess extended until 4:00 p.m. Senate reconvened at 4:00 p.m. President Derfler in Chair. All present except Brown, Burdick, Carter, Castillo,

Corcoran, Deckert, Dukes, George, Hannon, Messerle, Metsger, Miller, Morrisette, Yih, absent; Fisher, excused. Call of the Senate demanded by Minnis joined by Shields and Trow. All present except Brown, Burdick, Corcoran, George, Hannon, Messerle, Miller, absent; Fisher, excused.

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

SB 1027 -- Report by Special Committee on Revenue recommending passage with amendments. (Amendments distributed June 29)

HB 4053 -- Report by Special Committee on Budget recommending passage with amendments. (Amendments distributed June 29)

HB 4062 -- Report by Special Committee on Revenue recommending passage of the A-engrossed bill.

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

SB 1027 -- Read second time and passed to calendar.

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

SB 1027 -- Rules suspended by unanimous consent at the request of the Chair in order that the Senate may take final action immediately.

Senate recessed until 4:30 p.m. by unanimous consent on motion of Nelson.

Senate reconvened at 4:30 p.m. President Derfler in Chair. All present except Carter, George, Miller, absent; Fisher, excused.

Senate, having recessed under the order of Third Reading of Senate Measures, resumed under that order of business by unanimous consent at the request of the Chair.

SB 1027* -- Under rules suspension, read third time. Carried by Dukes. Potential conflict of interest declared by Minnis. On passage of bill the vote was: Ayes, 25; absent, 3—Carter, George, Miller; excused, 1—Fisher; attending legislative business, 1—Beyer. Bill passed.

HB 4053, 4062 -- Rules suspended by unanimous consent at the request of the Chair in order that the Senate may take final action immediately.

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

HB 4053 -- Read second time and passed to calendar.

HB 4062 -- Under rules suspension, read second time and passed to calendar.

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

HB 4053* -- Under rules suspension, read third time. Carried by Minnis. On passage of bill the vote was: Ayes, 23; nays, 2—Atkinson, Ferrioli; absent, 3—Carter, George, Miller; excused, 1—Fisher; attending legislative business, 1—Beyer. Bill passed.

HB 4062 A-Eng. -- Under rules suspension, read third time. Carried by Dukes. On passage of bill the vote was: Ayes, 25; absent, 3—Carter, George, Miller; excused, 1—Fisher; attending legislative business, 1—Beyer. Bill passed.

Senate at ease. Senate reassembled.

HB 4063, 4064, 4065 -- Message from the House announcing passage.

SB 1022 -- Message from the House announcing adoption of conference committee report and repassage.

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

HB 4063 -- Read first time and transmitted to President's desk for referral.

HB 4064, 4065 -- Read first time and referred to Special Committee on Budget.

Senate recessed until 7:00 p.m. by unanimous consent at the request of the Chair.

Saturday, June 29, 2002—Evening Session

Recess extended until 8:30 p.m. Senate reconvened at 8:30 p.m. President Derfler in Chair. All present except Atkinson, Beyer, Burdick, Carter, Castillo, Corcoran, Courtney, Deckert, Dukes, Duncan, George, Gordly, Hannon, Hartung, Messerle, Miller, Minnis, Morrisette, Nelson, Yih, absent; Fisher, excused. Call of the Senate demanded by Starr joined by Ferrioli and Shields. All present except Corcoran, Nelson, absent; Fisher, excused. Further proceedings under the Call terminated by implied consent.

HJR 80 -- Message from the House announcing adoption of conference committee report and readoption.

HB 4052 -- Message from the House announcing adoption of conference committee report and repassage.

SB 1027 -- Message from the House announcing passage.

HB 4056 -- Message from the House announcing refusal to concur in Senate amendments. Shetterly, Bates, Butler, Hass, Williams appointed House conferees.

HB 4056 -- Hannon, Courtney appointed Senate conferees.

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

Committee Report Summary No. 19 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HJR 80 -- Report by Conference Committee, signed by Senators Ferrioli, Castillo, Starr and Representatives Shetterly, Bates, Butler, Hass, Williams, recommending that the House concur in Senate amendments dated June 18 and that the resolution be further amended and readopted. (Amendments distributed June 29)

HB 4052 -- Report by Conference Committee, signed by Senators Ferrioli, Starr, Trow and Representatives Shetterly, Bates, Butler, Hass, Williams, recommending that the House concur in Senate amendments dated June 19 and 26 and that the bill be further amended and repassed. (Amendments distributed June 29)

Senate resumed under the order of Propositions and Motions by unanimous consent at the request of the Chair.

HJR 80 B-Eng.* -- Conference committee report adopted and resolution readopted on motion of Ferrioli. The vote was: Ayes, 17; nays, 10—Atkinson, Beyer, Carter, Clarno, Dukes, George, Miller, Morrisette, Shields, Yih; absent, 2—Corcoran, Nelson; excused, 1—Fisher. Resolution readopted.

HB 4052 C-Eng.* -- Conference committee report adopted and bill repassed on motion of Ferrioli. The vote was: Ayes, 18; nays, 10—Atkinson, Beyer, Carter, Clarno, Corcoran, Dukes, George, Miller, Shields, Yih; attending legislative business, 1—Minnis excused, 1—Fisher. Bill repassed.

Senate reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

HB 4064 -- Report by Special Committee on Budget recommending passage of the A-engrossed bill.

HB 4065 -- Report by Special Committee on Budget recommending passage.

HB 4064, 4065 -- Rules suspended by unanimous consent at the request of the Chair in order that the Senate may take final action immediately.

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

HB 4064, 4065 -- Under rules suspension, read second time and passed to calendar.

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

HB 4064 A-Eng. -- Under rules suspension, read third time. Carried by Hannon. On passage of bill the vote was: Ayes, 23; nays, 5—Burdick, Deckert, Dukes, Shields, Yih; excused, 1—Fisher; attending legislative business, 1—Minnis. Bill passed.

HB 4065 -- Under rules suspension, read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 17; nays, 12—Atkinson, Beyer, Clarno, Deckert, Dukes, Ferrioli, George, Harper, Miller, Shields, Starr, Yih; excused, 1—Fisher. Bill passed.

Senate recessed until 12:05 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 12:05 a.m. President Derfler in Chair. All present except Brown, Burdick, Corcoran, Courtney, Deckert, Dukes, George, Hannon, Hartung, Messerle, Metsger, Miller, absent. Call of the Senate demanded by Trow joined by Starr and Fisher. All present except Burdick, Deckert, Dukes, George, Miller, absent. Further proceedings under the Call terminated by implied consent.

HB 4050, 4051, 4056 -- Message from the House announcing adoption of conference committee report and repassage.

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

Committee Report Summary No. 22 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 4050 -- Report by Conference Committee, signed by Senators Minnis, Duncan, Trow and Representatives Shetterly, Bates, Butler, Hass, Williams, recommending that the House concur in Senate amendments dated June 19 and that the bill be repassed. (No Senate action required)

HB 4051 -- Report by Conference Committee, signed by Senators Hannon, Courtney and Representatives Shetterly, Bates, Butler, Hass, Williams, recommending that the House concur in Senate amendments dated June 26 and 27 and that the bill be repassed. (No Senate action required)

Committee Report Summary No. 23 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 4056 -- Report by Conference Committee, signed by Senators Hannon, Courtney and Representatives Shetterly, Bates, Butler, Hass, Williams, recommending that the House concur in Senate amendments dated June 26 and 27 and that the bill be further amended and repassed. (Amendments distributed June 29)

HB 4054 -- Report by Special Committee on Budget recommending passage with amendments to the B-engrossed bill. (Amendments distributed June 30)

Senate resumed under the order of Propositions and Motions by unanimous consent at the request of the Chair.

HB 4056 C-Eng.* -- Hannon moved that the conference committee report be adopted and bill be repassed. Call of the Senate demanded by Hannon joined by Minnis and Brown. All present except George, Miller, absent. Further proceedings under the Call terminated by implied consent.

HB 4056 C-Eng.* -- Motion carried, the vote was: Ayes, 16; nays, 12—Atkinson, Beyer, Clarno, Dukes, Ferrioli, Fisher, Harper, Messerle, Nelson, Shields, Starr, Yih; absent, 2—George, Miller. Bill repassed.

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

HB 4054 -- Rules suspended by unanimous consent at the request of the Chair in order that the Senate may take final action immediately.

HB 4054 C-Eng. -- Under rules suspension, bill read. Carried by Hannon. Call of the Senate demanded by Brown joined by Trow and Nelson. All present except George, Miller, absent. Further proceedings under the Call terminated by implied consent.

HB 4054 C-Eng. -- On passage of bill the vote was: Ayes, 18; nays, 10—Atkinson, Beyer, Clarno, Ferrioli, Fisher, Harper, Messerle, Nelson, Starr, Yih; absent, 2—George, Miller. Bill passed.

Senate recessed until 12:40 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 12:40 a.m. President Derfler in Chair. All present except George, Miller, absent.

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

SB 1023 -- Report by Special Committee on Budget recommending passage with amendments. (Amendments distributed June 30)

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

SB 1023 -- Read second time and passed to calendar.

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

SB 1023 -- Rules suspended by unanimous consent at the request of the Chair in order that the Senate may take final action immediately.

SB 1023* -- Under rules suspension, read third time. Carried by Dukes. Call of the Senate demanded by Brown joined by Dukes and Gordly. All present except George, Miller, absent. Further proceedings under the Call terminated by implied consent.

SB 1023* -- Bill failed, the vote was: Ayes, 9; nays, 19—Atkinson, Beyer, Burdick, Carter, Castillo, Clarno, Corcoran, Deckert, Duncan, Ferrioli, Fisher, Harper, Hartung, Messerle, Minnis, Morrisette, Nelson, Starr, Trow; absent, 2—George, Miller. Bill failed.

Senate recessed until 3:10 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 3:10 a.m. President Derfler in Chair. All present except Burdick, Deckert, George, Miller, absent.

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

HB 4063 -- Report by Special Committee on Budget recommending passage of the A-engrossed bill.

HB 4063 -- Rules suspended by unanimous consent at the request of the Chair in order that the Senate may take on second and third reading immediately.

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

HB 4063 -- Under rules suspension, read second time and passed to calendar.

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

HB 4063 A-Eng. -- Under rules suspension, read third time. Carried by Minnis. Call of the Senate demanded by Brown joined by Nelson and Gordly. All

present except Corcoran, Deckert, George, Miller, absent. Further proceedings under the Call terminated by implied consent. On passage of bill the vote was: Ayes, 16; nays, 11—Atkinson, Beyer, Clarno, Ferrioli, Fisher, Harper, Messerle, Nelson, Starr, Yih, President Derfler; absent, 3—Deckert, George, Miller. Bill passed.

Senate recessed until 3:35 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 3:35 a.m. President Derfler in Chair. All present except Atkinson, Beyer, Burdick, George, Miller, absent.

HB 4053 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 4059 -- Message from the House announcing adoption of conference committee report and repassage.

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

Committee Report Summary No. 25 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 5091 -- Report by Conference Committee, signed by Senators Hannon, Courtney and Representatives Westlund, Close, Johnson, Morgan, Schrader, recommending that the House concur in Senate amendments dated June 25, 26 and 27 and that the bill be further amended and repassed. (Amendments distributed June 30)

HB 4055 -- Report by Conference Committee, signed by Senators Hannon, Courtney, Duncan and Representatives Westlund, Close, Johnson, Morgan, Schrader, recommending that the House concur in Senate amendments dated June 26 and 27 and that the bill be further amended and repassed. (Amendments distributed June 30)

HB 4059 -- Report by Conference Committee, signed by Senators Hannon, Courtney, Duncan and Representatives Westlund, Close, Johnson, Morgan, Schrader, recommending that the House concur in Senate amendments dated June 26 and that the bill be further amended and repassed. (Amendments distributed June 30)

Senate resumed under the order of Propositions and Motions by unanimous consent at the request of the Chair.

HB 4059 B-Eng.* -- Conference committee report adopted and bill repassed on motion of Hannon. Call of the Senate demanded by Hannon joined by Trow and Brown. All present except Beyer, George, Miller,

absent. Further proceedings under the Call terminated by implied consent.

HB 4059 B-Eng.* -- Motion carried, the vote was: Ayes, 19; nays, 8—Clarno, Corcoran, Dukes, Ferrioli, Messerle, Morrisette, Shields, Yih; absent, 3—Beyer, George, Miller. Bill repassed.

Senate at ease. Senate reassembled.

HB 4055 C-Eng.* -- Duncan moved that the conference committee report be adopted and the bill be repassed. Call of the Senate demanded by Brown joined by Minnis and Nelson. All present except George, Miller, absent. Further proceedings under the Call terminated by implied consent.

HB 4055 C-Eng.* -- Motion carried, the vote was: Ayes, 16; nays, 12—Atkinson, Beyer, Burdick, Clarno, Corcoran, Dukes, Ferrioli, Fisher, Messerle, Morrisette, Starr, Yih; absent, 2—George, Miller. Bill repassed.

HB 5091 D-Eng.* -- Hannon moved that the conference committee report be adopted and the bill be repassed. Call of the Senate demanded by Nelson joined by Brown and Hannon. All present except George, Miller, absent. Further proceedings under the Call terminated by implied consent.

HB 5091 D-Eng.* -- Motion carried, the vote was: Ayes, 16; nays, 12—Atkinson, Beyer, Clarno, Corcoran, Dukes, Ferrioli, Fisher, Harper, Messerle, Morrisette, Starr, Yih; absent, 2—George, Miller. Bill repassed.

SCR 16 -- Rereferred to Special Committee on Government Affairs at the request of the Chair by unanimous consent.

Senate at ease. Senate reassembled.

Senate reverted to the order of Reports from Special Committees by unanimous consent at the request of the Chair.

SCR 16 -- Report by Special Committee on Government Affairs recommending adoption with amendments.

SCR 16 -- Rules suspended by unanimous consent on motion of Clarno in order that the Senate may take final action immediately.

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

SCR 16 A-Eng.* -- Under rules suspension, read in its entirety and placed on final adoption. Carried by Clarno. On adoption of resolution the vote was: Ayes, 22; nays, 1—Minnis; absent, 7—Corcoran, Deckert, Fisher, George, Hartung, Messerle, Miller. Resolution adopted.

Senate adjourned sine die at 5:00 a.m., June 30, 2002.

HB 5091; 4055 -- Message from the House announcing adoption of conference committee report and repassage.

SJR 52 -- President Derfler signed on June 29.

SJR 52 -- Message from the House announcing the Speaker signed on June 30.

SCR 16 -- Message from the House announcing adoption.

HJR 80; HB 4051, 4059, 4065 -- Message from the House announcing the Speaker signed on July 2.

SCR 16; SB 1022, 1027; HJR 80; HB 4051, 4059, 4065 -- President Derfler signed on July 3.

SCR 16; SB 1022, 1027; HB 5091; 4050, 4052, 4053, 4054, 4055, 4056, 4062, 4063, 4064 -- Message from the House announcing the Speaker signed on July 10.

HB 5091; 4050, 4052, 4053, 4054, 4055, 4056, 4062, 4063, 4064 -- President Derfler signed on July 10.

SB 1027 -- Message from the Governor announcing he signed on July 29.

SB 1022 -- Message from the Governor announcing he vetoed on August 7.

August 7, 2002

The Honorable Bill Bradbury
Secretary of State

136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith Enrolled Senate Bill 1022 (2002 Third Special Session), unsigned and disapproved. While recognizing the potential impact on K-12 schools, community colleges and those they serve, I cannot in good conscience allow this bill to become law. It represents unsound fiscal policy, creating an unsustainable funding mechanism for our public schools.

SB 1022 authorizes an accounting maneuver which moves the due date of the final state payment to primary and secondary schools and community colleges from the current biennium into the next. This allows the state to realize a one-time "paper gain" of \$260 million by deferring the responsibility to make this payment to the next legislature. In other words, the bill shifts the due date, but not the money with which to actually make the payment.

This maneuver is not materially different from a corporation taking future projected profits and showing them on today's books in order to give the shareholders an inflated picture of the financial health of the business. This bill would likewise be giving Oregonians – the shareholders of our system of public education – an inflated and inaccurate view of the true fiscal health of our schools.

Furthermore, SB 1022 does nothing to ensure that the \$260 million will be available for public education in the 2003-05 biennium since the current Legislature cannot obligate the next Legislature.

As we look towards the 2003-05 biennium, it is clear that difficult choices will need to be made. With projections of a gap between projected expenditures and available revenues of more than \$1.2 billion, it is time for the Legislature to make choices that not only address the shortfall this biennium but begin to address the problem for the next biennium as well.

It's time to be accountable.

For these reasons, I am returning SB 1022 unsigned and disapproved.

Sincerely,
John A. Kitzhaber, M.D.