

APPENDIX C

SPECIAL FORMS AND STYLES FOR USE DURING A SPECIAL SESSION

Unusual circumstances during a special session require some slight additions to certain procedures described in this manual. Among these are adjustments that are necessary to meet problems arising if a new edition of *Oregon Revised Statutes* has not yet appeared following a regular session. Other changes are needed to distinguish enactments of a special session from those of a regular session. The drafter must check the table of sections amended and repealed by the Acts of the regular session, as published in the Advance Sheets or *Oregon Laws* for the regular session.

CITATION OF SPECIAL SESSION MEASURES

“This (year) special session Act.” To cite “this Act” in the body of a special session enactment, use:

- “... this (year) special session Act” when there is a special session in the same year as the regular session.
- “... this (even year) Act” when there is a special session in an even year. The words “special session” are unnecessary because regular sessions are not held in even years. See ORS 171.010.*
- “... this (year) second special session Act” when there is a second special session in any year.

References to session. In a special session measure, use these examples as models and adjust as appropriate for number of special session and Legislative Assembly:

SECTION 7. This 2012 Act* takes effect on the 91st day after the date on which the special session of the Seventy-sixth Legislative Assembly adjourns sine die. [first special session*]

OR

That the special session of the Senate and the House of Representatives of the Seventy-____ Legislative Assembly is adjourned sine die. [first special session]

OR

We, the Seventy-____ Legislative Assembly of the State of Oregon, in second special legislative session assembled, respectfully represent as follows:

OR

That the Seventy-____ Legislative Assembly in third special session, commenced _____, 2____, stand recessed until the call of the presiding officers or _____, 2____, whichever comes first.

*** If the voters approve annual sessions in Nov. 2010, use “this (year) special session Act.”**

Prior Special Session Measures. Use “Oregon Laws 20xx (special session)” to distinguish the special session laws from the laws of a regular session in the same year. To cite special session measures from an even year, use “Oregon Laws 20xx” for special sessions through 2010.** The even-numbered year identifies the law as a special session enactment. The parenthetical “(special session)” is unnecessary, because regular sessions of the Legislative Assembly are not held in even years. See ORS 171.010.** For second or subsequent special sessions in any year, specify which special session is meant in parentheses, as in “Oregon Laws 2002 (third special session).” For example:

- “. . . chapter 6, Oregon Laws 2011 (special session), . . .”
- “. . . section 2, chapter 105, Oregon Laws 2010, . . .”
- “. . . section 2a, chapter 1, Oregon Laws 2002 (fourth special session), . . .”
- “. . . House Joint Resolution 4 (2011 special session)”
- “. . . Senate Joint Memorial 3 (2010)”
- “. . . Senate Concurrent Resolution 16 (2002 second special session)”

****If the voters approve annual sessions at the November 2010 election, use the “(special session)” parenthetical for a first special session in any year after 2010.**

Current Special Session Measures. If the current session is a special session in a regular session year, add “(special session)” to citations to current measures:

- “section 10, chapter ___, Oregon Laws 2011 (special session) (Enrolled ___ Bill ___) (LC 3988),”

Delete the LC parenthetical once the bill number is assigned:

- “section 10, chapter ___, Oregon Laws 2011 (special session) (Enrolled Senate Bill 666),”

If the current session is a special session in an **even-numbered year**, omit the special session parenthetical. The even number of the session year identifies the bill as a special session enactment:**

- “section 1, chapter ___, Oregon Laws 2012 (Enrolled Senate Bill 1010),”

When more than one special session is held in any year, the parenthetical must specify which special session is meant:

- “section 12, chapter ___, Oregon Laws 2012 (third special session) (Enrolled House Bill 4032),”

- “section 15, chapter ___, Oregon Laws 2011 (second special session) (Enrolled

House Bill 3959),”

****If the voters approve annual sessions at the November 2010 election, use the “(special session)” parenthetical for a first special session in any year after 2010.**

ADJUSTMENTS FOR SPECIAL SESSION IN SAME YEAR AS REGULAR SESSION

Certain adjustments are required when a special session is held **in the same year** as a regular session and precedes publication of ORS:

If the bill amends an ORS section, determine whether that ORS section was amended or repealed during the regular session by checking the table of sections amended and repealed by legislative action during the regular session. The table is published online and in the *Advance Sheets of Oregon Laws*, the *Final Status Report for Senate and House Measures* and the *Oregon Laws*. If the section was amended by an Act of the regular session, the amending clause in a special session bill reads:

SECTION 1. ORS 92.100, as amended by section ____, chapter ____, Oregon Laws 2____, is amended to read:
92.100. (Insert adjusted text)

Adjust the text by deleting all material that appears in [*brackets and italic*] type and changing all **boldfaced** text to lightface. Use [*brackets and italic*] type and **boldfaced** type to indicate only the material to be deleted or inserted by the special session bill.

If the bill amends a new section enacted by an Act of the regular session, the amending clause uses the regular session *Oregon Laws* citation. Set forth all section text in lightface for amending. Use [*brackets and italic*] type and **boldfaced** type to indicate only the material to be deleted or inserted by the special session bill. The amending clause reads:

SECTION 1. Section ____, chapter ____, Oregon Laws 2____, is amended to read:
Sec. __. (Insert text)

If the bill repeals a section enacted or an ORS section amended by an Act of the regular session, the repealing clause reads, respectively:

SECTION 1. Section ____, chapter ____, Oregon Laws 2____, is repealed.

OR

SECTION 1. ORS 92.100, as amended by section ____, chapter ____, Oregon Laws 2____, is repealed.

If the bill repeals a section enacted or an ORS section amended by a regular session Act and enacts a new section in lieu thereof, the enacting clause reads:

SECTION 1. Section ____, chapter ____, Oregon Laws 2____, is repealed and section 2 of this (year) special session Act is enacted in lieu thereof.

SECTION 2. (Insert text)

OR

SECTION 1. ORS 92.100, as amended by section ____, chapter ____, Oregon Laws 2____, is repealed and section 2 of this (year) special session Act is enacted in lieu thereof.

SECTION 2. (Insert text)

ADJUSTMENTS FOR MULTIPLE SPECIAL SESSIONS IN ONE YEAR

For second or subsequent special sessions in a year, additional adjustments are required because these special sessions will usually precede publication of *Oregon Laws* for the earlier special session(s).

Citing Earlier Special Session Laws. Bills drafted for second and subsequent special sessions often cite Acts or resolutions of an earlier special session. Cite session laws of an earlier special session as for current special session law and include the enrolled bill parenthetical for clarity. Use the standard form for citing resolutions, including, when necessary, the special session designation in the date parenthetical.

For example, when chapter 1, Oregon Laws 2002 (second special session), repealed two sections of chapter 11, Oregon Laws 2002, the relating clause looked like this:

A BILL FOR AN ACT

Relating to stores operated by Oregon Liquor Control Commission; creating new provisions; amending ORS 471.750; repealing sections 1 and 2, chapter 11, Oregon Laws 2002 (Enrolled House Bill 4013); and declaring an emergency.

Note the parentheticals used in chapter 1, Oregon Laws 2002 (second special session), including the insertion of “first” in the first parenthetical for ex post facto clarity:

SECTION 1. If Enrolled House Bill 4013 (2002 first special session) becomes law, sections 1 (amending ORS 471.750) and 2, chapter 11, Oregon Laws 2002 (Enrolled House Bill 4013), are repealed.

If the bill amends an ORS, ORCP or session law section, check the amend and repeal tables for the earlier sessions. If the section was amended by an earlier special session Act, the amending clause addresses the section as it appears in the earlier special session Act. Here are some examples:

SECTION 1. ORS 327.095, as amended by section 1, chapter 4, Oregon Laws 2002 (Enrolled House Bill 4011), is amended to read:
327.095. (1) (Insert text)

SECTION 1. ORS 273.384, as amended by section 1, chapter 4, Oregon Laws 2002 (second special session) (Enrolled House Bill 4035), is amended to read:
273.384. (Insert text)

SECTION 1. Section 28, chapter 954, Oregon Laws 2001, as amended by section 2, chapter 4, Oregon Laws 2002 (second special session) (Enrolled House Bill 4035), is

amended to read:

Sec. 28. (Insert text)

Remember to adjust the text from the earlier Act by deleting all material that appears in *[brackets and italic]* type and changing all **boldfaced** text to lightface. Then use *[brackets and italic]* type and **boldfaced** type to indicate only the material to be deleted or inserted by the current special session Act.

If the bill amends a section that was enacted by the earlier special session, the amending clause addresses the session law from the earlier special session:

SECTION 10. Section 4, chapter 5, Oregon Laws 2002 (Enrolled House Bill 4019), is amended to read:

Sec 4. (Insert text)

The text set forth for amending is lightface. Use *[brackets and italic]* type for deletions and **boldfaced** type for insertions by the current special session bill.

Converting References in Amended Session Law Sections. Use brackets and boldface when converting references in session law sections to “section __ of this (year) Act” or “section __ of this (year) second special session Act” to Oregon Laws references; include the session parenthetical when necessary. Also use brackets and boldface to substitute actual effective or operative dates in phrases such as “effective date of this (year) second special session Act.”

Adjusting as Needed for Clarity. Adjust the citation format if necessary for absolute clarity, as in this excerpt from a 2002 second special session joint resolution:

PARAGRAPH 1. Senate Joint Resolution 50, Seventy-first Legislative Assembly, 2002 First Special Session, is rescinded. The Secretary of State may not refer Senate Joint Resolution 50, Seventy-first Legislative Assembly, 2002 First Special Session, to the people for their approval or rejection at a special election held throughout this state on the same date as the next primary election.

Note the placement of the “(LC __)” reference in this example:

SECTION 1. Except as otherwise provided in this 2002 fifth special session Act, ORS chapters 250, 251 and 254 apply to the election on the measure submitted as House Bill __ (LC 17) (2002 fifth special session), if House Bill __ (LC 17) (2002 fifth special session) is referred to the people at the 2002 general election.

