

CHAPTER SIXTEEN

MEASURES OTHER THAN BILLS

1. JOINT RESOLUTIONS
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In addition to bills, the Legislative Assembly as a whole may take action through the following kinds of measures:

- ◆ **Joint Resolution.**
- ◆ **Concurrent Resolution.**
- ◆ **Joint Memorial.**

Any of these three types of measures may be introduced in either house.

A single house of the Legislative Assembly may take action through the following kinds of measures:

- ◆ **Resolution.**
- ◆ **Memorial.**
- ◆ **Commemoration** (used only by the Senate during the legislative interim to express congratulations, commendation or sympathy — see Appendix F).

The power to “legislate” by resolution or memorial is confined within narrow limits. A resolution or memorial is not a law and is not submitted to the Governor for approval or disapproval. If adopted, resolutions and memorials are filed with the Secretary of State. Of the resolutions and memorials that are adopted only those considered to be of public significance and general interest are published in *Oregon Laws*.

1. JOINT RESOLUTIONS.

The Legislative Assembly uses joint resolutions to:

- Propose a constitutional amendment or revision (see chapter 17 of this manual).
- Create an interim committee under ORS 171.610 or a legislative task force.
- Give directions to a state agency or officer.
- Authorize some kind of temporary action.

While ORS 171.640 makes it unnecessary to use any measure to create interim committees, ORS 171.610 seems to indicate that if a measure is used, a joint resolution is the preferred type of measure. See chapter 19 of this manual for interim committee boilerplate and an in-depth discussion of interim committees.

A joint resolution cannot be used to legislate on matters involving property or other rights. Rowley v. Medford, 132 Or. 405 (1930). As to such matters, a resolution has only the effect of an expression of opinion and no more.

An appropriation cannot be made by resolution; however, expenditures may be authorized in a resolution from money that is already appropriated. For example, the limit on expenses for an interim committee may be set in the resolution that creates it, but the moneys to be used must be appropriated by an Act.

The parts of a joint resolution are the heading, preamble (optional), resolving clause and body.

Heading. The heading identifies the type of measure. It does not include the name of the house of origin.

Preamble. A preamble (“whereas” clauses) may be used to express reasons for the proposed action, but may be omitted because it is not essential to the use or validity of the joint resolution. If used, the preamble follows the heading and precedes the resolving clause. Preambles often provide the drafter with an opportunity to exercise an eloquence not otherwise found in bills. When writing a preamble:

- Do not use a comma after the word “Whereas” in each clause.
- End each paragraph except the last with a semicolon and the word “and”.
- End the last paragraph with a semicolon and the phrase “now, therefore,”. (This phrase connects the preamble to the resolving clause.)
- Keep text lightface.

Resolving Clause. While the preamble may be omitted, the resolving clause and body are indispensable parts of a joint resolution. The resolving clause is always flush with the left-hand margin. The resolving clause for a joint resolution is:

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

Body. The measure text.

The following is an example of a joint resolution to create a single-purpose interim committee, including the heading, preamble, resolving clause and body (see chapter 19 for interim committee boilerplate and further discussion):

JOINT RESOLUTION

Whereas there are numbers of problems of a social nature that require the study and attention of a legislative interim committee; and

Whereas a particularly urgent social problem is that of divorce and the conditions giving rise to divorce and the evils resulting from divorce; now, therefore,

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

(1) There is created an Interim Committee on Social Problems consisting of nine members. The President of the Senate shall appoint four members from among members of the Senate, and the Speaker of the House of Representatives shall appoint five members from among the members of the House of Representatives.

(2) The interim committee shall:

(a) Study the divorce laws of this state and the need for their modification.

(b) Study the divorce codes of any states that have recently completed a thorough revision of the divorce laws, and determine whether any of their provisions are desirable for the State of Oregon.

(c) Study the causes of the high rate of divorce and determine which, if any, of the causes can be reduced by legislative action.

(d) Study the results, in terms of divorce, of marriages entered into at extremely youthful ages.

(e) Study the administration of alimony, custody and property rights by the courts under present law in divorce or separation proceedings.

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

(4) The appointing authorities, in consultation with the interim committee chairpersons, shall develop a work plan consisting of a list of subjects for study by the interim committee and the duration of the study. The work plan developed for the interim committee shall be filed with the Legislative Administrator.

(5) Interim committee work plans may be modified only by the appointing authorities after consultation with the interim committee chairperson. The interim committee, by official action, may request such a modification.

(6) The Legislative Administrator may employ persons necessary for the performance of the functions of the interim committee. The Legislative Administrator shall fix the duties and amounts of compensation of these employees. The interim committee shall use the services of continuing legislative staff, without employing additional persons, to the greatest extent practicable.

(7) Members of the Legislative Assembly who serve on the interim committee shall be entitled to an allowance as authorized by ORS 171.072. Claims for expenses incurred in performing functions of the interim committee shall be paid out of funds appropriated for that purpose.

(8) All agencies of state government, as defined in ORS 174.111, are directed to assist the interim committee in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the interim committee consider necessary to perform their duties.

(9) Subject to the approval of the Emergency Board, the interim committee may accept contributions of funds and assistance from the United States Government or its agencies, or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of the interim committee. All such funds are to aid in financing the functions of the interim committee and shall be deposited in the General Fund of the State Treasury to the credit of separate accounts for the interim committee and shall be disbursed for the purpose for which contributed in the same manner as funds appropriated for the interim committee.

(10) Official action by the interim committee requires the approval of a majority of the quorum of the members of the interim committee. All legislation recommended by official action of the interim committee must indicate that it is introduced at the request of the interim committee and shall be prepared in time for pre-session filing pursuant to ORS 171.130.

2. CONCURRENT RESOLUTIONS.

A concurrent resolution is used when both houses of the Legislative Assembly join to:

- Address matters affecting the internal operations and procedures of the Legislative Assembly, such as joint sessions, appointments of joint committees, recesses and adjournments.

- Express legislative congratulations, commendation or sympathy.
- Express an opinion or sentiment on a matter of public interest.
- Express legislative approval of action taken by someone else.
- Designate a state emblem.
- Make a certain day a single day of state recognition. (Use a bill for a statutory holiday, as in ORS 187.010 and 187.020, or a day of annual recognition.)

The parts of a concurrent resolution are the heading, preamble (optional), resolving clause and body.

Heading. The heading identifies the type of measure. It does not include the name of the house of origin.

Preamble. The preamble for a concurrent resolution follows the same form as a preamble for a joint resolution and may be omitted.

Resolving Clause. The resolving clause is always flush with the left-hand margin. The resolving clause for a concurrent resolution is:

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

Body. The text, which is lightface and which may take the form of numbered paragraphs or may take the following formal form:

- Begin the first paragraph with the word “That”.
- Begin the second paragraph and subsequent paragraphs with the words “Resolved, That”.
- End each paragraph except the last with a semicolon and the words “and be it further”.
- End the last paragraph with a period.

When a concurrent resolution expresses legislative congratulations, commendation or sympathy, do not use numbered paragraphs because of the resulting impersonal appearance.

The following is an example of a concurrent resolution providing for the appointment of a joint committee and the convening of a joint session:

CONCURRENT RESOLUTION

Whereas February 12 is the 170th anniversary of the birth of Abraham Lincoln, the great emancipator; and

Whereas it is fitting that a suitable observance be made by the Senate and by the House of Representatives in honor of this day; now, therefore,

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

(1) A committee of four shall be appointed to arrange an appropriate program commemorating this anniversary. The President of the Senate shall appoint two members from among members of the Senate, and the Speaker of the House of Representatives shall appoint two members from among the members of the House of Representatives.

(2) For this purpose, the Senate and the House of Representatives shall convene in joint session at 2:05 p.m. on Tuesday, February 12, 1979.

3. JOINT MEMORIALS.

A joint memorial is used when both houses of the Legislative Assembly join to address or petition Congress, the President of the United States or the officials or agencies of another governmental body. Do **not** use a joint memorial to commemorate the dead.

The parts of a joint memorial are the heading, address clause, introductory clause, preamble (optional), resolving clause and body.

Heading. The heading identifies the type of measure. It does not include the name of the house of origin.

Address Clause. The address clause follows the heading and precedes the introductory clause. Note that the first line of the address clause is flush with the left-hand margin and the second line is indented: <spm address>

To the President of the United States and the Senate and House of Representatives of the United States of America, in Congress assembled:

Here is a special address clause used to memorialize the Senate of the United States of America when it goes into executive session:

To the Senate of the United States of America, in executive session assembled:

Here are other examples of address clauses:

- To the President of the United States:
- To the President of the United States, the Senate Majority Leader and the Speaker of the House of Representatives:
- To the President of the United States, the Senate and the House of Representatives of the United States of America, in Congress assembled, and the Secretary of the Department of Commerce:
- To the members of the Oregon Congressional Delegation:
- To the Director of the United States Fish and Wildlife Service:
- To the Governors of Alaska, Idaho, Montana and Washington and to the Premiers of Alberta and British Columbia:

Introductory Clause. The introductory clause follows the address clause and precedes the preamble, if used. The introductory clause for a joint memorial reads: <spm intro-jmem>

We, your memorialists, the Seventy-sixth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Preamble. The preamble for a joint memorial follows the same form as a preamble for a joint resolution.

Resolving Clause. The resolving clause is always flush with the left-hand margin. The resolving clause for a joint memorial is:

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

Body. The text, which is lightface and which may take the form of numbered paragraphs or may take the following formal form:

- Begin the first paragraph with the word “That”.
- Begin the second paragraph and subsequent paragraphs with the words “Resolved, That”.
- End each paragraph except the last with a semicolon and the words “and be it further”.
- End the last paragraph with a period.

Provision for Sending Copies. It is customary to include at the end of the body of a joint memorial a provision for sending “a copy of this memorial” to members of the Oregon Congressional Delegation. (Note that the type of memorial is not specified.) Copies also may be sent to other specific officers and agencies of the federal government or other states or provinces, depending upon the subject of the joint memorial.

Never state in this provision that copies be sent to “each member of Congress” unless specifically directed to do so by the person requesting the joint memorial. Inclusion of such a provision will require the preparation of hundreds of copies of the joint memorial and transmittal of these copies to **each** member of Congress.

If copies of the joint memorial are to be sent to Congressional leadership, direct them to the “Senate Majority Leader and the Speaker of the House of Representatives” and **not** to the “Vice President of the United States and the Speaker of the House of Representatives.” Although the Vice President serves as the presiding officer of the United States Senate, the Senate Majority Leader, like the Speaker of the House of Representatives, has been elected by the majority of the members of the leader’s political party in that house to be responsible for the design and achievement of a legislative program.

The provision for sending copies may take the form of a numbered paragraph at the end of the joint memorial and should read substantially as follows:

(2) A copy of this memorial shall be sent to the President of the United States, to the members of the Federal Energy Regulatory Commission and to each member of the Oregon Congressional Delegation.

The provision for sending copies of a joint memorial may also take the following form:

That we, the members of the Seventy-sixth Legislative Assembly, respectfully request . . . ; and be it further

Resolved, That a copy of this memorial shall be sent to the President of the United States, to the members of the Federal Energy Regulatory Commission and to each member of the Oregon Congressional Delegation.

The following is an example of a joint memorial:

JOINT MEMORIAL

To the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Seventieth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas the historic Celilo Village has twice been moved or altered by projects of the United States Government; and

Whereas Celilo Village is one of the most visible Indian communities in the nation with thousands of visitors per day; and

Whereas the once prosperous center of fishing and trade has been lost to neglect, deterioration and poverty; and

Whereas the Confederated Tribes of the Umatilla Indian Reservation have committed to assist the “River People” and have prepared a detailed inventory of existing buildings and a preliminary plan for replacement and refurbishing; and

Whereas the land, infrastructure and five of the remaining houses from 1947 are held in trust by the Bureau of Indian Affairs for use by the Umatilla, Warm Springs, Yakima and other Columbia River Indians; now, therefore,

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

(1) The Congress of the United States is urged to appropriate the necessary funds to restore and redevelop Celilo Village.

(2) A copy of this resolution shall be sent to each member of the Oregon Congressional Delegation.

4. RESOLUTIONS.

A resolution, also known as a “simple resolution,” is adopted by a single house of the Legislative Assembly to:

- Take action affecting its own concerns or procedures, such as appointing a committee of its members.
- Express an opinion or sentiment on a matter of public interest.

The parts of a resolution are the heading, preamble (optional), resolving clause and body.

Heading. The heading identifies the type of measure **and includes** the name of the house of origin, e.g., “House Resolution” or “Senate Resolution.”

Preamble. The preamble for a resolution follows the same form as a preamble for a joint resolution.

Resolving Clause. The resolving clause for a resolution identifies the single house taking the action or expressing the opinion or sentiment.

The resolving clause for a **House Resolution** is:

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

The resolving clause for a **Senate Resolution** is:

Be It Resolved by the Senate of the State of Oregon:

Body. The text, which is lightface and which may take the form of numbered paragraphs or may take the following formal form:

- Begin the first paragraph with the word “That”.
- Begin the second paragraph and subsequent paragraphs with the words “Resolved, That”.

- End each paragraph except the last with a semicolon and the words “and be it further”.
- End the last paragraph with a period.

The following is an example of a resolution adopted by a single house:

SENATE RESOLUTION

Whereas history has been marred by racial discrimination, exclusion, bigotry and great injustice toward people of color, including Native Americans, African Americans, Latinos, Chinese Americans, Japanese Americans and Pacific Islanders; and

Whereas such mistreatment based on race has been allowed and enforced through our laws and legal system; and

Whereas an example of a law was an Act passed by the Oregon Territorial Assembly in 1849 (and later repealed) that expressly excluded African Americans from the Territory; and

Whereas the legislative session that convened in January 1999 is the 150th anniversary of this exclusionary Act; and

Whereas one lingering effect of this history causes harm and pain to people of color and limits the quality and dignity of all of our lives; and

Whereas we believe that an honest acknowledgment of our racial history and open dialogue can lead to racial healing and reconciliation and free us to move constructively into a better future for all if we take personal responsibility for change by examining and changing our personal attitudes that perpetuate structural, economic and racial separation; now, therefore,

Be It Resolved by the Senate of the State of Oregon:

That we, the members of the Senate of the Seventieth Legislative Assembly, recognize Oregon’s discriminatory history, acknowledge people of all races and ethnic backgrounds who have worked for positive change and celebrate the progress made and encourage participation in honest interracial dialogue essential to positive social change; and be it further

Resolved, That we, the members of the Senate of the Seventieth Legislative Assembly, resolve to increase public awareness of racial discrimination and work toward the full participation of racial minorities in all aspects of Oregon life, and that this Day of Acknowledgment provide focus for planning constructive dialogues and actions as we work toward a future of racial equality.

5. MEMORIALS.

A memorial, also known as a “simple memorial,” is a measure by which a single house of the Legislative Assembly takes action of a character for which the Legislative Assembly as a whole would use a joint memorial.

The parts of a memorial are the heading, address clause, introductory clause, preamble (optional), resolving clause and body.

Heading. The heading identifies the type of measure **and includes** the name of the house of origin, e.g., “House Memorial” or “Senate Memorial.”

Address clause. The address clause used for a memorial follows the form as that used for a joint memorial.

Introductory Clause. The introductory clause follows the address clause and precedes the preamble, if used. The introductory clause for a memorial identifies which house is addressing or petitioning the officials or agencies of another governmental body.

The introductory clause for a **House Memorial** reads: <spm intro-hmem>

We, your memorialists, the House of Representatives of the State of Oregon, in legislative session assembled, respectfully represent as follows:

The introductory clause for a **Senate Memorial** reads: <spm intro-smem>

We, your memorialists, the Senate of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Preamble. If used, the preamble for a memorial follows the same form as a preamble for a joint resolution.

Resolving Clause. The resolving clause for a memorial also identifies which house is addressing or petitioning another governmental body. The resolving clause is always flush with the left-hand margin.

The resolving clause for a **House Memorial** is:

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

The resolving clause for a **Senate Memorial** is:

Be It Resolved by the Senate of the State of Oregon:

When the Senate desires to express its views during an executive appointment session, the resolving clause is:

Be It Resolved by the Senate in Session Assembled under Section 4, Article III of the Oregon Constitution:

Body. The text is lightface and may take the form of numbered paragraphs or may take the following formal form:

- Begin the first paragraph with the word “That”.
- Begin the second paragraph and subsequent paragraphs with the words “Resolved, That”.
- End each paragraph except the last with a semicolon and the words “and be it further”.
- End the last paragraph with a period.

Provision for Sending Copies. As for a joint memorial, it is customary to include at the end of the body of a memorial a provision for sending “a copy of this memorial” to members of the Oregon Congressional Delegation or, depending on the subject of the memorial, to other specific officers and agencies of the federal government or other states or provinces. The caveats about sending a copy of the memorial to “each member of Congress” or to Congressional leadership also apply.

The following is an example of a memorial adopted by a single house:

HOUSE MEMORIAL

To the President of the United States and the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas children are a precious gift and responsibility, and preserving the spiritual, physical and mental well-being of children is our sacred duty as citizens; and

Whereas no segment of our society is more critical to the future of human survival and society than our children, and it is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families and children; and

Whereas information endangering children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas elected officials have a duty to inform and to counteract actions they consider damaging to children, parents, families and society; and

Whereas Oregon has made sexual molestation of a child a crime, and parents who sexually molest their children should be declared to be unfit; and

Whereas virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

Whereas the American Psychological Association has recently published, but did not endorse, a study that suggests that sexual relationships between adults and “willing” children are less harmful than believed and might even be positive for “willing” children; now, therefore,

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

(1) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicate that sexual relationships between adults and “willing” children are less harmful than believed and might even be positive for “willing” children.

(2) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon urges the President and the Congress of the United States of America to likewise reject and condemn, in the strongest honorable written and vocal terms possible, any suggestions that sexual relationships between children and adults are anything but abusive, destructive, exploitive, reprehensible and punishable by law.

(3) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information.

(4) A copy of this memorial shall be sent to:

(a) The Honorable Bill Clinton, President of the United States;

(b) The Honorable Al Gore, Jr., Vice President of the United States and President of the United States Senate;

(c) The Honorable Trent Lott, Majority Leader of the United States Senate;

(d) The Honorable J. Dennis Hastert, Speaker of the United States House of Representatives;

(e) The Honorable David Satcher, M.D., Ph.D., Surgeon General of the United States; and

(f) The members of the Oregon Congressional Delegation, including Senators Ron Wyden and Gordon Smith and Representatives David Wu, Greg Walden, Earl Blumenauer, Peter DeFazio and Darlene Hooley.