

CHAPTER EIGHTEEN

AMENDMENTS TO BILLS AND OTHER MEASURES

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1. DRAFTING AMENDMENTS TO A PRINTED OR ENGROSSED BILL.

The drafting of amendments to bills and other legislative measures is an important activity requiring the same or, given time constraints, a greater degree of care than is used in drafting a bill. Many of the defects in our laws came about through failure to exercise care in writing amendments to an otherwise properly drafted bill. In drafting an amendment to a bill, **the entire bill must be checked** to make sure that the amendment is consistent with the remainder of the bill, including its title. The amendment must be consistent with existing law, even law not contained in the bill. If an inconsistency is discovered, the drafter must make the necessary adjustments. If an amendment to a bill is directed to an ORS section in the bill, **STAIRS** should be rechecked to determine whether the amendment affects more than that section. Adding a new section to a bill by amendment requires the same care as adding it to the original draft.

The drafter must always be sure that an amendment is directed to the most recent printed version of the bill.

The drafter must draft amendments that are addressed to a particular printed bill in order to give proper consideration to issues regarding the bill title for purposes of section 20, Article IV of the Oregon Constitution. That is, the relating clause of the bill title must be broad enough to describe the subject matter of the proposed amendment, unless the relating clause is to be changed to accommodate the new material in order to comply with the constitutional requirement. The practice of the Senate and House Desks changes from time to time as to whether amendments that include a change to the relating clause will be accepted at the desk. Reluctance to accept amendments with relating clause changes prevents material unrelated to the thrust of the original printed measure from being loaded on by amendment, i.e., “logrolling.”

“Generic” amendments, i.e., amendments not addressed to a particular printed measure but drafted in anticipation of an as yet unidentified “vehicle,” do not meet the preceding requirement and should not be drafted. See chapter 6 of *Form and Style Manual for Legislative Measures*.

After a bill has been printed, any action taken thereon is taken with respect to the printed bill in its latest version, and amendments are directed to the printed bill. If the bill has been ordered printed engrossed, amendments are directed to the printed engrossed bill since it is the latest version.

In writing amendments to a bill, the objective is to make clear the change to be made in the printed bill. Contrary to office typographical practice, punctuation marks, including commas and periods, are placed inside the quotation marks **only if they are a part of the matter quoted.**

New sections inserted in a bill by way of amendment may require renumbering of other sections in the bill. In the case of a very long bill, extensive additional amendments to renumber the sections may be avoided by giving new sections added to the bill by amendment numbers like “**Section 70a.**” and “**Section 70b.**”

Deletion of a section of a bill by way of amendment may require renumbering of other sections in the bill. In the case of a very long bill, extensive additional amendments to renumber the sections may be avoided by inserting a note in place of the deleted section:

NOTE: Sections 4 through 12 were deleted by amendment. Subsequent sections were not renumbered.

When sections of a bill are added, deleted or renumbered in any way, the rest of the bill must be checked to ensure that internal references conform to the new numbering. If the bill being amended is an especially long one, a cross-reference list or card file may help in keeping track of internal references or a computer search may be done.

When an amendment to a bill deletes all the changes the bill originally made in an ORS section, the entire section of the bill is deleted; the ORS section will then remain the same as it appears in the latest edition of *Oregon Revised Statutes*. The ORS section number should also be deleted from the title.

2. FORM AND STYLE.

⇒ **Clarity and conciseness.** There is more than one way to write an amendment correctly. The way that makes the wanted changes most clearly and uses the fewest words should be used.

For example, **while the following way is correct:**

In line 11, after “(3)” delete the rest of the line and lines 12 and 13 and insert “The rules of each house. . .”.

the following way is more concise:

Delete lines 11 through 13 and insert:
“(3) The rules of each house. . .”.

Or, for example, **instead of this:**

In line 12, delete “, ‘adoption expenses’ means expenses paid by the taxpayer during the year”.

use this:

In line 12, after “Act” delete the rest of the line.

If there are many changes to be made to material, it is often easier to delete and then reinsert the material.

For example, **instead of this:**

In line 11, delete “revoked” and insert “suspended”.

Delete lines 12 and 13.

In line 14, after the comma delete the rest of the line and insert “install building. . .”.

In line 16, delete “the name and address of”.

Delete line 18.

use this:

Delete lines 11 through 18 and insert:

“**SECTION 2.** Unless suspended . . . of issuance.”

As another example, **instead of this:**

In line 23, delete “greater” and insert “less” and delete “\$5” and insert “\$3”.

use this:

In line 23, delete “greater than \$5” and insert “less than \$3”.

Sometimes there are several ways to write an amendment that are equally clear and concise. For example:

In line 23, after “Lands” insert “, who shall . . .”.

OR

In line 23, before the period insert “, who shall . . .”.

Another example:

In line 16, restore the bracketed material.

OR

In line 16, restore “or related activity”.

⇒ **Wording.** Always use clear and simple wording in amendments. The following words and phrases are preferred:

Use:	Do not use:
lines 3 through 7	lines 3 through 7, inclusive
rest of the line	remainder of the line
insert “county”	insert the word “county”
after “(7)”	after the number “(7)” after the figure “(7)”
delete “173.170” and insert “173.171”	delete “ORS 173.170” and in lieu thereof insert “ORS 173.171”
insert	insert the following

⇒ **Punctuation.** When writing an amendment to a bill, punctuation marks (including commas and periods) are placed inside the quotation marks **only if** these punctuation marks are a part of the text of the amendment. End each line-by-line instruction with a period. Do not use any unnecessary punctuation when writing amendments. For example:

In line 21, after “standards” insert “and shall adopt by rule.”.

Quotation marks within quoted material are shown by single quotes. For example:

After line 17, insert:
“(4) ‘Cost’ as applied . . .”.

When referring to a punctuation mark in the text of the line-by-line instructions, the drafter should spell out the word instead of using the symbol. The symbol is used when the punctuation mark appears in text. For example:

On page 2 of the printed bill, line 3, before the period insert “; and declaring an emergency”.
On page 3, line 6, delete the comma.

When amending a bill by inserting a series of consecutive paragraphs, quotes are used **at the beginning of** each paragraph and **only at the end of** the last paragraph. For example:

On page 7 of the printed bill, delete lines 3 through 15 and insert:
“**SECTION 3.** (Insert text).
“**SECTION 4.** (Insert text). . . .”.

⇒ **Identify correct version of bill.** The first line of the amendments must identify accurately the version of the bill that is being amended. The phrase “of the printed bill” should be used **only once** in the amendment. For example:

On page 2 of the printed bill, line 2, . . .

OR

Delete lines 18 through 20 of the printed B-engrossed bill.

OR

On page 3 of the printed corrected B-engrossed bill, line 12, . . .

⇒ **Order of amendments.** Amendments must be written in the same order as the page and line numbers to which they are addressed appear in the bill, starting at the beginning of the bill and progressing to its end. For example:

On page 2, line 5

In line 7,

On page 4, line 20,

⇒ **Page and line numbers.** First cite and underline the page number; then list the line number, the reference point within the line where the change is to occur, and the change to be made. It is not necessary to repeat the page number when writing amendments for changes made in subsequent lines on the same page. For example:

On page 2 of the printed bill, line 17, after “of” insert “the”.

On page 3, line 3, after “state” insert a period and delete the rest of the line.

In line 12, delete “of” and insert “or”.

When amending a one-page bill, it is not necessary to give the page number in the amendment. For example:

In line 3 of the printed bill, delete “17” and insert “15”.

OR

Delete lines 15 through 18 of the printed A-engrossed bill.

⇒ **Inserting new material.** It is the usual practice to insert material **after** a word or punctuation mark, but insert the material **before** a word or punctuation mark if this would make the change more easily understood. Examples:

In line 2, before the period insert “; and declaring an emergency”.

In line 4, before “building” insert “. . . (rather than: after the fourth “the” insert . . .).

In line 21, after “cause” insert “immediately”.

If the new material begins with a new paragraph, use a colon after the word “insert” and make a paragraph of the new material. For example:

After line 12, insert:

“SECTION 5. . . .”

⇒ **Deleting material.** When deleting material, the following form is used:

In line 14, delete “, law library fee”.

In line 17, delete the boldfaced material.

In lines 35 to 42, delete the boldfaced material.

When replacing material with new material, the original material is deleted first and then the new material is inserted. For example:

On page 3 of the printed bill, line 17, delete “without” and insert “after”.
In line 3, after “county” delete the rest of the line and insert “and city”.
Delete lines 4 through 6 and insert “and . . .”.

An exception to this rule is as follows:

In line 26 of the printed bill, after “membership” insert a period and delete the rest of the line.

When possible, one amendment should combine deletions of material that include the “rest of the line,” and subsequent lines and pages. Always use “delete” before a deleted page. For example:

On page 6, line 19, after the period delete the rest of the line and lines 20 through 34 and delete pages 7 and 8 and insert:
“**SECTION 7.** (1) At any time. . . .”.

The deletion of quoted material in one line and the deletion of a following line or lines should not be combined in the same amendment. For example:

In line 12, delete “and lottery funds”.
Delete lines 13 through 32 and delete pages 3 and 4.

⇒ **Restoring material.** Material is restored as shown in the following examples:

On page 2 of the printed bill, line 18, restore “(3)” and delete “(2)”.
Restore lines 20 through 23.
On page 3, line 7, restore “notwithstanding”.
In line 8, restore the bracketed material.
In lines 32 through 35, restore the bracketed material.
On page 4, line 10, delete “any” and restore “Marion County”.
In line 12, restore the bracketed material and after “county” insert “and city”.
In line 14, restore the bracketed material.
In line 15, restore the bracketed material and delete “30 days after”.

When restoring material and then inserting new material directly after the restored material, it is necessary to include a point of reference. For example, **use**:

In line 12, after the comma restore the rest of the line and after “election” insert a period.

Do not use:

In line 12, after the comma restore the rest of the line and insert a period.

⇒ **Miscellaneous.** If the same word appears more than once within the line, use the following form:

On page 2 of the printed bill, line 17, after the second “of” insert “the”.

However, sometimes it is clearer to insert **before** a word, rather than after a repetition of word.

If the same change needs to be made more than once in the same line, the drafter should use:

In line 14, delete “director” and insert “administrator” in both places.

In line 28, delete “the” and insert “an” in all places.

There are several ways to begin a new paragraph in the middle of a line, depending on the circumstances. For example:

In line 24, delete the comma and insert a semicolon and begin a new paragraph and insert “(c)”.

In line 21, after the period insert “However, in lieu of the . . .

“(5) . . .”.

On page 5, line 3, delete the period and insert “; or

“(c) The holder of the . . .”.

To insert new material that begins a paragraph, the drafter should use:

After line 22, insert:

“**SECTION 2.** ‘Legend drug’ means . . .”.

When two or more changes are made in the same line, the drafter should use the following form:

On page 1 of the printed bill, line 3, after “ORS” insert “619.652,” and after the semicolon insert “appropriating money;”.

In line 6, after “of” insert “foreign government” and delete “age, handicap,” and after “marital” insert “or sex”.

To fill in a blank by amendment, the drafter should use:

In line 6, delete the blank and insert “10”.

When amending a sum of money, the deletion or insertion should always include the dollar sign. For example:

In line 6, delete “\$_____” and insert “\$1,000”.

In line 8, delete “\$1,000” and insert “\$500”.

A misspelled word in a printed bill may be corrected without an amendment, and an amendment should not be prepared **solely** to correct a misspelling. If a line to correct a misspelling is included with other amendments, it follows the following form:

In line 21, delete “cmmmittee” and insert “committee”.

When amending numbers, the drafter should always use the complete number. For example:

In line 2, delete “672.050” and insert “673.050”.

In line 5, delete “\$15,000” and insert “\$16,000” and delete “\$5.25” and insert “\$5.50”.

⇒ **Deletion of bill.** When all of the text of a bill is to be deleted, the line-by-line instructions begin with the line number of the first section of the text. Neither the title nor the enacting clause is deleted. However, the drafter should make sure that the title still applies to the new matter. For example:

On page 1 of the printed bill, delete lines 4 through 30.

Delete pages 2 through 5 and insert:

“**SECTION 1.** The county governing . . .”.

3. AMENDMENTS TO A PRINTED BILL THAT HAS NOT BEEN PRINTED ENGROSSED.

Since 1991 the Senate and House Desks have printed all amended measures engrossed. If this rule should change, they might return to the previous practice of sometimes voting on a printed bill with separate printed amendments. In that case, a drafter may need to amend either the printed amendments or the printed bill or both, depending on the amendments requested.

If you are requested to delete all of the text of a bill that has been previously amended but **not printed engrossed**, first delete all previous amendments. For example:

Delete the printed House amendments dated February 20.

On page 1 of the printed bill, delete lines 4 through 28.

Delete pages 2 through 5 and insert:

“**SECTION 1.** The director shall . . .”.

⇒ **Amending printed amendments.** When any new amendments will affect lines of the printed bill that have been amended in prior printed amendments, the new amendments must be directed to the printed amendments. In other words, amendments cannot be directed to a line of a printed bill if that line has previously been amended.

If the new amendments do not affect any previously amended lines, the practice is to amend the last version of the printed bill and proceed as for any other amendments.

Changes in prior printed amendments to the bill when no printed engrossed bill intervenes use the following form:

In line 6 of the printed House amendments dated April 6, delete “of” and insert “or”.

OR

On page 1 of the printed House amendments dated April 4, delete lines 5 through 7.

When both the previous amendments and the printed bill must be amended, it is necessary to amend the previous amendments **first** and then amend the bill.

In line 10 of the printed House amendments dated February 20, delete “a” and insert “the”.
On page 2 of the printed bill, line 13, restore the bracketed material.

Sometimes when amending a bill, all previous amendments are to be deleted. Only one amendment statement is necessary to delete all previous amendments. For example:

Delete the printed House amendments dated April 15.

OR

Delete the printed House amendments dated February 10 and February 20.

If previous amendments are to be amended very extensively, it may be simplest to delete those amendments and to incorporate into the new amendments those portions of the previous amendments that would have been unchanged. For example:

Delete the printed House amendments dated March 15.
On page 2 of the printed bill, line 4, after “the” insert “sanitation district and”.

If, in amending an amendment, an effective date, emergency clause or other special provision is being added to a bill, the title of the bill must be amended to reflect that provision. For example:

After line 3 of the printed House amendments dated April 22, insert:
“**SECTION 2.** This (year) Act takes effect March 1, 2004.”.
In line 2 of the printed bill, after “459.850” insert “; and prescribing an effective date”.

4. AMENDMENTS TO RESOLUTIONS AND MEMORIALS.

Amendments to resolutions and memorials follow the same form as amendments to bills. The first line of the amendment must accurately identify the correct version of the resolution or memorial that is being amended:

On page 2 of the printed concurrent resolution, line 23, after “city” insert “or”.

On page 2 of the printed A-engrossed joint memorial, line 2, . . .”.

5. CONFERENCE COMMITTEE REPORTS.

Conference Committee reports often assume a slightly different form because of the need to reconcile prior and differing House and Senate amendments in order to produce the same text for both houses regardless of the particular text of the prior versions. These changes are shown in the report but may not affect the text of the amendments.

For example, the *Congressional Record* reports the following:

Mr. Gray of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (HR 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, with the Senate amendment

to the House amendment to the Senate amendment to the House amendment to the Senate amendment thereto, to recede from disagreement to the Senate amendment, and to concur therein with an amendment.

Four examples of the most common conference committee situations are as follows:

(1) Concur and repass: <spm ccspeaker> + <spm hconcura>; *or* <spm ccpres> + <spm sconcura>

Speaker _____:

Your Conference Committee to whom was referred A-engrossed House Bill 2925, having had the same under consideration, respectfully reports it back with the recommendation that the House concur in the Senate amendments dated June 3 and that the bill be repassed.

(2) Concur and amend: <spm ccspeaker> + <spm hconcurb>; *or* <spm ccpres> + <spm sconcurb>

Speaker _____:

Your Conference Committee to whom was referred B-engrossed House Bill 2906, having had the same under consideration, respectfully reports it back with the recommendation that the House concur in the Senate amendments dated June 15 and that the bill be amended as follows and repassed.

(3) Recede and repass: <spm ccspeaker> + <spm hrecedec>; *or* <spm ccpres> + <spm srecedec>

Speaker _____:

Your Conference Committee to whom was referred B-engrossed House Bill 3023, having had the same under consideration, respectfully reports it back with the recommendation that the Senate recede from the Senate amendments dated June 15 and that the A-engrossed bill be repassed.

(4) Recede and amend: <spm ccspeaker> + <spm hreceded>; *or* <spm ccpres> + <spm sreceded>

Speaker _____:

Your Conference Committee to whom was referred B-engrossed House Bill 2309, having had the same under consideration, respectfully reports it back with the recommendation that the Senate recede from the Senate amendments dated May 30 and that the A-engrossed bill be amended as follows and repassed.

Publication Services keeps a notebook with examples for more unusual situations.

6. CONFLICT AMENDMENTS.

An “if” amendment can be used when two bills amend the same section and neither has been enacted or when one of the bills has been enacted but has not yet been assigned a chapter number for Oregon Laws. An “if” amendment is put in **only one bill**, usually the later or least advanced bill. For example: <spm cona>

SECTION 48. ORS 342.601 is amended to read:
342.601. (1) (Insert text)

SECTION 48a. If House Bill 2533 becomes law, section 48 of this (year) Act (amending ORS 342.601) is repealed and ORS 342.601, as amended by section 8, chapter _____, Oregon Laws 2001 (Enrolled House Bill 2533), is amended to read:
342.601. (1) (Insert text)

Any bracketed material is deleted and any inserted material is included (not in bold) from the first bill (in the example, House Bill 2533). Only material that is deleted or inserted by the later bill (in the example the bill in which “**SECTION 48.**” appears) will be bracketed or appear in boldfaced type.

An “as amended by” amendment can be used when two bills amend the same section and one bill has been assigned a session law chapter number. For example: <spm conamend>

SECTION 2. ORS 1.360, as amended by section 3, chapter 125, Oregon Laws 1993 (Enrolled Senate Bill 5555), is amended to read:

Any bracketed material is deleted and any inserted material is included (not in bold) from the first bill (in this example, Senate Bill 5555). Only material that is deleted or inserted by the later bill (in the example, the bill in which “**SECTION 2.**” appears) will be bracketed or appear in boldfaced type.

There are many ways to resolve conflicts. If problems arise with conflict amendments, contact the conflicts team in Publication Services. See also “CONFLICTING AMENDMENTS” in chapter 13 of this manual.

7. AMENDMENTS TO PROPOSED AMENDMENTS.

Legislative committees may request amendments addressing proposed amendments (LC draft amendments). This is extremely rare; it happens only when the proposed amendments are particularly voluminous. Proposed amendments are referred to as “typed amendments.”

Amendments to typed amendments must identify the typed amendments with the date they were prepared (March 4) and their assigned Legislative Counsel docket number (HB 2509-1), for example:

On page 1 of the typed amendments to House Bill 2509 dated March 4 (HB 2509-1), after line 17, insert:
“(c) Specify circumstances under which the Department of Transportation may cease to issue distinctive indicia of registration for any particular group.”.
In line 18, delete “(c)” and insert “(d)”.

