

Senate Rule 2.01 Use of *Mason's Manual of Legislative Procedure*.

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

Mason's Legislative Manual – Sec 6 (2)

A constitutional provision regulating procedure controls over all other rules of procedure.

Oregon Constitution, Article II, Section 10. Lucrative offices; holding other offices forbidden. No person holding a lucrative office, or appointment under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution [sic] expressly permitted; ...

Oregon Constitution, Article III, Section 1. Separation of powers. The powers of the Government shall be divided into three separate branches, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these branches, shall exercise any of the functions of another, except as in this Constitution expressly provided.

Oregon Constitution Article IV, Section 17. General powers of Legislative Assembly. Each house shall have all powers necessary for a chamber of the Legislative Branch, of a free, and independent State.

Oregon Constitution, Article IV Section 14. Deliberations to be open; rules to implement requirement. The deliberations of each house, of committees of each house or joint committees and of committees of the whole, shall be open. ...

Oregon Constitution, Article IV, Section 15. Punishment and expulsion of members. Either house may punish its members for disorderly behavior, and may with the concurrence of two thirds, expel a member; but not a second time for the same cause. ...

Oregon Constitution, Article IV, Section 9. Legislators free from arrest and not subject to civil process in certain cases; words uttered in debate. ... Nor shall a member for words uttered in debate in either house, be questioned in any other place.—

Oregon Constitution, Article IV, Section 11. Legislative officers; rules of proceedings; adjournments. Each house when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members; determine its own rules of proceeding, and sit upon its own adjournments; ...

Oregon Constitution, Article IV, Section 8. Qualification of Senators and Representatives; effect of felony conviction. (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a Senator or Representative if the person at the time of election: (A) Is not a citizen of the United States; And (B) Has not been for one year next preceding the election an inhabitant of the district from which the Senator or Representative may be chosen. ...

Mason's Legislative Manual - Sec 521 (3)

(3) It is the practice in state legislatures to excuse a member from voting when the member has a personal interest in the matter voted upon or for another good cause.

Mason's Legislative Manual - Sec. 522 (1)

1. It is the general rule that no members can vote on a question in which they have a direct personal or pecuniary interest. ...

Senate Rule 3.33 Announcement of Conflict of Interest.

(1) When involved in an actual or 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 actual or potential conflict prior to voting on the issue giving rise to the actual or potential conflict.

ORS 173.900 (10) *Conduct Committee Recusal*

Notwithstanding subsection (8) of this section, a member of the Joint Committee on Conduct shall be recused from service on a committee on conduct performing functions under Article IV, section 15, of the Oregon Constitution, if the facts and circumstances at issue could impair the member's ability to act impartially and without bias. In the event of a recusal, the appointing authority shall appoint an acting member until the functions performed under Article IV, section 15, of the Oregon Constitution, have been resolved.

Oregon State Bar (Chief Justice) Oregon Rules of Professional Conduct C 1.7(a) provides:

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a current conflict of interest. A current conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client;

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer; or ...

Oregon State Bar (Chief Justice) Oregon Rules of Professional Conduct RPC 1.7(b) provides:

(b) Notwithstanding the existence of a current conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not obligate the lawyer to contend for something on behalf of one client that the lawyer has a duty to oppose on behalf of another client; **and**

(4) each affected client gives informed consent, confirmed in writing.