

# The Legislative Process



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*Updated January 2013*

# The Legislative Process

## **Legislative Authority**

The Legislative Assembly, the name given the Legislature in the Oregon Constitution, is where the people speak through their elected representatives. Article IV of the Oregon Constitution authorizes the Legislative Branch and vests the legislative power, subject to important limitations: “The legislative power of the State, except for the initiative and referendum powers reserved to the people, is vested in a Legislative Assembly, consisting of a Senate and a House of Representatives.” Legislative limitations are discussed in the next section.

When able to obtain 31 votes in the House and 16 votes in the Senate, the Legislature can pass measures which create new law and amend or repeal existing law. (A three-fifths vote of each House is necessary to pass bills for raising revenue.) Revenue measures must originate in the House of Representatives. Budget decisions are a major responsibility of the Legislature. Membership on the Ways and Means Committee, which looks at, adjusts, and adopts budgets, is a goal of many legislators.

Legislators are expected to provide oversight and, in effect, serve as the “board of directors” for all of state government. Many laws are written with the expectation that they will be clarified and made specific through administrative rules adopted by state agencies. Legislators review administrative rules, to assure that they are consistent with their legislative intent.

Another responsibility is to determine when agencies, commissions, or other entities within state government, as well as specific laws should be “sunsetting.” The sunset process is intended to assure that unneeded entities and laws not serving a useful and current purpose cease to exist.

Appointments made by the Governor to many important offices must be confirmed by the Senate before the appointee is eligible to serve.

The Legislature is also a forum where conflicts between opposing interests and individual grievances find expression. During the course of a typical session, 4,000 measures may be introduced, with only about a third of them becoming law.

## **Legislative Limitations**

Adopted in 1857, two years before statehood, the Oregon Constitution provides checks and balances similar to those found in the U.S. Constitution. For instance, veto authority is given to the Governor, who can reject measures approved by the Legislature. Only if the Legislature is able to repass the measure by a two-thirds vote can a bill become law over the Governor’s objection. Oregonians added further controls over Legislature products by carving out and reserving to themselves, in 1902, the powers of initiative, referendum and recall.

The initiative gives the people the opportunity to enact or amend laws by placing issues on a state-wide ballot, after a petition campaign. Under the referendum authority, people can approve or reject legislatively enacted laws. A referendum can occur either as a result of measures being referred to the people by the Legislature or as a result of citizens gathering enough petition signatures within 90 days of legislative adjournment to put the measure on the ballot. The power of recall allows the people, after a successful petition effort, to place the

question of whether or not named public officials shall be recalled from office.

### **Organization and Control**

After the May/November elections held in even-numbered years, legislators meet in Salem on the second Monday in January of odd-numbered years for 160 days and even-numbered years for 35 days. Getting organized requires 90 legislators to formally elect their leaders, who then have the authority to determine how legislative control will be exercised. Making committee appointments, including the position of chair, is a key benefit and tool of control.

Control generally goes to the party which wins more seats and is therefore in the majority. In the Senate, 16 of 30, and in the House, 31 of 60, will decide whether Democrats or Republicans will occupy the most powerful positions. On a few occasions, the split has been equal, or close enough that organizing and electing leadership has required negotiation and compromise between the parties.

The most powerful legislative positions are President of the Senate and Speaker of the House of Representatives. These officers decide who will chair the various committees through which much of the work of the Legislature is accomplished. They preside over daily sessions, oversee the operations of their chamber, and decide to which committee particular bills will be referred. They also determine who serves on which legislative committees, except that appointment from the minority party in the House are made by the Speaker upon the recommendation of the House minority leader.

Discussions preliminary to formal election and appointment to legislative leadership positions occur in the party caucuses. Seniority, experience, personal interests, political considerations, and many other factors determine who will occupy which positions.

The caucuses also elect partisan leaders to manage caucus affairs. Majority and minority leaders in each chamber retain permanent staff to administer the caucus office and provide service including public information, constituent relations and general operational assistance.

### **Legislative Committees**

Oregon's legislative process, unlike some Legislatures in the nation, is dominated by legislative committees, where most of the work to shape legislation and public policy is done. Committees are made up of small groups of legislators from both political parties, who deal with related issues such as transportation, revenue, education, labor, and economic development. During the 2012-13 sessions, there will be fifteen House committees, ten Senate committees, and five joint committees, including Ways and Means, plus a number of subcommittees and conference committees.

House and Senate committee members, committee chairs and vice chairs are appointed by their respective presiding officers. The committee chair has the power to determine which measures will be on the committee's agenda. The chair also directs the committee's staff and presides over its deliberations. In some instances, the committee chair may also appoint subcommittees. A list of committees and their chairs, administrators, and members can be found on the Legislature's web site: [www.leg.state.or.us](http://www.leg.state.or.us). In addition, you can listen to the committee hearings on line, by selecting audio/video from the web site.

Committee members consider the testimony of lobbyists, business, education, and government agency representatives and Oregon citizens during public hearings on a measure. The number of public hearings held on a measure depends on the complexity of the issue.

Sometimes an issue, considered a “housekeeping” measure, receives very little testimony.

The fate of a measure is determined during work sessions, when the committee debates and votes on measures. The committee may choose from several options when dealing with a measure. They may or may not choose to amend it. If they decide to report a measure out of committee, they may attach a recommendation of “do pass,” “do pass with amendments,” or “no recommendation.” A committee may also choose to “table” a piece of legislation, sometimes postponing its consideration until a motion is adopted to “take from the table.”

For most committees, inaction for a specified time without referral results in automatic tabling for a bill. The limit is 60 days in the House and 75 in the Senate. No limit is set for the Ways and Means Committee.

### **Legislative Records and Publications**

The Oregon Constitution requires that each house keep a journal of its proceedings. The *Senate and House Journal* is published after each legislative session. A *Joint Legislative Calendar* is published daily during session. The *Final Calendar* is a compilation of floor and committee action on all bills introduced during the session and is published shortly after session adjournment.

The *Joint Legislative Guide* is published at the beginning of each legislative session and serves as a general directory for members, legislative employees and those working with the legislative process. The *Joint Legislative Schedule* is produced daily for the Legislative Assembly and interested parties, and the *Weekly Cumulative Index* to Legislative Measures is published and updated weekly. The *Senate and House Third Reading Calendars* are published for each day the respective bodies meet, listing those measures coming before the bodies for debate and vote. A cumulative *Calendar* is published each Monday.

All publications are available on the Legislature’s web page: [www.leg.state.or.us](http://www.leg.state.or.us). Paper copies of daily mini-calendars will be available for free. All other paper copies of publications will have a charge.

### **The Path of a Bill**

The path of a bill, from the time it is just an idea, to the time it arrives at the Governor’s desk for approval, is paved with many detours. In order for a bill to become law, it must be passed by both houses in identical form. This is achieved through the following step-by-step process, using the House of Representatives, for example, as the house of origin.

- An idea to change, amend, or create a new law is presented to a representative.
- The representative decides to sponsor the bill and introduce it to the House of Representatives, and requests that the attorneys in the Legislative Counsel’s office draft the bill in the proper legal language. If the bill is presented during the legislative interim, the representative can take the bill to an interim committee and have the committee draft the legislation.
- The bill is then presented to the Chief Clerk of the House, who assigns the bill a number and sends it back to the Legislative Counsel’s office to verify it is in proper legal form and style.
- The bill is then sent to the State Printing Division, where it is printed and returned to the House of Representatives for its first reading.
- After the bill’s first reading, the Speaker refers it to a committee.

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- The committee reviews the bill, holds public hearings and work sessions.
- In order for the bill to go to the House floor for a final vote, or be “reported out” of committee, a committee report is signed by the committee chair and delivered back to the Chief Clerk.
- Any amendments to the bill are printed and the bill may be reprinted to include the amendments (engrossed bill).
- The bill, now back in the house of origin (House), has its second reading.
- The measure then has its third reading, which is its final recitation before the vote. This is the time the body debates the measure. Bills may not be amended on the floor, only in committee. To pass, the bill must receive the "aye" votes of a majority of members (31 in the House, 16 in the Senate, except for bills to raise revenue, which require a three-fifths majority—36 in the House and 18 in the Senate).
- If the bill is passed by the House members, it is sent to the Senate.
- The bill is read for the first time and the Senate President assigns it to committee. The committee reports the bill back to the Senate where the bill is given the second and third readings.
- If the bill is passed in the Senate without changes, it is sent back to the House for enrolling.
- If the bill is amended in the Senate by even one word, it must be sent back to the House for concurrence. If the House does not concur with the amendments, the presiding officers of each body appoint a conference committee to resolve the differences between the two versions of the bill.
- After the bill has passed both houses in the identical form, it is signed by three officers: the Speaker of the House, the Senate President, and the Chief Clerk of the House or Secretary of the Senate, depending on where the bill originated.
- The enrolled bill is then sent to the Governor who has five days to take action. If the Legislative Assembly is adjourned the Governor has 30 days to consider it.
- If the Governor chooses to sign the bill, it will become law on the prescribed effective date. The Governor may allow a bill to become law without his/her signature, or the Governor may decide to veto the bill. The Governor's veto may be overridden by a two-thirds vote of both houses.
- The signed enrolled bill or act is then filed with the Secretary of State, who assigns it an *Oregon Laws* chapter number.
- Staff in the Legislative Counsel's office insert the text of the new law into the existing *Oregon Revised Statutes* in the appropriate location and make any other necessary code changes.

The legislature’s web site also has a good explanation of how a bill becomes a law:

[www.leg.state.or.us/process.html](http://www.leg.state.or.us/process.html).

### **Effective Date of Legislation**

In accordance with ORS 171.022, "Except as otherwise provided in the Act, an Act of the Legislative Assembly takes effect on January 1 of the year after passage of the Act." The Constitution provides that "No law shall take effect until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law." Some bills specify a particular effective date or have emergency, sunset or referendum clauses.

### **Session Staff**

*Personal staff.* Each legislator typically employs two people: a legislative assistant and a secretary. The legislative assistant provides research support and works with constituents while the secretary provides clerical assistance. During the 1987 session, a bill was passed to enable legislators to employ staff part-time during the interim, as well as full-time during the session.

*Committee staff.* The staff of a committee typically consists of an administrator and an assistant. At the direction of the chair, responsibilities of committee staff include notifying legislators and the public of meetings, preparing official committee records, developing background information on issues, and generally assisting the committee.

*Floor staff.* Sergeant at arms, assistant sergeant at arms, pages, doorkeepers, and other receptionists are hired by each body to deliver messages, answer telephones, distribute bills and other publications, and perform other tasks.

*Other staff.* Other employees are engaged in a variety of tasks during a legislative session. The titles of these employees are self-explanatory: proofreaders, tour guides, security officers, custodians, maintenance personnel, telephone operators, mail clerks, and computer operators.

# Legislative Communications

**Web site for the State Legislature: <http://www.leg.state.or.us/>**

This web site is a rich source of information about the bills being moved through the Legislature and the activities of all the legislative committees. The key links at the top of the page are Senate, House, Bills/Laws, Committees, Budget/Tax, and Audio/Video.

Click on the Bills/Laws link and then on the year of the session to see the text of proposed bills, as well as histories of what has happened to each bill, including the number of votes for and against it. From the “Other Measure Information” link, you can get to staff measure summaries, which explain the bills and the major issues discussed in the committee meetings.

The Committees link leads not only to lists of the members of each committee, but also the committee’s meeting schedule and agendas. From this link, or from the Audio/Video link, you can get to audio and/or video recordings of floor sessions and committee meetings either live as they happen or archived. This provides a way of following the legislative session from your computer at home. You only need to check the measure history for a bill to find the committee and date when it was discussed and then listen to that recording.

Also notice the list of other useful links on the right side of this site, including ones that go to publications from the Legislative Counsel, the Legislative Revenue Office and the Legislative Fiscal Office.

A little time spent exploring the Legislature’s web site can pay off handsomely in helpful information. Also you can find minutes of committee meetings from the Oregon State Archives web site, <http://arcweb.sos.state.or.us/>. Click on Legislative Records.

## **Communicating With Your Legislator**

Knowing your legislator or legislators is relatively easy, and being acquainted is a big help when you need to communicate with them. Talking or writing to someone you know personally is almost always easier than dealing with a stranger, particularly a busy stranger.

Whether or not you know the legislator with whom you want to communicate, some simple but important points should be kept in mind: be brief, be clear, be accurate, be civil, be persuasive, be timely, be persistent and be grateful. These points apply whether you are using the telephone, are testifying to a committee, or just writing a letter or an email.

Some other common sense rules are obvious to most of us. Don't promise rewards, offer deals or make threats. And don't attack your opposition. Legislators who are doing their jobs will be listening to your opposition just as they listened to you. Attacks on your opponents weaken your message.

## **When You Meet With Your Legislator**

Make an appointment by email or telephone. Outline the issues you wish to discuss in your letter or in your call. If you've had prior discussions about these issues, mention them. Don't insist on setting up the appointment through the legislator; he or she has competent helpers. Obviously, you should be as courteous with staff as you are with the legislator. They can help you, or not.

When you arrive, on time, limit the issues you discuss to not more than three. Organize your presentation. Be brief, friendly, and to the point. Unless the legislator wants to extend the visit, plan on not more than 15 minutes. Prepare a brief summary of your comments to leave with the legislator, and documentation which helps confirm your message. Offer to provide additional information and assistance. The written message should restate exactly what you're asking of your legislator. Some legislators have paperless offices, so you may need to send an electronic copy of your written material.

Face to face visits are usually more beneficial if you're not working in a crowd. Don't just bring someone along for moral support; time spent in pleasantries increases and cuts into the time you have for delivering your message.

If you're asked a question you can't answer, say so and ask for a chance to do some checking and provide the answer later. Don't bluff--it always shows. The embarrassment, if any, of not having a quick answer will be far less than having given the wrong answer. When you get back home, or after you've talked with your legislator by phone, or after he or she has voted your way or done something else to help you, send an email thank you letter. The vast majority of all email a legislator gets is either complaining or demanding action. A thank you email will be a hit. Besides, it's the polite thing to do.

### **When You Write**

The Legislature strongly prefers electronic communication, so please use email whenever possible. Keep your email length to about 500 words or less (about one type-written page). If you must exceed this length, make the additional information an attachment which elaborates on your summary. Be absolutely sure you spell the legislator's name correctly and have the right email address. If you don't, he or she will wonder how credible the rest of your letter is.

If you're writing to several legislators on the same subject, don't address them in the same email. Individualize each email, and use your own words. Form letters just don't have the same impact as a personal note; consider your own reaction to "junk mail."

In the subject line and in the first paragraph, clearly identify the issue (or bill) you are writing about, and only discuss one issue or bill per email. Give definite and concise reasons for your position. Be specific. A few facts and figures supporting your position will be more effective than just stating your opinion.

Explain the impact of the legislation or issue on you and other constituents. What needs are being met or unmet? Provide facts.

Suggest, don't demand, a course of action. Be constructive. If you have expert knowledge or wide experience on the subject or your letter, let the legislator know of your expertise. Don't be condescending--be forthright and helpful. Ask, tactfully, for a response. Express your appreciation--say thanks.



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### Sample Letter of Support

Title, Name Address  
City, State, Zip

RE: HB 2130, Relating to Mental Health Services Dear Representative Smith:

As your constituent, I urge you to support and cast your vote in favor of HB 2130, which proposes to increase the availability of mental health services for Oregon's senior citizens.

This bill will provide for state funds for upgrading case management services, and establish drop-in mental health centers for our senior citizens.

Thank you for your attention in this matter. If you have any questions or require clarification, please call me at 503-555-6262.

Sincerely, Jane Doe  
123 Snow Terrace Lane Sandy, OR 97023  
(letter courtesy of [www.leg.state.or.us](http://www.leg.state.or.us))

### Appropriate forms of address and salutation

For the Governor:

The Honorable (full name) Governor, State of Oregon  
900 Court St. NE, Rm. 254  
Salem, Oregon 97301  
Dear Governor (last name):

For a Senator:

The Honorable (full name)  
State Senator (if to President, use **President of the Senate**)  
Home or interim address if Legislature is not in session; if in session,  
900 Court St. NE, S-???  
Salem, Oregon 97301  
Dear Senator (last name):

For a Representative:

The Honorable (full name)  
State Representative (if to Speaker, use **Speaker of the House**) Home or interim address if  
Legislature is not in session; if in session,  
900 Court St. NE, H-???  
Salem, Oregon 97301

Dear Representative (last name):

You can look up all contact information on the legislature's web site, [www.leg.state.or.us](http://www.leg.state.or.us). Click on Senate or House, and from there you can find information on each of the legislators, including session address, email, and web page.

# Lobbying and Lobbyists

Lobbying means trying to persuade a decision-maker to adopt the position you are advocating. People who engage in this activity are part of a proud and constitutionally protected tradition, that of "petitioning" their government. A valuable service is rendered by those who lobby; decisions made with information and advice from those affected will be better than those made abstractly.

Unfortunately, "lobbying" and "lobbyists" sometimes evoke images of shady deals, money under the table, and generally unethical conduct. Those images were earned by some individuals in our history, but they don't fit the vast majority of people who lobby. Safeguards have been built into the law, with penalties for violation for those whose personal standards of ethics and moral behavior prove inadequate.

The Oregon Ethics Commission (formerly the Oregon Government Standards and Practices Commission) enforces lobbying safeguards adopted by the Legislature. The purpose and means of regulation are summarized in ORS 171.730: "The Legislative Assembly finds that, to preserve and maintain the integrity of the legislative process, persons who engage in efforts to persuade members of the Legislative Assembly or the executive branch to take specific actions, either by direct communication with members or employees of the Legislative Assembly or the executive branch or by solicitation of others to engage in those efforts, should regularly report their efforts to the public."

In 1974, when the Ethics Commission was created, 297 lobbyists were registered, and they reported expenses of about \$1.4 million. About 800 lobbyists were registered for the 2009 legislative session reporting total expenditures for lobbyists and clients of almost \$30 million. This level of growth reflects both stricter reporting requirements and increased recognition of the importance of having someone who "represents your interests" working regularly with legislative and government officials. Information about lobbyists and expenditures are public record, available on the Ethics Commission web site at [http://www.oregon.gov/OGEC/public\\_records.shtml](http://www.oregon.gov/OGEC/public_records.shtml).

The "sunshine" provisions of Oregon lobby law are intended to encourage adherence to high standards of conduct; they provide a reminder and an incentive to protect the most important and valuable assets of the lobbyists. Those assets are credibility and a reputation for honesty. Legislators, like most decision-makers, depend on people whose words they can trust.

Lobbyists are required to register and to file statements of their expenses if they spend more than 24 hours or \$100 lobbying during any calendar quarter. Individuals are not required to register if they receive no compensation or reimbursement of expenses for lobbying and limit "lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies." Current law defines lobbying as "influencing or attempting to influence legislative action through oral or written communication with legislative officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of legislative officials."

Legislative action means "introduction, sponsorship, testimony, debate, voting, or any other official action on any bill, measure, resolution, amendment, nomination, appointment, report, or any matter which may be the subject of action by either house or any legislative committee, or may be subject to the approval or veto of the Governor."

If you are interested in knowing more about specific lobbyists and who they serve, an

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organization of professional lobbyists called the Capitol Club publishes a directory which includes photographs, names, addresses, and telephone numbers. Membership bylaws for this organization include rules of professional responsibility.

## The Role of the Governor and State Agencies

As Oregon's chief executive officer, the Governor prepares budget and other proposals for legislative consideration, coordinates the work of state agencies, makes appointments to boards and commissions, and provides leadership for state-wide planning activities. Other powers of the office include calling special legislative sessions, vetoing legislation, and chairing the State Land Board. The Governor is elected to a four-year term.

The Governor is the senior elected official of the Executive branch, and coordinates the activities of the office and the Department of Administrative Services with other state-wide elected officials. The Governor proposes a two-year budget to the Legislature, recommends a legislative program to each regular session, and may also call special sessions. He reviews all bills passed by the Legislature and may veto measures he believes are not in the public interest.

Because the budget recommendation must encompass all state government activity, the Department of Administrative Services receives budget proposals from all state agencies. For instance the Deputy Superintendent of Public Instruction submits the Department of Education budget for K-12 and community colleges to that office. The Chief Justice of the Oregon Supreme Court submits a budget for the court system. The Attorney General forwards a proposed budget on behalf of the Department of Justice.

Some conclusions which may be drawn from all of the above:

- The Governor, the Governor's staff, and members of the Department of Administrative Services have major roles in shaping budgets and setting legislative priorities.
- Many critical budget and policy decisions are made before the Legislature convenes.
- You need to know the decision-makers as well as the decision points in the budget and policy development process.

### **Legislative Interim**

The time period between sessions is referred to as the "interim." Legislative work continues during this time. Legislators serve on interim committees and task forces which study issues likely to be faced by the Legislative Assembly during the next session. Statutory committees are also active during this period.

The Legislative Emergency Board usually operates during the interim. The board watches over the state budget and may allocate funds to state agencies beyond the original appropriation from an emergency fund allotted by the Legislative Assembly. It may allocate monies to carry out an activity required by law for which an appropriation was not made. The Emergency Board may revise budgets by authorizing transfers between expenditure classifications. It may approve appropriations for new activities coming into existence after the budget's official submission to the Legislative Assembly.

--This page contains excerpts from the Higher Education Advocates Handbook

# Anatomy of a Hearing

Written by Kappy Eaton

The Oregon legislative process is designed to be open. Individuals and groups can request that legislation be drafted by contacting their elected representatives. Once drafted, the proposal is presented to the House or Senate by the appropriate elected legislator, and in most cases the bill is assigned to a committee. There are a number of formal committees established by the legislative leadership to consider the some 4000 bills which are introduced each session. Each committee has an administrator, many of whom have long-time experience in the Capitol and who may also staff the interim committees in between sessions. Each committee also has a chair, vice-chair and members appointed by the House Speaker and Senate President. The majority party names the chair and the majority of the members. The minority party also recommends membership, and is often awarded the vice-chair position, particularly when the percentages in each legislative house are close.

Again, in due time, the measure will come “up for a hearing.” Prior to the actual hearing, a great deal of work by the committee administrator has gone into preparation for the hearing. Files containing a copy of the bill are prepared for each member of the committee. Depending on the nature of the legislation, the administrator may have notified interested parties and discussed a possible hearing date. Professional lobbyists and experienced volunteer lobbyists follow the progress of specific legislation closely and make it a point to become well acquainted with committee administrators likely to be considering measures of interest to the lobbyists and advocates. Likewise, those interested will try to persuade the chair to hold a hearing if he or she seems reluctant. Many of us have participated in Action Alerts to get a bill heard. Remember that the committee chair has the power of life or death over measures. The chair can decide not to hold any hearings on a particular proposal, and that decision stands unless every member of the committee, in writing, demands a hearing, or pressure is applied by the legislative leadership. Sometimes, though rarely, the Speaker or the President will “sit on a bill” and not assign it to a committee or assign it to a committee which probably will not schedule a hearing.

People who are interested in specific issues such as land use, campaign finance, women’s health, or school finance check the legislative calendars carefully every day to see if particular pieces of legislation have been introduced, to which committee each was assigned, and if a hearing has been scheduled. They will consult with the committee administrator regarding timing, if additional back- ground information would be useful, and can suggest names of individuals who would be interested in testifying at the hearing so they can be notified. For example, in following bills dealing with election laws, it is important to be on a notification list maintained by the administrator’s staff for the Rules and Elections Committee of both houses. You then get phone calls or faxes or emails regarding the status of the bills which are to be considered. If supplemental material is supplied by a lobbyist or an advocate, this information can be placed in the files of the committee members prior to the hearing.

The daily calendars usually will have at least two committee meeting schedules ahead with regard to the bills to be given a hearing. Most committees meet either Monday, Wednesday

and Friday or Tuesday and Thursday, depending on the work load anticipated for the committee and the schedules of the chairs. The Ways and Means committee is a joint committee of both houses, and the six subcommittees often meet every day prior to the beginning of the regular legislative sessions. For the last two or three sessions, the schedules of hearings on state agency budgets have been announced at the beginning of the Legislature. For example, the Mental Health Division will be told to be prepared to discuss their budget beginning March 13. The hearings on the various divisions within the Department of Human Services will continue in order, following the department's overall General Fund budget. Often the timetable has to be adjusted because more time is needed for a particular agency, but it does give staff time to plan their presentations and allocate staff. This type of notification also helps advocates who can prepare their information and arrange for citizen support without last minute notification, except, of course, when hearings go longer than scheduled, or they are canceled at the last minute, or they are limited to "invited testimony only". Depending on the depth of questions and necessary additional information, specific agency hearings can continue for weeks. And some legislative proposals require extensive hearings in both houses. A case in point is the 2009 Health Care Reform package that required hearings over a several-month span.

The purpose of hearings is to provide the reviewing committee with background information about the substance of proposed measures, to foster discussion about the pros and cons of bills and to allow citizens as well as paid lobbyists the opportunity to speak. What exactly happens during a hearing? There are numerous hearings rooms scattered around the Capitol. When the legislative session begins, each committee has an assigned hearing room which rarely changes. Every day, outside each hearing room, the schedule of committee meetings and bills to be heard by that committee will be posted. When meetings are canceled, moved or postponed, that information will be added to the schedule. Just prior to the appointed time for the committee to convene, the committee administrator and staff bring in the bill folders, set up to record the proceedings, put out sign-up sheets for each bill to be heard where perspective witnesses will indicate they wish to speak and whether in favor or opposition, and may put out copies of any testimony which has already been turned in.

Those testifying are requested to bring in a certain number of copies of their prepared testimony. This is changing. Some committees will only want electronic copies of testimony. These will be available on line for the public to see. These are turned into the committee staff either at the start of the hearing or just before the person presents testimony. Unless the specific testimony is very detailed or technical, witnesses are requested to summarize their remarks rather than reading verbatim from their prepared material. Some committee chairs are better at calling witnesses than others. If someone has traveled over 100 miles, the chair generally will call that person out-of-sign-up order. Members of the Legislature who are sponsors of a bill to be heard will be given the first opportunity to speak. However, some committee chairs do not follow any protocol and will call on people they want to hear first, will ignore citizens, will intimidate the newcomer to legislative process, will summarily adjourn or postpone a hearing, and increasingly will schedule "invited testimony only". Often the testimony of member organizations such as AAUW and the League is listened to politely, but few questions are asked. However, if a legislator is interested in pursuing a particular point, there may be quite a bit of give and take between the witness and members of the committee. If a witness proposes amendments or suggested amendments to a measure, the committee may postpone the hearing until such

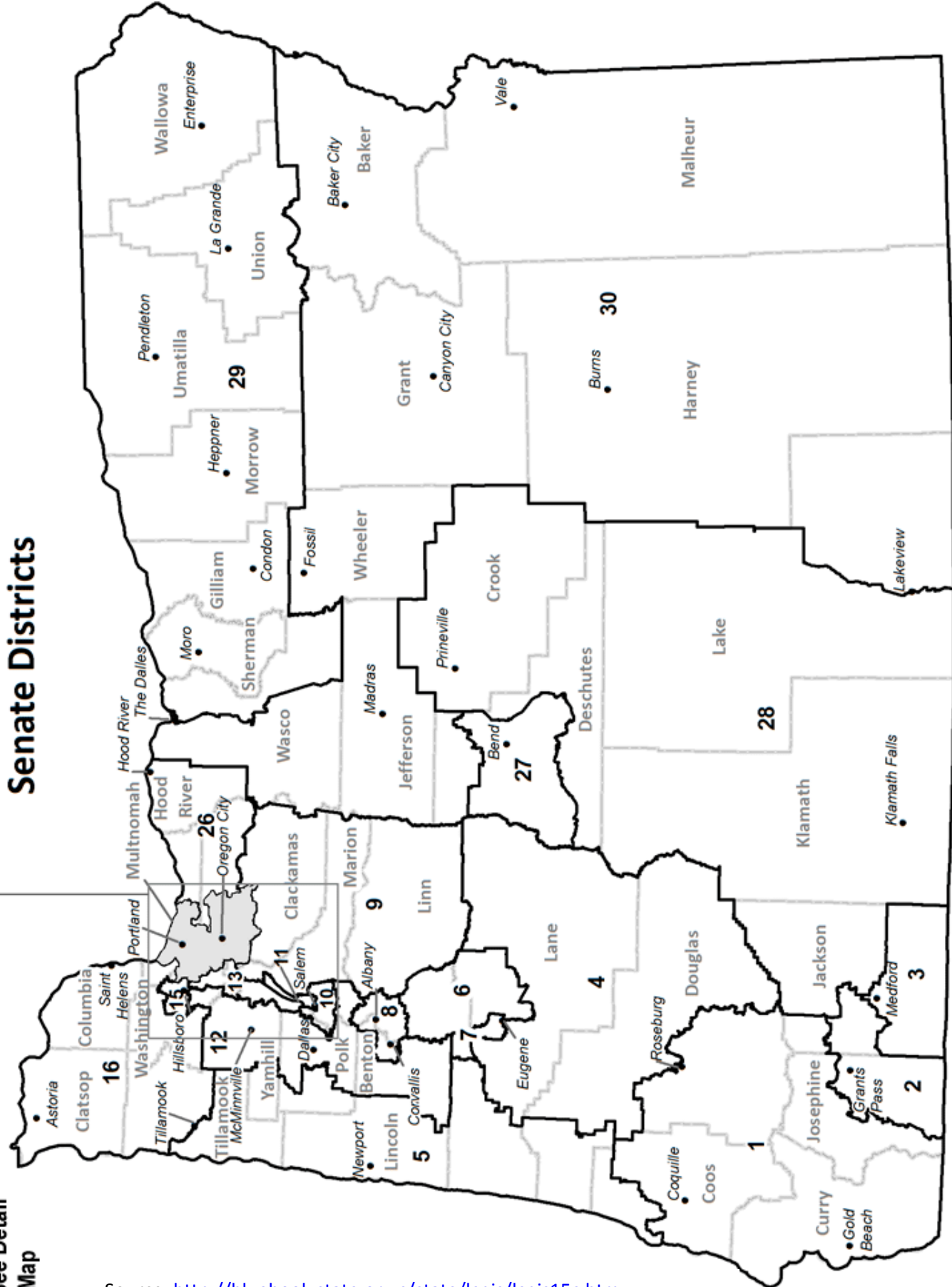
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amendments can be included in the discussion.

When testimony on a specific measure has been completed, the chair will adjourn the hearing. The committee may then go into a work session immediately, or the work session may be scheduled for another time when the committee is meeting, or the bill may simply languish and a work session is never held. During the work session no public testimony is allowed, but if an agency or a lobbyist has been requested to provide additional information, they may be asked questions during the committee discussion. If there have been “behind the scenes” discussions among the members or directions from the Speaker or President or action by a party caucus, the bill may be voted on quickly by the committee. The action would be to pass as presented, to pass with amendments, to table, or fail to pass out. If the committee passes a bill, one member of the committee will “carry” the bill to the floor of the appropriate legislative house.

Sometimes hearings generate tremendous citizen interest. The committee administrator and the chair may provide for extra rooms where the proceedings can be seen on closed circuit TV, and security will allow only the allotted number of persons into the primary hearing room. “Body English” is often rampant during work sessions when interested parties would like to add or contradict or amend legislators’ understanding of measures, but no oral comments are allowed. During such times, additional information or statements can be given to the committee staff for inclusion in the bill folders, and advocates or opponents can try to contact individual legislators to make a point.

The hearings process in Oregon is one of the most user-friendly in the country. Many state legislatures do not hold open hearings on a regular basis, and there are restrictions on who can attend. While the Oregon system has its problems, it still offers citizens a unique opportunity to see representative government in action.



See Detail Map

Source: <http://bluebook.state.or.us/state/legis/legis15c.htm>









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