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**City
Club** of Portland
BULLETIN

Portland, Oregon

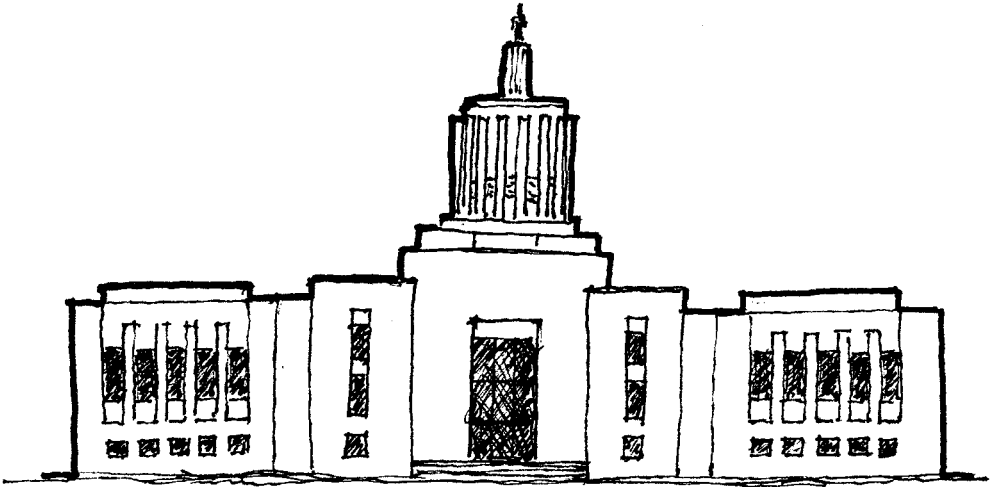
Vol. 61, No. 40

**RECOMMENDATION(S)
ADOPTED**

February 25, 1981

Printed herein for presentation, discussion and action on Friday, March 6, 1981:

**REPORT ON
STRUCTURE OF THE OREGON LEGISLATIVE
ASSEMBLY**



The Committee: Edwin H. Armstrong, Marilyn L. Day, Richard I. Detwiler, Susan P. Graber, William June, William W. Kinsey, Dana Rasmussen, Bruce B. Samson, Edward P. Smith, and Paul S. Wilson.

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"We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper."

Constitution of Oregon, Article I, Section 1 (1859).

Report on
STRUCTURE OF THE OREGON LEGISLATIVE ASSEMBLY

To the Board of Governors,
City Club of Portland:

I. INTRODUCTION

A. The Charge

In January of 1979, the Board of Governors of the City Club of Portland approved the formation of a study committee with the following charge:

"The Committee should undertake a study of the legislative assembly, including its organization, responsibilities, operations and performance, for the purpose of making recommendations regarding the structure of the legislative assembly."

The City Club's Standing Committee on State and Local Government recommended the study. The Standing Committee thought that it was time to assess the structure, composition, and performance of the Oregon Legislative Assembly, because it perceived:

"Modern developments have increased the size and complexity of the legislative agenda to the point where many legislators find it no longer possible to combine their public service with their private lives.

"The structure of the legislative assembly and the legislative process itself appear unable to deal effectively with the increased demands of modern state government and the complex policy issues which confront it every two years."

The standing committee also asked for an evaluation of the alternatives proposed for changing the structure of the legislature.

B. Method of Study

Your Committee studied the structure of the Oregon Legislative Assembly from April 1979 through November 1980. We reviewed the literature on state legislatures in general, as well as works specifically about the Oregon legislature. (See Appendix A: Bibliography.)

Students of American state legislatures agree about the functions which legislatures perform. For example, making laws and budgeting are legislative functions. However, there is no similar agreement about the criteria which should be used to judge performance of these tasks. Without clearly agreed upon criteria, and without the ability to gather extensive comparative data, your Committee could not objectively score the performance of the Oregon Legislative Assembly nor rank it on a scale with other state assemblies. Your Committee also believes that subjective perceptions of legislative performance are both vital and valid.

As a result, your Committee relied largely on the views of many Oregonians who are familiar with the legislature. We elicited their opin-

ions through structured interviews and questionnaires. In assessing the performance of the Oregon legislature, your Committee found that the witnesses and the Committee members stressed the following characteristics:

- honesty; independence
- efficiency, which still respects minority rights and full deliberation
- responsiveness; accountability; accessibility
- representativeness (that is, no domination by one group or interest)
- public perception of performance
- bill quality (is it clear? coherent?)
- sufficient continuity of membership
- ability to react to crisis and change
- ability to educate self (citizen input; investigations) and to gather, process, and utilize information
- ability to educate and inform the public

We interviewed a cross-section of persons whose experience makes them knowledgeable about the Oregon legislature. Included were scholars, members of the current and past legislatures, lobbyists, jurists, journalists, members of the executive branch, and members of Oregon's Congressional delegation. We tried to achieve an overall balance in several respects -- relationship to the legislature, geographic distribution, party affiliation, age, political philosophy -- as well as to reach those who have advanced specific proposals for change. Our purpose was to identify strengths, weaknesses, and remedies on which there was at least some consensus. Appendix B lists those interviewed.

In the early stages of this project, your Committee divided itself into two subcommittees which prepared background reports for the Committee's use. One subcommittee studied the general nature of the legislative process. The other examined the history and structure of the Oregon Legislative Assembly.

Your Committee supplemented its readings and interviews with a survey sent to all present and former legislators whose addresses could be obtained. The questionnaire focused on the areas identified as significant in our interviews. Sixty-seven of about 140 people responded. A reader poll published by the Oregon Journal produced a modest response.

Your Committee's interview guide, minutes, questionnaires, and responses are on file at the City Club office.

II. THE OREGON LEGISLATIVE ASSEMBLY

A. Purpose and Functions

Governmental power in the United States is distributed among three separate branches of government designed to balance one another. Classically, the legislative branch makes laws, the judicial branch interprets laws, and the executive branch administers and implements laws. Oregon follows this pattern:

"CONSTITUTION OF OREGON, ARTICLE III. DISTRIBUTION OF POWERS

Section 1: Separation of Powers. The powers of the Government shall be divided into three separate (sic) departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." (1859)

The legislative branch is most intimately connected to the people, the source of power. As Linde and Frohnmayer note, the legislature is central to the Western democratic tradition.¹ The constitutional separation of power relies on the legislature to represent "the consent of the governed," both in making law and in confining executive power.

The work of a legislature includes a number of basic activities: it must put programs together, evaluate existing programs, deliberate upon various problems and proposals, resolve conflicts, reach accommodations among contending views, educate the public and itself about important questions, and, by doing all these things, make public policy.² A legislature represents and balances the diverse views of individuals, groups, and interests. These activities are a legislature's obligations in representing the people and making authoritative decisions on their behalf.

A legislature carries out these general duties in several specific ways: lawmaking, including taxation; administrative oversight; budgeting and appropriating funds; representing citizens to their government and the government to citizens; informing the public; exercising confirmation powers; and impeachment. The Oregon legislature performs all these functions except the last.

Early state constitutions gave legislatures broad powers; they simply vested legislative power in described bodies. Since then, however, the citizens have imposed constraints upon their legislatures. Typically, these limits include four areas illustrated by the Oregon system:

First, the people may use the initiative and referendum to propose, enact, or reject laws or constitutional amendments independently of the legislature (Oregon Constitution, Art. IV, Sec. 1). This process removes policy issues from the legislature's consideration.

Second, state constitutions may limit substantively the kinds of legislation a state assembly may enact. For instance, Oregon Constitution, Art. XI, Sec. 7 limits deficit financing. Article IV, Sec. 23 forbids

1. Hans Linde and David Frohnmayer, "Prescription for the Citizen Legislature: Cutting the Gordian Knot", 56 Oregon Law Review 3 (1977).

2. Citizens Conference on State Legislatures, The Sometime Governments, A Critical Study of the 50 American Legislatures (1971).

the passage of numerous specific "local and special laws." Art. IV, Sec. 28 prescribes effective dates for legislative acts absent an emergency clause.

Third, specific policies formerly or usually left to statutory development may be enshrined in the basic document. Examples of legislative matters which have been dignified in Oregon by constitutional status include the voting in and out of the death penalty (Art. I, Secs. 36-38) and regulation of the following: liquor sales by the glass (Art. I, Sec. 39); bidding for state stationery (Art. IX, Sec. 8); corporate stockholder liability (Art. XI, Sec. 3); lotteries (Art. XV, Sec. 4); and married women's property (Art. XV, Sec. 5).

Finally, extensive functional limits may circumscribe legislative effectiveness or efficiency. The Oregon Constitution states that sessions shall be held biennially 3 (Art. IV, Sec. 10) and requires a special procedure for calling emergency sessions (Art. IV, Sec. 10a).

B. Present Structure

Oregon vests the formal legislative power of the state in a bicameral Legislative Assembly, consisting of a Senate and a House of Representatives. Initiative and referendum powers are reserved to the people.

1. Composition

The number of Oregon legislators, 30 senators and 60 representatives, has remained the same since 1876. 4 Senators serve four-year terms; half the senators are elected in each biennium. Representatives hold office for two years. 5 Because the legislature meets biennially 6 and only for several months, it has been historically a non-professional body with a diverse membership.

The concept of the "citizen legislator" is an integral part of Oregon's legislative system. Your Committee has extracted three principal characteristics to which witnesses and literature refer: (1) the membership of a "citizen legislature" represents the composition of the state's population; (2) a "citizen legislator" returns to the non-legislative world after adjournment and spends a significant portion of his or her time outside the state capitol; and (3) a "citizen legislator" does not make a full-time living from legislative salary and expenses. Based on this definition, the Oregon legislature is a "citizen legislature."

3. There is no statutory or constitutional limit to the length of the biennial session, nor is there an explicit prohibition against the legislature's adjournment to a day certain for a second session. However, as a practical matter, Oregon Constitution, Art. IX, Sec. 1a forces the Legislative Assembly to adjourn sine die (thus ending the entire biennial session) within a few months, because tax measures cannot go into effect until the 91st day after the legislature adjourns [33 Op Or Att Gen 396 (1968)].

4. Carey, "History of the Oregon Constitution," pp. 406-407.

5. Oregon Constitution, Art. IV, Sec. 4.

6. Ibid. Art. IV, Sec. 10.

2. Sessions

Regular sessions of the Legislative Assembly commence on the second Monday in January in each odd-numbered year.⁷ Special sessions may be called by the Governor or by a written request of a majority of the members of each house.⁸ There is no limit to the length of sessions.⁹ In recent years they have lasted five to six months.

Currently approximately 2,500 bills are introduced each session. About one-third become law.¹⁰ Committees do most of the work of considering and revising these bills. Bills may not be amended once they reach the floor.¹¹ Thus, the legislature limits itself to the final approval or disapproval of the committees' recommendations.

Each house has about 15 standing committees of 5 to 9 members each. Standing committees are set up, by rule, at the beginning of each session and cease to exist at the end. The number and size of standing committees vary from session to session. If a new topic comes up during the session which must be addressed, a "special" committee may be appointed for the remainder of the session.

The President of the Senate and the Speaker of the House appoint the committee chairs and vice-chairs. These leaders are also responsible for assigning members to committees and for designating the committees to which bills are referred. The rules of each house in each session govern the exact process.

Diverse statutory committees operate during the session but may also be active during the interim. The existence and membership of each statutory committee are mandated by statute. A statutory committee reviews a specific topic, such as trade and economic development or legislative counsel, and has a year-round staff.

Bills may be introduced in either chamber, except for bills to raise revenue, which must originate in the House. The procedures for introducing bills are set by the rules of each house. These rules have allowed unlimited introduction of measures but have imposed deadlines after which bills may not be introduced.

Appendix C describes how a bill makes its way through the system. A bill generally must meet the approval of both houses and the Governor. However, if the Governor vetoes a bill, the legislature may overturn the veto by a two-thirds vote of both houses.¹² If a tax or revenue bill, it may also be referred to the people.¹³

7. ORS 171.010.

8. Oregon Constitution, Art. V, Sec. 12.

9. Ibid. Art. IV, Sec. 10; ORS 171.015.

10. See Appendix E for history of bill introduction.

11. By House and Senate Rule; in the 1979 session, by Rules of the Senate, 5.40, and by Rules of the House of Representatives, 5.40.

12. Oregon Constitution, Art. V, Sec. 15b.

13. Ibid. Art. I, Sec. 32.

3. Interim

The work of the Assembly continues between sessions.

The Emergency Board is authorized by the Oregon Constitution and by statute.¹⁴ It is a joint committee, composed of fifteen members, which exercises the fiscal power of the Legislative Assembly during the interim. The Emergency Board is composed of the President of the Senate and the Speaker of the House; the Chairs of the Senate and House Ways and Means Committees; five members of the Senate (at least three of whom have had previous experience on the Ways and Means Committee), appointed by the President and confirmed by a majority of the Senators; and six members of the House (at least four of whom have some previous experience on Ways and Means), appointed by the Speaker and confirmed by a majority of the House members. The Emergency Board has substantial power. It can both restrict and control executive power and can initiate new policy.¹⁵

Legislators also serve on interim committees and task forces which study issues likely to arise in the next session. Interim committees have members from both houses and are created by joint resolution of the Legislative Assembly. House and Senate leaders name the committee members. Task forces differ in having members from only one house. They are created by rule, and the leaders appoint task force members. Interim or task force membership bears no necessary relationship to membership on standing or special committees in the prior or following sessions.

In addition, the administrative and party caucus offices in each house operate during the interim.

4. Staff

The Legislative Assembly employs about 200 people on its permanent staff. During the session, approximately 400 employees are added to the legislative work force.

5. Compensation

Legislators earn \$700 per month throughout their terms of office. The President of the Senate and the Speaker of the House earn twice as much.¹⁶

While the legislature is in session, state law allows each member \$44 per day for expenses. To cover expenses while the legislature is not in session, each legislator receives \$44 per day spent as a member at meetings of legislative committees, plus \$300 per month, mileage expenses, and a telephone allowance. For out-of-state business conducted while the legislature is not in session, legislators may opt to receive actual expenses (in lieu of the \$44 per diem and mileage charges), subject to the approval of the President of the Senate or the Speaker of the House.¹⁷

14. Ibid. Art. III, Sec. 3; ORS 291.322.

15. See Part III (C)(1)(b)(i), below, and City Club of Portland, "Report on State Emergency Board," Bulletin, January 24, 1977.

16. ORS 171.072.

17. Ibid.

In addition, each legislator may hire a secretary and a legislative assistant. For the 1981 session, each legislator has been allocated \$1985 per month for this staff. The suggested 1981 session salary for a secretary is \$946 per month and, for a legislative assistant, \$1039 per month.

C. Relationship to the Executive Branch

While the number of Oregon legislators has remained constant for over 100 years, the number of personnel and the scope of activities in the executive branch have burgeoned. Staff support for the legislature also has increased to meet the more complex demands upon individual members. However, the dramatic growth in departments, agencies, boards, and commissions suggests a change in the way the executive and legislative branches interact.

There are now 64 state agencies. Only seven of them existed in 1931. There were 13 by 1950 and, by 1960, 20 agencies had been created by the legislature or by executive order. Thus, more than two-thirds of the agencies have come into being within the past 20 years. Including agencies, advisory committees, councils, and boards, the executive branch encompasses about 250 organizations. At a minimum, the legislature must consider the budget of each one at some time during the biennial session.

1. Budgeting

The Governor prepares a budget and recommends it to the legislature.¹⁸ The Legislative Assembly in each biennial session then reviews and revises the Governor's proposed budget and passes tax laws to provide needed revenue.

State revenues come from two sources. General Fund revenues are generated by personal and corporate income taxes, gift and estate taxes, liquor sale profits, and federal revenue sharing. Other Funds derive from federal grants, selective sales or use taxes (such as gasoline tax), trust fund contributions (such as unemployment fund), licenses, and sales of services and commodities (such as timber).

The legislature may appropriate General Fund revenues for any public purpose. Typical examples are health and welfare, prisons, education, and governmental functions. An increased appropriation for one agency or program usually requires a reduction for another. Thus, competition for funds is keen. In 1977-79, General Fund resources made up less than one-fourth of the state's total resources. With the expansion of the executive branch, the budget review becomes more time-consuming and painstaking with each succeeding session.

In contrast, Other Fund revenues are either continuously appropriated to certain agencies or are dedicated by law to the support of specific programs. Examples include transportation (highways, motor vehicles), employee protection (unemployment, workers' compensation), regulatory activities (public utilities, banking), and natural resources (forestry,

18. ORS 291.202

wildlife). Because the legislature may not shift these moneys among programs, interagency competition for funds is minimal. Budget review is usually limited to examining the priorities within each program.

Oregon is one of only four states to vest interim budget adjustment solely with the legislature. The Executive Department does have the authority to review requests and refuse to submit them to the Emergency Board. But, in reality, the Executive Department is almost always in a position of seeking new funds for agencies.¹⁹ As a result, the legislature has more power to control expenditures than the executive has, both during the session and during the interim (through the Emergency Board).

2. Oversight

The legislature affects the work of the executive branch through its review of administrative rules of agencies. This function extends beyond the regular session, in the activities of the Emergency Board.

Even more fundamentally, the legislature can create agencies, to which it delegates power. It can abolish an agency or revoke part of its authority.

Another form of oversight is "budget notes." The notes specify what an agency may or may not do with the money appropriated to it. They are incorporated into Budget Reports on appropriation bills, prepared by the Joint Ways and Means Committee.

3. New Governor Taking Office; Approval of Legislative Appointments

The Governor may not take office until after the Legislative Assembly convenes. The Oregon Constitution requires the Speaker of the House of Representatives to open and publish the gubernatorial election results in the presence of both houses before seating the Governor.²⁰

In addition, the Senate must approve the Governor's appointment of 596 public servants to 85 different executive branch organizations.

4. Veto Power of the Governor

Finally, the legislative branch relates to the executive branch through the Governor's approval or veto of legislation passed by the House and Senate. However, when dealing with Emergency Board actions, the Governor has no veto power.

19. City Club of Portland, "Report on State Emergency Board," Bulletin, January 24, 1977.

20. Oregon Constitution, Art. V, Sec. 4.

III. FINDINGS

Your Committee's findings summarize the extensive testimony and materials presented throughout its study.

A. Trends

A number of current trends, taken together, both limit the range of potential action of state legislatures and complicate the problems they must solve. Any proposed structural revision must take into account this background.

Perhaps the most important of these trends is the pervasive and expanding role of the federal government. The federal government preempts some areas through uniform regulation, gives financial assistance in a bewildering array of packages, and imposes performance standards on state activities. This pattern of federal involvement is likely to continue.

A second trend is growth in the size and complexity of state government programs. Despite the frustration with growth expressed in the 1980 election, people have an expectation that government will solve more and more of their problems. In every decade, the legislature deals with newly perceived social ills and has more programs to oversee.

A corollary of these two is the growth of the state administrative structure described earlier in this report. The legislature creates an agency to administer a new program; the agency promulgates regulations; the staff discovers that the problem is complex and demands new funds and new programs; the cycle repeats.

Likewise, local and regional government are growing.

In sum, government touches citizens' lives in more and more ways.

Another major trend cited by our witnesses was the decline in participation, or at least a low level of participation, in the traditional legislative form of the political process. Fewer and fewer people perceive this process as relevant or responsive. Some react by forming tightly-organized single-issue interest groups. Others stay home from the polls.

B. Positive Aspects of the Present Structure

In Oregon, there are several strengths associated with the present structure. Most witnesses and survey respondents said that Oregon's legislature works well. Legislators, lobbyists, and observers concur that economic and social issues are effectively brought before the Legislative Assembly, contemplated by it and, if politically ripe, resolved. Most constituents find ready access to individual legislators in and out of session. Your Committee learned that interested citizens and groups regularly attend hearings and that the media cover the deliberations of both committees and the legislature as a whole. Even losers on hard-fought issues agree that the process basically succeeds.

Most witnesses and survey respondents cited the "citizen" nature of Oregon's Legislative Assembly as one of its best attributes, because the

legislators stay in touch with the problems of the real world.²¹ Witnesses see the Oregon legislature as "representative" both directly--through the diversity of occupations, geographic distribution, political philosophy, gender, age, wealth, race, etc.--and indirectly--as legislators are accessible to the electorate and to lobbyists representing a variety of interest groups. Respondents consistently mentioned the honesty of legislators, their lack of corruption, as a strength.

C. Concerns About the Present Structure

However, witnesses also perceive several areas of concern in the present structure: 1) managing the State's business under biennial sessions; 2) quality and composition of the legislature; 3) quality and management of legislation; and 4) public perceptions and single-issue politics.

1. Managing the State's Business Under Biennial Sessions

The biennial schedule creates the most significant concerns. These center around the difficulties of budgeting for two years and of managing legislative business in the interim.²²

(a) Difficulties of Biennial Budgeting

The largest problem created by a biennial legislature is that of planning for and managing a state budget on a two-year basis. The state budget has been growing rapidly during the past few decades, with new state programs and more federal funds available for them. This growth means increasing program management and decreasing effectiveness of a biennial budget. State agencies must project 2-1/2 years in advance in order to present their budgets to the legislature. Several witnesses suggested that the difference between the federal and state fiscal years aggravates this problem, because federal funds are a major source of income for state programs.

The need to project budgets far in advance encourages agencies to overestimate the money they will need to meet unforeseen contingencies, for fear they may have to do without a program. A biennial legislature cannot respond quickly to changes in projected revenues. While the legislature can be called into special session, the Governor and the legislature save that unwieldy process for dire circumstances.

In the summer of 1980, a projected \$203 million budget deficit forced the Oregon legislature into emergency session. That the 1980 special session was efficient and short is a tribute to advance program development by the Governor and legislative leaders, not to the system. Special sessions solely on fiscal matters are unusual (the prior one was in 1967), but only because state revenue normally has exceeded budgeted expenditures, and special sessions have not been called solely to allocate budget surpluses.

21. See Part II (B)(1), above, and Part IV (B), below, for a discussion of the "citizen legislature."

22. See part II (A), above, concerning the nature of the biennial session.

Budget Surpluses and Deficits

The State of Oregon experienced the following changes in General Fund moneys during recent years:

<u>Biennium</u>	<u>Beginning Balance ²³</u> <u>(July 1)</u> <u>(in millions of dollars)</u>	<u>Ending Balance ²³</u> <u>(June 30)</u> <u>(in millions of dollars)</u>	<u>Difference</u> <u>(in millions</u> <u>of dollars)</u>
67-69	\$20.9	\$49.0	+\$28.1
69-71	49.0	18.0	- 31.0
71-73	18.0	86.8	+ 68.8
73-75	86.8	197.3	+110.5
75-77	197.3	180.0	- 17.3
77-79	180.0	271.0 ²⁴	- 91.0
79-81	271.0	44.8 (est.) ²⁵	-226.2
81-83	9.4 (est.) ²⁵	---	---

Special Sessions

<u>Biennium during which</u> <u>special session occurred</u>	<u>Adjustment to General Fund (GF)</u> <u>Budget</u>
67-69:	-reduced GF budget by \$15.3 million
71-73:	-reduced GF budget by \$11.5 million
73-75:	-increased GF budget by \$150.4 million
77-79:	-made technical adjustments and increased GF budget by \$0.5 million
79-81:	-reduced GF budget by \$127.8 million.

23. Ideally, the beginning and ending balances would always be \$0. Because the legislature cannot intentionally create a deficit, the fluctuations in the balances result from the imprecision of revenue projections.

24. Most budget documents show the ending balance for the '77-79 biennium as \$266.6 million, but the most recent estimate is \$271.0 million. The change results from reversions to the General Fund (mostly money not spent by an agency and reverted to the General Fund, e.g., if federal funds also necessary to a project were not provided).

25. The ending balance for '79-81 and the beginning balance for '81-83 differ. \$44.8 million is the amount projected by the 1980 special session after it revised revenue estimates and reduced the General Fund budget by \$127.8 million. The \$9.4 million is the current estimate of funds the General Fund will have at the beginning of the '81-83 fiscal year.

The tax relief package voters passed in the spring of 1980 requires the return of revenues to taxpayers. ²⁶ This change reduces the state's fiscal operating margin (created by surpluses carried forward from prior years) and increases the importance of accurate economic projections to the legislative process.

We received conflicting testimony about the availability of reliable revenue data at various times of the year. Some witnesses said precise information is not ready until mid-June, while others said that useful projections can be prepared much earlier in the year. Most agreed that revenue projections for one year would be more accurate than two-year projections, whenever made. Economic forecasting is not an exact science. Moreover, inflation and changing federal policies make long-term prediction uncertain. In short, biennial budgeting is inherently imprecise.

(b) Managing in the Interim

The legislative interim poses two problems: how to adjust policies set by the last legislature, and how to identify long-term programs for the next legislature to consider.

(i) Emergency Board.

Policy adjustments usually relate to the allocation of funds. The Emergency Board acts between sessions to authorize expenditures of additional funds for activities of state agencies, to approve budgets for new activities, and to authorize transfers between expenditure classifications within an agency budget. In exercising these powers, the Emergency Board has assumed growing responsibility for making important substantive legislative decisions.

Your Committee heard several examples of the Emergency Board's extensive power. It both creates new programs and effectively terminates established ones, sometimes countermending express decisions of the full legislature. For example, the legislature recently rejected funding for a new Mall Building, because it would cut into the General Fund. The Emergency Board later resolved to find other ways to fund the project. Similarly, the Emergency Board decided to withhold funds for the abortion program which had been authorized by the 1979 legislature. And, three weeks after the 1980 special session, in which the legislature cut \$130 million from agency budgets, the Emergency Board restored \$700,000 to general assistance welfare programs and \$110,000 to the Oregon Educational and Public Broadcasting System (OEPBS). When the legislature is not in session, the Emergency Board decides whether or not to accept federal funds for a variety of programs.

In addition, agencies expand their budgets to exploit the term "emergency." If an agency's fund request is turned down by the Board, the agency has no recourse, but must await the next biennial session. The Emergency Board system may tend to encourage inaccurate forecasting.

26. Ballot Measure No. 5 (Spring, 1980), effecting Oregon laws 1979, Chapters 241 and 652. Oregon Laws 1979, Chapter 239 returned certain General Fund surpluses to individual taxpayers filing returns in 1978.

Witnesses also criticized the unrepresentative nature of the Emergency Board. Members, selected by party leaders, are not accountable to a statewide constituency or to other branches of government.

(ii) Interim Committees

Major policy and law reform proposals emanate from special task forces and commissions appointed by the Governor or the legislature and, in theory, from legislative interim committees. But interim committees do poorly in pushing their proposals to adoption. The committees do not carry over into the next legislative session. Interim assignments usually bear no relation to committee assignments in the session. There is no political incentive for members of interim committees to advocate committee proposals in the new legislature. Because of legislative turnover, there is a need to educate new legislators about the rationale for each interim study.

Witnesses agreed that interim committees are often ineffective. Committees which are more successful in proposing legislation are those with narrowly focused goals and with strong leadership who remain active in the next session. However, even with strong leadership and a good proposal, an interim committee can only make a recommendation which must then be considered by the new legislature and its newly formed committees. The proposal begins anew. It can be amended, modified, or scrapped. Witnesses agreed that independent task forces or commissions were more successful in developing proposals and in lobbying them in the next session. They suggested that these independent bodies have better success because they represent a broad political base, involve non-politicians, and do not face the problems of changing legislative membership.

(c) Timing and Length of Sessions

Most witnesses saw annual sessions as inevitable. Many favored annual sessions in one form or another, to resolve the difficulties they identified with biennial sessions.

The length of legislative sessions has increased gradually over the last several years. Present and former legislators believe that campaigning, too, takes more time than it used to. These expanding commitments take more and more time from an individual's other occupation or activities. Many witnesses suggested that these trends have a direct impact on the types of individuals who can serve in the legislature.

2. Quality and Composition of the Legislature

The legislature has included teachers, factory workers, lawyers, homemakers--a wide range of occupations. Many witnesses think that longer sessions have discouraged and will continue to force out business people, lawyers, and others with time-consuming jobs, even though they believe persons drawn from these professions have the training and experience to be high quality legislators. Witnesses said that longer sessions and campaigns favor people with independent means, limited job responsibilities, or a willingness to rely substantially on a legislator's salary. Some witnesses saw this as an undesirable trend, leading to "professional" legislators.

During the last four decades, the percentage of lawyers in the legislature has declined from about 33 percent to 12 percent. In 1939, farmers made up about a quarter of the legislature; now they are only 11 percent. On the other hand, professional and technical workers show a gain from 30 percent to nearly half, over the same period. Managers and administrators have remained at roughly the same level. In general these four groups appear in disproportionate numbers. These groups represented 93 percent of the 1971 legislature but less than 30 percent of the general population in 1970, the last census for which figures are now available. 27

(a) Adequacy of Salaries and Staffing

Witnesses saw legislator salaries as a problem which affects the types of people who run for office. But equal numbers of respondents asserted that salaries and perquisites are too large (enabling a legislator to live exclusively on salary and per diem, particularly if the spouse becomes the legislative assistant) and too small (requiring too great a financial sacrifice or too affluent a citizen legislator). Almost no witnesses and respondents said that salaries and benefits are about right.

Many commented that those who serve in the legislature should not view it as their primary means of support. Yet, some respondents who told us the salary was inadequate had been forced to abandon legislative service because of the salary. Some of these had relied on the legislative salary for their full-time support.

Several witnesses expressed concern about the growing numbers of legislative employees, both during the session and during the interim. Some witnesses reported that legislators do not fully exploit the resources they have and that few manage their staffs well. A professional staff provides aid and expertise to the legislators. But a large staff could isolate a legislator from constituents. In addition, a full-time staff could develop a vested interest in finding problems to justify their jobs.

(b) Apportionment and Size of Legislature

Some witnesses believe that several of the current legislative districts are awkwardly drawn. They said that the architects of the last apportionment ignored both natural boundaries and community structure. They urged more rational districting for the next decade.

A few witnesses noted that the even number of members in the House and Senate, which could result in a tie vote, could be an impediment to legislation. A tie vote is a negative vote, because the bill does not pass.

27. Appendix D contains statistical information about the occupations of Oregon legislators since 1939. Percentages of different occupations of legislators can be compared to percentages of occupations of the employed population by looking at "Detailed Occupation of the Experienced Civilian Labor Force and Employed Persons by Sex: 1970 and 1960", Federal Census on the State of Oregon, Table 39, pp. 403-9.

(c) Terms of Office

Some witnesses suggested that terms of office are too short to provide adequate continuity and favored longer terms of office for legislators to alleviate perceived problems. The House members would serve four years, and the Senate term would be six years. The reasons advanced for this change include:

Longer terms would allow legislators to respond to the growing need for expertise in an increasingly complex government.

The stability of the legislature would increase with longer terms while some responsiveness would be maintained (one-half the House and one-third of the Senate would stand for election every two years, and voters have the power of recall).

Legislators would spend less time and less money running for office and more time learning about their jobs.

Continuity of membership would increase, and time spent in orientation of new members would decrease.

As a consequence, the "citizen legislature" would be defended by longer terms, because its members would become better at what they do while expending fewer resources campaigning.

On the other hand, this suggestion represents a departure from tradition and diminishes the immediate accountability and responsiveness of the membership.

3. Quality and Management of Legislation

Witnesses faulted the increasing number and occasionally low quality of bills. Your Committee was told the quality of legislative drafting has deteriorated.²⁸

(a) Lack of Legislative Program

Individual legislators, party caucuses, and the legislature as a whole have too little time to develop, adopt, and implement comprehensive and coherent legislative programs. One reason is that the legislature convenes shortly after the election. Another is Oregon's weak party structure.

In part, the strength of the leadership within the two houses and within the two parties affects the scope and clarity of legislative programs. With good leaders, program development succeeds. A strong program can mean a shorter session, better drafting, more efficient work, greater continuity between sessions, and the like.

(b) End-of-Session Rush

The vast majority of bills adopted in a legislative session pass during its final days. The pressure of the last days often results in major compromises and hurried redrafting.

28. In recent years, about one-third of the City Club's studies of specific bills referred to the voters have reported the measures were poorly drafted.

Witnesses consistently cited this end-of-session crunch as a problem. They argued that desirable bills are lost in the shuffle, undesirable bills pass without reflection, legislators make too many political deals, and drafting suffers.

(c) Confidentiality Requirements of Legislative Counsel

Current law prohibits Legislative Counsel from discussing with legislators similar work they may be doing for other legislators.²⁹ Witnesses commented that legislators are protective about their ideas and usually want to keep their sponsorship secret until they file a bill. Legislative Counsel has drafted as many as ten bills on the same issue but has been restrained from revealing the similarity of these projects to the several individuals requesting the work.

(d) Lack of Legislative History

The legislature does not maintain an adequate and accessible written record of what it intends by adopted bills. Floor debates and committee hearings are preserved on tape but are usually not transcribed. Committee minutes are incomplete and are not officially adopted by the committees.

In recent years, the legislature has been called into special session to clarify the meaning of bills earlier enacted. For example, in 1974, the legislature met in special session to clarify the Land Development Consumer Protection Act. A less cumbersome legislative history could help avoid this problem and would make it easier to interpret and administer the laws.

4. Public Perceptions and Single-Issue Politics

In the past several years, citizens nationwide have been leaning toward single-issue politics. The increasing number of initiatives which appear on Oregon ballots evidences this trend. More initiative petitions are being filed, on a variety of issues, than was the case a decade ago. Witnesses suggested this trend could imply that the legislature is not in tune with its constituents; citizens feel a need to place measures on the ballot when their representatives have not concluded a problem to their satisfaction. This narrow focus by segments of the public makes it more difficult for the legislature to function as a long-term policy-making body.

Several witnesses worried about public apathy toward the legislative process. Many citizens appear to have little faith or involvement in the legislative process. As a result, the more vocal or single-issue constituents have a greater impact on the legislature. Recently, several members of the legislature, including State Representative Gary Wilhelm and State Senator Mike Ragsdale, have announced their retirement from lawmaking, citing public apathy as one of their reasons for stepping down.

29. ORS 173.230

IV. DISCUSSION

A. Overview

Most witnesses and respondents believe that the Oregon legislature operates well in today's world. Yet, most also questioned the ability of the legislature, as presently constituted, to function in the future. Our interviews, surveys, and other sources revealed both strengths and weaknesses in the current system. Any restructuring of the legislature should maintain these strengths while solving the important problems: the Emergency Board, the interim, and the biennial budget. Not all of the reported difficulties would respond to changes in the structure. Some inhere in a representative democracy; a few result from having a part-time, citizen body. Some are part of larger political and social trends. Some can be resolved by rule changes or better management in the House or Senate.

Several flaws are simply part of any representative legislative body of the American model: decisions about internal procedures, as well as those about the laws themselves, are at least as much political as substantive. Bills often originate with narrow interest groups; these groups sometimes feel that their "problem of the decade" remains unresolved. At the end of each session there is a logjam of bills--a process which maximizes compromise (for better or for worse). The quality and competence of individual legislators, and thus of debate, administration, and legislation itself, is mixed. As one witness said: "In any group like this, there will be a few bozos, a few good leaders, and mostly ordinary folk." The efficiency and organization of a legislative session depend largely on the personal qualities of the leaders who emerge. Decisions about complex problems can be painfully slow and cumbersome, and legislative solutions frequently focus in the short-term.

These problems permeated and confounded our consideration. We often found that a problem was beyond our ability to resolve. For example, because the quality of a session depends on the personal attributes of its members, we ought to try to attract and retain good legislators. But legislators are not hired and promoted by a single manager; it is we, the people, who collectively examine and select them. Clearly, the time demanded of and the pay provided to legislators are important matters; but testimony and responses to the questionnaire show that the reasons for running, remaining, and resigning are highly individual. Citizen legislators are motivated in important part by a sense of civic duty, in greater or lesser conflict with other responsibilities. The structure of the legislature probably would not affect the way this balance is struck.

Numerous witnesses complained of centralization of power in the federal government, public apathy, and a trend to single-issue interest groups. While intriguing suggestions were offered during the Committee's deliberations, we chose to focus on legislative structure, as our charge instructed, rather than social and political trends.

Finally, your Committee believes that the House and Senate adequately fine-tune their procedural rules. With a few exceptions, we did not immerse ourselves in details of the day-to-day functioning of the legislature.

B. The Citizen Legislature

In a representative democracy, the legislature is the place where the voters participate most directly in their government.

"The judiciary must be professional and exercise a continuing restraint against invasion of constitutional guarantees by either the executive or legislative branches. By necessity, this is a full-time obligation. The Governor, by his executive office, has a full-time obligation to carry out the charges given to him by the arbiters of public policy, the General Assembly. Uniquely, it is the lawmakers who must bring to government those policies which most clearly reflect the immediate and long-range needs of the public." 30

The accessibility and deliberateness of the legislature are reasons for its perceived inefficiency. Participation by many slows decision-making. Careful consideration and compromise are central to a representative democracy. These values override the desire for a speedy process.

A citizen legislature is not intrinsically superior to any other form, but it is what we have and are used to. A part-time, non-professional body has many advantages which suit it to Oregon's size and needs. Legislators have a financial stake in the rest of society and not only in government itself. They spend more time as citizens than as lawmakers, returning to the communities they serve. The legislature involves a fair cross-section of the citizenry. These attributes may prevent isolation, insularity, and elitism. 31

Several witnesses bemoaned the imminent demise of the citizen legislature and cited as evidence the retirement of particular politicians they admired. Although some legislators who left may have been splendid, we found no pattern in their reasons for not running again. We found that in any era, including the present, there are more and less capable public servants.

Although the composition of the legislature has changed from time to time, any shift in structure will tend to favor some groups and exclude others. We do not believe that there should be, or can be, a precise demographic balance for a legislature to be representative. The legislators in the current Oregon system are representative in several important ways. There are representatives from both urban and rural areas. 32 Most legislators come from districts with an economic and social variety of constituents. Men and women from numerous occupations serve. The Oregon legislature is accessible; citizens testify at hearings in large numbers and can readily gain the ears of their legislators. Lobbyists are many, vigorous, and well-informed. A group

30. Stang, "The Case for...the Citizen Legislator," Capitol, Courthouse, City Hall (Morlan, ed., 5th edition, 1977) p. 86.

31. See Parts II (B) (1) and III (B), above, for further discussion of the "citizen" legislature.

32. A discussion of apportionment is beyond the scope of this study.

which feels underrepresented can elect or find a spokesperson for its interests.

Thus, Oregon's legislators continue to be amateurs in the best sense. The label "citizen legislature" is a shibboleth which means that people like the legislators' accessibility, concern for everyday problems, and lack of insularity. We could not find empirical evidence that these characteristics relate to the structure of the legislature; but the strong belief that they do is significant. The rhetoric of citizen legislature defines what problems the legislature addresses, and how, and shapes the behavior of legislators. Oregonians value politicians' concern with common problems and quality of life, their straightforwardness, honesty, and availability to constituents. For these reasons, your Committee believes that the citizen legislature should be preserved; and we measured proposed changes by their potential for altering it.

C. Options Presented to the Committee and Rejected

In the last several years, a variety of options to revamp the legislature has emerged from legislators, ad hoc groups, and observers. Your Committee considered the alternatives witnesses presented to us 33 but rejected them, because they make too few or too many changes.

1. No Change.

Several witnesses expressed the philosophy, "If it ain't broke, don't fix it." They pointed to the absence of serious abuses, the honesty and accessibility of the legislature, to support the conclusion that "it ain't broke" and that change is unwarranted.

Advantages:

- (a) The present structure is familiar and widely approved.
- (b) The two-year budget system allows agencies to manage their units for a period of at least eighteen months without interference.
- (c) The public is spared the expense of more frequent or elaborate processes.

Disadvantages:

- (a) Retains the Emergency Board.
- (b) Fails to alleviate the inaccuracy of biennial budgeting.
- (c) Does nothing to improve an unproductive interim.

2. Full-time (Continuous/Professional) Legislature.

Some witnesses believe a full-time legislature is inevitable. They observe that the citizen legislature may already have disappeared because of low pay and increasing time demands.

33. The Report of the House Rules and Procedures Task Force (December 1978) also suggested several ways in which the dates of sessions could be shifted. Your Committee viewed these options as responses to the single problem of timing, so we do not consider them here as separate programs.

Advantages:

- (a) Eliminates the Emergency Board.
- (b) Permits annual budget revision.
- (c) Eliminates problems in management of the interim.
- (d) Permits adequate time for all legislative business, including investigation, oversight, and law development.

Disadvantages:

- (a) Eliminates the citizen legislature.
- (b) At present, only a few of the most populous states have full-time legislatures. In those states the system has not proved to be a panacea.
- (c) No end-of-session deadline to provide incentive to complete business.
- (d) Too costly for the size and complexity of Oregon's problems.
- (e) Legislative business would probably expand to fill the time.

3. Full-time Senate, Biennial House.

Hans A. Linde and David B. Frohnmayer have proposed a professional Senate and biennial House.³⁴ Both houses would meet biennially to consider legislation, as they do now. All bills would require concurrence of both houses for enactment. During the intervening year, the House would not be in session, but the Senate would meet to perform all other legislative functions, such as budgeting, agency oversight, investigation and studies, law development, and confirmation of gubernatorial appointments.

Advantages:

- (a) Eliminates the Emergency Board.
- (b) Permits annual budget revision.
- (c) Eliminates problems in management of the interim.
- (d) Permits adequate time for all legislative business, including investigation, oversight, and law development.
- (e) Preserves the citizen character of one house.

Disadvantages:

- (a) Disturbs the balance of power between the two houses, undercutting the concept of the bicameral legislature and giving the Senate the appearance of a "House of Lords." There is potential for an inter-chamber power struggle or for erosion of the shared perspective and relationship between the houses. The House could become a mere gadfly; the Senate could become less approachable and more conservative; and the problem of meshing the work of two houses could be compounded. Conflict between houses and diminished productivity could result.
- (b) Partially eliminates the citizen legislature.
- (c) Too costly for the size and complexity of Oregon's problems.

4. One-Week-Per-Month

Under this proposal, the legislature would convene in January and meet for one week of each month.

³⁴ Linde and Frohnmayer, "Prescription for the Citizen Legislature: Cutting the Gordian Knot," supra.

Advantages:

- (a) Eliminates the Emergency Board.
- (b) Permits annual budget revision.
- (c) Eliminates problems in management of the interim.
- (d) Preserves the citizen legislature.
- (e) Increases continuity.

Disadvantages:

- (a) Travel would be expensive, time-consuming, unwieldy, and impractical.
- (b) Legislators who live too far to commute would be unable to move to Salem for the session.
- (c) Staffing would be awkward and probably more expensive.
- (d) May prevent people in some occupations (such as teachers) from participating.
- (e) Incentives to complete business would diminish with no end of session.
- (f) Agency heads would face greater uncertainty.
- (g) Considerable time would be lost regaining momentum every few weeks, because it is unlikely that a block of work could be accomplished in a one-week session.
- (h) Preparation for and reporting after sessions would increase the time commitment of legislators and may evolve into a continuous session, jeopardizing the citizen legislature.

5. Regular Annual Sessions of Unlimited Duration.

Many witnesses and observers who favored annual sessions suggested they be of unlimited duration. For instance, Oregon's Legislative Future, Report of the Advisory Committee on the Oregon Legislature (1968), recommended that the legislature meet every year, with no limit to the duration of the sessions or the subjects which could be brought before them.

The majority of state legislatures now meet every year, but not all take this form. For instance, Washington's new system, effective this year, calls for odd-year sessions of 105 days and even-year sessions of 60 days; each session may consider any legislative business. The Washington legislature may also extend a regular session in 30-day increments, by two-thirds vote, or call a special session. 35

Advantages:

- (a) Eliminates the Emergency Board.
- (b) Permits annual budget revision.
- (c) Eliminates problems in management of the interim.
- (d) Permits adequate time for all legislative business, including investigation, oversight, and law development.

Disadvantages:

- (a) Too costly for the size and complexity of Oregon's problems.
- (b) May be a stepping-stone to a full-time legislature and weaken the citizen concept.
- (c) No end-of-session incentive to complete business.

6. Unicameral Legislature.

The United States has a bicameral legislature in order to prevent more populous states from ignoring the concerns of smaller states: although each state's representation in the House varies according to its population, each has two senators. Oregon's bicameral legislature does not serve the same purpose. State representatives serve districts delineated to include approximately equal numbers of persons. State senators also represent districts of equal populations; each senate district includes two representative districts.

A few commentators have suggested that the state legislature should consist of only one house. Nebraska, the only state with a unicameral legislature, finds that the system works well there.

Advantages:

- (a) Reduces duplication of functions and increases efficiency of considering legislative proposals.
- (b) Could yield some cost savings.

Disadvantages:

- (a) The possibility of enacting undesirable or inadequately analyzed legislation increases:

"Criticisms directed at clumsy procedure frequently overlook the cause and justification for such procedure. Without desiring to defend some of the archaic constitutional limitations such as the three-reading rule and certain voting procedures, justification of many deterrents to action may well be defended on the grounds of their deliberative effect. In other words when legislatures are unable to agree on proposals they frequently reflect the uncertainty of the society which they represent and the resulting inaction may best accord with the wishes of the electorate. On the other hand when controversies over policy have been settled in a given community the obstacles to rapid legislative enactment frequently are dissipated." 36

- (b) Does not necessarily solve the problems posed by the Emergency Board, the interim, and biennial budgeting.

7. Summary

The proposals for change devised for Oregon share three common themes: they eliminate the Emergency Board; they allow for annual budgets; and they streamline and strengthen the interim. All but the professional legislature also seek to preserve a citizen body.

Of the proposals, only annual sessions has any widespread support. None necessarily alleviates the awkward timing of the start of each session. Moreover, the proposals change more than is necessary, creating new problems. Most would add to cost and would increase the amount of total legislative time, while further limiting the diversity of people who can serve. Your Committee believes the solution must be tailored to repair the few defects found, but only those defects.

36. Horack, "Bicameral Legislatures Are Effective," Capitol, Courthouse, and City Hall (Morlan, ed., 5th edition, 1977) p. 92.

V. CONCLUSIONS

1. We found no legislative crisis. The Oregon Legislative Assembly operates openly, honestly, and responsively. Social and economic problems are addressed as they become ripe for political resolution. Nevertheless, your Committee identified several problems in the way the legislature functions. Most relate to biennial sessions, their timing, and the interim.

2. Oregon has a citizen legislature. The citizen legislature is desirable. Evolution toward a full-time body is evidenced by gradually increasing session length, level of staff support, and legislative salaries. This movement, although inevitable, should be reluctant.

3. Oregon does not need a full-time legislature now and is unlikely to need one in the foreseeable future. The legislature need not meet for more than six months out of every two years in order to transact the business of the state. Moreover, a full-time body would destroy a citizen legislature.

4. A number of the problems identified by your Committee can and should be solved by restructuring the legislature: inaccurate budgeting, an objectionable Emergency Board, and a weak interim system.

5. Biennial budgeting is inherently inaccurate. It permits large deficits and surpluses in state budgets and makes them harder to correct. In addition, the state would benefit from having the full legislature budget, on the basis of up-to-date revenue data, at more frequent intervals. Where appropriate, agencies should prepare long-range budget forecasts. However, all agencies should submit annual budgets.

6. The Emergency Board makes important legislative policy. It can act without the scrutiny of committees and without veto or appeal. It can commit large expenditures of public funds. It has reversed decisions of the whole legislature. The Board is geographically unrepresentative and not accountable to any statewide constituency. Membership on the Board has become political currency. Although excesses of Board power are infrequent, the Board is undemocratic and presents an opportunity for political mischief.

7. Because of the press of current business, it is difficult for the Governor, the political parties, and legislative leaders to find the time to develop a coherent legislative program addressing major problems and priorities. Governor's task forces and statutory commissions with citizen participation, as well as legislative standing committees, should study large issues, such as criminal code revisions and energy development, and propose legislative packages. These groups are less time-constrained.

8. Legislators lack sufficient time between election and the beginning of the session to select leaders, organize staff, and develop a program. Similarly, a new Governor has too little time to prepare a budget, organize staff, and develop a legislative agenda.

9. The biennial structure does not support a productive interim. Interim committees lack clout because of the changing composition of the

legislature from biennial session to biennial session. As a result, they accomplish little.

10. The long interim inhibits timely consideration of new problems and of gubernatorial appointments.

11. New legislators lack in-depth orientation to governmental process, time and office management, drafting, and use of available resources.

12. The legislature has enough staff support, in and out of session. However, legislators do not fully exploit the resources they have, and few manage their personal or committee staffs well.

13. The absence of legislative history has caused gaps in judicial and public knowledge; it prevents the ready interpretation of the law. Verbatim transcripts of the process, or committee reports reviewed and adopted by the committee members, would aid citizen understanding, court interpretation, and law revision.

14. Voter apathy and a trend toward single-issue advocacy are not structural problems.

15. The end-of-session rush to adjournment is an inevitable part of the political process. The crunch probably cannot be eliminated by structural changes.

16. The number of bills filed and the way they flow through the legislature are management problems. With few exceptions, the House and Senate are adequately adjusting their internal rules to control the flow of legislation, such as by limiting the time of bill introduction, prohibiting floor amendments, and ensuring rational committee assignments. Leadership and committee structures of both houses also present management questions for the bodies themselves to answer.

17. Because two houses act as a brake on hasty action and because of Oregon's political tradition, co-equal houses should be retained.

18. The Governor and the legislature should each retain the power to call the legislature into special session, in case of emergency.

19. There is presently an adequate continuity of membership. The loss of experience is offset by the advantage of new perspectives.

20. The timing and length of sessions tend to encourage service by those who have outside financial resources or limited economic requirements and to discourage participation by business and professional people. Nevertheless, present legislative salaries and perquisites are adequate. While fully pleasing no one, the rate of compensation supports the part-time nature of the legislature yet yields enough to permit service by a cross-section of Oregonians. Legislators should continue to be paid only for the time they spend actively on legislative business.

21. The growth of population, federal funding, administrative regulation, government intrusion into citizens' lives, and complexity in the society at large means that no structure can remain effective indefinitely. Periodic review would help the institutions of government keep pace with new needs of the people.

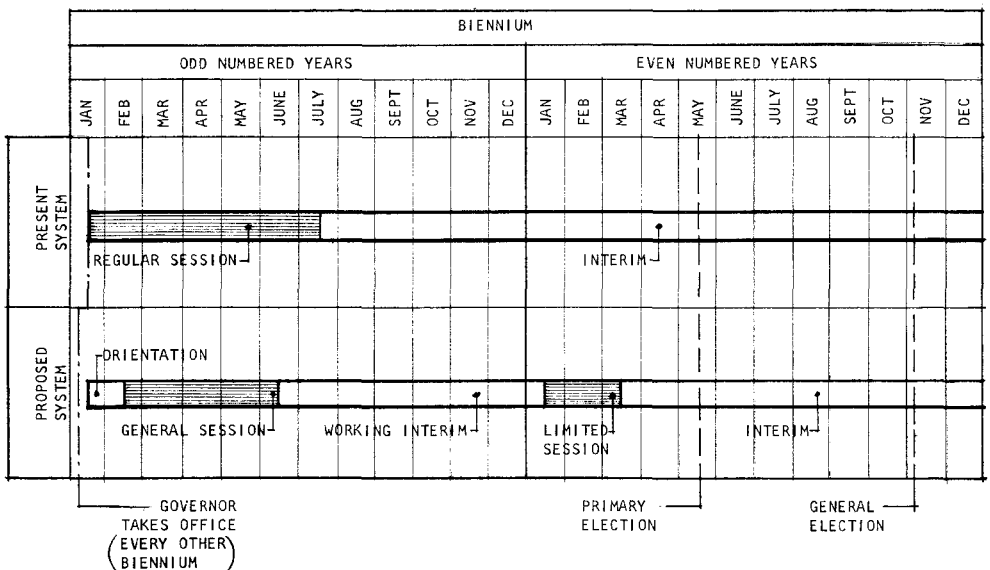
VI. PROPOSAL: LIMITED ANNUAL SESSIONS
 (Alternating General and Fiscal Sessions)

Your Committee is convinced that structural change is needed in order to address the problems of the Emergency Board, the weak interim, and biennial budgeting. At the same time, your Committee seeks to preserve a citizen legislature.

The central dilemma in restructuring the legislature is a tension between maintaining its citizen quality and improving its continuity and expertise. None of the options suggested to the Committee resolves this tension without unnecessarily elaborate changes or expansion of time in session beyond what is needed.

Your Committee proposes that the legislature meet annually. The first session would be a 120-day general session to perform all types of legislative business. In the following year, a session of 60 days duration would be limited to (1) budget revision, (2) consideration of gubernatorial appointments (Senate), (3) amendments to correct unintended results or clerical errors in general session enactments, (4) public crises arising in the interim, and (5) measures or topics referred to the appropriate standing committees (and thence to the limited session) by a two-thirds vote of both houses at the general session. The two-thirds vote should assure substantial bipartisan support for the proposal being referred.

Restricting the matters to be considered in the short session is designed to avoid annual introduction of minor bills and of legislative packages by interest groups, as well as to encourage committees to craft careful proposals on important topics. Your Committee contemplates the deliberation of a handful of major, substantive bills at each limited session.



The general session would run from mid-February until mid-June. This timing allows an additional month between the election of legislators (and a Governor) and the beginning of the session. These weeks can be used for orientation, training, leadership selection, and program development.

The limited session would begin in mid-January and would last until mid-March. Its shorter length results from its restricted duties and allows time for campaigning before the May primary elections. ³⁷ Both sessions would occur in the spring, in order to avoid the summer vacation season.

The interim between the general and limited session would be a time for standing committees to gather evidence, consider bills before them, and consolidate these into mature recommendations. No legislative activity would be scheduled during the interim after the limited session, when campaigning and elections take place. However, standing committees of each house could still operate after the limited session if they wish to study an issue for the new legislative term.

Under this plan, the Emergency Board would be abolished. With the full legislature meeting every year, most budget corrections could wait until the next session, eight months later. Smaller corrections would be delegated to the executive branch ³⁸; with annual sessions and active committees, oversight will avoid executive abuse.

There would be no need for interim committees and legislative task forces as they now exist. Standing committees would have more time to work, and continuity between sessions would improve.

37. For those who are examining budgeting alone, it may be more practical to begin the 120-day general session in mid-March and the 60-day fiscal session in mid-April. This schedule would allow lawmakers to budget based on actual tax returns and payments filed by the April 15 deadline. In the odd-year general session, the June 15 second-quarter estimates would also be available.

However, such a proposal would require moving the May primary to a time later in the year, preferably in September. This shift would bring many changes, in areas including filing dates and campaign financing laws. Because your Committee did not elicit testimony on this subject or fully explore the effects of moving the primary, and because this concept goes beyond our charge, we prepared our proposal around the present election schedule. Moreover, based on the testimony we heard, your Committee believes that adequate projections can be made even in the absence of April 15 tax returns. The flow of tax dollars is continuous throughout the year.

38. In almost all states, the executive alone approves the transfer of funds among agency line items. (City Club, "Report on State Emergency Board," supra.) Such a transfer in Oregon would not unduly shift the balance of authority from the legislature to the executive. Moreover, someone should be able to perform this function continuously. Finally, with annual budgets, this function should decrease in importance.

Annual meetings would permit annual budget revision by the full legislature. The full body would then be accountable. Further, it could take advantage of updated revenue estimates.

Other advantages of this plan include substantial support among witnesses and respondents for annual sessions and the successful use of limited annual sessions in other states. ³⁹ Costs, such as legislative and staff salaries and facilities, would remain about the same.

Your Committee believes the potential disadvantages of its plan are few. First, it could be argued that the proposal would increase the need for staff. However, advisory committees could be used as they are now, and year-round staff budgets plus better management should suffice to solve staffing problems.

Some may argue that this plan could make legislative service more difficult for persons in some occupations. But, for most, to take one four-month and one two-month leave is no more awkward than to use one six-month leave.

The second session may make incumbents more visible. This apparent advantage should be offset by the ability of their constituents to view their weak as well as strong points and by the longer time non-incumbents could use to obtain a campaign head-start during the session.

As discussed above, the timing of the sessions could make budgeting difficult, if good data do not become available until June 15. However, the testimony we heard suggested that adequate revenue forecasts can be made earlier in the year, within the proposed session dates. Further, the fact that projections would be one year, rather than two, simplifies the financial analysis.

Others may object that annual sessions are a stepping-stone to a professional legislature. Your Committee believes its proposal will avoid this result. The total time spent in session in a biennium would remain six months or less. The outer time limit would be effected directly by specifying the beginning date and maximum duration of the sessions. Your Committee has not included a mechanism by which the legislature itself can lengthen the sessions, so as to avoid the tendency to expand work to fit the time allotted. If necessary, a special session can be convened under the present rules.

39. For example, New Mexico and Utah. See Citizens Conference on State Legislatures, The Sometime Governments: A Critical Study of the 50 American Legislatures (1971).

VII. RECOMMENDATIONSA. To the people of Oregon:

1. The people should amend the Oregon Constitution to create limited annual sessions and to postpone the start of the session which follows each election of legislators. The beginning and adjournment should be specified:

(a) In odd-numbered years, the general session would convene on the second Monday in February and end no more than 120 days later. Legislators would use the time from the general election until the legislature begins to conduct orientation, select party leaders, organize staffs, confer informally, draft bills, and develop programs. The general session includes all legislative powers and functions. Bills or topics for study may be referred to the appropriate standing committees, and thence to the calendar of the limited session, by a two-thirds vote of both houses.

(b) During the first interim, standing committees would hold hearings and work sessions.

(c) In even-numbered years, the legislature would meet in limited session from the second Monday in January until no more than 60 days later. In these sessions, the legislature could revise budgets, act on gubernatorial appointments (Senate), and consider only (i) correction of unintended results or clerical errors in the prior session's enactments; (ii) bills referred to a committee by a two-thirds vote of both houses during the general session; and (iii) bills concerning public crises arising in the interim.

(d) No formal legislative activity would occur during the second interim.

2. The people should abolish the Emergency Board by constitutional amendment. To the extent they are still needed with limited annual sessions, powers presently exercised by the Emergency Board would be transferred by statute as follows:

(a) To the full legislature:

(i) make supplemental appropriations and fund activities required by law;

(ii) approve expenditures from dedicated funds, in excess of budget; and

(iii) fund new activities.

(b) To the Governor:

(i) approve transfer of funds between agency budget line items.

3. The people should amend the Constitution to delete the requirement that the legislature must convene in order to seat the Governor, and substitute a statute providing for the Governor to be sworn into office early in January.

B. To the Legislative Assembly:

4. The legislature should require the Governor, by statute, to submit an annual budget to the legislature.

5. The legislature should develop a fuller orientation program for members, including training in office management, government procedures, time management, writing, and use of permanent staff, executive branch, and other resources (such as computer).

6. The legislature should create and preserve informative, uniform, publicly accessible legislative history: committee-adopted reports, an opportunity to obtain transcripts of committee hearings and floor debates, and full indices.

7. The legislature should study whether to:

(a) coordinate better when the same bill is introduced in both houses, such as simultaneous submission and same committee assignment in both houses;

(b) limit the number of bills a legislator may introduce in each session;

(c) limit Legislative Counsel's confidentiality, to avoid duplication of effort;

(d) limit debate;

(e) adopt the federal fiscal year; and

(f) permit legislators to use their staff budgets year-round during their terms of office.

C. To the City Club:

8. The Board of Governors should consider charging committees to study the following proposals:

(a) whether to reschedule the Oregon primary closer to the general election;

(b) whether to lengthen the terms of House members to four years and of Senate members to six years; and

(c) how to reapportion and redistrict after each decennial census, in order to establish rational district boundaries.

Respectfully submitted,*

Edwin H. Armstrong
Marilyn L. Day
Richard I. Detwiler
Susan P. Graber
William June
William W. Kinsey
Dana Rasmussen
Bruce B. Samson
Edward P. Smith
Paul S. Wilson

* Your Committee benefited from the contributions of Don Barney, James Irvine and Alice Simpson, committee members who could not actively participate because of other commitments. Bruce Samson served as committee chair until he moved out of state; Susan Graber served as vice chair. Julia Adams, a sociology student at Reed College, served as the committee's research intern. William R. Lesh and Kandis Brewer Wohler served as Research Advisors to the Committee.

APPENDIX A
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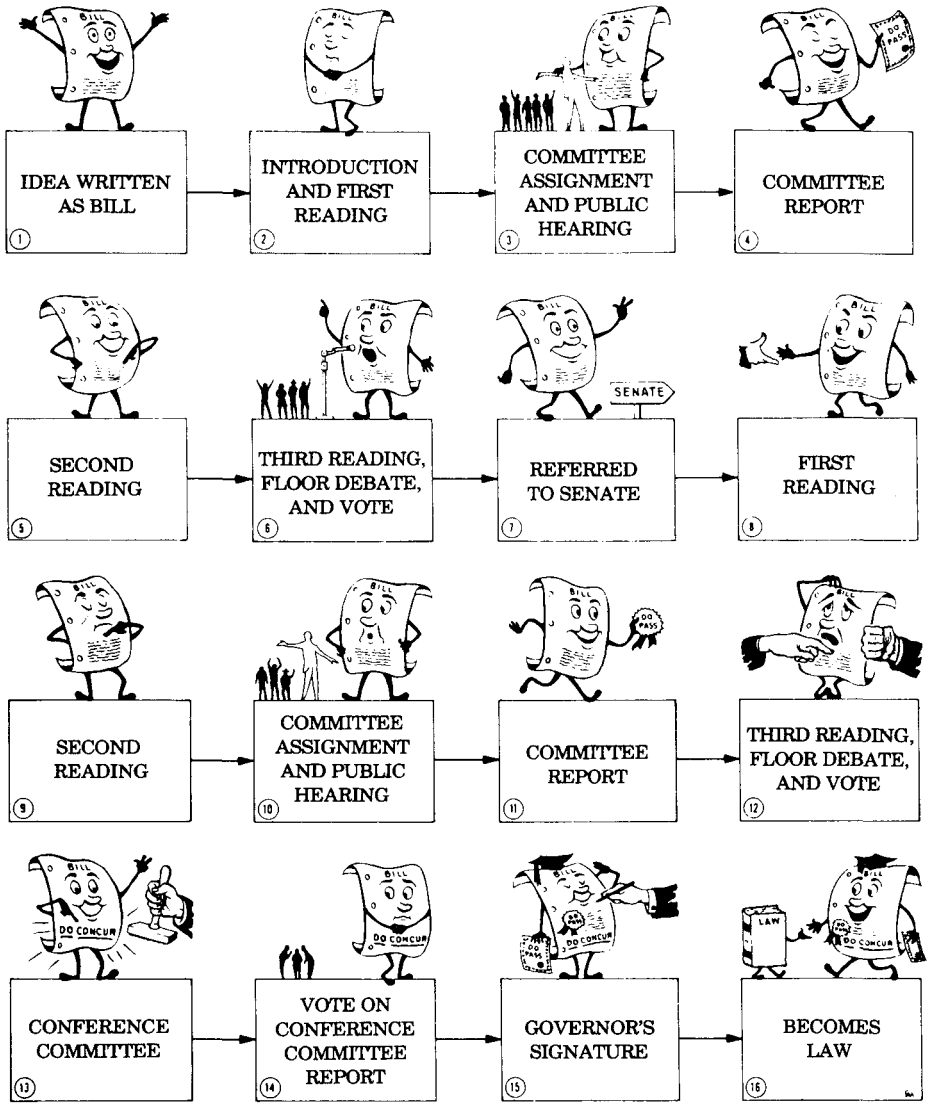
APPENDIX B
PERSONS INTERVIEWED*

Balmer, Donald G., Professor of Political Science, Lewis & Clark College
Blumenauer, Earl, Multnomah County Commissioner and former State Representative
Burke, Richard, Legislative Fiscal Officer, State of Oregon
Donaca, Tom, Legal Counsel, Associated Oregon Industries, and lobbyist
Duncan, Robert, Former Member, U.S. House of Representatives, and former State Representative
Edwards, Cecil, Oregon Senate Historian
Gardner, James L., Oregon State Senator
Haggard, Marko, Professor of Political Science, Portland State University
Hatfield, Mark O., United States Senator from Oregon
Hunt, Winton, Chief Clerk, Oregon House of Representatives
Katz, Vera, Member, Oregon House of Representatives
Linde, Hans, Associate Justice, Oregon Supreme Court, and former law professor
Mason, Tom, Member, Oregon House of Representatives
McKay, Floyd, KGW-TV News Analyst
McKean, Douglas, Retired Associate Editor, Editorial Page, Oregon Journal
Munn, Richard, Legislative Revenue Officer, State of Oregon
Myers, Hardy, Speaker of the House, Oregon Legislature
Otto, Kenneth C., Assistant Administrator, Oregon Legislative Administration Committee
Paulus, Norma, Oregon Secretary of State
Peer, Don, Budget Analyst, Budget and Management Division, Executive Department
Richards, Sandy, former Member, Oregon House of Representatives
Rijken, Max, Member, Oregon House of Representatives
Sadler, Russell, Syndicated Columnist
Scherzinger, Tim, Economist, Legislative Revenue Office, State of Oregon
Snedecor, Estes, Jr., Vice President, Portland General Electric Company, and former lobbyist
Stimmel, Tom, Reporter, Oregon Journal
Wilhelms, Gary, lobbyist and former Member and Minority Leader, Oregon House of Representatives
Willis, Henny, Reporter, Eugene Register Guard
Willner, Don, Attorney and former Oregon State Senator

* While invitations and requests for appearances were issued to others knowledgeable about the legislature, not all responded.

APPENDIX C

AN IDEA BECOMES LAW



APPENDIX C (continued)

The process of enacting laws in Oregon is highly complex. This description gives a simplified version of the legislative process in Oregon, and traces the course of a House bill. Bills introduced in the Senate follow a similar path, but are considered by the Senate first. (The chart on the preceding page, and the text below, are reprinted with permission of the Legislative Administration Committee, State of Oregon.)

1. IDEA WRITTEN AS BILL. All proposals for laws start as ideas. An attorney writes the idea in bill form.
2. INTRODUCTION AND FIRST READING. One or more legislators or a standing committee may introduce a bill. While citizens or groups may not introduce legislation, they may request introduction by a legislator or committee. Legislation may be introduced in either house. However, revenue raising measures must be introduced in the House of Representatives. The bill is presented to the Chief Clerk who assigns it a number. After processing and printing, the bill is read by its title to the House for the first time. First reading is the order of business when legislation is formally presented to the House. (The title is a clause stating the subject the bill addresses.) After first reading, the Speaker assigns it to a committee for consideration.
3. COMMITTEE ASSIGNMENT AND PUBLIC HEARING. In Oregon, most consideration of legislation is done in committee. The committee holds public hearings, debates and often amends the bill.
4. COMMITTEE REPORT. After considering testimony, the committee can take one of the several actions: a) Table the measure, postponing its consideration. b) Report the bill to the body with a recommendation of "do pass," "do not pass," "do pass with amendments," or "without recommendation." c) Send the bill to the floor with both a "majority report" and a "minority report."
5. SECOND READING. In the House, second reading means the committee has done its work on the bill. The title is read for the second time. The Chief Clerk places the bill on the agenda as required by House rules, normally within two days.
6. THIRD READING, DEBATE AND VOTE. Within a day or two following second reading, the bill is read for the third time. The legislators debate and vote on the bill. A majority of the House (31) must vote yes to pass it.
7. REFERRED TO SENATE. If the House passes the bill, the Chief Clerk sends it and a letter of transmittal to the President of the Senate. The Secretary of the Senate, the Chief Clerk's Senate counterpart, places the bill on the Senate agenda.
8. FIRST READING IN SENATE. The Senate's first reading procedure is different from that of the House. The bill is read by title only as in the House, but it is not referred to committee until after second reading.
9. SECOND READING. Generally on the day after the first reading, the bill is read by title for the second time. The Senate President refers it to a committee at this time.
10. COMMITTEE ASSIGNMENT AND PUBLIC HEARING. See step 3.
11. COMMITTEE REPORT. See step 4.
12. THIRD READING. After the bill has been read for the third time, the Senators debate and vote on the measure. A majority of all Senators (16) must vote affirmatively for it to pass.
13. CONFERENCE COMMITTEE. The bill must pass both houses in the same form for it to become law. If the Senate makes any changes in the House version, the bill is returned to the House for approval of the changes. If the House does not agree with the changes made by the Senate, a conference committee made up of members of both House and Senate is usually appointed. The committee tries to resolve the differences in the two versions.
14. VOTE ON CONFERENCE COMMITTEE REPORT. The recommendation of the conference committee is sent to both houses. If either the House or Senate do not accept the report, another conference committee is usually appointed. If a compromise cannot be reached, the bill dies.
15. GOVERNOR'S SIGNATURE. If both the House and Senate pass the bill in the same form, both presiding officers sign the bill. It is then sent to the Governor for consideration. During legislative sessions, the Governor has five days after receiving the bill to sign or veto it, or let it become law without signature. If the legislature adjourns before the five days have ended, the Governor has 20 days from adjournment to take action.
16. BECOMES LAW. A bill will usually take effect on the 91st day following the end of the legislative session. However, if the bill contains an emergency clause, the law will take effect when signed by the Governor or on the date specified in the clause.

APPENDIX D
OCCUPATIONS OF OREGON LEGISLATORS

Sources: There is no central publication which lists the occupations of Oregon legislators. Hence, the data below was assembled by your Committee from three principal sources: (1) Oregon Voter Digest; (2) Oregon Blue Book; (3) personal records of Cecil Edwards. The categories chosen represent a compromise between categories which would show the maximum movement of legislators among occupations, and those of the Federal Census material on Oregon. The category of "farm laborers and foremen" was eliminated, because there have been no legislators in this category since 1939.

Occupational Categories	Legislative Sessions																					
	1979	1977	1975	1973	1971	1969	1967	1965	1963	1961	1959	1957	1955	1953	1951	1949	1947	1945	1943	1941	1939	
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
1) Lawyers & Judges.....	12	13	14	17	22	25	23	24	22	19	17	25	19	19	21	28	28	24	22	25	33	
2) Professional, Technical*.....	45	46	54	56	48	41	49	47	42	38	52	29	34	36	39	41	41	43	39	32	30	
3) Managerial & Administrative (excluding farm).....	15	10	4	4	11	12	9	6	8	9	1	13	11	14	16	2	8	7	11	12	10	
4) Farmers.....	11	12	13	11	12	16	16	14	16	20	16	27	27	27	21	21	16	21	19	24	24	
5) Laborers (excluding farm).....	--	--	1	--	--	--	--	--	--	--	7	--	--	1	--	--	1	--	4	4	--	
6) Transport & Other Operatives.....	3	3	2	1	2	--	--	--	1	--	--	--	--	--	1	1	--	1	--	1	1	
7) Clerical & Sales Workers.....	2	2	--	--	1	1	--	2	1	3	2	1	--	1	--	3	--	--	--	--	--	
8) Craftsmen & Kindred Workers.....	2	3	3	2	--	2	1	1	2	1	--	--	--	--	--	2	--	--	--	1	2	
9) Service & Private Household Workers....	2	3	4	3	2	1	--	2	4	5	2	4	4	1	1	--	--	1	--	--	--	
10) Homemakers.....	4	5	8	5	1	2	2	3	3	5	2	--	3	1	2	1	2	1	1	1	--	
11) Miscellaneous....	--	1	1	1	--	--	--	--	--	--	1	--	2	1	--	1	3	2	4	1	1	

*and kindred workers (excluding lawyers and judges)

APPENDIX E
TABLE OF BILLS INTRODUCED AND ENACTED
OREGON LEGISLATIVE ASSEMBLY, 1943 - 1979

<u>Session Year</u>	<u>Number of Bills Introduced</u>	<u>Number of Bills Enacted*</u>
1943	970	519
1945	730	510
1947	800	493
1949	1,019	639
1951	996	593
1953	1,214	645
1955	1,263	723
1957	1,432	856
1959	1,336	726
1961	1,474	700
1963	2,668	726
1965	1,413	645
1967	1,387	634
1969	1,462	638
1971	1,554	708
1973	1,911	781
1975	2,303	841
1977	2,449	795
1979	2,611	899

*Approved or filed by Governor

Sources: Book of the States, 1943-44 to 1963-64; Oregon Blue Book.