



LPRO: Legislative Policy and Research Office

BRANCHES OF GOVERNMENT

BACKGROUND BRIEF

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

The legislature has influence over executive and judicial branch decisions. As the laws enacted by the legislature, along with adoption of the budget, establish state policy that directs all state agency activity and impacts the courts.

The primary functions of the legislature are to:

- Adopt and administer the state budget;

LEGISLATIVE BRANCH

Oregon’s bicameral Legislature is composed of two chambers, 60 members of the House of Representatives and 30 members of the Senate. Each of the 90 members represent a designated district, meaning each Oregonian is represented by a single Senator and a single Representative. Representative districts have a population of about 63,850; Senate districts contain about 127,700 people. Senators are elected to four-year terms, with 15 seats up for election every two years. Representatives are elected to two-year terms.

The Oregon Legislature convenes annually in February to consider public policy and the budget. During odd-numbered years the legislative sessions may not exceed 160 days and in even-numbered years, 35 days. Five-day extensions are allowed by a two-thirds vote in each house.

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- Enact new and revise existing laws;
- Setting public policy; and
- Senate confirmation of certain executive appointments (see Executive Appointments brief).

The Legislative Assembly is responsible for the state’s biennial budget including the ability to power determine budgets for all executive and administrative state officers, departments, boards, commissions and agencies of the state government. This is accomplished by reviewing and revising the Governor’s proposed budget. The Oregon Constitution prohibits the state from spending monies in excess of revenues. Legislative proposals to raise revenues must originate in the House of Representatives.

The legislature enact new and amends existing laws by providing a forum for the discussion of ideas and issues. An idea for a bill to



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change, amend or create a new law may come from citizen, group or legislator and can be brought forward for consideration at the request of a Legislative Committee or Legislator. In order for a bill to become law it must pass the Senate and House of Representatives in the identical form, after a Committee reviews the bill, conducts public hearings and votes in support of it during a work session. Unlike other states, the Oregon Legislature does not allow, per rule, to allow a bill to be amended on the floor of the Senate or House, all amendments must occur while in work session in a Committee.

After a bill has passed the Senate and House it proceeds to the Governor for consideration. The Governor can sign the measure, allow it to become law without signature, or issue a veto. The Governor can also veto specific line items of appropriation measures. Legislation referred to voters cannot be vetoed.

The step-by-step process is outlined [here](#).

Once a bill is signed by the Governor, it will become effective on January 1st of the following year, unless a specific effective date is specified in the bill. If the bill has an emergency clause, it will become effective when it is signed by the Governor.

During the 2015 Legislative Session, 2641 bills were introduced for consideration by the Legislature. Of those introduced, 847 measures passed both chambers and were signed by the Governor.

A bill to change, amend or create a new law

EXECUTIVE BRANCH

Oregon's executive branch is managed by five statewide elected officials: governor, secretary of state, treasurer, attorney general and commissioner of labor and industries. The

statewide officials are elected to four-year terms. However, the three constitutional officers (governor, secretary of state and treasurer) may not serve more than eight years in any 12 year period.

They administer the laws through a number of departments, boards, and commissions that create regulations that comprise the Oregon Administrative Rules (OAR).

The governor, as the chief executive of Oregon, is responsible for oversight of all state agencies, boards and commission; providing leadership, planning, and coordination for the executive branch; appointments of agency directors and as members to nearly 300 policymaking, regulatory and advisory boards and commissions and judges to fill vacancies in judicial office; proposes a two-year budget to the Legislature and recommends a legislative program to each regular session and may also call special sessions.

In addition, the governor chairs both the State Land Board, which manages state-owned lands, and the Oregon Progress Board, which sets strategic goals for Oregon; acts as the Superintendent of Public Instruction, directs state government's coordination with local and federal governments and is commander-in-chief of the state's military forces.

The Governor is Kate Brown. Governor Brown was sworn in as Oregon governor on February 18, 2015 after the resignation of John Kitzhaber. The order of succession in event the office of the governor becomes vacant passes in the following to the secretary of state, state treasurer, president of the Senate and speaker of the House of Representatives. Thus, as the Secretary of State, Brown assumed the office of governor.



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According to the Oregon Constitution, she will serve as governor until the results of the November 2016 election take effect in January 2017. When appointments are made to fill vacancies in a state office, the appointment expires when a successor to the office is elected at the next general election.

Governor Brown is a candidate for Governor at the 2016 General Election to serve the remaining two years of the term vacated by Kitzhaber.

The Secretary of State is responsible for the providing statewide leadership, management and oversight in the following divisions: elections; audits; corporation; and archives (manager of the state's official legislative and executive records). The Secretary serves as member of the State Land Board and as Chair of the Sustainability Board

Secretary of State Jeanne Atkins was appointed to serve as the Secretary after then Secretary Kate Brown was sworn in as Governor. She will serve as the Secretary until the new secretary is elected at the November 2016 general election and sworn in in January 2017.

The State Treasurer serves as the chief financial officer (CFO) for the state and is responsible for the prudent financial management of state money. As the State's CFO, the treasurer is responsible for managing the investment of state funds, issuing state bonds, serving as the central bank for state agencies and administering the Oregon 529 Savings Network. As the state's chief investment officer, the treasurer has the duty of investing the monies of numerous funds such as the Public Employees Retirement Fund, the State Accident Insurance Fund and the Common School Fund.

The treasurer serves on a variety of state financial boards and on the State Land Board, which has a fiduciary duty to manage state trust lands for the benefit of the Common School Fund.

State Treasurer Ted Wheeler will hold office until January 2017. He is not eligible for reelection and a new State Treasurer will be elected in 2016 and take office in January 2017.

The Attorney General is the chief legal officer for Oregon and oversees the Department of Justice (**DOJ**). The attorney general has full charge and control of all legal business of all state departments, boards and commissions that require the services of legal counsel, supervising all court actions and legal proceedings in which Oregon is a party or has an interest.

In addition, the attorney general and DOJ who represents the state's interests in all civil and criminal cases before the state and federal courts; serves as legal counsel to state agencies and offices; supervises charitable trusts and solicitations; enforces state and federal antitrust laws in Oregon, assistance to the state's district attorneys; and the establishment and enforcement of child support obligations for families who receive public assistance.

Attorney General Ellen Rosenblum was elected in 2012 to a four-year term ending in January 2017. She is a candidate for reelection to the office at the 2016 General Election.

The Commissioner of Labor and Industries oversees the Bureau of Labor and Industries (**BOLI**). The BOLI Commissioner is responsible for the enforcement of state laws prohibiting discrimination in employment, housing, public accommodation; compliance with state laws relating to wages, hours, terms



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and conditions of employment; education and training employers to understand and comply with both wage and hour, and civil rights law.

The Commissioner directs the state's registered apprenticeship training system, promotes the development of a skilled, competitive workforce in Oregon through the apprenticeship program and serves as Chair of the State Apprenticeship and Training Council.

Labor Commissioner Brad Avakian has served in the office since 2008 and was most recently reelected in 2014. His current four-year term will expire in January 2019.

JUDICIAL BRANCH

Oregon's judicial branch deliberates on civil, criminal, and constitutional issues. Oregon judges review the actions of executive and legislative branches for compliance with the Oregon Constitution. Oregon's state courts include the Supreme Court, the Court of Appeals, the Tax Court, and 36 circuit courts in 27 judicial districts. Judges are nonpartisan and elected to six-year terms.

The Supreme Court has discretionary review of cases from the Court of Appeals. It exercises direct review in cases such as circuit court death penalty decisions, Tax Court decisions, and state agency facility siting decisions. There are seven justices, and they chose one of their own to serve as chief justice.

The Court of Appeals is the intermediate appellate court. It has jurisdiction over civil and criminal appeals, and for review of most state agency actions. The court has ten judges, one of whom is selected by the Supreme Court to serve as chief judge. In 2012, the Oregon Legislature adopted House Bill 4026 to increase the number of Court of Appeals judges from 10 to 13. The additional judges

were appointed by the Governor after October 1, 2013.

The Tax Court has exclusive jurisdiction in all questions of law regarding state tax laws, local budget law, and property tax limitations. There is a Magistrate Division that conducts informal proceedings and a Regular Division where the judge of the Tax Court presides over trials. The Tax Court consists of one judge and five magistrates.

The circuit courts are the state trial courts of general jurisdiction. The circuit courts exercise jurisdiction in juvenile, probate, adoption, and guardianship cases in all counties except Gilliam, Grant, Malheur, Sherman and Wasco, where county courts have jurisdiction. There are 173 circuit court judges in 27 judicial districts.

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