

SESSION IN REVIEW

Oregon's 2011 Legislative Session marked the first time in history that the Oregon House of Representatives was evenly split: 30 Democrats and 30 Republicans. This resulted in a power sharing agreement with Co-Speakers of the House of Representatives and Co-Chairs of every House committee. With few exceptions, the agreement meant that Co-Chair consensus was required for any bill to obtain a public hearing and/or work session. As a result, bills with even a hint of policy scandal were non-starters in the House and were more or less dead on arrival. This phenomenon carried over in the Senate as well when the realization set in that those controversial bills would likely die in the House.

The presiding officers of the House and Senate allowed for a mechanism that would permit a majority of any of the chambers to pull a bill out of a committee directly to respective chambers for consideration. However, that tool was rarely used and ineffective. Most legislators agreed in principal to defer to the Chairs and Co-Chairs of the policy committees regarding contentious issues. Therefore, use of the mechanism only seemed to hurt those who spearheaded efforts to move on with it.

While major moves were made in the health care arena, the 2011 Legislature will likely not be remembered for what they accomplished, but rather for what they did not get done. As much as legislators talked about job creation and the economy, those issues were largely avoided as partisan gridlock seemed to stymie any progress and budget woes ruled the day. The state employee retirement system is unmatched in its unfunded liability, yet nothing was done to begin fixing that problem. The budget was balanced, but not without major cuts to agencies that typically lead the state in job creation through capital construction programs. Across the board agencies suffered 18 to 22 percent cuts in funding.

By The Numbers

By the time that the 2011 Legislature adjourned in late June, they had approved the lowest number of measures in more than a decade, at least. Of 3,021 bills introduced, 807 pieces cleared both chambers, according to Legislative Counsel, the in-house legal office that drafts legislation. That statistic translates to a 27 percent approval rating.

There is nothing particularly wrong with a low passage rate (As was the case in this session, plenty of bills in previous sessions may have been nonsense). Also, in 1999, some 69 of the 1,165 bills cleared by Republicans in both chambers were vetoed by then and current Gov. John Kitzhaber – dubbed “Dr. No”.

A major factor of the low passage rate in this session stemmed from a House divided 30-30 between Republicans and Democrats. And of course, the upper and lower chambers obstructed each other as well. The Senate, controlled by Democrats 16-14, passed on several bills approved by the House, while the Senate knew very well that any partisan legislation sent to the House would likely end its final days on the cutting room floor.

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In 2011, reports show that the Senate introduced 1,134 measures, of which 85 percent made it through the House. Two years ago, Senate measures in the House were approved at a rate of 95.6 percent, and before that, 90.8 percent. It makes sense the rates were higher because Democrats controlled both chambers in 2009 and 2011. This year, the House introduced 1,885 measures and the Senate approved 89.4 percent of those bills. In 2009, the rate was 88.9 percent compared to 86.4 percent in 2007.

Firearms Legislation

The 76th Legislative Session came and went with little policy change in Oregon related to firearms. At the start of the session there were very few pieces of anti-firearms legislation, while pro-gun measures ranged from reciprocity and concepts that would cement the castle doctrine to issues such as changing Oregon's "point of contact" status with the Oregon State Police. The Oregon Gun Owners put forth five pieces of legislation for consideration in the session. The legislation, among other things, sought to add a reciprocity statute to Oregon law, allow people to protect their homes from intruders without facing criminal or civil charges, and require the State Police to destroy firearms information within 24 hours of receipt. When it came right down to it, one of the biggest hurdles we faced this session was competing legislation that was drafted with nuances that differed among each piece.

Rep. Wayne Krieger (R-Gold Beach) and Rep. Jeff Barker (D-Aloha) chaired the House Judiciary Committee and were champions of firearms legislation during the session. Right out of the gate they scheduled hearings on the reciprocity bills, a technical fix to Oregon's concealed carry law related to ATV's, and the protection of CHL information from public records laws. The hearings seemed to go well as advocates from OGO and a variety of firearms groups clearly demonstrated that any problem associated with firearms lies in the government's inability to address issues such as gang violence and the illegal acquisition of firearms. What we do not need is more gun control and restriction for law abiding citizens. On more than one occasion, firearms advocates pointed to studies conducted across the nation that clearly prove that American citizens who legally exercise their constitutional right to acquire and carry firearms are not the problem when talking about gun violence. More often than not, the problems that legislators and elected officials across the nation are dealing with are directly related to gang violence, stolen weapons and weapons obtained in an otherwise illegal fashion. If the nation wants to slow the rate of violent crime in the United States, they are obviously targeting the wrong audience.

The House Judiciary Committee ultimately moved a package of three firearms bills to the Senate for consideration. The bills were: HB 2792 relating to reciprocity, HB 2787 related to CHL public records status and HB 2797 relating to concealed carry on an ATV. The bills were then stuck in a quagmire of political gamesmanship. As the more liberal Senate committee had sent bills to the House Judiciary Committee, the firearms bills sent to the Senate were held hostage, so to speak. As the two chambers wanted different things out of each other, the firearms bills became a political bargaining chip. The Senate Judiciary Committee included Chair Sen. Floyd Prozanski (D-Eugene), Sen. Jackie Dingfielder (D-Portland), Sen. Suzanne Bonamici (D-SW Portland), Sen. Jeff Kruse (R- Roseburg), and Sen. Doug Whitsett (R-Klamath Falls).

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Sen. Prozanski was clear from initial conversations that he was going to pass one bill containing provisions that each side of the issue was interested in. What those provisions were had not been revealed until just days before a public hearing in the Senate Judiciary Committee. In addition to reciprocity, ATV, and public records, anti firearm Senate members added to the conversation a prohibition of concealed weapons on school grounds, stricter limitations on convicted felons applying for firearms restoration and stricter limitations on firearms rights for those with mental illnesses. Cease Fire Oregon continued their attempt to paint CHL holders as lawless renegades who are apt to go on violent shooting sprees. This is patently untrue and the evidence that OGO provided the committee refuted that argument.

After two and a half days of testimony the Senate moved HB 2797 with a myriad of unfriendly amendments, but before it obtained the consideration of the full Senate it was referred to the Senate Rules Committee where it died. That left HB 2792 and more behind the scenes conversations as Senate caucuses negotiated the provisions of the bill. They agreed to include a provision clarifying the ATV CHL issue regarding what constitutes a loaded weapon. The provision also placed limitations on the restoration of firearms rights for felons who were convicted of “person felonies” and are within a year of completing post prison supervision. The bill requires that the Oregon State Police report back to the Legislature before the end of 2011 regarding their compliance in providing information to the United States Attorney General as the information relates to disqualifiers of CHL permits.

HB 2792 was passed by the Senate. In the House the bill went to a conference committee to fix a small technical issue, but was ultimately passed and sent to the Governor for his signature. The Governor signed the legislation on August 2.

Legislative Redistricting

Redrawing the legislative district maps in Oregon is a major responsibility of the Legislature and typically it comes with a lot of emotion. This session the bi-cameral effort was lead by Senate Chair Suzanne Bonamici (D-Beaverton), Senate Vice-Chair Chris Telfer (R-Bend), House Co-Chairs Shawn Lindsay (R-Hillsboro) and Chris Garrett (D-Lake Oswego), and Co-Vice Chairs Kevin Cameron (R-Salem) and Tobias Read (D-Beaverton). Despite considerable speculation as to whether or not the committee could reach a bipartisan agreement, they were successful in passing both legislative and congressional plans that ensure fair and equal representation for Oregonians over the next decade. This is the first time that the Legislature has successfully passed congressional and legislative redistricting bills since 1981. In instances where the legislature cannot agree, the project is deferred to the Secretary of State’s office. The new district lines will take effect in January of 2013. Districts were largely unchanged, but there were small amendments made to adjust for populations shifts. The historic passing of this plan by the Legislature demonstrates their willingness to work together in a manner expected by the Oregon electorate.

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LOOKING AHEAD

The Year of the “Punt”

The 2011 Oregon Legislative Assembly was not the most conducive environment for passing legislation. While many issues were addressed this session, a surprising few were resolved by adjournment sine die. This impasse is substantially because of the 30-30 Republican-Democrat split in the House, and also a mere one vote Democratic majority in the Senate. The appetite and ability to tackle divisive issues with the slimmest of margins was just not there.

The Legislature attempted to address many issues; however, several of them were so complex that solutions were rushed and decided in haste. This resulted in a large number of work groups, study committees, and rule-making hearings to convene during the 2011 interim. Thoroughly vetted consensus bills can and likely will be presented during the mini-session in February 2012. These issues include continued changes to health systems transformation, the Oregon Health Insurance Exchange, fair housing debates, an exhaustive review of the public contracting code - including the CM/GC process - and a look at business regulations in Oregon that stifle business development and growth. We expect the 2011 interim to be one of the busiest in recent memory as work groups of legislators, state employees, lobbyists and advocates will have a great deal of heavy lifting to do in order to prepare for real action in the 2012 short session.

Tight Timelines will Dictate Interim Pace

In response to Oregon’s newly adopted annual legislative session schedule, the 2011 interim is shaping up to be extremely busy with work groups and studies, which lead to important dates and deadlines. Annual sessions have created a sense of urgency, so regular communication during this time is important. State agencies are ramping up the rule making processes, legislators are gearing up for the first round of Legislative Committee Days, and the start of the 2012 Legislative Session is a mere six months away. The following dates and milestones should be observed as we prepare for 2012.

- **Third Quarter State Revenue Forecast** – August 26, 2011
- **Post-Session Legislative Committee Days #1** – September 21- 23, 2011
- **Post-Session Legislative Committee Days #2** – November 16-18, 2011
- **Fourth Quarter State Revenue Forecast** – November 21, 2011
- **2012 Pre-Session Legislative Committee Days** – January 18-20, 2012

Presiding officers of the House and Senate will actively seek to limit the breadth of policy discussion in the 2012 Session. Their focus is likely going to be on making adjustments to state agency budgets, as allowed by fluctuations in the revenue forecast, and tweaking portions of health care transformation that will have been identified through interim discussions and evaluation of the legislation passed in 2011. Policy discussions are going to be limited largely by the number of bills allowed to be drafted.

- **Each legislator is allowed to introduce two measures**
- **Each Interim Legislative Committee is allowed five measures**
- **The executive branch is allowed five measures**
- **The judicial branch is allowed five measures**

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