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Background Brief on ...

# Branches of Government

“The powers of the Government shall be divided into three separate 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.” (Section 1, Article III of the Oregon Constitution)

## Legislative Branch

The Oregon State Legislature is composed of two chambers. The Senate has 30 members and the House of Representatives has 60 members. Senators are elected to four-year terms, with 15 seats up for election every two years. Representatives are elected to two-year terms.

The Legislative Assembly has the authority to exercise budgetary control over 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. Proposals to raise revenues must originate in the House of Representatives.

The legislature enacts laws and implements public policy by providing a forum for the discussion of ideas and issues. Oregon has an open meetings law and a strong committee process for accommodating input from any interested person or organization during public hearings. Measures can be amended only while in work session in committee. When an amended measure passes out of committee, it is printed engrossed. When the same measure passes both chambers it is printed enrolled and sent to the President of the Senate and Speaker of the House for their signatures. The measure then 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.

Senate and House rules stipulate timelines for introduction of measures during the legislative session. During the 2011 Legislative Session, 302 measures were introduced. Of those filed, 807 measures passed both chambers and one measure was vetoed. All measures became effective on January 1<sup>st</sup> of the following year, unless a specific effective date in the measure stipulated otherwise. Measures declaring an emergency become effective when signed by the Governor. Measures enacted into law are codified in the Oregon Revised Statutes (**ORS**).

### **Executive Branch**

The Executive Branch of Oregon government is responsible for carrying out Oregon's laws. It is headed by the Governor and five other elected officials: the Secretary of State, the State Treasurer, the Attorney General, the Commissioner of Labor and Industries, and the Superintendent of Public Instruction. Each is elected to four-year terms. They administer the laws through a number of departments, boards, and commissions that create regulations that comprise the Oregon Administrative Rules (**OAR**).

The Governor oversees all state agencies and provides leadership, planning, and coordination for the executive branch. The Governor submits a proposed budget at the beginning of each legislative session. The Governor is John Kitzhaber whose term ends in January 2015.

The Secretary of State is auditor of public accounts, chief elections officer, and manager of the state's official legislative and executive records. Secretary of State Kate Brown holds office until January 2013 and can seek re-election.

The State Treasurer serves as the chief financial officer for the state and is responsible for the prudent financial management of state money.

State Treasurer Ted Wheeler will hold office until January 2017.

The Attorney General oversees the Department of Justice (**DOJ**) and controls and supervises all court actions and legal proceedings in which the State of Oregon is a party or has a legal interest.

In 2008, John Kroger was elected to a four-year term as Attorney General. On June 29, 2012 Kroger stepped down as Attorney General and Ellen Rosenblum was selected by Governor Kitzhaber as the interim Attorney General.

The Commissioner of Labor and Industries oversees the Bureau of Labor and Industries (**BOLI**) and enforces state laws prohibiting discrimination in employment, housing, public accommodation, and vocational and professional trade schools. Labor Commissioner Brad Avakian holds office until January 2013 and is seeking re-election.

The Superintendent of Public Instruction oversees the Department of Education and is responsible for providing statewide leadership for the elementary and secondary students in Oregon's school districts. In 2010, Susan Castillo was reelected as Superintendent of Public Instruction. In 2011, the Oregon Legislature adopted Senate Bill 552, designating the Governor as Superintendent of Public Instruction upon the expiration of term of the currently elected Superintendent or if a vacancy occurs. The Governor will appoint a Deputy Superintendent of Public Instruction.

On June 4, 2012, Superintendent Castillo announced her resignation as Superintendent of Public Instruction. As a result of her resignation prior to the end of her elected term the Governor assumes the duties of the office and will appoint a Deputy Superintendent of Public Instruction.

### **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 10 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 will be 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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