

A GUIDE TO READING A LEGISLATIVE MEASURE

76th OREGON LEGISLATIVE ASSEMBLY--2012 Regular Session

LEGISLATIVE SESSION AND YEAR

Senate Bill 1575

MEASURE NUMBER: A member introduces a bill in the chamber in which the member serves. Bills raising revenue must originate in the House. The Desk assigns measure number.

Sponsored by Senator PROZANSKI, Representatives SHEEHAN, WEIDNER; Senators BEYER, COURTNEY, DEVLIN, EDWARDS, JOHNSON, MONNES ANDERSON, STEINER HAYWARD, Representatives BARNHART, BEYER, HOLVEY, HOYLE, SCHAUFLEER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Increases penalty for crime of disorderly conduct if crime is committed within 200 feet of property on which person knows funeral service is being conducted. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.
Declares emergency, effective on passage.

SPONSORS: Member(s) assuming responsibility for introducing measure.

A BILL FOR AN ACT

SUMMARY: Also known as the Digest. Written by Legislative Counsel.

1
2 Relating to disorderly conduct in the second degree; amending ORS 166.025; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

RELATING TO CLAUSE: Measure contents must be "germane" to relating clause. Important for gut and stuff.

5 **SECTION 1.** ORS 166.025 is amended to read

6 166.025. (1) A person commits the crime of disorderly conduct in the second degree if, with in-
7 tent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the
8 person:

EXISTING LAW: Current Oregon Revised Statutes (ORS) that will be modified.

SECTION AND PROPOSED ACTION: Each section of the ORS will be included.

9 (a) Engages in fighting or in violent, tumultuous or threatening behavior;

10 (b) Makes unreasonable noise;

11 (c) Disturbs any lawful assembly of persons without lawful authority;

12 (d) Obstructs vehicular or pedestrian traffic on a public way;

13 *[(e) Congregates with other persons in a public place and refuses to comply with a lawful order
14 of the police to disperse;]*

15 *[(f)]* (e) Initiates or circulates a report, knowing it to be false, concerning an alleged or im-
16 pending fire, explosion, crime, catastrophe or other emergency; or

17 *[(g)]* (f) Creates a hazardous or physically offensive condition by any act which the person is
18 not licensed or privileged to do.

19 (2)(a) Disorderly conduct in the second degree is a Class B misdemeanor.

20 (b) **Notwithstanding paragraph (a) of this subsection, disorderly conduct in the second
21 degree is a Class A misdemeanor if the crime is committed within 200 feet of the real prop-
22 erty on which the person knows a funeral service is being conducted.**

[Italic font in brackets]: deleting current language from current statutes.

23 (3) As used in this section, "funeral service" means a burial or other memorial service
24 for a deceased person.

25 **SECTION 2.** This 2012 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
27 on its passage.
28

Boldfaced font: Adding new language to current statutes.

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

LC: Legislative Concept number

LC 20

EFFECTIVE DATE: Date measure becomes law. Without an emergency clause, measure takes effect January 1 of the year after passage.

EMERGENCY CLAUSE: With emergency clause, measure takes effect either on the date specified by the measure, or is effective immediately, which means that the measure will take effect on the date the governor signs the legislation into law. Emergency Clauses may not be attached to measures raising revenue.

OPERATIVE DATE: If a bill requires administrative preparation before the bill is fully operative, an operative date is used to delay operation of all or part of the bill. If an operative date is used, the entire bill takes effect on its effective date. However, a specified part of the Act does not become operational until a later specified date. It is important to distinguish between items that are authorized on and after the effective date and items that are not authorized until the operative date.

SUNSET CLAUSE: a statement added to the end of a measure which causes the act to "sunset," or become ineffective, after a certain date.

A GUIDE TO READING A LEGISLATIVE MEASURE

TYPES OF MEASURES

Measure – a written document used by the Legislative Assembly to propose a law or to express itself as a body. There are six types of measures.

1. **Bill** - a measure that creates new law, amends or repeals existing law, appropriates money, prescribes fees, transfers functions from one agency to another, provides penalties, or takes other action.
2. **Memorial** – a measure adopted by either the House or the Senate to make a request of or express an opinion to Congress or the President of the United States, or both. It is not used to commemorate the dead.
3. **Joint Memorial** – a measure adopted by both houses and used to make a request of or to express an opinion to Congress, the President of the United States, or both. It is not used to commemorate the dead.
4. **Resolution** – a measure used by the House or the Senate to take an action that would affect only its own members, such as appointing a committee of its members, or expressing an opinion or sentiment on a matter of public interest.
5. **Concurrent Resolution** – a measure affecting actions or procedures of both houses of the Legislature such as joint sessions, appointments of joint committees and adjournments. A concurrent resolution is used to express sympathy, congratulations, commendation, or to commemorate the dead.
6. **Joint Resolution** – a measure used for proposing constitutional amendments, creating interim committees (ORS 171.610), provide for the printing of legislative publication, giving direction to a state agency, expressing legislative approval of action taken by someone else, or authorizing a kind of temporary action to be taken. A joint resolution may also authorize expenditures out of the legislative expense appropriations.

Referendum – measure put to a vote by a legislature

Initiative – measure petitioned by citizens

TYPES OF LAW

Oregon Revised Statutes (ORS) – the ORS is a subject compilation of the Laws of Oregon. A multi-volume set of Oregon statutes, codified by classification system of subjects that are of a "general, public and permanent nature." Oregon Revised Statutes includes the Oregon and United States Constitutions, a general index, comparative section tables and annotations. A new edition of Oregon Revised Statutes is published by the Legislative Counsel Committee after adjournment of each regular session of the Legislative Assembly.” Also available online.

Oregon Laws (Session Laws) – a chronological compilation of laws passed by the Legislature and signed by the Governor published officially. Oregon Laws includes tables of Senate and House bills enacted during the session and tables of "sections amended, repealed or added to" and a general index. Available online and in Legislative Counsel.

A GUIDE TO READING A LEGISLATIVE MEASURE

ABRIDGED LEGISLATIVE GLOSSARY

amendment – proposed modification to the measure. Any member and any committee may ask the Office of the Legislative Counsel to draft an amendment to any bill. Must be “germane” to the relating clause (subject) of the bill. Amendments not marked confidential can be shared.

assignment to Committee – Speaker or President assigns measure to a committee.

bill back – a document used to introduce a measure into the formal legislative process. Information on bill back includes the sponsor(s), bill’s title and whose behalf the sponsor is introducing the bill. Legislative Counsel produces this bill back along with the draft bill for the requester of the measure.

Chief Clerk of the House - chief administrative officer of the House (Ramona Kenady Line).

committee action – Committee may hold public hearings and takes action. Pass = Back to first Chamber. Pass with amendments = Reprinted and back to Chamber. Do not pass = bill is dead.

committee administrator – professional staff for a substantive (policy) committee. When a measure is referred to a committee, the Committee Administrator will work with the Committee Chair to schedule the measure if the Chair decides the committee will consider the bill. The Committee Administrator is responsible for preparing the Staff Measure Summary (SMS) for committee members.

committee assistant – responsible for an audio recording of the proceedings and prepares minutes containing a “summary of discussion on any matter.”

conflict amendments – if the legislature passes two or more bills dealing with the same issue and the bills conflict, under section 22, Article IV of the Oregon Constitution, “the act last signed by the Governor shall control.” Typically, the conflict amendments will provide that, if the preferred and alternate versions both become law, the alternate version is repealed.

“dash” (-) numbers – each time the Publication Services section in the Office of the Legislative Counsel processes an amendment, the amendment receives -1, -2, -3... -n designations.

The Desk – the station of the Secretary of the Senate, or the station of the Chief Clerk of the House.

engrossed bill – version of bill with amendment(s). A bill is engrossed only after a committee has adopted the amendment(s) to a bill and sent the bill to the floor.

enrolling – when the second chamber has approved a bill, the Desk once more sends the bill to the Office of the Legislative Counsel. This time, the office converts the bill into its enrolled form (proofread and with added signature lines for the chief legislative officer of the chamber in which the bill started, the presiding officers, the Governor and the Secretary of State).

first read – a recitation of the measure's number and title by the Reading Clerk. The measure becomes public for the first time. Once read the Desk transmits the bill to the Senate President or the Speaker of the House.

A GUIDE TO READING A LEGISLATIVE MEASURE

gut and stuff – gutting a bill’s content and replacing it with amendments leaving only the bill’s title intact.

legislative concept (LC draft) – draft of an idea for legislation prepared by Legislative Counsel. If the draft is introduced as a measure, it is given a bill number. For example SB 1575 (2012) was LC 20. The LC and a bill back are delivered to the Desk where it is assigned a bill number.

overriding a veto – Section 15b, Article V of the Oregon Constitution authorizes the legislature to override the Governor’s veto by obtaining 2/3 votes of the members present in each chamber.

public hearing – the meeting at which the Committee Administrator explains measure and the committee takes testimony.

repassing – if the second chamber amends and passes a bill, then the bill returns to the original chamber to decide whether to concur in the amendments and repass the bill.

second reading – a second recitation of the measure's number and title by the Reading Clerk. Second Reading occurs after the measure has been referred to committee, worked on, and reported back to the floor for a vote.

Secretary of the Senate – chief administrative officer of the Senate (Robert Taylor).

sign or veto – Sections 15a and 15b Article V of the Oregon Constitution give the Governor the authority to veto whole bills or “single items in appropriation bills.” During session, the Governor has 5 weekdays within which to veto a bill. The Governor may take up to 30 days from sine die to veto bills passed within the last 5 days of the session. The Governor must make a public announcement at least 5 days before the veto that he has the “possible intention” to veto the bill.

staff measure summary (SMS) – a brief, impartial description of a measure that must accompany the measure when it is reported out of committee.

subsequent referral – The President of the Senate or the Speaker of the House may place a subsequent referral to the Joint Committee on Ways and Means (JWM) on a substantive or policy bill after it is introduced in each respective chamber and as it is assigned to a substantive committee(s). The referral is at the sole discretion of the President or the Speaker; there are no House or Senate rules requiring a subsequent referral to JWM.

third reading – a third recitation of a measure's number and title by the Reading Clerk on the floor before a final vote by either Chamber

work session – the meeting at which a committee votes (take action) on a bill. Once the committee votes to pass a bill to the floor, the chair of the committee designates a member as the carrier of the bill. The carrier’s role is to explain the bill to members and lead the debate on the floor.