OUR SYSTEM OF GOVERNMENT

Developed by the Office of the State Court Administrator
Oregon Judicial Department
Oregon's state government is part of the system known as a “federal government” (also referred to as “federalism”). Federal governments divide power and jurisdiction between a strong national (central) government, state governments, and local county and city governments. The U.S. Constitution declares that the national government (known as the “federal” government) holds certain powers and that remaining powers are reserved for the states or the people (see chart below).

U.S. citizens are protected by U.S. constitutional rights and by the much broader protections, rights, and laws contained in their individual state constitution (although a state constitution cannot violate the U.S. Constitution). Non-citizens are also protected where the U.S. Constitution refers to “residents” or “persons.” Where the Bill of Rights (the first 10 amendments to the Constitution) references “the rights of the people” those rights are shared by non-citizens and immigrants as well as U.S. citizens.

Oregon

Oregon’s constitution divides the state’s governing powers between state, county, and city governments. Each oversees specific services fundamental to maintaining a safe and healthy society (see a sampling of state, county, and city services below):

**State of Oregon**
- Agriculture Regulation
- Consumer & Business Services
- State Courts/Corrections/Prisons
- Education
- Environmental Quality
- Fish & Wildlife
- State Courts
- Human Services
- Land Conservation/Development
- State Police
- Dept of Revenue/Taxes
- Transportation
- Veterans Affairs
- Elections/Campaign Finance
- Voter Registration
- Licenses/Permits/Vital Records

**County Government Services**
- Public Health/Mental Health
- Roads/Bridges/Airports
- Courthouses/Jails/County Sheriff
- Justice Courts
- Hospitals/Nursing Homes/Clinics
- Public Housing
- Parks/Pools
- Civil Defense
- Senior Services
- County Elections
- Building Regulations
- Water Systems/Refuse Disposal
- Air Pollution Control
- Veterans Services
- Public Libraries
- Dog Control

**City Government Services**
- City Police Department
- Streets & Street Maintenance
- Sewer & Water
- Building Permits
- Libraries
- Parks & Recreation
- Land Use Planning
- Urban Growth Boundaries
- Pass City Ordinances
- Municipal Courts
- Fire Department

* County government in Oregon has the highest degree of local discretionary authority of any state in the U.S. – The National Advisory Commission on Intergovernmental Relations
State government structures are modeled after the federal government’s three branch system - executive, legislative, and judicial branches.

Oregon’s Three Branches of State Government

Executive Branch

The state executive branch is headed by Oregon’s Governor, whose job is to “faithfully execute the law”; make recommendations to the Legislature; approve the state budget; and to ensure, through the state’s multiple agencies, that the necessary operations of government are accomplished. Four additional officials assist in the management of executive branch responsibilities: Secretary of State; State Treasurer; the Attorney General; and the Labor and Industries Commissioner. Some of their duties are listed below:

Legislative Branch

Oregon’s Legislature is referred to as the “Legislative Assembly.” It consists of a 60-member House of Representatives (the lower house) and a 30-member Senate (the upper house). Oregon is divided into 30 senatorial districts each represented by one of 30 elected state senators and 60 house representative districts, each represented by an elected house representative.
Oregon’s legislature enacts new laws, revises existing laws, reviews administrative rules drafted by state agencies for adherence to law, confirms certain executive appointments made by the governor, and administers the state budget. Legislative decisions set policy that affects the health, education, general welfare of Oregonians, and helps maintain the economy and condition of the state’s environment.

New laws begin as an idea that becomes a bill submitted to the Legislative Assembly:

1. A citizen, group, or representative presents an idea for a bill to a legislator

2. If the legislator decides to sponsor it, the bill goes to legislative counsel

3. Legislative counsel drafts the bill in proper legal language

4. The bill is given a number and is printed for its 1st reading in the House

5. The bill is referred to an appropriate committee and sent for review of its fiscal and revenue impacts

6. The committee reviews the bill and holds public hearings and work sessions

7. The committee writes a report to pass, pass with amendments, or not pass

8. If amendments are made, the bill is sent back to the House for 2nd and 3rd readings

9. The House debates the bill and votes to pass or not pass

10. If bill passes it goes to the Senate

11. The bill has its 1st reading; the Senate President assigns it to a committee

12. The bill goes to a committee, which holds public hearings; and recommends a pass, pass w/ amendments, or do not pass

13. The bill goes back to Senate for 2nd and 3rd readings; senate debates the bill; and votes to pass, pass w/ amendments, or not pass

14. If amendments are made, the bill goes back to the House to vote on changes to bill

15. If House does not agree, a Conference Committee is appointed w/ legislators from House and Senate to work out agreement

16. After the bill passes both houses it is signed by Speaker of the House, Senate President, Chief Clerk of House or Secretary of Senate

17. When House and Senate agree, bill is sent to the Governor

18. Governor reviews bill then signs, does not sign, or vetoes bill

- If signed: bill becomes law on the Jan 1 following legislative session
- If not signed: bill becomes law w/o Governor’s signature
- If vetoed: bill goes back to House and Senate. A 2/3 majority vote in both houses overrides veto
Decisions made in dividing the state’s biennial budget between all three branches, including the agencies and programs within them, is a responsibility of the Legislature. Allocation of the budget must be made in a way that allows critical operations of agencies, programs, Oregon’s economy, the state’s environment, and government overall to function smoothly and provide services to the public.

**Judicial Branch**

Oregon’s Judicial Branch is a state court system of 36 circuit (trial) courts, a Court of Appeals and Supreme Court (the appellate courts), a Tax Court, and the Office of the State Court Administrator (OSCA), all headed by the Chief Justice of the Oregon Supreme Court. The Chief Justice and Supreme Court justices also play roles in Judicial Branch-affiliated legal groups (Oregon State Bar, Commission on Judicial Fitness and Disability, Office of Public Defense Services, and the Council on Court Procedures).

### Oregon Supreme Court

(l to r) Justices Thomas A. Balmer, Rebecca Duncan, Chief Justice Martha Walters, Adrienne Nelson, Lynn Nakamoto, Chris Garrett, and Meagan Flynn

In addition to deciding cases, other responsibilities include:

**Chief Justice:** Is administrative head of the Judicial Branch. She appoints the Chief Judge of Court of Appeals and the presiding judge of circuit courts, adopts Uniform Trial Court Rules, Chief Justice Orders, and Supplementary Local Rules, assigns judges to various commissions, task forces, councils, committees

**Justices:** Choose a justice to lead as chief justice, admit lawyers to practice law in Oregon, review and approve various rules, amendments, and Uniform Trial Court Rules, have explicit decision-making roles with Judicial Branch affiliate groups

The entire Supreme Court participates in: Public Outreach activities, Supreme Court School and Community Outreach

### Oregon Court of Appeals

(l to r standing) Judge Steven R. Powers, Bronson D. James, Roger J. DeHoog, Erin C. Lagesen, Erika L. Hadlock (retired), Joel Devore, Douglas L. Tookey, Scott A. Shorr, Robyn Aoyagi, and Joseph H. Mooney and (l to r seated) Judge Rex Armstrong, Chief Judge James C. Egan, and Judge Darleen Ortega

In addition to hearing appeals, other responsibilities include:

**Certain decision-making roles with Judicial Branch affiliate groups, Public Outreach activities, Court of Appeals School and Community Outreach, Serving on councils, task forces, committees**

### Oregon Tax Court

(l to r) Magistrate Richard Davis, Magistrate Allison Boomer, Tax Court Judge Robert Manicke, and Magistrate Poul Lundgren

**Tax Court Judge:** Administers the Tax Court, appoints the magistrates, assigns cases, hears appeals of Magistrate Division decisions

**Magistrates:** Hear cases, write decisions, lead mediation if parties agree to settle the case by this method

### County Circuit Courts

Oregon’s 36 counties are organized into 27 judicial districts. There is at least one courthouse in each of the 36 counties. There are 175 circuit court judges.

In addition to deciding cases, other responsibilities include:

**Presiding Judges:** Administer, supervise, and distribute the workload within their judicial districts

**Trial Court Administrator:** Handles court operations, personnel, budget, financial management, jury management

**Judges:** Hear civil and criminal cases, specialty court cases that include: treatment programs for drug, alcohol, and mental health, veterans, family courts, domestic violence, and juvenile delinquency. They hear cases in community court; arbitration, mediation, and settlement conferences. They sign warrants, serve on OJD committees, task forces, and councils, and participate in community outreach activities

The Oregon Judicial Branch preserves the rule of law in Oregon by deciding all legal disputes not handled by the federal district courts. Judges in Oregon’s circuit courts, Court of Appeals, Supreme Court, and Tax Court interpret and apply state and federal constitutions, state laws, and state statutes passed by the Oregon legislature. Judges reach decisions on cases by deciding whether state laws and executive orders apply to a case or if those laws are constitutional (this is called judicial review). Judges hold hearings and trials within their respective counties throughout the state. The central role of the state courts is to ensure that all Oregonians receive fair and accessible justice by providing due process (respecting all legal rights that are owed to a person), protecting individual rights, and preserving community welfare.
County and City Governments

Counties and cities within states administer vital public services to citizens within their jurisdictions. In Oregon, county and city voters also have the decision-making authority to decide what form of local government will respond best to the needs of their communities. Local governments can pass laws (ordinances); adopt resolutions; and decide public policy that effects the governance and welfare of their communities.

Governing structures in Oregon’s counties and cities take a variety of forms usually depending on population size and are governed either by an elected mayor and city council, an elected commission, or a city council and manager or administrator.

Citizen Participation

Participation by citizens is recognized as the foundation of our democracy. Citizens, (along with the American free press and special interest groups) have the power to participate in the selection of federal, state, and local government officials through the constitutionally-protected right to vote, informed by freedom of the press and free speech. Citizens in America are free to: receive and distribute information used to make voting decisions; participate in the drafting of laws (called initiatives) to submit to their legislators; run for public office; and lawfully protest and demonstrate dissatisfaction with how government is performing its duties. These rights are citizen responsibilities that affect the maintenance, improvement, and future of our democracy.

Ways that Citizens Can Participate in Democracy

- **Stay informed** through information in newspapers, magazines, reference materials, on television (confirm accuracy of information)
- **Vote** in local, state, and national elections
- **Participate** in political discussion
- **Volunteer** in the community
- **Sign petitions** to support causes
- **Display support** for a cause with a car bumper sticker or lawn sign
- **Create awareness** of critical issues through letters to elected representatives or urge them to support certain bills or amendments
- **Contribute money** to a party or candidate
- **Attend meetings** to gain information, discuss issues, or lend support
- **Campaign** for a candidate
- **Lobby** for laws that are of special interest
- **Demonstrate** through peaceful marches, boycotts, sit-ins, or other forms of lawful protest
- **Serve as a juror** to support our court system and ensure fair and accessible justice for all
- **Run as a candidate for office**
- **Serve the country** through military service

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