

Peter Courtney: The Oregon Senate's master of ceremonies

January 25, 2012

Here's how much of a worrywart Peter Courtney is:

-He's just presided over an Oregon legislative session that was praised for its relative efficiency and civility;

-A unique power-sharing arrangement of his design is credited with making the session work;

-Two test drive sessions in even-numbered years stuck to their timelines and helped the state cope with effects of the Great Recession.

Yet, as the Oregon Legislature prepares for its first regular even-year session, Courtney, the Oregon Senate president, is all aflutter.

"It's no longer an exhibition game, when afterward you can say you worked hard if you don't make it," Courtney said recently. "Those days are over now. You either meet it (deadline) or you look very bad.

"You have no excuses. The public said to do this, and do it the way you set out. We trust you, now make government work.

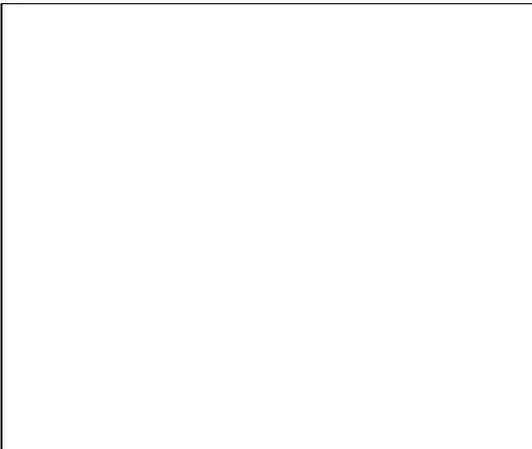
"I hope the past was positive, in that we have shown how to make it work, and the Legislature is doing its job. But in some ways, I worry more because of what we have done in the past. We have created expectations."

For more than a century, ever since Oregon became a state in 1859, lawmakers met every other year. The only change came after 1882, when the starting date for sessions was switched from the second September in even-numbered years to the second January in odd-numbered years.

Even though a changeover has been proposed for more than 40 years, it was only in November 2010 that voters approved an annual-sessions measure — and they did it by a ratio greater than 2 to 1.

Last year, lawmakers ended their session in 150 days, excluding a few organizational days that are not counted against the new limit of 160 days.

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On Feb. 1, they will join the 45 other states where lawmakers meet annually. This year's session is scheduled to end Feb. 29, although the limit of 35 days allows them to go to March 6.

Lawmakers are faced with rebalancing a two-year budget that is \$300 million short of projected tax collections. Gov. John Kitzhaber has laid out ambitious follow-up proposals to overhaul education and state-supported health care.

How it came about

The idea of annual sessions did not originate with Courtney, who came to Oregon about the time two citizen panels recommended a switch in 1968 and 1974.

After six years on the Salem City Council, Courtney was elected to the Oregon House in 1980. In his first term, lawmakers set a record for session length at 203 days.

When Courtney returned to the House in 1989 after a four-year break, he voted against referring an annual-sessions ballot measure. Voters defeated it by 5,167 votes out of almost 600,000 cast in May 1990.

"I didn't see a need for it then," he said.

But the 1993 session went a then-record 207 days — and the 2003 and 2005 sessions, during which Courtney was president, also set records for length.

Meanwhile, the Senate passed an annual-

sessions ballot measure five times between 1995 and 2005; the House passed it in 1995 and 1997. But the chambers never could agree and voters never saw a measure on the ballot.

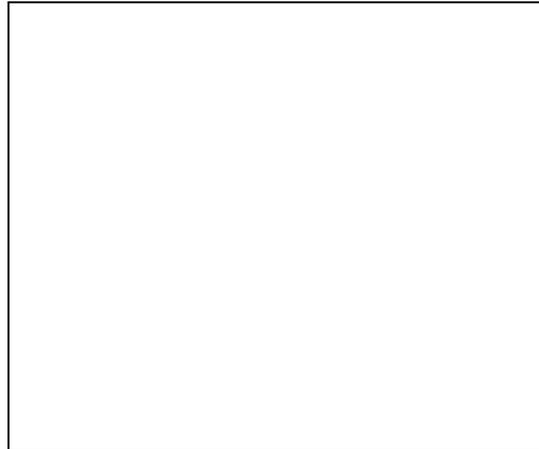
As president in 2005, Democrat Courtney joined with then-House Speaker Karen Minnis, a Republican, to set in motion another commission to study the Legislature.

In 2006, the commission also recommended that lawmakers meet every year — but suggested that they try out the idea, which they did in 2008 and 2010.

"It was a daring recommendation," Courtney recalled. "If you look at how states have evolved into annual sessions, I know of few states that have done anything like it. It was risky. But we did show how we would do it, more or less, because there was no map or guide."

At the end of the 2010 session, lawmakers finally agreed on the ballot measure that

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voters ultimately approved.

Budgets, policy

Before World War II, only four states had annual legislative sessions. With the growth of state governments after the war, and because of the state-legislative reform movement in the 1960s, that number jumped to 41 by the mid-1970s.

"A legislature simply has to be around on a regular basis in order to behave as a co-equal branch of government," said Alan Rosenthal, professor of public policy and political science at the Eagleton Institute of Politics at Rutgers University.

Courtney, the senior member of the current Legislature at 27 years, said in 2008 that lawmakers cannot put together budgets and react to state needs if they meet for a few months every other year.

Under the annual-sessions plan, Oregon's state budget will remain on a two-year cycle. But the full Legislature will have a chance to make adjustments. "We're going to rework the budget to a certain extent," Courtney said.

That work will be done largely by the joint budget committee and subcommittees that put it together during the odd-numbered year. The Legislative Emergency Board — whose 20 members are chosen by the leaders to decide budget matters between sessions — will have less of a role.

Unlike other states, Oregon's annual-

sessions law does not limit the scope of issues that can be discussed during the session.

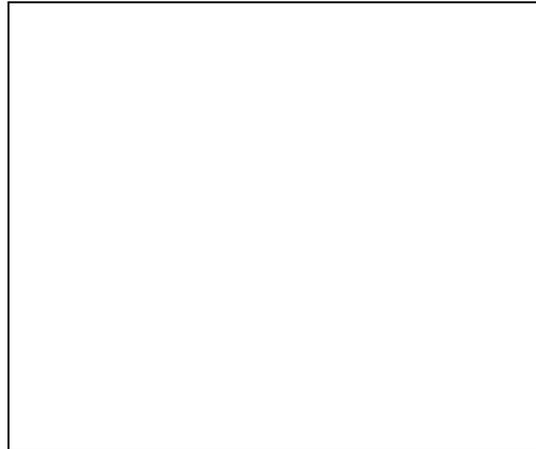
"But we've given ourselves only 35 days, so you do create expectations," Courtney said. "Many people say we can deal with many things."

Each member is limited to two bills, each legislative committee to five, and the executive and judicial branches, five each. The budget committee is exempt from the limits.

There also are strict internal deadlines, calling on committees to post notice of public hearings and "work sessions" — when committees can act on bills — within the first 14 days of the session. Courtney said those who started last fall will be better prepared to take on the fast pace in February.

"I made it clear that advocates had better have their votes lined up if they expect any kind of public hearing and vetting in this

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session," Courtney said. "If people are waiting until the start of the session, it's not going to happen, because we do not have the time."

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How the other states operate

The four other states that have switched to annual legislative sessions in the past three decades are Washington (1980), New Hampshire (1984), Kentucky (2000) and Arkansas (2008). Unlike Oregon, all of them made the legal change without running test sessions. Montana, Nevada, North Dakota and Texas are the only states in which lawmakers meet every other year, according to the National Conference of State Legislatures.



Senate President Peter Courtney, D-Salem, speaks to reporters during a news conference Tuesday, Jan. 24, 2012, in Salem, Ore. Oregon Gov. John Kitzhaber and legislative leaders spoke on Tuesday to editors of Oregon newspapers that are members of The Associated Press. (AP Photo/Rick Bowmer) / AP

Schedule

The tentative schedule for the February session of the Oregon Legislature:

Feb. 1: Session opens at 8:30 a.m.; committees will meet as posted.

Feb. 6: *Committees must post notice of public hearings of bills in their chamber of origin.

Feb. 8: Quarterly economic/revenue forecast presented to revenue committees.

Feb. 14: *Committees must post notice of work sessions, when they can take action, on bills in their chamber of origin.

Feb. 20: Legislature is in session on Presidents Day holiday.

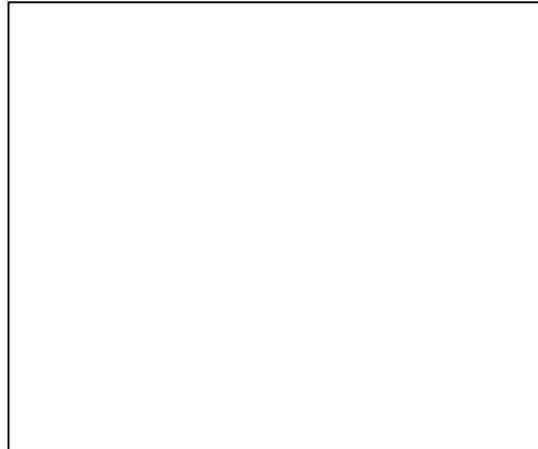
Feb. 21: *Committees must post notice of public hearings of bills that have passed the other chamber.

Feb. 23: *Final work sessions for bills in all committees.

Feb. 29: Target for adjournment of 2012 session.

*Exempt from deadlines are revenue and rules committees in both chambers; also joint budget committee.

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Reflections

Although Democrat Peter Courtney of Salem is the senior member of the current Oregon Legislature with 27 years — a record nine of them as Senate president — he said his insights into lawmakers and lawmaking come from a different source.

"I think that being 68 years old, living longer and seeing more of human nature over the years, is what gives you insight," he said. "Are people paying attention? Are people procrastinating? Are people getting serious about deadlines? My experience and my wisdom, if I have any, come from how long I've lived."

At the completion of his current Senate term three years from now, Courtney will have served in the Legislature longer than all but one member. The longest tenure for a representative was 28 years; for a senator, just short of 32 years. Lenn Hannon set a modern-day record for the Senate at 29 years, from 1975 to 2004.

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