

2016 National Legal Research Teach-In Kit

Research Instruction & Patron Services Special Interest Section
American Association of Law Libraries

Performing Oregon Legislative History Research

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This guide describes the process of performing Oregon legislative history research using resources primarily available on the Oregon Legislature's website. Depending on the time period involved, the researcher may also need to consult the Oregon State Archives website, as well as print resources and microfilm. Future guides will describe those processes.

The guide is one of several prepared for distribution at a day-long CLE presentation in October 2015, although the intended audience is broader than attorneys, encompassing law students, paralegals and public patrons.

Performing Oregon Legislative History Research

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A NOTE ON THIS GUIDE:

This guide covers resources currently available on the Internet at either the Oregon State Legislative website or the Oregon State Archives' website. Future guides will include conducting legislative history primarily on the State Archives' website, as well as conducting legislative history in print and microfilm resources for the period predating online coverage. The researcher should contact a reference librarian at an academic or government law library for additional research assistance.

The State Legislature is in the process of transferring older legislative history materials (older audio/video archive files of committee hearings) from a portion of its website to the servers at the State Archives. The Oregon Legislative Information System (OLIS) will maintain the most current six years, and any older audio/video will be rolled over to State Archives' servers. See Section 7 below. Ultimately this will make it easier to know when to consult each website, but until the migration is complete, it makes creating an accurate guide challenging. It is anticipated that this guide will be revised in the near future once the migration is complete.

Example: ORS § 106.310

Depending on when a statute was enacted or amended, you may be looking at:

- print resources
- microfilm
- online resources at either the Oregon State Legislative or Oregon State Archives' websites
- combination of all of these

You will need to find the following in order to perform legislative history research in Oregon:

<p>STATUTE CITATION → SESSION LAW → SENATE OR HOUSE BILL NUMBER → MEASURE HISTORY → COMMITTEE ASSIGNMENTS, DATES OF PUBLIC HEARINGS OR WORK SESSIONS, MINUTES (AND AUDIO/VIDEO FILES WHERE AVAILABLE) AND EXHIBITS</p>

1) STATUTE CITATION — The statute citation enables you to find the session law. Bracketed information at the end of the statute text tells when a statute was enacted,

amended or repealed. Look up your statute in the current version of the *Oregon Revised Statutes (ORS)* at the Legislative website:

https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx.

Note: The most recent *ORS* available online is the 2013 edition; the 2015 edition will be available in early 2016. Therefore you may need to consult the *Oregon Laws* (session laws), then the “Statutes Affected by Measures” tables under the Supplemental Documents for 2014 and 2015 to determine if your statute was affected by recent changes to the law.

The screenshot shows the Oregon Laws website. The main heading is "Oregon Laws 1999-2015 Sessions". Below it, there is a paragraph explaining that Oregon Laws are bills passed by the House and Senate each legislative session. A sidebar on the left contains navigation links, with a green arrow pointing to "Oregon Laws". On the right, there is a "Supplemental Documents" section with a list of sessions, and a green arrow points to "Session : 2015 Regular (9)".

This screenshot shows the "Supplemental Documents" for the 2015 Regular session. A green arrow points to the session title "Session : 2015 Regular (9)". Below it, a list of documents is shown, including "Ballot Measure Tables", "Combined Financial Statements", and "Council on Court Procedures Amendments to ORCP". At the bottom of the list, a green arrow points to the link "Statutes Affected by Measures".

This screenshot shows the "Supplemental Documents" for the 2014 Regular session. A green arrow points to the session title "Session : 2014 Regular (5)". Below it, a list of documents is shown, including "Law Authorizing this Publication", "Oregon Laws Foreword", "Oregon Laws Index", "Senate and House Bills Enacted", and "Statutes Affected by Measures". A green arrow points to the link "Statutes Affected by Measures".

ORS 106.310 is absent from both the 2014 and 2015 statutes affected tables, which means that *ORS* 106.310 has not changed since the 2013 edition of the *ORS*. Locate the statute by looking up Chapter 106 (in volume 3), then scroll down to *ORS* 106.310.

In the *ORS* you will see:

[*ORS*] 106.310 Definitions for *ORS* 106.300 to 106.340 [Domestic Partnerships].

...

[2007 c.99 §3; 2009 c.561 §1] ← Citation to the 2007 and 2009 session laws

The statute was enacted in 2007 by *Oregon Laws* chapter 99, §3, and amended in 2009 by *Oregon Laws* chapter 561, §1. The use of the word chapter in this context refers to session laws and NOT to *ORS* chapter numbers.

2) **SESSION LAW** —The session law cite enables you to find the Senate or House Bill number. Look up the session laws by going to *Oregon Laws* from the Legislature's Bills and Laws tab:



The screenshot shows the Oregon State Legislature website. The header includes the Oregon State Seal and the text "Oregon State Legislature". Below the header are three tabs: "Senate", "House", and "Bills and Laws". The "Bills and Laws" tab is active. On the left side, there is a navigation menu with the following items: "Bills", "2015 Regular Session", "2014 Regular Session", "Previous Session Bills", "How to Find a Bill", "Session Information", "Current Session Details", "Previous Session Details", "Session Publications", "Oregon Laws", "1999-2015 Sessions", "Oregon Revised Statutes", and "ORS 2013 Edition". A green arrow points to the "1999-2015 Sessions" link. On the right side, there is a section titled "Oregon Laws 1999-2015" with a sub-heading "Purchase Public Laws". Below this is a photograph of a gavel and scales of justice. The text below the photograph reads: "The Oregon Laws are the bills passed by the Oregon Legislature. The Oregon Laws are often called the 'session laws'. Chapter numbering begins with 1 for each regular session that follows the election. Each Oregon Laws compilation includes legislative history information."

Look at both the 2007 and 2009 regular sessions.

For 2007, click on the link for chapter 99. **All text in §3 is bolded**, meaning that it is all new text, indicating that it creates a new statute rather than amends an existing statute. The **bill number** (HB 2007) is shown at the beginning of the act, and the effective date is shown at the end. Typically that is January 1 of the year following the legislative session; however the legislature may declare a different effective date, or declare an emergency, in which case the act becomes effective immediately upon passage.

For 2009, click on chapter 561. Section 1 shows [*language that was deleted by this bill in brackets and italics*], and **new language in bold**. Note the bill number is HB 2839.

For pre-1999 session laws, consult the print *Oregon Laws* (available in the University of Oregon John E. Jaqua Law Library as well as other law libraries in the state).

3) BILL NUMBER — The bill number enables you to find the measure history, legislative committee assignments, exhibits, and audio/video of public hearings and work sessions. For pre-2007 bills, consult a print *Final Status Report for Legislative Measures* (Calendar) (University of Oregon John E. Jaqua Law Library or other law library in the state). On the Legislature’s Bills and Laws tab, under Bills, select Previous Session Bills. Note: This takes you to the same place as Session Information → Previous Session Details.



The screenshot shows the Oregon State Legislature website. At the top, there is a blue header with the text "Oregon State Legislature" and three navigation tabs: "Senate", "House", and "Bills and Laws". Below the header, there is a sidebar menu on the left with the following items: "Bills", "2015 Regular Session", "2014 Regular Session", "Previous Session Bills", "How to Find a Bill", "Session Information", "Current Session Details", and "Previous Session Details". Two green arrows point to "Previous Session Bills" and "Previous Session Details". To the right of the sidebar, there is a large image of a gavel and scales of justice, with a caption that reads: "arrives at the Governor's desk for approval, ma bills which must originate in the House. The folk".

Select 2007 Regular Session:

Previous Sessions:

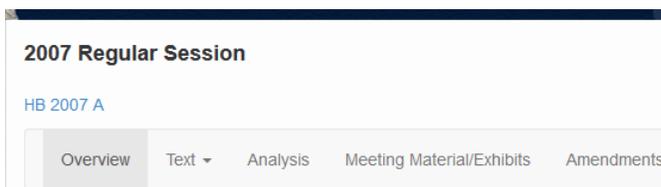
- o [2015-2016 Interim](#)
- o [2015 Regular Session](#)
- o [2014 Regular Session](#)
- o [2013 1st Special Session](#)
- o [2013 - 2014 Interim](#)
- o [2013 Regular Session](#)
- o [2012 1st Special Session](#)
- o [2012 Regular Session](#)
- o [2011 - 2012 Interim](#)
- o [2011 Regular Session](#)
- o [2010 Special Session](#)
- o [2009 - 2010 Interim](#)
- o [2009 Regular Session](#)
- o [2008 Special Session](#)
- o [2007 - 2008 Interim](#)
- o [2007 Regular Session](#)



Click on the Bills icon in the top right corner. Under the Bill Number tab, either search for **HB 2007**, or browse through the House bills:



Once in HB 2007, note the navigational tabs:



- The **Overview tab** shows sponsors and measure history, etc. The measure history is key to a legislative history as it shows committee assignments, and dates of public hearings or work sessions, which is where the bulk of the work takes place.
- The **Text tab** contains the text of the bill as introduced, amended, and finally enrolled.
- The **Analysis tab** includes revenue or fiscal impact statements.
- The **Meeting Material/Exhibits tab** contains available exhibits for the bill. Exhibits may take the form of written testimony, letters in support of or against bills, empirical data, maps, etc. Just because you do not see any exhibits here does not mean there were no exhibits. Check the Oregon State Archives' website to determine if exhibits accompanied the public hearing or work session and request them from Archives. More on that under **Section 6** below.

4) COMMITTEE ASSIGNMENTS AND DATES OF HEARINGS — Select the Overview tab, then expand Measure History. HB 2007 was assigned to the Elections, Ethics and Rules Committee and a public hearing was held on April 9, with a work session on April 10. Click on the arrow enclosed in the box to see the committee agenda; a much more detailed agenda (tape/audio log) is available at the State Archives' website, see **Section 6** below. The arrows also take you to the audio file (video may be available for more recent bills) of the committee meetings.

Measure History ▾	
3-6 (H)	First reading. Referred to Speaker's desk.
3-12 (H)	Referred to Elections, Ethics and Rules.
4-9 (H)	Public Hearing held. 
4-10 (H)	Work Session held. 
4-11 (H)	Recommendation: Do pass with amendments and be printed A-Engrossed.
4-13 (H)	Second reading.

5) AUDIO/VIDEO — When you click on the arrow above, on the right you will see:



Click on the circled arrow to access the audio of the public hearing. Older meeting audio may require RealPlayer®. Depending on the year the bill was passed, there may be an index showing when discussion of your bill began. The audio file

typically contains discussion on several bills during any public hearing or work session. If there is no index, you may have to fast forward and stop periodically for discussion of your bill. It may be worthwhile checking the State Archives' tape/audio logs for specific bills, as they sometimes include a detailed list of the times when testimonies begin.

Repeat this process for any other public hearings or work sessions.

6) MISCELLANEOUS MATERIALS ON THE OREGON STATE ARCHIVES' WEBSITE — Until the website migration of older audio/video for older bills to the State Archives' server is complete, the researcher may need to check the latter for the possibility of more detailed committee meeting agendas, meeting exhibits, audio files, and legislative bill tracings.

Meeting Agendas and Exhibits:

Go to the Oregon State Archives' website and click on Archival Records: <http://sos.oregon.gov/archives/Pages/default.aspx>. Click on the link for the Legislative Committee Minutes and Audio Logs. Select 2007 Regular Session → House, and then the Elections, Ethics and Rules Committee. Recall that a public hearing was held on April 9 and a work session on April 10. The links for these dates will take you to an audio log listing the speakers during the public hearings or work sessions, as well as any exhibits offered.

HOUSE COMMITTEE ON ELECTIONS, ETHICS AND RULES

TAPE LOG

April 09, 2007 Hearing Room E
8:30 A.M. Tapes 56 - 63

MEMBERS PRESENT: Rep. Diane Rosenbaum, Chair
Rep. Vicki Berger, Vice-Chair
Rep. Peter Buckley, Vice-Chair
Rep. Sal Esquivel
Rep. Dave Hunt
Rep. Arnie Roblan
Rep. Kim Thatcher

VISITING MEMBERS: Rep. Ben Cannon
Rep. Tina Kotek
Rep. Greg Macpherson

STAFF PRESENT: Jim Stembridge, Committee Administrator
Shauna Parker, Committee Assistant

MEASURES/ISSUES HEARD:
HB 2007 - Public Hearing
SB 2 - Public Hearing



This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

TAPE # AND SIDE	COUNTER NUMBER	BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER
56A	003	Chair Rosenbaum opens the meeting at 8:32 a.m.
<u>HB 2007 & SB 2 - PUBLIC HEARING</u>		
	010	Chair Rosenbaum
	023	Jim Stembridge, Committee Administrator
	043	Chair Rosenbaum
	046	Paul Kelly, Chair, Governor's Task Force on Equality (EXHIBITS A & B)



. . . .

EXHIBIT SUMMARY

The below prepared testimony includes testimony for HB 3526 which is identical in text to SB 2 and therefore was submitted during the public hearing for SB 2. However, HB 3526 was not heard by the committee, and therefore prepared testimony is being submitted under SB 2.

- A. HB 2007 & SB 2, written testimony (Neutral), Paul Kelly, 5 pp
- B. HB 2007 & SB 2, Taskforce on Equality Report (Neutral), Paul Kelly. 41 pp
- C. HB 2007 & SB 2, written testimony (Support), Dan Gardner, 2 pp
- D. HB 2007 & SB 2, written testimony (Opposition), Nick Graham, 9 pp
- E. HB 2007 & SB 2, written testimony (Opposition), Bruce Reinhardt, 1 p
- F. HB 2007 & SB 2, Suggested Amendments (Opposition), Roger Martin, 1 p
- G. HB 2007 & SB 2, written testimony (Support), Julia Brim-Edwards, 2 pp
- H. HB 2007 & SB 2, written testimony (Support), Charles Hinkel, 4 pp
- I. HB 2007 & SB 2, written testimony (Support), Michael Holleran, 2 pp

Prior to 2007, more detailed minutes of the public hearings and work sessions were produced. Beginning with 2007, brief tape/audio logs replaced the practice of transcribing minutes. Nevertheless, the minutes were never more than a summary and not a verbatim account of the meetings. The audio account has always been the official record. For meetings where no audio is available online, researchers use the written minutes or tape/audio logs to determine whether to request a copy of the audio file from State Archives.

Unfortunately the exhibits are not available online and you will need to contact the Archives' Reference Unit to get a copy of any exhibits.

Audio Files:

Depending on the year, the State Archives' website may also contain audio files (some coverage for 1999-2001, 2009), of meeting minutes as well as tape logs. Any audio files appearing on both the Legislative and Archives' websites should be identical.

Legislative Bill Tracings:

Tracings, where they exist, show the committees through which the bill passed, the dates and pages in the minutes where discussion can be found, a listing of exhibits and a listing of the corresponding audiotape, if one exists. Tracings are useful when doing older legislative history research as the information contained in the *Final Status Report for Legislative Measures* is occasionally inaccurate. Click on Legislative Bill Tracings from the Archival Records' website at <http://sos.oregon.gov/archives/Pages/records.aspx>. Legislative bill tracing searches work only with Internet Explorer. Contact the Archives' Reference Unit for assistance.

7) ADDITIONAL AUDIO/VIDEO FROM THE LEGISLATURE'S WEBSITE — Because the coverage linking *directly* from Previous Session bills to audio/video on the Oregon Legislative Information System (OLIS) website goes back only to 2007, if your research predates that, you may need to consult the Audio and Video portion of the Oregon Legislative website at https://www.oregonlegislature.gov/citizen_engagement/Pages/Legislative-Video.aspx, which currently includes audio/video from 1999 through 2015. However, older audio/video will soon be maintained exclusively on the State Archives' servers. Consult a law librarian for help in doing legislative history research prior to 2007.

8) CONTACTING STATE ARCHIVES' REFERENCE UNIT – For information about legislative tracings, and obtaining exhibits or audios not available on any website, contact State Archives' Reference Unit: 503-373-0701, option 1, or reference.archives@state.or.us. There is a small charge for reproducing materials.

Sm 2015 Oct 1