



CAPITOL INSIDER

OSB Public Affairs Newsletter for Bar Leaders

AUGUST 19, 2002

Here We Go Again

Governor Kitzhaber's veto of two crucial bills in the fragile budget balancing package submitted to him by the legislature after its grueling third special session triggers yet another round of deliberations for weary legislators. The Governor vetoed Senate Bill 1022 and House Bill 4056. Unless the legislature overrides the vetoes, the result is a reduction in the budget for schools and community colleges of \$317 million. In addition, the \$175 million safety net if revenues continue to fall that House Bill 4056 provides would disappear.

The Governor called the next special session for Friday, August 16, saying it should take only one day for the legislature to decide whether to override his vetoes. If the vetoes are sustained, the Governor has stated that he intends to call yet another special session in early September to ask the legislature to give voters an opportunity to vote for sustainable funding for schools in the November election.

Although the vetoes directly affect school funding, there are no safe harbors if revenues continue to fall. This is especially true for the court system because most legislators have not yet been convinced to give a priority to the resource needs of the judiciary. Stay tuned!

Initiative Petitions Update

On August 5, 2002 the Secretary of State's office announced that measure numbers have been assigned to the initiative petitions that have qualified for the November 5 General Election. Two of the justice system initiatives will be on the ballot. Bill Sizemore's tax initiative #49 and Ted Piccolo's term limits initiative #168 did not qualify for the ballot.

Justice System Initiatives

- ▶ **#67 (Measure 21):** Amends Constitution: Revises Procedure For Filling Judicial Vacancies, Electing Judges; Allows Vote For "None Of The Above"
- ▶ **#90 (Measure 22):** Amends Constitution: Requires Oregon Supreme Court Judges And Court Of Appeals Judges To Be Elected By District

For more information, go to the Oregon Secretary of State's Web site at www.sos.state.or.us and follow the link to the Elections Division.



Referrals to Voters

Measure numbers have been assigned to the two referrals that came out of the third special legislative session. These measures will be voted on in a September 17, 2002, special election.

Measure 19: Amends Constitution: Authorizes Using Education Stability Fund Principal In Specified Circumstances; Transfers \$150 Million To State School Fund; Creates School Capital Matching Subaccount In Stability Fund

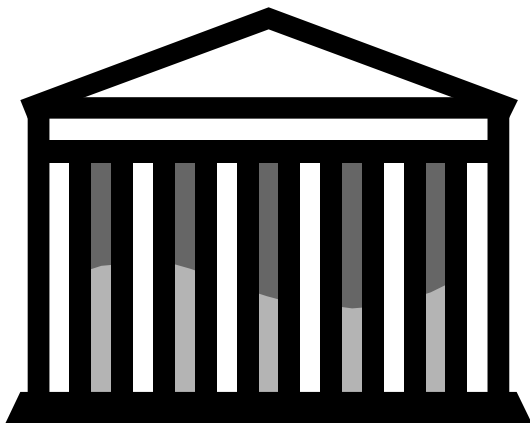
Measure 20: Increases Cigarette Tax; Uses Revenue For Health Plan, Other Programs.

If voters defeat either of these referrals, or if the next revenue forecast reflects a further budget deficit, there will likely be yet another special session in September.

Legislative Candidates Forum

The OSB Administrative Law Section is sponsoring a Candidates Forum on Tuesday, September 24, from 6:00 p.m. to 7:00 p.m. at the Home Builders Association, 15555 SW Bangy Road, Lake Oswego, Oregon. This event will provide bar members with an opportunity to meet with lawyer candidates and hear their perspectives on issues of interest to our profession, such as judicial independence and funding for the judiciary.

For more information, contact Janice Krem at (503) 293-8470.



HOD Meeting Reminder

The annual HOD meeting will take place on October 5, 2002, at the Valley River Inn, 1000 Valley River Way, Eugene, Oregon, beginning at 10:00 a.m.

The deadline to submit resolutions for consideration at the HOD meeting is Wednesday, August 21, 2002, at 5:00 p.m.

The regional HOD meetings have been tentatively scheduled for the following dates and times.

Region 1 (Bend) September 9 – 11:00 am

Region 2 (Eugene) September 10 – 1:00 p.m.

Region 3 (Medford) September 11 – 1:30 p.m.

Region 4 (Hillsboro) September 12 – 9:00 a.m.

Region 5 (Portland) September 12 – 4:00 p.m.

Region 6 (Salem) September 10 – 4:00 p.m.

Out of State September 9 – 9:00 a.m.

(Pacific Time) – conference call only

For more information, contact Teresa Bowen at (503) 620-0222, ext. 386, or by e-mail at tbowen@osbar.org

BOG Resolutions

At its August 2 meeting, the OSB Board of Governors approved forwarding three resolutions to the House of Delegates for consideration at the HOD annual meeting on October 5.

Two relate to issues that will be before the electorate on the November ballot; the third relates to OSB support in the legislature for indigent defense services.

1. BOG recommendation for HOD resolution opposing initiative #67 (Measure 21) that revises the procedure for filling judicial vacancies, electing judges, and allows vote for “None of the Above”
2. BOG recommendation for HOD resolution opposing initiative #90 (Measure 22) that requires Oregon Supreme Court and

Court of Appeals judges to be elected by district

3. BOG recommendation for HOD resolution supporting indigent defense services funding



Open Court Programs

The Clackamas County Courthouse is holding an Open Court program on Thursday, August 22. This is the third in a series of courthouse events around the state to encourage a continuing dialog about judicial system issues among lawyers, judges, legislators, and the local community. These events are a joint effort between the OSB and judicial districts.

The purpose of the Open Court program is to invite current and prospective legislators into the court to explore key issues in a county's justice system and to recognize innovative programs. Different presiding judges who participate will customize the program to best meet their local needs.

The Lane County Courthouse has also scheduled an event for Monday, September 9. Talk to your local presiding judge if you are interested in participating in a future open court program in your community.

UTCR Changes

Changes to the Uniform Trial Court Rules (UTCR) became effective August 1, 2002. These changes are published in Oregon Appellate Courts Advance Sheets No. 11, May 3, 2002, and at www.publications.ojd.state.or.us/Rules.htm. If you have questions or comments, please email utcr@ojd.state.or.us.

Behind the Scenes...

When you hear about the legislature in the news, you only hear about a legislator, a bill, or a political party. But take a moment to look behind the scenes. There you'll find the committee administrators, legislative staff and lawyers in Legislative Counsel that methodically and conscientiously work to provide legislators the guidance and assistance they need to do their jobs.

Each legislator has personal staff that helps the legislator in his or her office. But it's the work behind the scenes that makes the process of the legislature run smoothly. It's the professional, permanent legislative staff who ensure that the wishes of the legislative committees are followed.

For example, the committee administrators ensures that the committee functions properly. The committee administrator ascertains that background materials are available, that witnesses are lined up, and that agendas are printed. The Publications Center, on the other hand, is the information hub. Employees in the Publications Center ensure that the bills and amendments are printed and available so that the legislators, lobbyists, and staff can do their work.

The 13 staff employed in Legislative Counsel's office are responsible for putting concepts into proper legislative format and drafting bills. The goal is to assure that all measures that pass are legally and technically correct. The staff prepared 3,779 bill drafts for the 2001 session, not to mention 5,133 amendments to those drafts. And, remember, a bill draft can be as short as a one-pager or a rewrite of the tax code.

All this and more goes on behind the scenes. You won't see the staff in the legislature come out to take a bow. But, as in many productions, the real drama is behind the curtain.

Times Are a-Changin'

Here at the OSB we have been updating our database and would like your help. If you would like to unsubscribe from the *Capitol Insider* or would rather receive the *Capitol Insider* in a different format, please send an email indicating your preference to brichley@osbar.org.

OSB Public Affairs Department

The OSB Public Affairs Committee ("PAC") oversees legislative activities and makes recommendations on major policy issues. Chaired by Hillsboro attorney John Tyner, other members include: James Brown, Salem; William Carter, Medford; Nena Cook, Portland, David Hytowitz, Portland; and Charles Williamson, Portland. Angel Lopez, OSB President, is also an ex-officio member of the PAC.

The Public Affairs Department works to apply the knowledge and experience of the legal profession to the public good by advising governmental bodies, proposing and responding to legislation for law improvement, and advocating on matters that affect the legal profession.

If you have questions about this newsletter or legislative issues, contact the Public Affairs Committee chair John Tyner at (503) 648-5591 or the Public Affairs staff at (503) 620-0222 or in Oregon at (800) 452-8260. You can reach Bob Oleson, Public Affairs Director, at ext. 317 or by e-mail at boleson@osbar.org; contact Susan Grabe, Public Affairs Manager, at ext. 380 or by e-mail at sgrabe@osbar.org; or contact Joyce Patton, Public Affairs Attorney, at ext. 358 or by e-mail at jpatton@osbar.org.

Want to be involved?

The Public Affairs Department is developing a grassroots legislative network. As issues develop in a particular legislative district or in a particular practice area, this network of interested individuals will be asked to help get the word out on issues and participate in developing strategies to respond to issues. If you are interested in becoming more involved in the legislative process, please fill out the following information and send it to **Public Affairs Department, Oregon State Bar, 5200 SW Meadows Rd., Lake Oswego, OR 97035, email it to brichley@osbar.org, or fax it to (503) 598-6976.**

Name: _____

Home Phone: _____

Home Address: _____

Your Legislator's Name (if known): _____

Other Legislators/Candidates and relevant information i.e. Basis of relationship.

Your area (s) of practice: _____