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OSB Public Affairs Newsletter for Bar Leaders

February 21, 2003

The 72nd Legislative Assembly

Oregon's 72nd Legislative Assembly convened on January 13 in Salem. The year 2003 brings a Republican-controlled House and an evenly divided Senate. The number of legally trained legislators increased from 14 to 16. There are four new private practitioners serving in the House. In addition, Democratic Governor Ted Kulongoski named a half dozen lawyers to high-level staff positions.

In the House, Republicans have a 35-25 edge over the Democrats. We are pleased that House Speaker Karen Minnis announced that Representative Max Williams would once again chair the House Judiciary Committee and Representative Lane Shetterly would be back as the Chair of the House Revenue Committee. All are strong supporters of the justice system and law improvement issues.

The 30-member Senate is evenly split between Democrats and Republicans. This is the first time since 1957 that this situation has occurred. Long negotiations resulted in a power-sharing arrangement in the Senate. Democratic Senator Peter Courtney was elected Senate President, and Republican Senator Lenn Hannon was elected President pro tempore, the second-in-command in the Senate. Senator Hannon was given more powers than are normally given the President pro tem, and he will serve as a check on the Senate President. The two must agree on which bills

will be heard and to which committees they will be sent. This is one of many signs there may be more cooperation and less political bickering during this fiscally strapped session.

Another unusual situation this session is that major leadership positions in both the House and Senate, as well as the position of chief legal counsel to the governor, will be held by women. Senator Kate Brown, a lawyer, is the Senate Democratic leader, and Senator Bev Clarno is the Senate Republican leader. They will co-chair the Rules Committee. The only other woman minority leader in the Senate was Senator Betty Brown in 1971. There has never been a woman Senate President. In the House, the Speaker is Representative Karen Minnis, a Republican, with Democratic Representative Deborah Kafoury as the House Democratic leader. MardiLyn Saathoff is Governor Kulongoski's chief legal counsel.

2003 Committee Members

Both the Senate and House Judiciary Committees and the Joint Ways and Means Subcommittee on Public Safety are critical committees in that these committees review much of the proposed law improvement legislation for the OSB. It is encouraging to see that all three of these committees include legally trained legislators this session. Members

of the three committees are listed below.

2003 Senate Judiciary Committee

Sen. John Minnis (R), Chair, Dist. 25 – Fairview
Sen. Ginny Burdick (D), Vice-Chair, Dist. 18 – Portland
Sen. Ted Ferrioli (R), Dist. 30 – John Day
Sen. Charles Starr (R), Dist. 13 – Hillsboro
*Sen. Charlie Ringo (D), Dist. 17 – Beaverton
Sen. Vicki Walker (D), Dist. 7 – Eugene
**legally trained legislator*

2003 House Judiciary Committee

*Rep. Max Williams (R), Chair, Dist. 35 – Tigard
*Rep. Robert Ackerman (R), Vice-Chair, Dist. 13 – Eug.
Rep. Gordon Anderson (R), Vice-Chair, Dist. 3 – Gts Pass.
*Rep. Lane Shetterly (R), Dist. 23 – Dallas
*Rep. Greg Macpherson (D), Dist. 38 – Lake Oswego
*Rep. Floyd Prozanski (D), Dist. 8 – Eugene
Rep. Bob Jenson (R), Dist. 58 – Pendleton
Rep. Jerry Krummel (R), Dist. 26 – Wilsonville
Rep. Jeff Barker (D), Dist. 28 – Beaverton
**legally trained legislator*

2003 Joint Ways and Means Subcommittee on Public Safety

Sen. Richard Devlin (D), Chair, Dist. 19 – Tualatin
*Rep. Rob Patridge (R), Chair, Dist. 6 – Medford
Sen. Gary George (R), Vice-Chair, Dist. 12 – Newberg
Rep. Gary Hansen (D), Dist. 44 – Portland
Rep. Tom Butler (R), Dist. 60 – Ontario
**legally trained legislator*

Aftermath of Ballot Measure 28

With the failure of Ballot Measure 28 at the polls last month, the 72nd Legislative Assembly is immediately thrust into the budget crisis that necessitated five special sessions for their predecessors in 2002. Not surprisingly, the 2003 legislators are hearing compelling pleas to save critical human services and public safety programs.

In response, House Speaker Karen Minnis and the House Republicans introduced a bill to restore approximately \$15.5 million to seniors, mentally ill and public safety which passed the House. Speaker Minnis said she introduced the legislation to protect at-risk Oregonians from lethal cuts because the Governor lacked the legal flexibility to make program restorations by executive action. The Speaker made clear that the bill was not intended to open up all issues relative to the remainder of the 2001-2003 budget and she will not consider additional restorations. She urged the Senate and the Governor to take this matter under serious consid-

eration immediately. The Democrats have indicated that they want to put the cuts behind them and focus on the 2003-2005 budget. However, the Governor and legislative leaders have met several times to see what could be done to reverse some of the worst cuts. Stay tuned.

In the meantime, the bleak economic picture in Oregon continues. The State's Office of Economic Analysis will be releasing its March 2003 State General Fund revenue forecast in the next few weeks. Preliminary indications are that it will reflect another decline in quarterly revenue projections for the 2001-2003 biennium.

Indigent Defense Budget Reduction

On January 10, the legislative Emergency Board restored \$5 million dollars to the indigent defense appropriation. As a result, Oregon Supreme Court Chief Justice Wallace Carson, Jr. a delay in the budget reduction implementation date to March 1. Beginning March 1, 2003, counsel will not be available for appointment to the following trial-level case types:

- All non-person misdemeanors (adult and juvenile)
- All non-person misdemeanor probation violations (adult and juvenile)
- All post-conviction relief cases
- All adult non-person felony probation violations
- All adult contempts, except Family Abuse and Prevention Act (violation of a restraining order) and child support contempts
- All adult non-person Class C felonies (generally, property and drug offenses)
- All adult Possession of controlled Substance felonies (including drug courts)
- All adult Class A and B property felonies
- 80 percent of all adult person misdemeanor probation violations – reserving 20 percent of these probation violation cases for the courts to be able to appoint counsel for the most egregious, high-risk cases
- 80 percent of all juvenile person misdemeanor probation violations – reserving 20 percent
- 80 percent of all juvenile felony probation violations (assumes 20 percent are person felony probation violations)
- All juvenile non-person felonies

For more information, see the OSB web site Ore-

gon Judicial Department web site at www.ojd.state.or.us

Indigent Defense Hearings

The House Judiciary Committee entertained two days of oversight hearings on extraordinary expenses associated with indigent defense on Thursday and Friday, February 13 and 14. Representative Max Williams, chair of the House Judiciary Committee, scheduled the hearings to provide a forum for questions that have been raised about extraordinary expenses in the defense of specific cases. In the course of the two days, the Committee heard testimony from both the prosecution and defense in over a dozen cases.

This was a unique opportunity for the Committee to gain a more in-depth understanding of the complexities associated with the defense of indigent clients and the costs of the Indigent Defense System. This understanding will be critical as the Committee continues to explore the costs and possible savings within the Indigent Defense System.

Judicial Administration Committee

The OSB Judicial Administration Committee will meet today to discuss legislation affecting the court system and to review recommendations of its legislative subcommittee. Tom Kranovich chairs the Committee and Paul Petterson is the secretary. Active with them on the subcommittee are Ken Crowley, Marilyn O'dell, and Doug Bray. Contact any of these individuals if you have comments on proposed legislation affecting the judiciary during the 2003 session.

Copy of a Bill

You can receive one free copy of a bill from Legislative Publications and Distribution at (503) 986-1186. The full text of a bill can also be found on the Oregon Legislature's hotlink web page at <http://www.leg.state.or.us:8765>.

OSB Public Affairs Department

The OSB Public Affairs Committee ("PAC") oversees legislative activities and

makes recommendations on major policy issues. Chaired by William Carter of Medford, other members include: Gerry Gaydos, Eugene; James Brown, Salem; Mary McCauley Burrows, Eugene; Mark Comstock, Salem; Jonathan Hill, Tillamook; and Lisa LeSage, Portland. Charles Williamson, 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 William Carter at (541) 773-8471 or the Public Affairs staff at (503) 620-0222 or in Oregon at (800) 452-8260. You can reach staff, Susan Grabe at ext. 380 or by e-mail at sgrabe@osbar.org; Bob Oleson at ext. 317 or by e-mail at boleson@osbar.org; or contact Joyce Patton at ext. 358 or by e-mail at jpatton@osbar.org.

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.



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: _____