

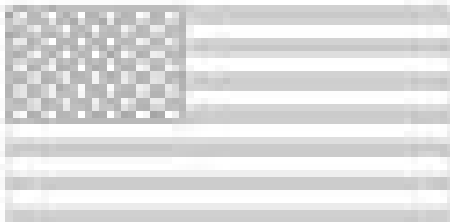


CAPITOL INSIDER

OSB Public Affairs Newsletter for Bar Leaders

Public Affairs Committee

Gerry Gaydos, *Chair, Eugene*
 Mark Comstock, *Vice-Chair Salem*
 William Carter, *Medford*
 Nena Cook, *Portland*
 Lauren Paulson, *Aloha*
 Linda Eyerman, *Portland*



(The Civil War) created in this country what had never existed before -- a national consciousness. It was not the salvation of the Union; it was the rebirth of the Union. - Woodrow Wilson, Memorial Day Address, 1915

PUBLIC AFFAIRS DEPARTMENT



Oregon State Bar
 5200 SW Meadows Road
 Lake Oswego, OR 97035
 Phone: (503) 431-6376
 Fax: (503) 598-6976
 Website: www.osbar.org

June Special Session

As it neared the end of the 2003 session the legislature passed a resolution that formed a Joint Interim Committee on Tax Reform, and scheduled a special session for early June 2004, to act on the committee's recommendations. The committee made up of House and Senate members has since met and conducted a series of lively but inconclusive hearings around the state.

After several meetings, it became clear that no one proposal considered by the committee had the support of a majority of the Senate members of the committee. On the other hand, a majority of House members seemed to support "the bucket plan" – a limit on increases in state spending, the creation of a rainy day fund, and the continuation of the "kicker" when the rainy day fund is full. The Senate withdrew its members from the joint interim committee, and House Speaker Karen Minnis (R - Wood Village) appointed a House Revenue Committee to refine the bucket plan. This committee has been meeting frequently during April and May to attempt to resolve the many issues the plan raises.

The House Revenue Committee will probably not complete its work until May 27, but here in very broad outline are the principal features of the plan under consideration:

- General fund spending would be limited to an increase of 4% per year over the yearly spending for the previous biennium.
- If revenue exceeds the spending limit, it would pour over into the rainy day "bucket," until the amount in the bucket reaches 15% of the general fund.
- When the rainy day bucket is full, any revenues received in excess of the spending limit would be returned to taxpayers.

Since the plan would amend the Oregon Constitution, the bill containing it would require a two-thirds majority to pass in both chambers, and then a majority vote of the people in November. Given the make-up of the House and Senate, the plan would have to have bipartisan support to be referred to a vote of the people. (The House is 35 Republicans and 25 Democrats; the Senate is split evenly 15-15.) Mustering a two-thirds vote for this proposal in either chamber seems a daunting task.

The prospects for a special session are becoming less clear as early June approaches. The Speaker has called the House into special session on June 1, 2004, but House Democratic Leader Jeff Merkley (D-East Portland) has announced that fourteen members of his caucus are withdrawing their requests for a special session. Senate President Peter Courtney (D-Salem) is polling senators, and says he will not call the Senate into special session unless a majority votes to hold one. Most Senate Republicans seem to support a special session, while most Senate Democrats do not.

Who shows up in Salem next month and what they do when they get there is very much an open question.

Interim Judiciary Committee

Wednesday, June 9, 2004

8:30 a.m. Room HR F

Agenda to be Announced

For further information please contact:

Patsy Wood at (503) 986-1750.

Snapshot of Legislative Primary Results

With the results of the May primary tallied, listed below are the two candidates who will face off in the General Election held on November 2, 2004.

Oregon Senate

The Senate is evenly divided between Democrats and Republicans (15-15). It is likely, however, that Democrats will have a majority in the Oregon Senate if they win one of the following three races:

SD 3: Ashland area

Alan Bates D (House I)

Jim Wright R

SD 5: Coos Bay to Lincoln City

Joanne Verger D

Al Pearn R

SD 25: Gresham & Troutdale

Laurie Monnes-Anderson D (House I)

Ron Sunseri R

Oregon House of Representatives

The Oregon House is likely to stay in Republican control. Two former attorney representatives, Del Park (R-Klamath Falls) and Judy Uherbelau (D-Ashland), failed in their attempts at re-election. Of the 11 House Republicans who supported what became Measure 30, two faced opposition from tax activists in the primary. Susan Morgan (R-Myrtle Creek) won but Vic Backlund (R-Keizer) lost. Some competitive races to watch include:

HD 5: Ashland area

Peter Buckley D

Joanna Lofaso R

HD 10: Central Coast

Alan Brown R (I)

Jean Cowan D

HD 14: Eugene & Junction City

Debi Farr R

Bev Ficek D

HD 32: North Coast

Deborah Boone D

Douglas Olson R

HD 35: Tigard area

Suzanne Gallagher R

Larry Galizio D

HD 50: Gresham

John Lim R (Senate I)

James Buck D

HD 51: Central Clackamas Co.

Linda Flores R (I)

Kathryn Firestone D

HD 52: Mount Hood area

Patti Smith R (I)

Wayne Kuechler D

HD 54: Bend

Judy Stiegler D

Chuck Burley R

HD 59: North-central Oregon

John Dallum R

Jack Lorts D
(I) Incumbent

For more election results please visit the Oregonian's website at www.oregonlive.com/elections/electioncoverage.

Snapshot of initiatives that have been approved for circulation

When an initiative is approved to circulate, proponents may begin to gather voter signatures to qualify the initiative for the November ballot. The signatures are due to the Secretary of State's office any time before July 2nd. The number of signatures required is determined by the total votes cast for all candidates for Governor at the November 2002 election. The number of qualified voter signatures required to place an initiative on the November 2004 ballot is 100,840 for a Constitutional amendment and 75,630 for a statutory change. 50,420 qualified signatures are required to place a referendum petition on the upcoming ballot.

If petitioners gather the required number of signatures and the signatures are verified by the Secretary of State's Office, the initiative will appear as a ballot measure on the November 2, 2004 general election ballot. Some interesting initiatives to track include:

Initiative 15; The Judicial Reform Act: Amends Constitution, replaces existing judicial oaths with new oath; renders judicial acts in violation of oath void.

Initiative 20; The Citizens' Term Limits Restoration Act: Amends Constitution, limits state legislators to six years as representative, eight years as senator, and a total of fourteen years in legislature.

Initiative 39; Term Limits: Amends Constitution, limits total years of service by current, future legislators; includes prior legislative service.

Initiative 53; Oregon Campaign Finance Reform: Amends Constitution, limits individual, corporate, union, organizational contributions/expenditures to candidates, political entities; establishes disclosure and reporting requirements.

Initiative 106; Medical Liability Reform #5: Amends Constitution, limits noneconomic damages recoverable for patient injuries caused by healthcare provider's negligence or recklessness.

Initiative 129; Nonpartisan Legislature: Makes state legislative offices nonpartisan; candidates nominated and vacancies filled without regard to party af-

filiation.

Initiative 150; Constitutional Definition of Marriage: Amends Constitution, only marriage between one man and one woman is valid or legally recognized as marriage. (The Oregon Supreme Court received a request on May 19th to reconsider its order approving this ballot title).

For more information please visit the Secretary of State's website at www.sos.state.or.us/elections.

Emergency Board

Friday, June 25, 2004

8:30 a.m. Room HR F

For further information please contact:

503-986-1828