



# 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*

## 2005 Legislative Tips CLE

January 21, 2005

8 am – 12 pm

Wilsonville Holiday Inn

3.25 MCLE Credits

The OSB's Public Affairs Department and Dave Barrows & Associates will sponsor a half-day CLE workshop designed for attorneys interested in the legislative process.

The workshop will provide attendees with information about how a bill moves through the legislature, the roles of leadership, and pointers on how to participate effectively.

We encourage all section and committee legislative contacts to attend.

Watch for information and registration forms coming soon.

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Happy Holidays from the  
Public Affairs Staff.

## PUBLIC AFFAIRS DEPARTMENT



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December 21, 2004

## Judiciary Budget

Governor Ted Kulongoski released an \$11.9 billion two-year general fund budget on December 1 and announced that he will oppose tax increases to alleviate budget cuts. The Governor's budget provides a starting point for budget discussions when the legislature convenes on January 10, 2005.

The December revenue forecast predicts that the state will have roughly \$11.9 billion in discretionary funds to spend during the two years beginning on July 1, 2005. Although this is roughly \$1 billion more than the total general fund budget for the current biennium, the current budget does not include \$600 million from one-time sources that the legislature used last session to help balance the budget. In addition the amount of revenue needed to maintain current levels of services increases each biennium due to inflation and population growth. Without new revenue or new one-time sources of funds, the gap between revenue and the amount required to maintain current services will be about \$1 billion.

The Governor has emphasized that he will not support any effort to impose new taxes, a position with which the majority House Republicans heartily agree. And with respect to other one-time sources of funds, the cupboard is bare.

As a result, the budget debate regarding what services will receive scarce state resources will be the central issue facing the legislature. Under the circumstances, the budget process is a zero sum game: increases in one agency must be offset by decreases in another.

What might this mean for the judicial system?

The Chief Justice submitted a maintenance level budget request for the Oregon Judicial Department (OJD) of \$274.5 million general fund and an additional request of \$39.6 million general fund for increased juror per diem, new positions, salary increases, and other critical needs. The Public Defense Services Commission (PDSC), which oversees and pays for indigent defense services, submitted a request for \$186 million, of which roughly \$166 million is for the Public Defense Services Account that pays for legal services for indigent defendants at the trial level.

Since the judicial branch is a separate branch of government, the governor does not have authority to make a formal recommendation for its budget. His informal budget recommendations, however, would result in nine percent cuts to the maintenance level budgets for both the OJD and the PDSC: \$249 million general fund for the OJD and \$151 million for the Public Defense Services Account.

Two much smaller agencies - the Commission on Judicial Fitness and Disability and the Council on Court Procedures (CCP) - would maintain the funding level from the 2003-05 biennium. The total legislatively approved budget for the CCP was \$8,000, none of which was general fund. Finding even \$50,000 to provide skeletal staffing for the CCP will be quite a challenge in the 2005 legislative environment.

### Legislative Testimony

Section and Committee legislative testimony needs to be completed by the end of year. Please send your testimony to Beth Richley at [brichley@osbar.org](mailto:brichley@osbar.org). It makes sense to prepare testimony in advance, since we often get very short notice of hearing schedules.

### Getting to Know Oregon's Legally Trained Legislators

The presence of Oregon legislators with legal training is rapidly diminishing. This is of great concern to the bar since legally trained individuals are specially qualified to serve as legislators due to their education and professional experiences. Every month (as space permits) the Capitol Insider will be spotlighting a different legislator with a background in the law. This month's spotlight is on Rep. Robert L. Ackerman (D-Eugene).

Rep. Ackerman has served in the Oregon House of Representatives since 2001. In November, the constituents of House District 13 (North Eugene, River Road, and Whiteaker) re-elected Ackerman for another term. During the 2003 session he served as vice chair of the House Judiciary Committee. For the 2005

session, Rep. Ackerman has been appointed to House Judiciary, chair of Judiciary Subcommittee on Civil Law, and the Land Use Committee. Rep. Ackerman has served on a number of boards including the Lane Community College Board of Education and the Citizens Utility Board. He also served on the Springfield City Council.

Rep. Ackerman has maintained a law practice in Eugene for 41 years and has received recognition for his advocacy of civil rights in Lane County. In addition to practicing law, Rep. Ackerman also serves as an arbitrator and mediator. Rep. Ackerman's professional experiences include adjunct professor of Business Law at the University of Oregon and District Judge Pro-tem.

Rep. Ackerman grew up in San Francisco and came to Eugene when he was 17 to attend the University of Oregon. He earned a B.S in Economics and J.D. from the University of Oregon.

### Legislative Contact Reminder

The Public Affairs Department is finalizing the list of legislative contacts for the 2005 legislative session. If you have not already done so, now is the time for committees and sections to appoint legislative contacts for the 2005 session. Please contact Beth Richley in Public Affairs by e-mail at [brichley@osbar.org](mailto:brichley@osbar.org) or by phone at (503) 431-6376 with your legislative contact.

### 2005 Legislative Session

Preparations are underway for the start of a new legislative session. The election has passed and no new legally trained candidates were elected to the legislature. The various caucuses have picked most of their leaders, and the Speaker of the House and the President of the Senate announced committee chairs on December 17. The 2005 legislative session convenes on January 10.

Sen. Peter Courtney (D-Salem) has been elected by his caucus to a second term as Senate President. Sen. Courtney will lead a Senate with a Democratic majority of 18-12, a gain of 3 seats from last session's 15-15 tie. The newly elected Democratic Senators all served in the House last session and include: Laurie Monnes-Anderson (Gresham), Joanne Verger (Coos Bay), and Alan Bates (Ashland). Sen. Kate Brown (D-Portland) has been selected as majority leader, and Sen. Ted Ferrioli (R-John Day) has been elected Republican leader.

Across the rotunda, Rep. Karen Minnis (R-Wood Village) will serve a second term as Speaker of the House. This session, the House will be made up of 33 Republicans and 27 Democrats. Last session, the House had a 35-25 Republican edge. Democrats picked up 3 seats previously held by Republicans:

Larry Galizio (Tigard), Betty Komp (Woodburn), and Chuck Riley (Forest Grove). Republicans gained one seat formerly held by a Democrat: John Lim (Gresham). The House Republicans in 2005 session will be a more conservative group than last session due to the departure or defeat of several of the more moderate Republicans. Rep. Wayne Scott (R-Canby) will serve as majority leader, and Rep. Jeff Merkley (D-Portland) will serve as Democratic leader.

At the beginning of December, the Governor released his 2005-2007 budget proposal. The budget relies exclusively on existing revenue sources, and tailors spending to meet this constraint with across-the-board cuts to most state agencies – usually at a level about 9% below current service levels. The budget process in 2005 may prove to be as long and contentious as it was in 2003.

The budget won't be the only major issue on the table in 2005. Issues lingering from measures 36, 37, and 38 will almost certainly be before the legislature in 2005. Measure 36, banning same sex marriage, may spawn a debate about civil unions. The legislators will have to decide whether to tinker with Measure 37, which passed by a large margin and requires compensation for landowners affected by land-use regulations. Finally, although the measure to sell off the SAIF Corporation failed in November, legislation to reform SAIF significantly is likely.

In other legislative news, Dave Heynderickx has been appointed Acting Legislative Counsel. He takes over for Greg Chaimov, who resigned as the legislature's chief lawyer in early December.

## 2005 Judiciary Committee

### Senate

Sen. Ginny Burdick, Chair  
 Sen. Charles Starr, Vice-Chair  
 Sen. Roger Beyer  
 Sen. Floyd Prozanski  
 Sen. Charlie Ringo  
 Sen. Vicki Walker  
 Sen. Doug Whitsett

### House

Rep. Wayne Krieger, Chair  
 Rep. Greg Macpherson, Vice-Chair  
 Rep. Andy Olson, Vice-Chair  
 Rep. Bob Ackerman  
 Rep. Jeff Barker  
 Rep. Linda Flores  
 Rep. Bill Garrard  
 Rep. Kim Thatcher  
 Rep. Kelley Wirth

### House Judiciary Subcommittee on Civil Law

Rep. Bob Ackerman, Chair  
 Subcommittee members yet to be assigned

### House Judiciary Subcommittee on Criminal Law

Rep. Jeff Barker, Chair  
 Subcommittee members yet to be assigned