



Capitol Insider

OSB Public Affairs Newsletter for Bar Leaders

2006 Public Affairs Committee

Gerry Gaydos, Chair, *Eugene*
Mark Comstock, Vice-Chair, *Salem*
Jonathan Hill, *Roseburg*
Linda Eyerman, *Portland*
Richard Yugler, *Portland*
Robert Vieira, *Portland*

Important Dates

2007 Legislative Tips Workshop & Conference of Bar Leaders

January 19, 2007
8:00 a.m. – 3:30 p.m.
Wilsonville Holiday Inn
25425 SW 95th Avenue
Wilsonville, OR 97070

The Legislative Tips Workshop will be held prior to the Conference of Bar Leaders and all bar leaders are invited to attend one or both **free** sessions.

January 8, 2007 - Legislative Session begins

Bar Law Improvement Legislation Accessible Online

The bar's summaries of law improvement proposals and drafts of bills are all available online at <http://www.osbar.org/pubaffairs/2007proposals.html>

PUBLIC AFFAIRS DEPARTMENT

Susan Grabe,
Public Affairs Director

David Nebel,
Public Affairs Attorney

Sally LaJoie,
Public Affairs Attorney

Elizabeth Lisenby,
Public Affairs Assistant



December 22, 2006

Legislative Leaders Announce Committees for 2007 Session

Political junkies got a big fix on Friday, December 15, with the announcement of committee assignments for the 2007 legislative session. In general, Senate President Peter Courtney (D. Keizer) and House Speaker-elect Jeff Merkley (D. East Portland) created committees with numbers proportionate to the number of members in the chamber from each party.

In the Senate there will be 12 substantive committees; in the House there will be 13. There is a Joint Ways & Means Committee with six sub-committees and a Joint Committee on Emergency Preparedness and Ocean Policy. As usual, the committee lists hold a few surprises. Listed below are the appointments to committees that most directly affect the justice system: the two judiciary committees and the Joint Ways & Means Public Safety Sub-Committee, which has jurisdiction over the budgets of the Judicial Department, Public Defense Services, Corrections, the Department of Justice, and District Attorneys. (* indicates service on the committee in the 2005 session, and * indicates legislator is legally trained)

Senate Judiciary

Ginny Burdick*(D. Portland), Chair
Roger Beyer*(R. Molalla), Vice-Chair
Jeff Kruse (R. Roseburg)
Floyd Prozanski ** (D. Eugene)
Vicki Walker* (D. Eugene)

House Judiciary

Greg Macpherson** (D. Lake Oswego), Chair
Jeff Barker* (D. Beaverton), Vice Chair
Gene Whisnant (R. Sunriver), Vice Chair
Suzanne Bonamici* (D. Beaverton)
Kevin Cameron (R. Salem)
Linda Flores* (R. Clackamas)
Betty Komp (D. Woodburn)
Wayne Krieger* (R. Gold Beach)
Tobias Read (D. Beaverton)

Joint Ways & Means Public Safety Sub-Committee

Rep. Chip Shields (D. North Portland), Chair
 Sen. Ben Westlund (D. Tumalo), Vice-Chair
 Sen. Kate Brown* (D. Portland)
 Sen. Ginny Burdick (D. Portland)
 Sen. Dave Nelson* (R. Pendleton)
 Sen. Jackie Winters* (R. Salem)
 Rep. Jeff Barker (D. Beaverton)
 Rep. Kevin Cameron (R. Salem)
 Rep. Bruce Hanna* (R. Roseburg)
 Rep. Nancy Nathanson (D. Eugene)

2007 Session May Be Shorter...And What About 2008?

As previously reported, the Public Commission on the Oregon Legislature has been working on a wide range of proposals since the 2005 session ended, including a proposal for annual sessions of limited duration. Legislative leadership seems intent on complying with the spirit, if not the letter, of the commission's proposals.

The plan taking shape features a session in 2007 that will end on or before June 30, and a session in 2008, if needed, limited to 60 days and dealing with budget issues only.

During the first week of the 2007 session the legislature plans to pass a joint resolution establishing time lines by which bills must move through steps in the legislative process. For example, there may be a date by which a bill must move out of committee in the originating chamber or be deemed dead. The idea is to create the ability to manage legislative business to dates certain.

Committees will meet consistently after the session begins, but there will be floor sessions only once a week during January and February.

How all this will ultimately work out is difficult to predict, but clearly bills that are ready to go at the beginning of the session will be more likely to pass than those that are just getting into the queue. Expect committees to spend much less time on orientation at the outset, and to move quickly into substantive consideration of the bills that are referred to them.

If needed, the 2008 session will convene around February 1 to adjust the biennial budget approved in the 2007 session.

Revenue Forecast Is Good News for Lawmakers

The state economist delivered more good news to Oregonians in his December forecast, presented to the interim legislative Revenue Committees on November 22.

In the current 2005-2007 biennium, the economist projected that personal income tax revenues would increase by \$38 million from the September forecast. Projected corporate income tax revenues will increase by \$37.1 million. These revenues will increase projected personal kicker refunds to \$1.01 billion and the corporate kicker credit to \$275 million. These are impressive numbers: the personal kicker amounts to 21 percent of 2006 state personal income taxes, and the median kicker check is projected to be \$270. The corporate kicker will cut corporations' 2007 state tax bill by two-thirds.

The news was also good for the July 2007 – June 2009 biennium. Counting increases from both projected tax receipts and lottery proceeds, general fund revenue will increase by \$245

million to a total of \$15.3 billion. This compares to a total general fund budget of \$12.5 billion for the 2005-2007 biennium.

This forecast will doubtless fuel the desires of many constituencies for increased spending, and will stimulate the debate about reducing or eliminating the corporate kicker and using excess corporate income tax receipts to establish a rainy day fund.

The Governor Releases an Ambitious Budget

On December 4, Governor Kulongoski released his recommended budget for the July 2007-June 2009 biennium (2007-09). The proposal increases state general fund and lottery spending from the current level of \$12.4 billion by over 20 percent to \$14.9 billion. A substantial part of the increase is contingent on a number of tax and fee increases included in the proposal. Total spending proposed for all funds is \$49.2 billion, up 18 percent from the 2005-07 biennium total of \$41.6 billion.

By almost any measure these are hefty increases. Even so, the reaction of many advocates was an acknowledgment of the governor’s efforts and a request for more. State support for schools, for example, increases from the current level of \$5.3 billion to \$6.1 billion under the proposal. As reported in the December 5 Statesman Journal, “Immediately after Kulongoski delivered his budget, a coalition of education groups hailed his commitment to schools but insisted they needed even more money.”

Judicial Department and Indigent Defense

Since the Oregon Judicial Department (OJD) is a separate and independent branch of state government, the Governor does not have authority to recommend its budget. The Chief Justice submits a budget request directly to the legislature. For the purposes of submitting a complete balanced budget package to the legislature, however, the Governor includes “placeholder” amounts in his budget for judicial branch programs. As a practical matter these placeholder amounts are the starting points for legislative consideration of judicial branch budget requests.

The total budget the Chief Justice submitted for the judicial branch is 61 percent higher than the amount legislatively approved for 2005-07. The Chief Justice’s budget for the OJD includes salary increases for judges, plans to modernize technology and business processes of trial courts, new judgeships and related staff, continuation and expansion of drug, mental health and domestic violence courts, and a long range plan to improve court facilities. For the Public Defense Services Commission (PDSC), the Chief Justice included plans to address salary parity for staff attorneys and contracted attorneys and to increase rates for non-profit public defender attorneys, deputy district attorneys and other staff.

The Governor’s placeholder levels substantially increase the 2005-07 legislatively approved budget, but not to the levels the Chief Justice requested. The Governor included amounts sufficient to maintain current service levels, plus an additional \$16.8 million for the OJD and \$10.8 million for the PDSC to begin to invest in technology systems and to address salary issues.

The chart below shows *general fund* spending and budgets over the last several biennia, plus the current proposals.

	2003-05 Actual General Fund	2005-07 Legislatively Approved General Fund	2007-09 Chief Justice General Fund	2007-09 Governor Placeholder General Fund
OJD	\$235.7M	\$271.5M	\$373.7M	\$328.7M
PDSC	\$165.5M	\$175.3M	\$231.8M	\$212.1M

Other Justice Related Budgets

The judicial branch budget also includes funding for the Council on Court Procedures and the Commission on Judicial Fitness and Disability. The Governor agreed to placeholder amounts equal to the request in the Chief Justice's budget for both. This is especially significant for the Council on Court Procedures, which received only \$10,000 from the general fund in 2005-07, and now is recommended to receive \$115,646.

The Governor also included in his budget increased funding for district attorneys and their deputies, from \$8.9 million in 2005-07 to \$10.7 million recommended for 2007-09. The increase would allow restoration of deputy district attorney supplements eliminated in 2005 and would improve salary parity for rural district attorneys.

The legislature has the final say on all state budget and revenue decisions. The Governor's budget proposals depend on passage of a number of tax increases, which will require three-fifths majorities in both chambers to pass. This may be a real challenge in the House where Democrats control with the slimmest majority possible, 31-29.

Proposed Changes to the UTCR – Request for Public Comment

The Uniform Trial Court Rules (UTCR) Committee met on October 13, 2006, to review twenty-two proposals to amend the UTCR and to make preliminary recommendations to the Chief Justice of the Oregon Supreme Court. A description of the proposals and action taken by the committee is published in Oregon Appellate Courts Advance Sheets No. 1, January 2, 2007, and is posted at: <http://www.ojd.state.or.us/programs/utcr/uterrules.htm>.

Proposals of special note include: juror contact (3.120); summary judgment requirements (new 5.130); alternative to the Uniform Support Affidavit (8.010 and 8.050); and mandatory filing of motion for permanent modification of custody (8.050).

The committee encourages all interested parties to submit comments on these proposals. Comments can be posted at the web address mentioned above or sent to the UTCR Reporter at the Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, Oregon 97301-2563 or utcr@ojd.state.or.us.

The committee will make final recommendations on these proposals at the next UTCR Committee meeting on March 9, 2007, 9:00 a.m., at the Office of the State Court Administrator in Salem. Those proposals approved by the Chief Justice will become effective August 1, 2007.