



# CAPITOL INSIDER

*OSB Public Affairs Newsletter for Bar Leaders*

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June 25, 1999

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## **SJR 7: Judicial Appointments**

The regular work of the 1999 legislature is almost over. One of the last bills addressed by the House Judiciary Civil Law Committee was SJR 7. The struggle over its fate has temporarily ended. No legislative selection commission for judicial candidates will be enacted in 1999.

A coalition of legal-profession lobbyists was able to help move the bill in the House from Rules to the Civil Judiciary Committee. At a work session on June 23, committee leaders Max Williams and Lane Shetterly led the effort to turn the measure into a proposal for an interim study. These two dedicated lawyer-legislators are expected to be able to persuade their senate colleagues to reluctantly support this new approach.

Very helpful in recent weeks was the fact that dozens of lawyers and other community leaders took time to communicate their concerns about SJR 7 to state representatives. At least 36 of 60 representatives ended up agreeing to oppose the measure. It would have taken a lot of painful arm-twisting by legislative leaders to reverse this vote count. Portland lawyer Gail Meyer, Chair of Oregonians for Justice, was centrally involved in mobilizing lawyers to articulate their concerns about current efforts to overhaul the existing process for judicial selection.

The issue will not go away this session. This session a growing chorus of legislators has lectured us about the need to understand that judges and courts should belong to the people (and their elected representatives) rather than just the legal community. They think the judiciary is getting more and more out of touch with the public. Most legislative leaders have become convinced that the judicial selection process would be greatly improved if it occurred under their auspices. They consider the governor's current process to be closed to them and their constituents. Fearful of a more politicized selection process, virtually no lawyers and judges seem to share this thinking from the halls of the Capitol.

It will be a big challenge for the interim judiciary committee of the legislature to work with bar groups and others to come up with an acceptable alternative to the status quo. Stay tuned.

### **Legislative Factoids**

As of June 21, 1999

Total number of bills introduced = 3,292

Filed without Governor's signature = 1

Signed by the Governor = 267

Vetoed by the Governor = 3

## HJR 4: Definition of Marriage

HJR 4, if passed by both the House and Senate, would bypass the governor and go directly to the voters at the next election. The bill would require a constitutional amendment and would define marriage as a civil contract between only a man and a woman. HJR 4 is a watered-down version of HJR 29, which would have included the definition of marriage and also would have overturned a recent court case that would have required public agencies to offer job benefits to unmarried couples.

Proponents contend that HJR 4 merely recognizes the historical value of a traditional marriage. Opponents argue that the resolution is, in essence, a constitutional ban on gay marriage. The resolution has passed the House and still needs Senate approval before it goes to the voters.

## SB 1328: Car-Title Loan

SB 1328 is a bill intended to place heavy restrictions on the car-title loan industry. The bill would require borrowers to wait 30 days for their money and to give their cars to lenders until loans are repaid. It also provides that the Oregon Department of Consumer and Business Services would gain more authority over the industry.

Sen. Frank Shields, the bill's primary sponsor, contends that the bill is necessary to protect the poor, desperate, or unsophisticated people whom lenders would take advantage of. Car-title lenders oppose the bill. They argue that the legislation will put them out of business. Car-title lenders make small loans at 300 percent interest with automobiles as collateral for the loan. They contend that they provide a service to people who would not qualify for a conventional loan.

The bill has passed the Senate and is on its way through the House process. It is one of the few consumer bills that has a chance of being enacted this session.

## House of Delegates Resolutions

Remember to mark your calendars for the House of Delegates Meeting in Seaside, Saturday, September 18.

The deadline for the submission of House of Delegate Resolutions is August 4, 1999.

For more information contact Sandy Hise at (503) 620-0222, ext. 386 or 1 (800) 452-8260, ext. 386.

## HB 2648: Agency Lobbying

This bill would restrict state agency employees from lobbying, except for the agency director and one subordinate, unless a legislator or staff member requested testimony or initiated a discussion with the agency representative. The prohibition would not apply to the governor's staff, statewide elected officials, or judges.

Proponents of the bill want to eliminate state agency lobbying for bigger government, more money, turf protection, and more regulations. To avoid the possibility of a gubernatorial veto, HB 2648 would be referred to the voters in the November 2000 general election.

Opponents of the measure contend that HB 2648 would make it more difficult for agency experts to provide the legislature with relevant information on the impact that certain legislation may have on that agency. It would also allow special interest groups to lobby the legislature for changes without the benefit of contrasting information about how those changes might affect the area in which the agency operates. The heated debate between the two sides on this issue reflects the overall tone of this session. HB 2648 has passed the House and is now on its way to the Senate for a vote.

## Bills of Interest

Bill #	Summary
SB 20	Violation and infraction reclassification bill
SB 65	Omnibus judicial department bill
SB 87	Loc. gov't estimate of urban growth boundary
SB 145	Cross entity merger bill
SB 268	Public body immunity for Y2K
SB 401	Judicial review of contested cases
SB 408	Assistance to interstate adoptions
SB 504	Loser pays insurance premiums
SB 601	Probate statute of limitations for state actions
SB 654	Workers' Comp ALJ bill.
SB 775	Transfer CASA responsibilities to DOJ
SB 789	Jurisdiction in child custody matters (UCCJEA)
SB 854	MCLE credit for lawyer-legislators
SB 937	Genetic privacy
SB 961	State agency loser pays
SB 1115	Modifies public policy re: organized labor
SB 1125	Modify procedures relating to condemnation
SJR 7	Judicial nomination commission
HB 2226	Child abuse reporting (incorp. 2270 amdm)
HB 2383	Adverse possession changes
HB 2417	Non-economic damages in DUII/uninsured
HB 2585	Conflict of interest disclosure for public officials
HB 2605	Three strikes equals life in prison
HB 2648	Prohibit lobbying by state agencies
HB 2721	Summary judgment changes
HB 2731	Limit court reporter contracts
HB 2734	Vehicle dealer recovery fund
HB 2759	Professional fiduciary
HB 2760	Guardianship
HB 2985	Vicarious liability changes
HB 3053	Statistical sampling of initiative signatures
HB 3054	Eliminates owner liability for trespassers
HB 3174	Limit state agency from filing legislative bills
HB 3595	Lawyer business tax jurisdiction
HB 3607	Limit penalties for violations of wage laws
HJR 4	Creates laws to recognize and support marriage
HJR 29	Creates definition of marriage
HJR 87	Juvenile delinquency & crimes (M 40)
HJR 88	DA demand of jury trial (M 40)
HJR 89	Jury disqualification for non-voter regis (M 40)
HJR 90	Bailable offenses and pretrial release (M 40)
HJR 91	Modify rules re admission of evidence (M 40)
HJR 92	11 of 12 jurors can convict for murder (M 40)
HJR 93	Prosecution using compelled testimony (M 40)
HJR 94	Prohibits set aside of sentences (M 40)

## Public Affairs Mission

The Public Affairs Department works to apply the knowledge and experience of the legal profession to the public good by advising governmental bodies, proposing legislation for law improvement, and advocating on matters that affect the legal profession. The Public Affairs Committee ("PAC") is chaired by Salem attorney David Hittle. Other members include David Orf, Medford; John Tyner, Hillsboro; Larry Rew, Pendleton; Sarah Rinehart, Salem; Malcolm Scott, Eugene; Mary McCauley Burrows, public member, Eugene; and Joyce Cohen, public member, Portland.

If you have questions or comments, contact the Public Affairs Committee chair David Hittle at (503) 581-2421 or the Public Affairs staff at the bar office at (503) 620-0222 or toll-free in Oregon at (800) 452-8260. You can reach Bob Oleson at ext 317 or by e-mail at boleson@osbar.org; Susan Grabe at ext 380 or by e-mail at sgrabe@osbar.org; or Anastasia Meisner at ext. 358 or by e-mail at ameisner@osbar.org.

## Legislative Lingo

With the end of session near, here are some terms of art that might be of interest.

*Sine die* - Latin for "without fixing a day for a future meeting." To adjourn sine die means the legislature will not meet for another day and therefore it is the last day of the session.

*Go-home bill* - This is a bill regarding an important issue, usually school funding, that legislators want to finish before adjournment.

*Christmas tree bill* - Usually a funding bill with many "ornaments." Ornaments are items in a bill to attract affirmative votes.

*Gut and stuff* - A bill that has all the original language deleted and replaced with language from another bill. The purpose of a gut and stuff is to keep a particular bill alive.

*One-hour rule* - Usually 24 or 36 hours' notice is required for scheduled public hearings. However, near the end of session, only one hours' notice will be given.

*Conference committees* - The purpose of a conference committee is to prepare a bill that both houses of the legislature can approve.

*Effective date of legislation* - unless otherwise stated, laws are effective 90 days after the legislature adjourns.

*Note from mother* - authorization from a legislator to work with Legislative Counsel on a particular bill.