



CAPITOL INSIDER

OSB Public Affairs Newsletter for Bar Leaders

July 19, 2002

3rd Special Legislative Session

The third special session, which began June 12, finally ended about 5:00 a.m. on Sunday, June 30 after a marathon 20-hour session. The Legislature closed the nearly \$900 million budget gap through a combination of increased taxes, use of education endowment fund money, phased-in tax reductions, program spending cuts, deferred payments, and use of reserve funds.

Given the size of the budget deficit, the legislators faced a difficult balancing act. This is a critical election year for both the Democratic and Republican parties because leadership positions in both the House and the Senate are up for grabs. As a result, many of the legislators did not stray far from the party line. Fortunately, exhaustion and the prospect of a never-ending special session allowed the moderate voices in both chambers to cobble together a budget-balancing package that passed both chambers even though it has something for everyone to dislike.

The Judicial Department was treated less harshly than expected due to the ongoing support of three lawyer legislators serving in the House—Max Williams, Lane Shetterly, and Rob Patridge. They foiled attempts to impose several major cuts.

There was a last ditch move by the Senate leadership (both parties) to stop the judicial salary increase by passing SB 1023 out of the

Senate budget committee during the final hours of the session. Some legislators (and judges) thought it was inappropriate to increase salaries when court clerks and other staff positions have been lost. The bill was thwarted on the Senate floor and failed 19-9.

The budget package is now on the governor's desk for review. By August 9, the governor must either sign or veto the bills, or a bill becomes law without his signature.

Referrals to Voters

Included in the budget package are two referrals that will be voted on in a September 17, 2002, special election. Voters will be asked to increase the cigarette tax by 60 cents per pack effective November 1. They will also be asked to convert an education endowment fund to an education stability fund for schools and then immediately use \$150 million of the fund for schools. This referral is a pared-down version of Measure 13 that was narrowly defeated by the voters in May.

If voters defeat either of these referrals, or if the September revenue forecast reflects a further budget deficit, there will likely be a fourth special session in late September or early October.

Judicial Department Cuts

Because judicial salaries, pensions, and mandated or other required payments, either

statutory or constitutional, cannot be touched, the bulk of the Judicial Department reductions were felt in operations and staffing.

The second round of judicial salary increases was preserved and went into effect July 1. (HB 4055C)

Sixty positions that were being held vacant in the short term, although targeted for elimination long-term, (SB 5575 – 2nd special session) were eliminated.

Indigent defense appropriations were cut a total of \$22 million. However, there is an intent to earmark \$5 million of General Purpose Emergency Fund money for potential caseload increases.

According to the State Court Administrator's office, the operations budget was reduced approximately 9% from the 2001-03 Legislatively Adopted Budget.

Interim Judiciary Committee

The Joint Interim Committee on the Judiciary is meeting on August 2 at 8:30 a.m. at the Juvenile Justice Complex in Bend, Oregon. This meeting was originally scheduled for June 21.

The morning session will be devoted to the Deschutes County Juvenile Offender Demonstration Project. The afternoon session will include a presentation of the Rand Corporation report on Measure 11 and an update on sex offender legislation.

Initiative Petitions

Petition signatures for 11 initiatives were submitted to the Secretary of State's office by the deadline on Friday, July 5. The Elections Division has until August 4 to determine whether each of the initiatives has enough valid signatures to qualify for the November 5 ballot.

Two of the five justice system initiatives identified in the May edition of the *Capitol Insider* may still qualify for the ballot. One tax initiative and a term-limits initiative are also of interest to the legal community. Each of these initiatives would amend the Oregon Constitution and require 89,048 valid signatures to qualify for the ballot.

Justice System Initiatives

- #67: Revises procedure for filling judicial vacancies, electing judges; allows vote for "None of the Above" (Don McIntire, Gregg Clapper) (137,966 signatures)
- #90: Requires Oregon Supreme Court justices and Court of Appeals judges to be elected by district (Steve Doell, Sen. Ted Ferrioli, R-John Day, former U.S. Rep. Bob Smith) (141,053 signatures)

Tax and Other Initiatives

- #49: Limits annual income tax revenue spending growth to four percent; returns revenue (Bill Sizemore) (103,442 signatures)
- #168: Limits state legislators to six years as a representative, eight years as a senator, and twelve years overall (Ted Piccolo) (116,726 signatures)

For more information, go to the Oregon Secretary of State's web site at www.sos.state.or.us and follow the link to the Elections Division.

HOD Meeting Update

The annual HOD meeting will take place on October 5, 2002, at the Valley River Inn,

1000 Valley River Way, Eugene, Oregon,
beginning at 10:00 a.m.

The deadline to submit resolutions for consideration at the HOD meeting is Wednesday, August 21, 2002, at 5:00 p.m.

The regional HOD meetings have been tentatively scheduled for the following dates and times.

Region 1 (Bend) – September 9 –
11:00 a.m.

Region 2 (Eugene) – September 10 –
1:00 p.m.

Region 3 (Medford) – September 11 –
1:30 p.m.

Region 4 (Hillsboro) – September 12 –
9:00 a.m.

Region 5 (Portland) – September 12 –
4:00 p.m.

Region 6 (Salem) – September 10 –
4:00 p.m.

Out of State – September 9 –
9:00 a.m. (Pacific Time) – conference call only

For more information, contact Teresa Bowen at (503) 620-0222, ext. 386, or by e-mail at tbowen@osbar.org

The purpose of the Open Court program is to invite current and prospective legislators into the court to explore key issues in a county's justice system and to recognize innovative programs. Different presiding judges who participate will customize the program to best meet their local needs.

The Lane County Courthouse is exploring the possibility of holding an event in September. Talk to your local presiding judge if you are interested in participating in a future open court program in your community.

The Gleaves Committee

The Joint Committee on Trial Court Judicial Resources, chaired by Eugene lawyer Vernon D. Gleaves, had its biennial organizational meeting at the State Capitol on July 13. Eight to ten judicial districts are expected to request new judgeships.

Hearings for Circuit Court presiding judges that are requesting new judgeships will be held on September 27. These hearings provide an open forum for the presiding judges to discuss best court practices and advocate their needs. Although the current budget picture is bleak, it is important to continue the dialog about the need for new judges.

Open Court Programs

The Clackamas County Courthouse is considering holding an Open Court program in August. This would be the third in a series of courthouse events around the state to encourage a continuing dialog about judicial system issues among lawyers, judges, legislators, and the local community. These events are a joint effort between the OSB and judicial districts.

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.

OSB Public Affairs Department

The OSB Public Affairs Committee (“PAC”) oversees legislative activities and makes recommendations on major policy issues. Chaired by Hillsboro attorney John Tyner, other members include: James Brown, Salem; William Carter, Medford; Nena Cook, Portland, David Hytowitz, Portland; and Charles Williamson, Portland. Angel Lopez, 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 John Tyner at (503) 648-5591 or the Public Affairs staff at (503) 620-0222 or in Oregon at (800) 452-8260. You can reach Bob Oleson, Public Affairs Director, at ext. 317 or by e-mail at boleson@osbar.org; contact Susan Grabe, Public Affairs Manager, at ext. 380 or by e-mail at sgrabe@osbar.org; or contact Joyce Patton, Public Affairs Attorney, at ext. 358 or by e-mail at jpatton@osbar.org.