

**Oregon State Bar
Board of Governors Meeting
February 12, 2015
Special Executive Session Minutes**

Discussion of items on this agenda is in executive session pursuant to ORS 192.660(2)(f) and (h) to consider exempt records and to consult with counsel. This portion of the meeting is open only to board members, staff, other persons the board may wish to include, and to the media except as provided in ORS 192.660(5) and subject to instruction as to what can be disclosed. Final actions are taken in open session and reflected in the minutes, which are a public record. The minutes will not contain any information that is not required to be included or which would defeat the purpose of the executive session.

President Richard Spier called the meeting to order at 1:20pm. The meeting adjourned at 2:00pm.

Board members present were James Chaney, Guy Greco, Ray Heysell Theresa Kohlhoff, John Mansfield, Audrey Matsumonji, Vanessa Nordyke, Ramon Pagan, Travis Prestwich, Per Ramfjord, Kathleen Rastetter, Josh Ross, Kerry Sharp, Simon Whang, Tim Williams and Elisabeth Zinser. Not present was Charles Wilhoite. OSB employees present were Sylvia Stevens, Rod Wegener, Helen Hirschbiel, Susan Grabe, Dawn Evans, Kateri Walsh and Camille Greene. Also present was Carol Bernick, PLF CEO.

A. Consideration of 2015 Oregon House Bill 2565

Ms. Hirschbiel asked the board to decide whether to support, oppose or take no position on HB 2565. **[Exhibit A]**

Motion: Mr. Ramfjord moved that the bar not object to the legislature considering OSB employees to be public employees for the purpose of this bill, but the bar is not a public employer and our employees are not public employees.

The motion died due to lack of a second.

Motion: Mr. Pagan moved, Ms. Kohlhoff seconded, that the board not take a position on the bill. The board voted. Ms. Kohlhoff and Mr. Pagan were in favor. All other board members were opposed.

The motion failed.

Motion: Mr. Mansfield moved, Mr. Whang seconded, that the board not oppose the bill. The board voted. Mr. Prestwich and Mr. Greco were opposed. All other board members were in favor.

The motion passed.

House Bill 2565

Sponsored by Representative WILLIAMSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes Oregon State Bar subject to public employees collective bargaining law.

A BILL FOR AN ACT

1
2 Relating to the Oregon State Bar; amending ORS 9.010.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 9.010 is amended to read:

5 9.010. (1) An attorney, admitted to practice in this state, is an officer of the court.

6 (2) The Oregon State Bar is a public corporation and an instrumentality of the Judicial De-
7 partment of the government of the State of Oregon. The bar is authorized to carry out the provisions
8 of ORS 9.005 to 9.755.

9 (3) The bar is subject to the following statutes applicable to public bodies:

10 (a) ORS 30.210 to 30.250.

11 (b) ORS 30.260 to 30.300.

12 (c) ORS 30.310, 30.312, 30.390 and 30.400.

13 (d) The Oregon Rules of Civil Procedure.

14 (e) ORS 192.410 to 192.505.

15 (f) ORS 192.610 to 192.690.

16 (g) ORS 243.401 to 243.507.

17 (h) ORS 244.010 to 244.040.

18 (i) ORS 297.110 to 297.230.

19 (j) ORS chapters 307, 308 and 311.

20 (k) ORS 731.036 and 737.600.

21 **(L) ORS 243.650 to 243.782.**

22 (4) Except as provided in subsection (3) of this section, the bar is not subject to any statute
23 applicable to a state agency, department, board or commission or public body unless the statute
24 expressly provides that it is applicable to the Oregon State Bar.

25 (5) The Oregon State Bar has perpetual succession and a seal, and may sue and be sued.
26 Notwithstanding the provisions of ORS 270.020 and 279.835 to 279.855 and ORS chapters 278, 279A,
27 279B and 279C, the bar may, in its own name, for the purpose of carrying into effect and promoting
28 its objectives, enter into contracts and lease, acquire, hold, own, encumber, insure, sell, replace, deal
29 in and with and dispose of real and personal property.

30 (6) No obligation of any kind incurred or created under this section shall be, or be considered,
31 an indebtedness or obligation of the State of Oregon.

32

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.