

SENATE COMMITTEE ON RULES

April 29, 2003 Hearing Room 343

3:00 PM Tapes 42 - 43

MEMBERS PRESENT: **Sen. Kate Brown, Co-chair**
 Sen. Bev Clarno, Co-chair
 Sen. Jason Atkinson Vice-chair
 Sen. Ginny Burdick Vice-chair
 Sen. Roger Beyer
 Sen. Tony Corcoran

STAFF PRESENT: **Jim Stenbridge, Committee Administrator**
 Pam Cox, Committee Assistant

MEASURE/ISSUES HEARD: **HCR 4A – Public Hearing and Work Session**
 HJR 42 A – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 42, A		
005	Chair Clarno	Calls committee meeting to order at 3:08 p.m. and opens a public hearing on HCR 4A.
<u>HCR 4A – PUBLIC HEARING</u>		
007	Jim Stenbridge	Committee Administrator. Summarizes HCR 4A.
010	Hardy Myers	Attorney General. Offers information on former governor, Robert William Straub recognizing his contributions to the state and expresses that he does not know anyone that was more decent and honorable than Bob Straub.
025	Michael Tolley	Legislative Assistant for Rep. Mary Nolan. States that Rep. Mary Nolan is a sponsor of the bill. States that Bob Straub was a bold leader and explains offers quotes, (EXHIBIT A) .
050	Chair Clarno	Closes the public hearing on HCR 4A and opens a work session on HCR 4A.
<u>HCR 4A – WORK SESSION</u>		
051	Sen. Brown	MOTION: Moves HCR 4A be sent to the floor with a BE ADOPTED recommendation.
052		VOTE: 4-0
	Chair Clarno	EXCUSED: 1 - Sen. Burdick
		Hearing no objection, declares the motion CARRIED.
		SEN. BROWN will lead discussion on the floor.
056	Chair Clarno	Closes the work session on HCR 4A and opens the public hearing on HJR 42A.
<u>HJR 42 A – PUBLIC HEARING</u>		
159	Judge Gillette	Justice, Oregon Supreme Court. Testifies in opposition of HJR 42A explaining the negative affects this bill would have and that the bill is not needed.
190	Sen. Atkinson	Asks if there is any chance of political appointments by past governors.
198	Gillette	Notes those serving in the judicial arena are very capable men

and women.

202 Rep. Patridge House District 6. Testifies in support of HJR 42A and offers information on how judges are appointed in Oregon and states that the people have no opportunity in the initial appointment of a judge.

263 Sen. Brown Offers a scenario and asks if judicial appointments would become less political than today.

264 Rep. Patridge Answers a minority party interest would have an opportunity to have a voice.

301 Sen. Brown Expresses concern that if the legislature becomes involved in overseeing the Governor's appointments to the judicial branch would the process become more political.

302 Rep. Patridge Responds that in the current system it is a political process, it is an office that is appointed by a political officer of the state.

312 Sen. Brown States at the federal level judicial appointments have become very political.

320 Rep. Patridge Expresses we are all Oregonians and the only person who is involved in the process is the Governor's Office. There is no challenge mechanism in place.

342 Sen. Brown Asks is the ballot box inadequate.

345 Rep. Patridge States anyone can run for the legislature but a lawyer has to pass the bar. Argues that it is an unchallenged lifetime appointment in Oregon.

363 David Denecke Attorney, Portland/American Judicature Society. Explains the Society was formed to help with the administration of Judicial selection and has been long standing with how judges are to be appointed **(EXHIBIT B)**.

403 Sen. Brown Asks if in terms of judicial ethics do judicial candidates have an opportunity to discuss specific issues behind closed doors with the governor's committee.

TAPE 43, A

064 Deneke Answers they would be unable to discuss any issue which is before them or likely to come before them.

067 Sen. Brown Asks is a judicial appointment is an appointment for life or is that changing.

075 Denecke Answers he does not know how many judicial challenges there have been.

085 Tom Kranovich Chairman, Judicial Administration Committee/Oregon State Bar. Testifies in opposition of HJR 42A. Explains that times are changing and expects to see challenges based on rulings that judges make. Comments on slowing down the process even more.

121 Marilyn O'dell Assistant, Attorney General. Appearing as a member of Oregon State Bar Judicial Administration Committee. Discusses the selection process of judges.

219 Sen. Corcoran Asks what did the candidates references include.

221 O'dell Answers references were comprised of other judges, other practitioners, clients and legislative members. Inform the committee that each county has unique issues that the election process should not change.

265 Barbara Fredericks League of Women Voters of Oregon. Testifies in opposition of HJR 42A and offers information on how judges are elected in all areas of government. Explains what the Constitution says about judicial elections. Submits written testimony **(EXHIBIT C)**.

358	David Fidanque	American Civil Liberties Union, (ACLU) of Oregon. Testifies in opposition of HJR 42A and explains that this bill when measured against the federal system is quite different. This process would create a separation of powers.
437	Sen. Burdick	Asks how are judges perceived on the federal level.
438	Fidanque	Federal judges are appointed for life and states there have been controversial appointments that has increased pressure on the US Senate.

TAPE 42, B

059	Sen. Brown	Asks if incumbent judges have an advantage.
063	Fidanque	Responds not always.
065	Chair Clarno	Closes the public hearing on HJR 42A and re-opens the work session on HCR 4A.

HCR 4A – WORK SESSION

097	Chair Clarno	MOTION: Moves to SUSPEND the rules for the purpose of allowing SEN. BURDICK to be recorded as voting AYE on HCR 4A.
	Chair Clarno	Hearing no objection, declares the motion CARRIED.
069	Chair Clarno	Closes a work session on HCR 4A and re-opens a public hearing on HJR 42A.

HJR 42A – PUBLIC HEARING

102	Robert Neuberger	Attorney in Private Practice. Member, Multnomah Volunteer Bar Association. Testifies in opposition of HJR 42A and explains the procedures of interviewing applicants. States that his agency screens judicial applicants and comments to the decision makers. Comments that the bill is going in the wrong direction (EXHIBIT D) .
200	Sen. Brown	Notes the battle of the election of judgeship in Multnomah County.
204	Neuberger	States the procedures their committee has set.
235	Sen. Brown	Asks how long Mr. Neuberger has been practicing and asks why HJR 7 did not pass.
246	Neuberger	Answers he does not know what happened to it.
250	Susan Russell	Oregon Criminal Defense Lawyers Association. Testifies in opposition of HJR 42A and states the process in place works well and the election process has check and balances
277	Steve Dole	President, Crime Victims United, Citizen of Oregon. Testifies in support of HJR 42A. States the bill gives people a voice. Comments on other people’s testimony.
453	Chair Clarno	Closes the public hearing on HJR 42A and closes the committee meeting at 4:40 p.m.

EXHIBIT SUMMARY

- A – HCR 4A, written testimony, Michael Tolley, 2 pp**
- B – HJR 42A, written testimony, David Deneke, 1 p**
- C – HJR 42A, written testimony, Barbara Fredericks, 2 pp**
- D – HJR 42A, written testimony, Robert Neuberger, 5 pp**