

SENATE COMMITTEE ON JUDICIARY

April 05, 2001 Hearing Room 343

1:00 p.m. Tapes 88-89

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice-Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

STAFF PRESENT: **Marilyn Odell, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 70 Public Hearing**
 SB 780 Work Session
 SB 495 Public Hearing and Work Session
 SB 198 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.

TAPE/#	Speaker	Comments
TAPE 88, A		
008	Chair Minnis	Calls the meeting to order at 1:15 p.m. and opens a public hearing on SB 70.
<u>SB 70 PUBLIC HEARING</u>		
011	Counsel Odell	Introduces SB 70 that creates new circuit court judge positions. Explains the -1 and -2 amendments (EXHIBITS A & B).
044	Bill Linden	Circuit Court Judges As sociation Testifies in support of SB 70 with amendments. Says there is currently no funding for new judgeships. Talks about the -1 amendments regarding salaries, and says 1997 is the last time judges have had a salary review. Discusses the length of service and retirement issues.
159	Sen. Harper	Asks if additional facilities will need to be built.
161	Linden	Replies this legislation will not involve any facility changes or expenses.
196	Sen. Beyer	Asks if presiding judges' salaries are higher than other judges.
199	Linden	Replies all judges' salaries are the same.
206	Sen. Harper	Asks why some multi-county circuits are being split and some are not.
209	Linden	Replies that the practice has been to let the districts and the

		judges within those districts decide.
220	Sen. Duncan	Indicates that he supports judges' salary increases and states that a young law clerk going into a major law firm in Portland makes more than any judge.
234	Chair Minnis	Asks if there is a comparison state-by-state of judges' salaries.
239	Linden	Says he will provide that information for the committee.
248	Linden	Continues to explain the -1 amendments.
281	Chair Minnis	Asks why judges are currently not allowed to be personal representatives.
286	Linden	Replies that it was thought there might be an inherent conflict of interest.
304	Chair Minnis	Asks how a conflict of interest would be handled.
306	Linden	Gives an example of a one-judge county. Explains that in the case of a conflict of interest the actual assignment of a judge to hear a case is made by the Chief Justice.
336	Linden	Reviews section 19 on page 15, notice of change of name, and sections 20-22 on pages 16-17.
385	Chair Minnis	Asks about -2 amendments.
387	Linden	Explains these amendments relate to a one-time benefit increase for judges who have retired.
422	Sen. Duncan	Asks how many judges fall into that category of retirement.
TAPE 89, A		
005	Linden	Replies that two years ago there were 52 members and currently it is believed that there are 40 to 42.
017	Linden	Discusses the Judicial salary survey distributed (EXHIBIT C).
054	Paul Snider	Association of Oregon Counties Testifies in support of SB 70. Says that he has not had time to review the amendments. Says they oppose the creation of new judgeships without some kind of funding to deal with facilities for those new judges. Explains they have been working hard to find funding.
115	Chair Minnis	Closes the public hearing on SB 70 and opens a work session on SB 780.
<u>SB 780 WORK SESSION</u>		
130	Counsel Odell	Introduces SB 780 which provides that complaint of abuse of elderly person, made by witness after commission of alleged abuse at issue and explains the -1 amendments (EXHIBIT D).
145	Vice Chair Courtney	MOTION: Moves to ADOPT SB 780-1 amendments dated 3/29/01.
150	Sen. Metsger	Asks if the amendment addresses the concern about the right to cross-examine an elderly witness.
172	Pete Shepherd	Replies, yes. VOTE: 7-0-0
200	Chair Minnis	Hearing no objection, declares the motion CARRIED.
203	Vice Chair Courtney	MOTION: Moves SB 780 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 7-0
205	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
211	Chair Minnis	Closes the work session on SB 780 and opens a public hearing on SB 495.

SB 495 PUBLIC HEARING

217 **Judge James Ellis**

Presiding Judge, Multnomah County

Submits testimony and testifies in support of SB 495 that requires that two Multnomah County Circuit Court Judges hold court in the City of Gresham (**EXHIBIT E**). Says that while it is much easier to hold court in one facility, that would not be possible because of the lack of space.

385 Chair Minnis

Asks how long it takes to get a civil case to trial.

388 Judge Ellis

Says that they try to complete a civil case within one year of filing, but explains that in metropolitan areas it is more difficult because of the workload.

TAPE 88, B

022 Sen. Harper

Asks about municipal court duties being performed.

026 Judge Ellis

Responds that Portland and Gresham have no municipal court, but the law permits cities to file cases if they choose to in the circuit court. Says that the city of Gresham has chosen to do that.

072 Sen. Harper

Asks about the assignment of judges.

077 Judge Ellis

Says the presiding judge makes the assignments and explains that it takes about 50 judges to fill the courts and presently there are only 37 judges.

091 Sen. Duncan

Asks about staffing when a judge is assigned.

093 Judge Ellis

Responds that money for staffing has been a problem, and explains they have had to eliminate some positions because of the lack of funds.

134 Chair Minnis

Questions the size of the fiscal impact at \$1.9 million.

143 **Kingsley Click**

State Court Administrator

Explains the figures that were sent to Legislative Fiscal.

165 Chair Minnis

Closes the public hearing on SB 495 and opens a work session.

SB 495 WORK SESSION

166 **Vice Chair
Courtney**

**MOTION: Moves SB 495 to Ways and Means with a DO
PASS recommendation.**

VOTE: 6-1-0

**AYE: 6 - Burdick, Courtney, Duncan, Harper,
Metsger, Minnis**

NAY: 1 - Beyer

The motion Carries.

178 **Chair Minnis**

Closes the work session on SB 495 and opens a public hearing on SB 198.

180 Chair Minnis

SB 198 PUBLIC HEARING

206 **Kristin Grainger**

Office of the Attorney General

Testifies in opposition to SB 198 that requires public agencies, in absence of dispute, to pay Department of Justice invoices within 30 days. Asks that the committee defer action on this bill until they try implementing some of the directives from the Ways and Means Committee.

308 Sen. Harper

Wonders if the bill is necessary given the progress being made already by the agency.

312 Grainger

Replies with what is believed to be Sen. Miller's intention with regard to the bill.

334 Sen. Harper

Wonders what difference it would make if it were in statute or in some other form.

338 Grainger

Replies that having it in statute could mean there could be legal remedies for not complying and the attorney general would have

		very little flexibility in working out some kind of payment strategy.
365	Sen. Harper	Wonders why state agencies shouldn't be required to pay their bills on time like the rest of world.
373	Grainger	States that a statute may not be necessary to achieve the same result.
377	John Radford	State Controller, Department of Administrative Services (DAS) Submits testimony and testifies in opposition to SB 198 (EXHIBIT F). Describes the policies and procedures currently used.
460	Sen. Harper	Asks if interest is charged.
468	Radford	Replies that it is not at this time.
TAPE 89, B		
040	Sen. Beyer	Wonders about the need to hire an extra staff person to implement the program, plus a committee to oversee it.
045	Radford	Replies that it does require a full-time person to handle the administration of this program.
060	Sen. Beyer	Asks who is on the committee.
061	Radford	Lists the agencies represented on the committee.
069	Sen. Duncan	Wonders if there have been any problems with agencies not under the jurisdiction of DAS.
074	Radford	Replies that there is excellent cooperation with all agencies.
112	Chair Minnis	Talks about the negative attitude of some of the state agencies.
127	Radford	Replies that that is not the case with the DAS.
133	Sen. Metsger	Asks about an enforcement provision in this bill.
140	Radford	Explains that the enforcement mechanisms available to DAS will be applied to ensure payment within 30 days.
152	Sen. Metsger	Asks if DAS has authority to charge penalties and interest for late payment.
158	Radford	Replies that he is not sure.
168	Sen. Metsger	Questions the authority, much less the requirement to charge penalties and interest.
178	Sen. Duncan	Asks if this is strictly an inter-agency billing.
180	Radford	Answers, yes.
191	Chair Minnis	Closes the public hearing on SB 198 and adjourns the meeting at 2:55 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Marilyn Odell,
Counsel

EXHIBIT SUMMARY

- A – SB 70, -1 amendments submitted by staff, dated 4/4/01, 17 pp**
- B – SB 70, -2 amendments submitted by staff, dated 4/4/01, 2 pp**
- C – SB 70, article on judicial salaries, submitted by Bill Linden, 10 pp**
- D – SB 780, -1 amendments submitted by staff, dated 3/29/01, 1 p**
- E – SB 495, written testimony submitted by Judge James Ellis, 2 pp**

F – SB 198, written testimony submitted by John Radford, dated 4/5/01, 1 p