

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 - 0 - 0
Yeas: Beyer, Kruse, Prozanski, Walker, Burdick
Nays: 0
Exc.: 0
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 3/5

WHAT THE MEASURE DOES: Establishes that the Council on Court Procedures (Council) can take action on all matters – other than the promulgation of rules – after an affirmative vote by a majority of the members who are present at a meeting, so long as a quorum is present.

ISSUES DISCUSSED:

- Duties and makeup of the Council
- Nature of actions taken by Council other than promulgation of rules of civil procedure
- Voting requirements described in ORS 1.730

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Council was created by statute in 1977, and is made up of a Supreme Court Justice, a judge of the Court of Appeals, eight Circuit Court judges, 12 lawyers and a member of the public. The Council promulgates the Oregon Rules of Civil Procedure. ORS 1.730 currently states that, although a quorum is made up of a majority of the Council, an “affirmative vote by a majority of the council is required for action by the council on all matters other than promulgation of rules” (the promulgation of rules requires approval by 15 members). HB 2367 allows the Council to take action on a matter after an affirmative vote by a majority of the members who are present, so long as a quorum is present. Fifteen affirmative votes are still required to promulgate rules.