

House Bill 2367

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Procedure and Practice Committee)

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**.

Provides that, if quorum is present, Council on Court Procedures may act by affirmative vote by majority of members in attendance on all matters other than promulgation of rules.

A BILL FOR AN ACT

1
2 Relating to Council on Court Procedures; amending ORS 1.730.

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

4 **SECTION 1.** ORS 1.730 is amended to read:

5 1.730. (1) There is created a Council on Court Procedures consisting of:

6 (a) One judge of the Supreme Court, chosen by the Supreme Court.

7 (b) One judge of the Court of Appeals, chosen by the Court of Appeals.

8 (c) Eight judges of the circuit court, chosen by the Executive Committee of the Circuit Judges
9 Association.

10 (d) Twelve members of the Oregon State Bar, appointed by the Board of Governors of the
11 Oregon State Bar. The Board of Governors, in making the appointments referred to in this
12 [section] **paragraph**, shall include but not be limited to appointments from members of the bar active
13 in civil trial practice, to the end that the lawyer members of the council shall be broadly represen-
14 tative of the trial bar and the regions of the state.

15 (e) One public member, chosen by the Supreme Court.

16 (2)(a) A quorum of the council shall be constituted by a majority of the members of the
17 council.[, and] **If a quorum is present**, an affirmative vote by a majority of **the members of** the
18 council **who are present** is required for action by the council on all matters other than
19 promulgation of rules under ORS 1.735. An affirmative vote of fifteen members of the council shall
20 be required to promulgate rules pursuant to ORS 1.735.

21 (b) The council shall adopt rules of procedure and shall choose, from among its membership,
22 annually, a chairperson to preside over the meetings of the council.

23 (3)(a) All meetings of the council shall be held in compliance with the provisions of ORS 192.610
24 to 192.690.

25 (b) In addition to the requirements imposed by paragraph (a) of this subsection, with respect to
26 the public hearings required by ORS 1.740 and with respect to any meeting at which final action
27 will be taken on the promulgation, amendment or repeal of a rule under ORS 1.735, the council shall
28 cause to be published or distributed to all members of the bar, at least two weeks before such
29 hearing or meeting, a notice which shall include the time and place and a description of the sub-
30 stance of the agenda of the hearing or meeting.

31 (c) The council shall make available upon request a copy of any rule which it proposes to

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.

1 promulgate, amend or repeal.

2 (4) Members of the Council on Court Procedures shall serve for terms of four years and shall
3 be eligible for reappointment to one additional term, provided that, where an appointing authority
4 has more than one vacancy to fill, the length of the initial term shall be fixed at either two or four
5 years by that authority to accomplish staggered expiration dates of the terms to be filled. Vacancies
6 occurring shall be filled by the appointing authority for the unexpired term.

7 (5) Members of the Council on Court Procedures shall not receive compensation for their ser-
8 vices but may receive actual and necessary travel or other expenses incurred in the performance
9 of their official duties as members of the council, as provided in ORS 292.210 to 292.288.

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