



# OREGON LAW COMMISSION

## The Oregon Law Commission

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### COMMISSIONERS

Lane P. Shetterly, Chair  
Prof. Bernard F. Vail,  
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Chief Justice Thomas A. Balmer  
Judge Stephen K. Bushong  
Mark B. Comstock  
John DiLorenzo, Jr.  
Rep. Chris Garrett  
Prof. Susan N. Gary  
Chief Judge Rick T. Haselton  
Julie H. McFarlane  
Hardy Myers  
Sen. Floyd Prozanski  
Attorney General Ellen Rosenblum  
Scott Shorr  
Prof. Symeon C. Symeonides

### STAFF

Prof. Jeffrey C. Dobbins  
*Executive Director*

Wendy J. Johnson  
*Deputy Director  
and General Counsel*

Lisa Ehlers  
*Legal Assistant*

Dexter Johnson  
*Legislative Counsel*

David W. Heynderickx  
*Special Counsel to  
Legislative Counsel*

## Commission History

The Oregon Law Commission was created in 1997 by the Legislative Assembly to conduct a continuous program of law revision, reform, and improvement. (ORS 173.315) The Commission's predecessor, the Law Improvement Committee, had been inactive since 1990. Legislative appropriations supporting the Commission's work began July 1, 2000. At that time, the State, through the Office of Legislative Counsel, entered into a public-private partnership with Willamette University. The Commission is now composed of fifteen Commissioners and is staffed by the Executive Director's office, which is housed at Willamette University College of Law. The College of Law provides executive, administrative and legal research support for the Commission and the Commission's Work Groups. The College of Law also facilitates law student and faculty participation in support of the Commission's work.

## Commission Membership

In creating the Commission, the Legislative Assembly recognized the need for a distinguished body of knowledgeable and respected individuals to undertake law revision projects requiring a long-term commitment and an impartial approach. Oregon statute requires that the Commissioners include four legislators or their designees, the chief justice of the Oregon Supreme Court, the chief judge of the Court of Appeals, a circuit court judge, the attorney general, a governor's appointee, the deans or representatives from each law school in Oregon, and three representatives from the Oregon State Bar. Lane P. Shetterly and Professor Bernard F. Vail were elected to serve as the Commission's Chair and Vice-Chair, respectively.

## Commission Mission and Purpose

The Commission serves the citizens of Oregon by assisting the legislature, executive agencies and judiciary by keeping the law up to date through proposed law reform bills, administrative rules and written policy analysis. It accomplishes this by first identifying appropriate law reform projects, through suggestions gathered from the citizens of Oregon, each branch of government and the academic community. By remaining in close personal relationships with the people who use and know Oregon law, the areas generally considered "broken" and in need of repair become clear. Once potential projects are identified, the Commission researches the areas of law at issue, including gathering input from experts and those whom may be affected by proposed reforms. The goal of the Law Commission is both proposed law and written reports on the proposed reform provisions. The written reports are the Law Commission's stock in trade. These reports detail the law reform project's objectives, the participants, and the decision-making process. Importantly, the



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reports describe points of disagreement on specific policy choices and set out the reasons for and against those choices. These reports assist the legislature in their policy review and provide important legislative history for judicial interpretation.

## **Past Projects**

The following is a brief summary of the Commission's legislative proposals, beginning with the 1999 legislative session.

### 1999

- HB 2277 – Repeal of ORS 161.062 (Adopted)
- HB 2278 – Judicial Review of Prison Siting Decisions (Adopted)
- HB 2279 – Repeal of ORS Chapter 239 (Adopted w/ Amendments)
- SB 20 – Violation Procedures (Adopted)

### 2001

- HB 2352 – Civil Rights Statute Organization (Adopted w/ Amendments)
- HB 2355 – Juvenile Code Revision: Adjudication (Adopted w/ Amend.)
- HB 2386 – Garnishments (Adopted w/ Amend.)
- HB 2388 – Juv. Code Revision: Termination of Parental Rights (Adopted w/ Amend.)
- HB 2391 – Juv. Code Revision: Termination of Parental Rights (Adopted w/ Amend.)
- HB 2392 – Child Support Revision (Adopted)
- HB 2414 – Choice-of-law for Oregon Contracts (Adopted w/ Amend.)
- HB 2425 – Uniform Definitions for ORS (Adopted)
- HB 2611 – Created Oregon Rules of Juvenile Court Procedure (Adopted w/ Amend.)

### 2003

- SB 67 – Juvenile Code Revision: Telephone Testimony (Adopted)
- SB 68 – Juv. Code Revision: Reference Corrections (Adopted)
- SB 69 – Juv. Code Revision: Word Usage Corrections to ORS 419A (Adopted w/ Amend.)
- SB 70 – Juv. Code Revision: Juvenile Court Guardianships (Adopted w/ Amend.)
- SB 71 – Juv. Code Revision: Service by Mail (Adopted)
- SB 72 – Juv. Code Revision: Intervenor/Rights of Limited Participation (Adopted w/ Amend.)
- SB 887 – Juvenile Psychiatric Security Review Board (In Committee Upon Adjournment)
- HB 2272 – Juv. Code: Summons (Adopted w/ Amend.)
- HB 2274 – Judgments/Enforcement of Judgments: Garnishments (Adopted w/ Amend.)
- HB 2275 – Civil Rights: Age (Adopted w/ Amend.)
- HB 2276 – Civil Rights: Remedies for Workers' Rights (Adopted w/ Amend.)
- HB 2277 – Admin. and Judicial Child Support Orders (Adopted)
- HB 2278 – Public Body: Special Districts (Adopted w/ Amend.)
- HB 2284 – Saving Statute (Adopted)

HB 2645 – Admin. and Judicial Child Support Orders (Adopted)  
HB 2646 – Judgments/Enforcement of Judgments: Judgments (Adopted w/ Amend.)  
HB 3027 – Judicial Review of Govt. Actions (In Committee Upon Adjournment)  
HB 3370 – Eminent Domain: Consolidation (Adopted w/ Amend.)  
HB 3371 – Eminent Domain: Pre-Trial Offer (Adopted)  
HB 3372 – Eminent Domain – Precondemnation Procedures (Adopted w/ Amend.)

## 2005

HB 2268 – Eminent Domain: Condemnation Procedures (Adopted w/ Amend.)  
HB 2269 – Eminent Domain: Public Condemnation (Adopted w/ Amend.)  
HB 2275 – Administrative Child Support (Adopted)  
HB 2276 – Codifies the Oregon Supplemental Income Program (Adopted w/ Amend.)  
HB 2359 – Judgments/Enforcement of Judgments: Cleanup (Adopted w/ Amend.)  
SB 229 – Juv. Code Revision: Dependency Proceedings (Adopted w/ Amend.)  
SB 230 – Juv. Code Revision: Guardian *Ad Litem* (Adopted w/ Amend.)  
SB 231 – Juv. Code Revision: Juvenile Records (Adopted w/ Amend.)  
SB 232 – Juv. Code Revision: Delinquency Disposition (Adopted w/ Amend.)  
SB 233 – Juv. Code Revision: OYA (Adopted w/ Amend.)  
SB 234 – Juv. Code Revision: Putative Father (Adopted w/ Amend.)  
SB 235 – Public Accommodations (Adopted w/ Amend.)  
SB 236 – Statute of Limitations for Civil Actions (Public Accommodations) (Adopted)  
SB 237 – Statute of Limitations for Civil Actions (Workplace Safety) (Adopted w/  
Amend.)  
SB 238 – Remedies for Unlawful Discrimination – (Adopted w/ Amend.)  
SB 239 – Civil Rights: List of Protected Classes – (In Committee Upon Adjournment)  
SB 920 – Judicial Sales – (Adopted w/ Amend.)  
SB 921 – Summons: Adoption (Adopted w/ Amend.)  
SB 922 – Auto Insurance: Permissive Users (In Committee Upon Adjournment)  
SB 923 – Auto Insurance: Underinsured (Adopted w/ Amendments)  
SB 924 – Auto Insurance: Stolen Vehicles (Adopted w/ Amendments)  
SB 925 – Auto Insurance: Cleanup of ORS 742.504 (Adopted)  
SB 926 – Auto Insurance: Uninsured (Adopted w/ Amend.)

## 2007

SB 320 – Juv. Code Revision: Fitness to Proceed – (In Committee Upon Adjournment)  
SB 322 – Judgments: Cleanup (Adopted w/ Amend.)  
SB 325 – Juv. Code Revision: Personal Appearance (Adopted w/ Amend.)  
SB 328 – Juv. Code Revision: Juvenile PSRB (Adopted w/ Amend.)  
SB 494 – SB 498 – Government Ethics Revision (Adopted in Part)  
SB 499 – Judgments: Summary Determination (In Committee Upon Adjournment)  
SB 501 – Judgments: Clarifies Terminology (Adopted w/ Amend.)  
HB 2381 – Elective Share (In Committee Upon Adjournment)  
HB 2382 – Uniform Parentage Act Revision (Adopted w/ Amend.)  
HB 2384 – Auto Insurance: Permissive Users (Adopted w/ Amend.)

HB 2385 – Auto Insurance Cleanup (Adopted w/ Amend.)  
HB 2594 – HB 2598 – Government Ethics Revision (Adopted in Part)  
HB 3265 – Government Borrowings (Adopted w/ Amend.)

2009

SB 270 – Juvenile Records on Appeal (Adopted w/ Amend.)  
SB 512 – Juvenile Records to Schools (Adopted w/ Amend.)  
SB 558 – UCC Articles 1 and 7 (Adopted w/ Amend.)  
SB 559 – Juvenile Intervenor Cleanup (Adopted)  
SB 562 – OLC Enabling Statutes (Adopted)  
SB 561 – Choice of Law for Torts (Adopted)  
HB 3021 – Emergency Preparedness Liability (Adopted w/ Amend.)  
HB 3077 – Elective Share (Adopted w/ Amend.)  
HB 3220 – Juvenile Aid & Assist (In Committee Upon Adjournment)

2010

Interstate Deposition and Discovery Act (Adopted w/ Amend. by the Oregon Council on Court Procedures)

2011

SB 385 – Elective Share – In partnership with the Oregon State Bar (Adopted)  
SB 411 – Juvenile Fitness to Proceed (In Committee Upon Adjournment)  
SB 815 – Uniform Real Property Transfer on Death Act (Adopted)  
SB 867 – Uniform Environmental Covenants Act (In Committee Upon Adjournment)  
HB 2541 – Inheritance Tax (Adopted w/ Amend.)  
HB 2689 – Juvenile Summons (Adopted)  
HB 2708 – Art Consignment (Adopted w/ Amend.)

2012

HB 4035 – U.C.C. Article 9 (Adopted w/ Amend.)

2013

SB 592 – Uniform Trust Code  
SB 622 – Juvenile Records  
SB 623 – Adoption Records  
HB 2833 – Uniform Unsworn Foreign Declarations Act  
HB 2834 – Revised Uniform Law on Notarial Acts  
HB 2836 – Juvenile Fitness to Proceed

# House Bill 5016

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Oregon Department of Administrative Services)

## 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.

- Appropriates moneys from General Fund to Judicial Department for biennial expenses.
- Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and reimbursements from federal service agreements, but excluding lottery funds and other federal funds, collected or received by department.
- Limits biennial expenditures by department from bond proceeds for payment of certain expenses.
- Limits biennial expenditures by department from federal funds.
- Appropriates moneys from General Fund to Judicial Department for Oregon Law Commission, Council on Court Procedures, conciliation and mediation services in circuit courts and law libraries.
- Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to the financial administration of the Judicial Department; appropriating money; limiting  
3 expenditures; and declaring an emergency.

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

5 **SECTION 1. There are appropriated to the Judicial Department, for the biennium begin-**  
6 **ning July 1, 2013, out of the General Fund, the following amounts, for the following purposes:**

- 7 (1) **Judicial compensation..... \$ 80,997,543**
- 8 (2) **Operations..... \$597,708,707**
- 9 (3) **Mandated payments ..... \$ 15,646,307**
- 10 (4) **Electronic court..... \$ 1,957,881**
- 11 (5) **Debt service ..... \$ 23,330,649**
- 12 (6) **Third-party debt collection ..... \$ 11,960,042**

13 **SECTION 2. Notwithstanding any other law limiting expenditures, the following amounts**  
14 **are established for the biennium beginning July 1, 2013, as the maximum limits for payment**  
15 **of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and in-**  
16 **cluding reimbursements from federal service agreements, but excluding lottery funds and**  
17 **federal funds not described in this section, collected or received by the Judicial Department**  
18 **for the following purposes:**

- 19 (1) **Operations..... \$ 27,627,059**
- 20 (2) **Mandated payments ..... \$ 526,005**
- 21 (3) **Electronic court..... \$ 530,319**

22 **SECTION 3. Notwithstanding any other law limiting expenditures, the amount of**  
23 **\$24,324,682 is established for the biennium beginning July 1, 2013, as the maximum limit for**  
24 **payment of expenses for electronic court from bond proceeds collected or received by the**  
25 **Judicial Department.**

26 **SECTION 4. Notwithstanding any other law limiting expenditures, the amount of \$892,384**  
27 **is established for the biennium beginning July 1, 2013, as the maximum limit for payment of**

**Note: For budget, see 2013-2015 Biennial Budget**

**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 expenses from federal funds other than those described in section 2 of this 2013 Act collected  
2 or received by the Judicial Department.

3 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-  
4 ated to the Judicial Department, for the biennium beginning July 1, 2013, out of the General  
5 Fund, the amount of \$224,582 for payment of expenses of the Oregon Law Commission.

6 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-  
7 ated to the Judicial Department, for the biennium beginning July 1, 2013, out of the General  
8 Fund, the amount of \$52,000 for payment of expenses of the Council on Court Procedures.

9 **SECTION 7.** (1) In addition to and not in lieu of any other appropriation, there is appro-  
10 priated to the Judicial Department, for the biennium beginning July 1, 2013, out of the Gen-  
11 eral Fund, the amount of \$7,312,384 for the purpose of providing conciliation and mediation  
12 services in circuit courts.

13 (2) The Chief Justice of the Supreme Court shall distribute the moneys appropriated un-  
14 der this section to the counties of this state to fund conciliation and mediation services in  
15 circuit courts. The Chief Justice shall consult with the presiding judges of the circuit courts  
16 before making the distributions.

17 **SECTION 8.** (1) In addition to and not in lieu of any other appropriation, there is appro-  
18 priated to the Judicial Department, for the biennium beginning July 1, 2013, out of the Gen-  
19 eral Fund, the amount of \$7,312,384 for the purpose of operating law libraries or providing  
20 law library services.

21 (2) The Chief Justice of the Supreme Court shall distribute the moneys appropriated un-  
22 der this section to the counties of this state based on revenues received from filing fees  
23 collected during the 2009-2011 biennium in civil actions commenced in the circuit court for  
24 the county.

25 **SECTION 9.** This 2013 Act being necessary for the immediate preservation of the public  
26 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
27 July 1, 2013.

**Oregon Law Commission Biennial Budget Summary for  
HB 5016**

<b>2013-2015 (Proposed)</b>	<b>Amount</b>
Judicial fees allocation	\$224,582
Total	\$224,582
<b>2011-2013</b>	
Judicial fees allocation	\$223,000
Total	\$223,000
<b>2009-2011</b>	
Judicial fees allocation	\$223,000
Total	\$223,000
<b>2007-2009</b>	
Legislative Branch budget allocation	\$216,597
Emergency Preparedness project funding (DHS)	\$ 70,000
Emergency Preparedness project funding (OMD)	\$ 25,000
Total	\$311,597
<b>2005-2007</b>	
Legislative Branch budget allocation	\$210,084
Government ethics project funding	\$224,000
Total	\$434,084
<b>2003-2005</b>	
Legislative Branch budget allocation	\$205,160
Total	\$205,160
<b>2001-2003</b>	
Legislative Branch budget allocation	\$205,000
Total	\$205,000
<b>2000-2001 (1 year)</b>	
Legislative Branch budget allocation (Emergency Board funding)	\$100,000
Total	\$100,000

**Oregon Law Commission Proposed Expenditures**  
**July 2011– June 2013**

Expense Description	State of Oregon Participation		Willamette University Participation	
	2011-2012	2012-2013	2011-2012	2012-2013
<b>Salary &amp; Benefits:</b> Exe. Director (ED), Deputy Dir. (DD) and Adm. Assistant (AA)	\$111,500	\$111,500	\$48,000	\$48,000
<b>Commission Facilities:</b> ED, DD, AA offices; conference/meeting space; library; build-out capital expenses			\$25,000 – \$40,000	\$25,000 – \$40,000
<b>Office Equipment Use and Replacement:</b> Computers, phones, fax machines, copiers, furniture, research materials and acquisitions			\$3,500 – \$4,000	\$3,500 – \$4,000
<b>Office Expenses:</b> Office supplies, mailings, copying, publication acquisitions, phone bills and utilities			\$8,000 – \$10,000	\$8,000 – \$10,000
<b>Support Personnel:</b> Staff from University Web and Computer Ctr., Law Library, Special Programs, Facilities-Setups/Events, Grants and Awards, Development, Copy Center, Maintenance, Campus Safety, Accounting and Facilities Services			\$18,000 – \$20,000	\$18,000 – \$20,000
<b>Student Support:</b> <b>(work/study):</b> Filing, errands, mailings, copying and typing <b>(law clerk):</b> Law students from Willamette, U of O and Lewis and Clark Univ.			\$6,000 – \$10,000	\$6,000 – \$10,000
<b>External Relations:</b> Biennial Report, speakers, receptions, consultants, conferences, experts, travel, professional fees/ dues/ memberships, CLEs, food, lunches and coffee			\$3,000 - \$4,000	\$8,000- \$10,000
Total	\$111,500	\$111,500	Range of \$111,500 to \$136,000	Range of \$116,500 to \$142,000