



# OREGON LAW COMMISSION

## The Oregon Law Commission

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### COMMISSIONERS

Lane P. Shetterly, Chair  
Prof. Bernard F. Vail,  
Vice-Chair  
Chief Justice Thomas A. Balmer  
Dean Curtis Bridgeman  
Judge Stephen K. Bushong  
Mark B. Comstock  
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Prof. Susan N. Gary  
Chief Judge Rick T. Haselton  
Julie H. McFarlane  
Hardy Myers  
Sen. Floyd Prozanski  
Attorney General Ellen Rosenblum  
Scott Shorr  
Rep. Jennifer A. Williamson

### STAFF

Prof. Jeffrey C. Dobbins  
*Executive Director*

Philip Schradle  
*Interim Deputy Director*

Dexter Johnson  
*Legislative Counsel*

Christianne Strum  
*Administrative Assistant*

## 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

## **Current Projects**

We anticipate the following Work Groups to have proposed legislation for the 2015 Legislative Session:

Adoption Review (HB 2365 – placeholder)

Probate Modernization (SB 379 – placeholder)

Uniform Collateral Consequences of Conviction Act (HB 2367 – placeholder)

Standing Modernization (HB 2364)

# Senate Bill 5514

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (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, 2015.

## A BILL FOR AN ACT

Relating to the financial administration of the Judicial Department; and declaring an emergency.

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

**SECTION 1.** There are appropriated to the Judicial Department, for the biennium beginning July 1, 2015, out of the General Fund, the following amounts, for the following purposes:

- (1) **Judicial compensation**..... \$ 70,991,426
- (2) **Operations**..... \$284,243,580
- (3) **Mandated payments** ..... \$ 14,634,871
- (4) **Electronic court**..... \$ 2,092,339
- (5) **Debt service** ..... \$ 23,726,444
- (6) **Third-party debt collection** ..... \$ 11,131,641

**SECTION 2.** Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2015, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including reimbursements from federal service agreements, but excluding lottery funds and federal funds not described in this section, collected or received by the Judicial Department for the following purposes:

- (1) **Operations**..... \$ 48,378,139
- (2) **Mandated payments** ..... \$ 660,444
- (3) **Electronic court**..... \$ 1,295,000
- (4) **State Court Facilities and Security Account** ..... \$ 12,620,272
- (5) **Legal Aid Account** ..... \$ 11,900,000
- (6) **State Court Technology Fund**... \$ 5,666,475

**SECTION 3.** Notwithstanding any other law limiting expenditures, the amount of \$17,276,215 is established for the biennium beginning July 1, 2015, as the maximum limit for

**Note: For budget, see 2015-2017 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 payment of expenses for electronic court from bond proceeds collected or received by the  
2 Judicial Department.

3 SECTION 4. Notwithstanding any other law limiting expenditures, the amount of  
4 \$1,598,284 is established for the biennium beginning July 1, 2015, as the maximum limit for  
5 payment of expenses from federal funds other than those described in section 2 of this 2015  
6 Act collected or received by the Judicial Department.

7 SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-  
8 ated to the Judicial Department, for the biennium beginning July 1, 2015, out of the General  
9 Fund, the amount of \$231,319 for payment of expenses of the Oregon Law Commission.

10 SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-  
11 ated to the Judicial Department, for the biennium beginning July 1, 2015, out of the General  
12 Fund, the amount of \$53,560 for payment of expenses of the Council on Court Procedures.

13 SECTION 7. (1) In addition to and not in lieu of any other appropriation, there is appro-  
14 priated to the Judicial Department, for the biennium beginning July 1, 2015, out of the Gen-  
15 eral Fund, the amount of \$7,428,755 for the purpose of providing conciliation and mediation  
16 services in circuit courts.

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

21 SECTION 8. (1) In addition to and not in lieu of any other appropriation, there is appro-  
22 priated to the Judicial Department, for the biennium beginning July 1, 2015, out of the Gen-  
23 eral Fund, the amount of \$7,428,756 for the purpose of operating law libraries or providing  
24 law library services.

25 (2) The Chief Justice of the Supreme Court shall distribute the moneys appropriated un-  
26 der this section to the counties of this state based on revenues received from filing fees  
27 collected during the 2013-2015 biennium in civil actions commenced in the circuit court for  
28 the county.

29 SECTION 9. This 2015 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
31 July 1, 2015.

## Oregon Law Commission Biennial Budget Summary

<b>2013-15</b>	<b>Amount</b>
General Fund Allocation Passed Through Judicial Dept. Budget	\$224,582
(2% reduction in OJD Disbursements)	(\$4,492)
Partial return on 2% reduction per HB 5201	\$1,123
Total	\$221,213
<b>2011-13</b>	<b>Amount</b>
General Fund Allocation Passed Through Judicial Dept. Budget	\$223,000
Total	\$223,000
<b>2009-11</b>	<b>Amount</b>
Judicial Fees Allocation	\$223,000
Total	\$223,000
<b>2007-09</b>	<b>Amount</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>2005-07</b>	<b>Amount</b>
Legislative Branch Budget Allocation	\$210,084
Government Ethics Project Funding	224,000
Total	\$434,084
<b>2003-05</b>	<b>Amount</b>
Legislative Branch Budget Allocation	\$205,160
Total	\$205,160
<b>2001-03</b>	<b>Amount</b>
Legislative Branch Budget Allocation	\$205,000
Total	\$205,000
<b>2000-01 (1 year)</b>	<b>Amount</b>
Legislative Branch Budget Allocation (Emergency Board Funding)	\$100,000
Total	\$100,000



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MEMORANDUM

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TO: PUBLIC SAFETY SUBCOMMITTEE, WAYS AND MEANS COMMITTEE  
REP. JENNIFER WILLIAMSON, CO-CHAIR  
SEN. CHIP SHIELDS, CO-CHAIR

FROM: CURTIS BRIDGEMAN, DEAN, WILLAMETTE U. COLLEGE OF LAW  
JEFFREY DOBBINS, EXECUTIVE DIRECTOR, OREGON LAW COMMISSION

CC: LANE SHETTERLY, CHAIR, OREGON LAW COMMISSION

SUBJECT: OREGON LAW COMMISSION BUDGET FOR 2015-17 BIENNIUM  
& POLICY OPTION TO SB 5514

DATE: FEBRUARY 16, 2015

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Below is our preliminary budget estimate/plan for OLC for the 2015-17 biennium. This budget enumerates the costs that, based on actual expenditures in the past biennium, Willamette University College of Law will incur in staffing the Oregon Law Commission over the course of the 2015-17 biennium. This budget also includes a line for a new staff attorney line who would not only help maintain the Commission's current level of productivity, but assist with the Commission's approved election law project.

Executive Director's Salary and Benefits (based on .2 FTE)	\$79,572
Deputy Director's Salary and Benefits (based on 1.0 FTE)	\$256,784
Staff Attorney's Salary and Benefits (based on 1.0 FTE)	\$162,408
Administrative Assistant's Salary and Benefits (based on 1.0 FTE)	\$75,790
Work Study Students/Law Clerks	\$18,000
Direct Expenses	\$15,000
(Travel, phone, photocopy, supplies, office equip.)	
Indirect Expenses	\$20,000
(Allocated University services, such as utilities, etc.)	
Facilities	\$100,000
(Offices, Meeting/Conference Room, etc.)	
<hr/>	
Total Expense	\$727,554

Willamette is prepared to continue its partnership with the state, and is enthusiastic about doing so. At the same time, however, the State's contribution (approximately \$200K per biennium) has, for the past few years, covered less than one-half of the costs associated with OLC. Moreover, the state's contribution has not materially changed in close to a decade, despite the fact that the Commission's expenses, and the allocation of staff time to Commission work, have continued to grow over that time (see attached budget history). While Willamette would look forward to continuing its partnership, we believe that, for the Law Commission support offered here, a state contribution in the total range of \$600,000-\$620,000 for the biennium would be more appropriate.

The State's contribution to the Law Commission is currently housed as a pass-through line item in the Oregon Judicial Department budget bill, SB 5514 (section 5). The current line item is \$231,319. As a result, the above request would require an associated Policy Option Package in the amount of \$375,000.

We look forward to discussing this matter with you further, and we look forward to continuing our partnership with the Law Commission and the State of Oregon.