



OREGON LAW COMMISSION

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2017-2019 Budget Packet House Bill 5013 (2017)

STAFF

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From the Offices of:
Executive Director Jeffrey C. Dobbins
&
Deputy Director Laura H. Handzel



*The Oregon Law Commission
is housed at the Willamette
University College of Law,
which also provides executive,
administrative and research
support for the Commission.*



OREGON LAW COMMISSION

Commission History

The Oregon Law Commission (Commission) was created by the Oregon Legislative Assembly in 1997 to conduct a continuous process of law revision, reform, and improvement. (*See* ORS 173.315 to 173.357.) The Commission replaced its predecessor, the Law Improvement Committee, which had been inactive since 1990. Legislative appropriations supporting the Commission's work then began July 1, 2000. At that time, the State, through the Office of the Legislative Counsel, entered into a public-private partnership with Willamette University. Willamette University's College of Law currently provides executive, administrative, and legal research support for the Commission as well as its Work Groups. The College of Law also facilitates undergraduate, law student, and faculty participation in support of the Commission's work. The Commission will be relocating from Willamette University during summer 2017.

Commission Membership

In creating the Commission, the Legislative Assembly recognized the need for distinguished, knowledgeable, and respected individuals to lead complex law revision projects with an impartial approach. Accordingly, the Commission is composed of fifteen Commissioners. Oregon statute requires that the Commission include: four legislators, the Chief Justice of the Oregon Supreme Court, the Chief Judge of the Court of Appeals, a circuit court judge appointed by the Chief Justice, the Attorney General, a Governor appointee, the Dean of each of Oregon's three law schools, and three representatives of the Oregon State Bar. Former legislator, Lane P. Shetterly, serves as the Commission's Chair as ^{he} has since its inception. Former Attorney General Hardy Myers held the role of Vice-Chair as well as Program Committee Chair until his passing in the fall of 2016. Like Mr. Shetterly, Mr. Myers was an original member of the Commission. His quiet integrity, as a fellow Commissioner described it, is greatly missed.

Commission Mission & Purpose

The Commission serves the citizens of Oregon by working with key partners and stakeholders on complicated law reform projects. Law reform projects come to the Commission in myriad ways, including by legislator request, agency suggestion, Bar request, or even private citizens. In addition, the Commission's breadth of in-house expertise leaves no shortage of knowledge on needed reform projects. Potential projects go before the Commission's Program Committee for review. Once viable projects are identified, the Commission's staff researches the applicable areas of law, including gathering input from experts and those who may be affected by proposed reforms. The Commission via its Work Groups, Study Groups, etc., produce legislative measures, written reports, and recommendations regarding its projects. The Commission's Legislative Reports comprise crucial legislative history. Importantly, Legislative Reports describe a Work Group's decision-making process, any points of disagreement, and provide additional detail regarding intended meaning of law.

Commission Future

After 16 wonderful years at Willamette University College of Law, the Commission will be relocating to the University of Oregon School of Law (University) as of July 1, 2017. The University will provide academic, administrative and research resources to help assist and

strengthen the Commission’s work. The partnership between the Commission and the University will be symbiotic in nature. The University has a long history of service and scholarship in public law and policy. This is a great opportunity for the State and Oregon’s only public law school to join forces as partners in addressing key law reform issues.

Commission Value

The Commission is able to convene some of the brightest minds in Oregon to work on often complex and specialized law reform projects. It is difficult to quantify the true value of that volunteer service. However, in an effort to do so we estimated a minimal value on the Work Groups that produced the Commission’s 2017 Session measures. The 2012 median hourly wage for Oregon attorneys was \$225 per hour. (*See Economic Survey, Oregon State Bar, 2012.*) Applying this outdated rate only to voting members of Work Groups and actual meeting times, plus one hour of preparation, we come up with the following conservative estimated values:

Direct Criminal Appeals:	\$132,300
Receivership:	\$160,650
Probate Modernization:	\$299,250
Total Value =	\$592,200.00

Moreover, this estimated total value likely accounts for less than half of the actual value of each Work Group for three reasons: 1) There are many more “interested persons” who also volunteer their time and expertise; 2) Hours upon hours of additional work is done outside of formal Work Group meetings; and 3) This estimate does not account for Commission staff efforts.

Legislative Projects

The following is a comprehensive list of the Commission’s successful legislative proposals to date, beginning with the 1999 Legislative Session. It is noteworthy that the Commission enjoys over a ninety percent success rating in bill passage.

2017

SB 896 - Direct Criminal Appeals
SB 899 - Receivership
HB 2986 - Probate Modernization

2016

HB 4102 – Probate Modernization (Adopted w/ Amend.)
HB 4074 – Juvenile Court Records (Adopted w/ Amend.)

2015

HB 2364 – Standing Modernization (Did Not Pass the Full Commission)
HB 2365 – Adoption Review (Adopted w/Amend.)
HB 2366 – Adoption Review (Adopted w/Amend.)
HB 2367 – Uniform Collateral Consequences of Conviction Act (In Committee Upon Adjournment)
SB 379 – Probate Modernization (Adopted w/ Amend.)

2014

SB 1536 – Juvenile Records (Adopted w/Amend.)

2013

SB 592 – Uniform Trust Code (Adopted w/ Amend.)
SB 622 – Juvenile Records (Adopted w/ Amend.)
SB 623 – Adoption Records (Adopted w/ Amend.)
HB 2833 – Uniform Unsworn Foreign Declarations Act (Adopted w/ Amend.)
HB 2834 – Revised Uniform Law on Notarial Acts (Adopted)
HB 2836 – Juvenile Fitness to Proceed (Adopted w/ Amend.)

2012

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

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.)

2010

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

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)

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.)

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.)

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.)

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.)

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)

House Bill 5013

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 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, 2017.

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, 2017, out of the General Fund, the following amounts, for the following purposes:

- (1) **Judicial compensation..... \$ 81,995,930**
- (2) **Operations..... \$324,650,667**
- (3) **Mandated payments \$ 16,216,686**
- (4) **State Court Technology Fund..... \$ 2,336,363**
- (5) **Debt service \$ 21,480,003**
- (6) **Third-party debt collection..... \$ 15,950,000**

SECTION 2. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2017, 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..... \$ 14,780,517**
- (2) **Mandated payments \$ 662,667**
- (3) **State Court Facilities and Security Account \$ 10,350,477**
- (4) **Legal Aid Account \$ 11,900,000**
- (5) **State Court Technology Fund... \$ 17,942,354**
- (6) **Oregon Courthouse Capital Construction and Improvement**

Note: For budget, see 2017-2019 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 Fund..... \$212,400,000

2 (7) Debt service..... \$ 1,245,000

3 **SECTION 3.** Notwithstanding any other law limiting expenditures, the amount of
4 \$1,339,352 is established for the biennium beginning July 1, 2017, as the maximum limit for
5 payment of expenses from federal funds other than those described in section 2 of this 2017
6 Act collected or received by the Judicial Department.

7 **SECTION 4.** 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, 2017, out of the General
9 Fund, the amount of \$_____ for payment of expenses of the Oregon Law Commission.

10 **SECTION 5.** 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, 2017, out of the General
12 Fund, the amount of \$55,542 for payment of expenses of the Council on Court Procedures.

13 **SECTION 6.** (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, 2017, out of the Gen-
15 eral Fund, the amount of \$9,703,620 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 7.** (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, 2017, out of the Gen-
23 eral Fund, the amount of \$7,703,619 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 2015-2017 biennium in civil actions commenced in the circuit court for
28 the county.

29 **SECTION 8.** This 2017 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
31 July 1, 2017.

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MEMORANDUM

TO: JOINT SUBCOMMITTEE ON PUBLIC SAFETY,
WAYS AND MEANS COMMITTEE
SEN. JACKIE WINTERS, CO-CHAIR
REP. DUANE STARK, CO-CHAIR

FROM: LANE SHETTERLY, CHAIR, OREGON LAW COMMISSION
LAURA HANDZEL, DEPUTY DIRECTOR, OREGON LAW COMMISSION

SUBJECT: OREGON LAW COMMISSION BUDGET,
2017-19 BIENNIUM & POLICY OPTION PACKAGE 421 TO HOUSE BILL 5013

DATE: MARCH 14, 2017

Below is the preliminary budget estimate for the Oregon Law Commission (Commission) for the 2017-19 Biennium. As of July 1, 2017, the Commission will be housed at the University of Oregon School of Law (University). This budget enumerates the costs that the University will incur over the course of the 2017-19 Biennium. The University is restructuring the Commission to some degree in order to increase output while decreasing costs. The University will be providing the Commission with office space, student Fellows, and a senior Advisory Board all at no cost to the Commission. Additionally, the University will provide the Commission with limited support in accounting, IT, HR, facilities, and communications, all at a minimal expense intended only to cover increased transactional costs. Inclusive of the University's support, the total Biennium operating budget is estimated to be \$365,899.

This budget then also includes a line item for a new Commission staff attorney. (Policy Option Package 421). A staff attorney would allow the Commission to increase its output while also providing an enhanced focus on already-approved projects.

School of Law Advisory Board	\$0
Director's Salary & Benefits (based on 1.0 FTE)	\$239,498
Staff Attorney's Salary & Benefits (based on 1.0 FTE)	\$185,400
Administrative Assistant's Salary & Benefits (based on .75 FTE)	\$66,281
Student Workers	\$15,120
Law Student Fellow	\$0
Travel & Meeting Costs	\$5,000
Office Space	\$0
Direct Expenses	\$7,000
(Computers, Phones, Office Supplies)	
Miscellaneous Expenses	\$33,000
(Accounting, IT, HR, Communications & Facilities)	

Total Expenses	\$551,299.00
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The State's contribution to the Commission comes as a pass-through line item to the Oregon Judicial Department via their budget bill, House Bill 5013 (Section 4). We look forward to discussing this matter with you further, and we look forward to continuing our partnership with the State of Oregon.

Oregon Law Commission

2017-2019 Biennium Budget Proposal - Policy Option Package 420

Budget Line Item	Annual Expense	With UO Benefits and 1-Year COLA	2017-19 Budget Estimate (2-Year Total)
<u>Direct Expenses</u>			
School of Law Advisory Board (Chair, 6 members and Law Dean)	None - Provided by Law School	\$0	\$0
Oregon Law Commission Director (1.0 FTE)	\$77,250	\$116,261	\$239,498
Part-Time Admin Asst/Office Coordinator (.75 FTE)	\$21,450	\$33,140	\$66,281
Student Workers - Administrative Support	\$7,200	\$7,560	\$15,120
Law Student Fellows	None - Provided by Law School	\$0	\$0
Travel and Meeting Costs	\$2,500	\$0	\$5,000
Office Space	None - Provided by Law School	\$0	\$0
Computers, Phones, Office Supplies	\$3,500	\$0	\$7,000
Accounting, IT, HR, Marcom and Facilities	\$16,500		\$33,000
Subtotal of Estimated Expenditures			\$365,899

Funding	Current Base Funding	OJD Inflation Increase of 3.7%	2017-19 Budget Estimate (2-Year Total)
Available Funding	\$331,319	\$12,259	\$343,578
Funding Gap 2017-2019			(\$22,321)

Additional Program Option for 2017-19 Biennium - Policy Option Package 421

Oregon Law Commission Staff Attorney	\$60,000	\$92,700	\$185,400
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Policy Option Package 420:

Provide for Estimated Expenses of Oregon Law Commission

Companion Package: No.

Purpose

The Oregon Law Commission will be relocating to the University of Oregon School of Law as of July 1, 2017. The University of Oregon will be providing office space, a student Fellows program and senior Advisory Board services at no cost to the Commission. In addition, the law school will provide accounting, IT, human resources, facilities and limited communications support at minimal expense, intended only to cover increased transactional costs. Inclusive of the University's support, the total biennium operating budget is estimated to be \$365,899.

The existing Oregon Law Commission base funding, after including a 3.7% inflationary increase, leaves a direct expense gap in the amount of \$22,321. Accordingly, this package would close the gap between the current baseline funding and the direct expenses expected to be incurred by University of Oregon School of Law to house and staff the Oregon Law Commission.

How Achieved

The package provides additional funding to meet the difference between the anticipated direct costs (salary, benefits, and direct expenses) of the Oregon Law Commission and the current baseline funding amounts.

Staffing Impact

None.

Revenue Source

\$22,321 – General Fund

***Policy Option Package 421:
Staff Attorney to Expand Capacity of Oregon Law Commission***

Companion Package: No.

Purpose

This package would fund one FTE staff attorney for the Oregon Law Commission. A staff attorney would expand the Commission's ability to organize, coordinate, and staff projects for law reform in the state. The Commission has several approved projects that have been on hold pending capacity and some of these are quite large. The Commission would very much like to start Work Groups on these projects and possibly even increase output beyond. Increasing the Commission's workload, however, is not practical under the present budget framework. The addition of a staff attorney would permit the Commission to begin work on projects already in the queue while also expanding the commission's capacity to consider and manage other projects suggested by the public, state agencies, and members of the Legislative Assembly.

How achieved

The package would fund a base salary of approximately \$60,000, plus fringe benefits, including retirement, at the UO's standard benefit costs as well as a one-year cost of living increase. This position would be 1.0 FTE, with a two-year term.

Staffing impact

Adds one FTE staff attorney.

Revenue Source

\$185,400 – General Fund