



## OREGON LAW COMMISSION

### **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. The Commission is now composed of fifteen Commissioners and is staffed by the Director's office, which is housed at the University of Oregon School of Law. The School of Law provides executive, administrative and legal research support for the Commission and the Commission's Work Groups. The School of Law also facilitates law student and faculty participation in support of the Commission's work.

The partnership between the Commission the University of Oregon Law School will continue to enhance programs for the Commission, the Law School, and the public. The University of Oregon Law School has a long history of service and scholarship in public law and policy. This is a wonderful opportunity for the State and Oregon's only public law school to join as partners in addressing key law reform issues.

### **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 Keith Dubanevich currently 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 goals of the Law Commission are 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 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.

## **Commission Updates**

In February of 2018, the Leadership of the Oregon Legislative Assembly submitted a formal request for the Commission to create a Work Group to analyze, assess and likely change policy and law related to Work Place Harassment in the Oregon State Capital. This Work Group has brought together experts in multiple disciplines including human resources, employment law, training and education, and former members of the judiciary and legislative assembly to complete this essential work on behalf of the Legislature.

A detailed report complete with recommendations for potential statutory changes was be presented to Legislative Leadership in December 2018.

Ongoing and Future Projects (Approved by the Commission):

Business Law (Limited Liability Corporation Modernization)  
Collaborative Law  
Notarial Acts Modernization (Remote Notarial Acts/ RULONA)  
Direct Criminal Appeals (Part II, Municipal Courts)  
E-Hearsay/Digital Evidence

## **Past Projects**

### 2019

Probate Modernization

### 2017/2018

SB 896 - Direct Criminal Appeals (Adopted)  
Probate Modernization (Adopted/Ongoing)  
SB 899 – Receivership (Adopted)  
Oregon State Capitol Workplace Harassment

### 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)

## Oregon Law Commission Membership

Mr. Lane P. Shetterly, Chair  
Shetterly Irick & Ozias, Dallas, Oregon

Mr. Keith S. Dubanevich, Vice Chair  
Attorney at Law, Stoll Berne, Portland, Oregon

Professor John Parry  
Professor, Lewis and Clark Law School, Portland, Oregon

Justice Rebecca Duncan  
Justice of the Oregon Supreme Court, Salem, Oregon

Dean Curtis Bridgeman  
Dean, Willamette University College of Law, Salem, Oregon

Judge Stephen K. Bushong  
Multnomah County Circuit Court Judge, Portland, Oregon

Mr. Mark B. Comstock  
Attorney at Law, Garrett Hemann Robertson PC, Salem, Oregon

Mr. John DiLorenzo, Jr.  
Attorney at Law, Davis Wright Tremaine, Portland, Oregon

Professor Susan N. Gary  
Orlando J. and Marian H. Hollis Professor of Law, University of Oregon School of Law,  
Eugene, Oregon

Chief Judge James Egan  
Oregon Court of Appeals

Attorney General Ellen F. Rosenblum  
Attorney General of the State of Oregon, Salem, Oregon

Christa Obold Eshleman  
Supervising Attorney, Youth, Rights & Justice, Portland, Oregon

Senator Floyd Prozanski  
Senator, State of Oregon, Eugene, Oregon

Representative Jennifer A. Williamson  
Representative, State of Oregon, Portland, Oregon

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