

OREGON LAW COMMISSION

173.315 Oregon Law Commission established; duties; membership; chairperson.

(1) The Oregon Law Commission is established to conduct a continuous substantive law revision program as described in ORS 173.338.

(2) The Oregon Law Commission has 15 members, as follows:

(a) A person appointed by the President of the Senate who is a member of the Senate at the time of appointment;

(b) A person appointed by the President of the Senate who is a current or former member of the Senate at the time of appointment;

(c) A person appointed by the Speaker of the House of Representatives who is a member of the House of Representatives at the time of appointment;

(d) A person appointed by the Speaker of the House of the Representatives who is a current or former member of the House of Representatives at the time of appointment;

(e) The deans of Oregon's accredited law schools, or their designees;

(f) Three persons appointed by the Board of Governors of the Oregon State Bar;

(g) The Attorney General, or the Attorney General's designee;

(h) The Chief Justice of the Supreme Court, or the Chief Justice's designee;

(i) The Chief Judge of the Court of Appeals, or the Chief Judge's designee;

(j) A person appointed by the Chief Justice of the Supreme Court who is a circuit court judge, or a retired circuit court judge who has been designated as a senior judge under ORS 1.300, at the time of appointment; and

(k) One person appointed by the Governor.

(3) The Attorney General, the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals and the deans of Oregon's accredited law schools are ex officio members of the commission and have the same powers as appointed members.

(4)(a) Except as provided in paragraph (b) of this subsection, appointed members of the commission serve four-year terms. Terms commence on July 1 of even-numbered years. Before the expiration of the four-year term, the appointing authority shall appoint a successor. A person who has served as a member is eligible for reappointment.

(b) A person appointed under subsection (2)(a) of this section serves a term of four years, or until the person ceases to be a member of the Senate, whichever occurs first. A person appointed under subsection (2)(c) of this section serves a term of four years, or until the person ceases to be a member of the House of Representatives, whichever occurs first.

(5) If there is a vacancy in the position of an appointed member:

(a) The appointing authority shall appoint a person as soon as possible to serve during the remainder of the unexpired term; and

(b) The appointing authority may specify that the person appointed to serve the remainder of the unexpired term is also appointed to the next following full term.

(6) If a member of the commission is authorized under subsection (2) of this section to name a designee, a person named as a designee has all of the powers and duties of the member until the designation expires or is revoked. The following persons may be designated:

(a) A dean of one of Oregon's accredited law schools may designate a member of the faculty of the law school.

(b) The Chief Justice may designate a Supreme Court judge.

(c) The Chief Judge of the Court of Appeals may designate another judge of the Court of Appeals.

(d) The Attorney General may designate an assistant attorney general or the Deputy Attorney General.

(7) The term of an appointed member of the commission shall cease if the member misses three consecutive meetings without prior approval of the chairperson, and the appointing authority for the position shall appoint a person to fill the vacancy in the manner provided by subsection (5) of this section.

(8) The Oregon Law Commission shall elect its chairperson and vice chairperson from among the members with such powers and duties as the commission shall determine.

(9) A majority of the members of the commission constitutes a quorum for the transaction of business. If a quorum is present at a meeting, the commission may take action by an affirmative vote by a majority of the members of the commission who are present. [1981 c.813 §1; 1997 c.661 §1; 2009 c.114 §1]

Note: Section 2, chapter 114, Oregon Laws 2009, provides:

Sec. 2. (1) The member of the Oregon Law Commission who is serving on the effective date of this 2009 Act [May 21, 2009] and who is a member of the Senate shall be considered to have been appointed under ORS 173.315 (2)(a), as in effect on the effective date of this 2009 Act.

(2) The member of the Oregon Law Commission who is serving on the effective date of this 2009 Act and who is a member of the House of Representatives shall be considered to have been appointed under ORS 173.315 (2)(c), as in effect on the effective date of this 2009 Act.

(3) Notwithstanding ORS 173.315 (2)(b), the person who was appointed under ORS 173.315 (2)(a), as in effect immediately before the effective date of this 2009 Act, and who was not a current or former member of the Senate at the time of the appointment, may continue to serve as a member of the Oregon Law Commission and be reappointed by the President of the Senate under ORS 173.315 (2)(b) even though the person is not a current or former member of the Senate at the time of reappointment. When the person described in this subsection ceases membership with the commission, a person shall be appointed with the qualifications specified in ORS 173.315 (2)(b), as in effect on the effective date of this 2009 Act.

(4) Unless the term of the member is lengthened or shortened by the Oregon Law Commission under subsection (5) of this section, the term of an appointed member of the commission serving on the effective date of this 2009 Act ends on June 30 of the year in which the term of the member would otherwise have ended under ORS 173.315 (3), as in effect immediately before the effective date of this 2009 Act.

(5) Notwithstanding the two-year term of office specified for members of the Oregon Law Commission under ORS 173.315 (3), as in effect immediately before the effective date of this 2009 Act, for the purpose of staggering the terms of appointed members, the commission may establish terms that are longer or shorter than two years for the appointed members of the commission who are serving on the effective date of this 2009

Act. The term established by the commission under this subsection may not exceed four years and must end on June 30 of the year specified by the commission.

(6) Notwithstanding the four-year term of office specified for appointed members of the Oregon Law Commission in ORS 173.315 (4), the commission may establish a term that is shorter than four years for the first person appointed under ORS 173.315 (2)(j). The term established under this subsection must end on June 30 of the year specified by the commission. [2009 c.114 §2]

173.320 [1963 c.292 §3 (173.310 to 173.340 enacted in lieu of 173.155); repealed by 1979 c.472 §2]

173.325 Compensation and expenses of members. (1) A member of the Legislative Assembly who serves as a member of the Oregon Law Commission, or on any work group established under ORS 173.352, may receive actual and necessary travel and other expenses under ORS 171.072 from funds appropriated to the Legislative Assembly.

(2) A member of the Oregon Law Commission who is not a member of the Legislative Assembly shall receive no compensation for services as a member but, subject to any other applicable law regulating travel and other expenses for state officers, may receive actual and necessary travel and other expenses incurred in the performance of official duties, providing funds are appropriated therefor in the budget of the Legislative Counsel Committee. [1981 c.813 §2; 1987 c.879 §3; 1997 c.661 §2; 2009 c.114 §3]

173.328 Commission meetings. The Oregon Law Commission shall meet regularly pursuant to a schedule established by the commission. The commission also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [1997 c.661 §5; 2009 c.114 §4]

173.330 [1963 c.292 §4 (173.310 to 173.340 enacted in lieu of 173.155); repealed by 1979 c.472 §2]

173.335 Legislative Counsel assistance. The Legislative Counsel shall assist the Oregon Law Commission to carry out its functions as provided by law and shall provide necessary drafting services to the commission as legislative priorities permit. [1981 c.813 §§3,4; 1997 c.661 §6; 2009 c.114 §5]

173.338 Law revision program. (1) The law revision program conducted by the Oregon Law Commission may include, but is not limited to:

(a) Review of the common law and statutes of the state, and current judicial decisions, for the purpose of discovering defects and anachronisms in the law.

(b) Consideration of changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Consideration of suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law.

(d) Recommendation for changes in the law that the commission considers necessary to modify or eliminate antiquated and inequitable rules of law and to bring the law of Oregon into harmony with modern conditions.

(e) Recommendation for the express repeal of statutes repealed by implication or held unconstitutional by state and federal courts.

(2) The commission shall study any topic that the Legislative Assembly, by law or concurrent resolution, refers to the commission. [1997 c.661 §3; 2009 c.114 §6]

173.340 [1963 c.292 §5 (173.310 to 173.340 enacted in lieu of 173.155); repealed by 1979 c.472 §2]

173.342 Commission biennial report to Legislative Assembly. The Oregon Law Commission shall file a report at each regular session of the Legislative Assembly that contains recommendations for statutory and administrative changes and a calendar of topics selected by the commission for study, including a list of the studies in progress and a list of topics intended for future consideration. [1997 c.661 §4; 2009 c.114 §7]

173.345 Cooperation with bar associations or other associations. The Oregon Law Commission may cooperate with any bar association or other learned, professional or scientific association, institution or foundation in a manner suitable to fulfill the functions of the commission. [1997 c.661 §7]

173.347 Appearance of commission members or staff before Legislative Assembly. The Oregon Law Commission by its members or its staff may appear before committees of the Legislative Assembly in an advisory capacity, pursuant to the rules thereof, to present testimony and evidence in support of the commission's recommendations. [1997 c.661 §8]

173.350 [1965 c.397 §1; repealed by 1979 c.472 §2]

173.352 Work groups. (1) To aid and advise the Oregon Law Commission in the performance of its functions, the commission may establish work groups. Work groups established by the commission may be continuing or temporary. The commission shall determine the representation, membership, terms and organization of work groups and shall appoint work group members.

(2) Members of work groups established by the commission are not entitled to compensation, but in the discretion of the commission may be reimbursed from funds available to the commission for actual and necessary travel and other expenses incurred in the performance of their official duties. [1997 c.661 §10; 2009 c.114 §8]

173.355 Solicitation and receipt of gifts and grants. The Oregon Law Commission may solicit and receive funds from grants and gifts to assist and support its functions. [1997 c.661 §9]

173.357 Disposition of moneys collected or received by commission. All moneys collected or received by the Oregon Law Commission shall be paid into the General Fund

of the State Treasury. Such moneys are continuously appropriated for and shall be used by the commission in carrying out the purposes for which the funds are received. [1997 c.661 §11]