

2013 PUBLIC AFFAIRS COMMITTEE

- Matthew Kehoe, Chair, *Hillsboro*
- Hunter Emerick, Vice-Chair, *Salem*
- Patrick Ehlers, *Portland*
- Theresa Kohlhoff, *Portland*
- Travis Prestwich, *Salem*
- Joshua Ross, *Portland*
- Timothy Williams, *Bend*



The Oregon Legislature's website

(www.leg.state.or.us) contains many useful features, including committee schedules updated every 15 minutes; committee rosters; information about legislators; the text of all measures, including amendments adopted in committee; and the status of all measures. The Oregon Legislative Information System within the website includes all written materials submitted to committees.

To find your legislators, go to www.leg.state.or.us/findlegsltr and follow the prompts.

PUBLIC AFFAIRS DEPARTMENT

- Susan Grabe,
Public Affairs Director
- David Nebel,
Public Affairs Legislative Attorney
- Matt Shields,
Public Affairs Staff Attorney
- Amanda Roeser,
Public Affairs Assistant

All Bills Are Available Online

All bills introduced and all amendments adopted in committee during the 2013 Session are available at the Oregon Legislature's website at www.leg.state.or.us/bills_laws/.

March Revenue Forecast: Short Term OK, Long Term Guarded

The Office of Economic Analysis delivered its March 2013 forecast on February 15, and the news was mildly encouraging. The forecast for general fund revenues in the current biennium, which ends on June 30, 2013, was up \$161.2 million from the forecast issued in November 2012. The projected figure of \$14.105 billion is actually \$97 million more than the figure on which the biennial budget was based when it was enacted in June 2011. Total general fund and lottery revenues for the current biennium are \$15.185 billion.

The outlook for the next biennium (July 1, 2013 - June 30, 2015) is not as positive. Revenues are

projected to be \$72 million less than predicted in November. The prediction for the general fund is \$15.445 billion - an increase of 9.4 percent from the current biennium, but less than needed to maintain services at current levels.

The bottom line is that the state will likely be spared the short term difficult budget decisions that have characterized the last few sessions, but balancing the long term budget will be a challenge. To view the Economic and Revenue Forecast, go to www.oregon.gov/DAS/OEA/pages/economic.aspx#most_recent_forecast.

Bills of Interest under Consideration

Many veterans in the Capitol have been surprised by the speed with which the legislature has been doing its work. By the close of the third week of the session, the legislature had conducted hearings on 15 of the bar's 16 bills. In addition, the legislature has already begun to consider a number of other bills in which lawyers may be interested.

- HB 2559 modifies the statutes regarding the establishment, modification, and termination of spousal support.
- SB 483 arose from the interim Patient Safety and Defensive Medicine Workgroup. The bill would establish a voluntary system for resolving claims based on medical errors, relying on alternative dispute resolution procedures before resorting to standard tort remedies and procedures. SB 483 has passed out of Senate Judiciary and Ways and Means, and seems to be on a fast track.
- SB 421 and SB 426 would modify mental commitment proceedings to allow for

(Continued on page 2)

(Continued from page 1)

longer commitments for criminal defendants who are unable to aid in their own defense. These bills were heard in the Senate Judiciary Committee on February 19, and the issue was referred to a workgroup for further consideration.

- SB 558 may be this session’s vehicle for further work on foreclosure procedures. At least it is the first foreclosure avoidance bill the legislature considered in earnest. A public hearing in the Senate General Government, Consumer and Small Business Protection Committee was held on February 27.
- The Senate Judiciary Committee is considering exemptions from execution in SB 396. This bill, as filed, creates a new

exemption for medical savings accounts; the committee is considering an amendment that would allow debtors to choose between state exemptions and the exemptions provided in the Federal Bankruptcy Act. Another amendment in this bill would substantially increase the homestead exemption.

- The policy options outlined by the interim Commission on Public Safety have been released as HB 3193, HB 3194, HB 3195, HB 3196, and HB 3197. Hearings have not been scheduled, but these bills are of keen interest to anyone involved in criminal justice, sentencing, corrections, and more broadly in state budget priorities.

Oregon eCourt Implementation in Progress

The Oregon Judicial Department (OJD) continues early implementation of the Oregon eCourt program, while addressing a number of issues that have arisen during the process.

Yamhill County Circuit Court is the initial eCourt pilot court, and has been using the new system since last fall. Files for most newly introduced cases are now being maintained in an electronic form; clerks immediately convert paper filings to the electronic format upon filing. Files from older cases will continue to be maintained in paper form, and electronic conversion is unlikely for cases that are already closed. In the past week several selected pilot law firms have begun helping OJD test the new eFiling system, which will allow lawyers to file by internet from their offices. OJD

anticipates that this pilot eFiling stage will continue for several months before the system becomes more widely available.

Linn, Crook, and Jefferson Counties have also begun the eCourt implementation, although they are not as far along as Yamhill County. Jackson County will go live with eCourt during March.

While implementation is rolling along, a number of details are still being worked out between the OJD, the vendor, the bar, and other interested parties. One important detail is exactly what case information will be available to different types of users remotely once the new system is fully implemented. While an ideal system would make the entire case file available online to all users, security concerns and federal

restrictions will require that some sensitive information remain accessible only in person at the courthouse. In addition, some technical problems have impeded non-court parties in searching court data for filings and other information. OJD is addressing these issues, but full resolution may take some time.

New counties should be coming online throughout the next two years, likely at an ever increasing rate as the implementation process becomes more streamlined. OJD has reported that the more recent implementations are already going more quickly than in Yamhill county, as the department is able to make changes based on lessons learned during the first implementation.

Oregon Law Commission Legislative Agenda

The Oregon Law Commission has introduced a number of law improvement bills in the 2013 session. These bills have been developed by work groups of practitioners and interested parties, and generally reflect the work groups’ strong consensus. They include the following:

- SB 592: Technical revisions of the Uniform Trust Code.
- SB 622: Amendments to statutes governing juvenile court proceedings, including provisions defining when the record and the file are subject to disclosure and designating who can obtain copies.
- SB 623: An omnibus bill dealing with procedure in adoption proceedings.
- HB 2833: Uniform Unsworn Foreign Depositions Act.
- HB 2834: Revised Uniform Law on Notarial Acts.

- HB 2836: Establishes standards for determining a youth’s fitness to proceed in a delinquency hearing.

The Commission has also filed two measures dealing with selection of appellate judges, HB 3182 and HJR X, but will probably not proceed with them due to the significance of the issues raised, the lack of strong consensus within the work group that proposed them, and the relative lateness in the session to begin work on such a controversial set of issues.

In 2012, the Commission proposed, and the legislature enacted, HB 4035 - an update to the Uniform Commercial Code Article 9 (ORS Chapter 79). The Oregon Bankers Association (OBA) dissented from the work group on the way the bill treats issues regarding the name of the debtor listed on financial statements. The OBA has filed HB 2600 to alter how that issue is resolved.