

## **Draft 2011 Law Improvement Proposals**

*(Substantive language of all OSB section sponsored law improvement proposals have been provided by OSB sections at the direction of each section's executive committee. All proposals are pending review and approval by the OSB Board of Governors.)*

The following is a list of legislative proposals submitted by OSB groups for sponsorship in the 2011 session of the Oregon Legislature. Each proposal must be approved by the OSB Board of Governors prior to submission to Legislative Counsel for drafting.

**The PAC will hold a meeting to receive input from bar members at the Legislative Comment Forum on Tuesday, April 13, 2010 from 9:00 a.m. to 11:00 a.m. at the OSB center.** The purpose of the meeting will be to increase awareness of pending proposals and to find out whether parts of the bar have concerns regarding the proposals submitted.

If you have any questions about any of the proposals or about the OSB legislative process, please feel free to contact any of the Public Affairs Committee members or the Public Affairs department staff: Director, Susan Grabe [sgrabe@osbar.org](mailto:sgrabe@osbar.org) (503.431.6380); Legislative Attorney, David Nebel [dnebel@osbar.org](mailto:dnebel@osbar.org) (503.431.6317); or Staff Attorney, Matt Shields [mshields@osbar.org](mailto:mshields@osbar.org) (503.431.6358).

### Board of Governors' Proposals

**IOLTA Sanction Bill** – This bill would change the sanction for an IOLTA violation from a disciplinary sanction to an administrative one.

**LPRC Restructuring** – This bill would authorize the State Professional Responsibility Board to designate individual bar members to serve as investigators rather than relying on the current Local Professional Responsibility Committees. The LPRCs themselves would be eliminated.

### Business Law Section Proposal

**Vesting of Indemnification** – This bill would prohibit a company from taking indemnification rights away from a director or past director unless the company's articles of incorporation expressly allow the company to do so.

### Construction Law Section Proposals

**Notice Requirements for Lien Claimants** – This bill would specify that lien claimants are only required to provide notice to those mortgage assignees that are listed on a recorded assignment. Under current law, lien claimants are required to provide notice to all assignees, even though some assignees may not be listed on a recorded assignment and may be difficult or impossible to locate.

**Changes to Notice of Defect Statutes** – This bill would exempt small claims actions, as well as counterclaims in all actions, from coverage by the Notice of Defect statutes. Additionally the bill would permit service in such cases by certified mail.

**OPPPA Amendments** – This bill proposes several minor amendments to the Oregon Private Prompt Payment Act.

### Consumer Law Section Proposal

**Increase to Wage Garnishment Exemption** – This bill increases Oregon’s wage garnishment exemption from \$196 to \$217.50, the amount of the exemption required under federal law.

### Elder Law Section Proposals

**Protective Proceedings** – This bill would make technical changes to maintain confidentiality of certain documents received from the Department of Human Services in protective proceedings.

**Special Needs Trusts** – This proposal would specify that special needs trusts must be included in a surviving spouses’ estate for the purposes of a spousal elective share.

### Estate Planning and Administration Section Proposals

**Elective Share Technical Amendments** – This proposal would make several technical changes to Oregon’s elective share statute.

**UPIA update** – This bill would make several updates to the Oregon Uniform Principal and Income Act.

**Disposition of Gifted Property** – This proposal removes gifted property from the presumption of equal contribution, while retaining the authority to divide the property as may be “just and proper” depending upon the facts of a particular case.

### Family Law Section Proposals

**Termination of Attorney-Client Relationships** – This bill would permit the filing, upon the conclusion of a case, of a notice that the attorney-client relationship was terminated for the reason that the case is concluded.

**Amendments to Dissolution and Parental Rights Statutes** – This bill makes three changes to statutes dealing with dissolutions of marriage and acknowledgment of parental rights and responsibilities.

**Temporary Support Orders** – This bill makes three minor changes to temporary spousal and child support statutes.

### Real Estate and Land Use Section Proposals

**Urban Reserve Statutory Correction** – This bill would correct an erroneous statutory reference in the Urban Reserve statutes.

**Domestic Partner Survivorship** – This bill would amend statutes dealing with tenancies by the entirety to clarify existing state policy that the statute should be interpreted to apply to Domestic Partnerships.

### Taxation Section Proposal

**Department of Revenue Requirements** – This proposal would eliminate the absolute requirement that the Oregon Department of Revenue follow an Internal Revenue Service Rule, even when such a rule differs from the rule that the federal circuit court might require an Oregon taxpayer to follow. This change would give the DOR additional discretion in interpreting federal statutes.