

December 6th, 2024

Senator Floyd Prozanski, Senate Interim Judiciary Chair
Senator Kim Thatcher, Senate Interim Judiciary Vice-Chair

Representative Jason Kropf, House Interim Judiciary Chair
Representative Kim Wallan, House Interim Judiciary Vice Chair
Representative Tom Andersen, House Interim Judiciary Vice Chair

Re: Oregon State Bar - Sponsored Bill Drafts

Thank you for the courtesy of introducing the Oregon State Bar's 2024 Law Improvement Package. This allows our members to participate in the legislative process and we are grateful for the legislature's continued assistance. To that end, the OSB requests the following legislative concepts be introduced by the Senate Interim Committee on Judiciary and the House Interim Judiciary Committee on the bar's behalf. We have provided the Judiciary staff with legislative concept drafts as well as bill backs. A brief description of each legislative concept is below.

Requested for Introduction by the Senate Interim Committee

OSB Board of Governors Proposals

LC 511 - ORS Chapter 9 Omnibus Bill. This bill would permit the OSB Board of Governors to establish its own quorum requirements for meetings in place of the existing 2/3 requirement in statute. In addition, the bill updates wording in several sections of Chapter 9 to correctly reference rules promulgated by the Supreme Court. It also changes statutory references to OSB members to be referred to as licensees.

OSB Section Proposals

Debtor-Creditor Section:

LC 516 - Uniform Commercial Code (UCC) Amendments & New Article 12 re Digital Assets.

- The UCC is a national model act which has previously been adopted in Oregon. The UCC standardizes rules for many commercial transactions to facilitate interstate commerce. This proposed bill would adopt in Oregon the new UCC Article 12, which has been proposed by the Uniform Law Commission. This new article addresses transactions such as digital assets, virtual currencies, blockchain, and artificial intelligence. These types of transactions are new and did not exist when the original UCC was passed. In addition, LC 516 corrects

a drafting error in ORS 95.270(5)(b) that was passed in the Debtor-Creditor section's bill in 2023, HB 2330.

Estate Planning & Administration Section:

LC 517 - Estate Planning & Administration Omnibus Proposal.

- This bill would amend several statutes related to probate administration:
 - o Amends ORS 111.200 to correct a drafting error that omitted ORCP 45 in a list of rules that apply in contested probate proceedings.
- Amends ORS 112.105 to correct a drafting error that has caused complications for children of unmarried parents attempting to establish parentage.
- Amends ORS 112.238 to address the application of the harmless error statute and clarify what documents may be used to establish testator intent to create a will. This statute was passed in 2015, but it is unclear if it can be applied to writings created before that date.
- LC 517 proposal would apply the rule to writings created at any time, but only for the purpose of decedents dying after 1/1/2026.
- Amends ORS 114.510 to clarify provisions related to the Simple Estate Affidavit.

Requested for introduction by the House Interim Judiciary Committee:

Oregon Council on Court Procedures Proposal

LC 513 - Notice of Remote Location Testimony.

- This bill would revise ORS 45.400(2) to give the court greater flexibility to consider motions for remote location testimony filed less than 30 days in advance of an appearance

OSB Section Proposals

Consumer Law Section

LC 514 - Construction Contractors Notice Requirements.

- This bill would require Construction Contractors Board (CCB) licensed Contractors to give consumers a written "work completion notice" that would trigger the existing one-year clock on consumer complaints to the CCB. Currently some consumers miss this deadline because they were unaware that the contractor considered the work completed and that the deadline had already passed.

LC 515 - Small Claims Notice Requirements.

- This bill would clarify that the recipient of a Notice of Small Claim may request a jury trial of the amount identified as "Total" on the Small Claim Form exceeds \$750. This may include fixed fees and costs in the Small Claim. Currently some parties may not recognize that they have a right to request a jury trial when fees or other costs push the total over \$750.

Please feel free to contact me with any questions or concerns. Thank
you again for helping us navigate the process.

Sincerely,

A handwritten signature in cursive script that reads "Susan E. Grabe".

Susan E. Grabe
Chief Communications and Public Affairs Officer
Oregon State Bar

cc: Gillian Fisher, LPRO Analyst
Patricia Pascone, LPRO Analyst
Amie Fender-Sosa, LPRO Analyst