



Oregon Land Title Association Oregon Legislative Report 2015



Submitted by
CFM Strategic Communications
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SESSION SUMMARY

It is often said that no two legislative sessions are the same, which certainly proved to be true this past year. However, it is hard to imagine a legislative session more historic than 2015.

What started as high expectations for Democrats ultimately ended with frustrations and missed opportunities, and a new Governor whose charge it has been to rebuild the credibility Oregonians have for their state government.

Back in February, the legislative session agenda appeared predictable with the strong Democratic majorities in both chambers and a Democratic Governor. Democratic leaders promised to re-visit bills they were unable to pass in prior sessions and tackle progressive issues.

Even with the unprecedented resignation of Governor John Kitzhaber just weeks after being sworn into office for a historic fourth term, Democrats in the legislature pressed on to achieve some notable legislative accomplishments.

Democrats took decisive actions upfront to dissolve Cover Oregon and pass bills that had failed in the prior sessions – the Motor Voter Bill, Class Action Funding of Legal Aid and the Low Carbon Fuel Standard. Democratic leadership then moved quickly to the next items on the agenda – passing a controversial Paid Sick Leave law and the most robust K-12 Education budget in history.

The legislature also received national attention and out-of-state influence on several significant pieces of legislation. Lawmakers passed controversial firearm background check legislation, increased access to reproductive health for women, implemented free community college and clarified and fixed laws related to the voter-approved recreational marijuana Measure 91. National trends were also apparent in Oregon through bills related to police body cameras, racial profiling and data privacy.

Despite passage of these noteworthy bills, Republicans argued that nothing was done to promote job creation or business growth. Even some moderate Democrats argue that Oregon's urban/rural divide has grown larger.

As the session pressed on, Democratic caucus infighting took over, and a public spat between Speaker Tina Kotek and Senate President Peter Courtney soured end-of-session wins on other key issues, such as a major transportation funding package, minimum wage increase and Capitol Renovation.

As we close out 2015 and enter the 2016 campaign season, the legislature and leadership is poised to look very different in the upcoming sessions. Already, announcements of legislators leaving to run for different positions have been made.



Most notably, House Majority Leader Val Hoyle (D-Junction City) announced her race for Secretary of State. House democrats selected Representative Jennifer Williamson (D-Portland) to serve as the new House Majority Leader. With Governor Brown, Speaker Kotek and House Majority Leader Williamson – all women from the Portland-metro area – as leadership, we expect the legislature will continue to push progressive policies and address economic inequalities.

Governor Brown and the legislature have not given up on the failed packages. There may be a special session ahead.

SESSION ACTIVITIES

The 2015 legislative session was very good for the Oregon Land Title Association. Advocacy efforts on behalf of OLTA resulted in passage of HB 3244, OLTA’s top priority bill. The legislation barred a lender from placing a lien on a property after the obligation, as laid out in the pay off statement, is met. The bill realized success after allies were identified and all the concerns from the Oregon Bankers Association, the NW Credit Union Association, Rep. Holvey and Rep. Barton were addressed.

In addition, OLTA testimony and outreach was key in stopping bad bills like HB 2780, introduced by Rep. Julie Parrish from Tualatin to address unfounded problems in title transfers involving an elder person over the age of 65. Due to strong advocacy from OLTA member Alan Brickley and effective messaging to committee leadership, we were successful in controlling the conversation around this issue.

Part of our interim strategy will need to revolve around getting ahead of elder abuse discussions by working collaboratively with agencies and stakeholders to develop a tool kit for the escrow industry.

OLTA was also victorious in securing key amendments to SB 402, a bill making changes to the small estate proceeding law. The OLTA sponsored amendments provide additional decedent estate recovery options for DHS. In addition, the amendments also conformed small estate proceedings to regular probate statutes regarding the sale of real property and the rights of creditors.

CFM and OLTA worked diligently behind the scenes with key lawmakers to address late concerns as to the unintended consequences of this legislation. In particular, several conversations with Rep. Cliff Bentz (R-Ontario) and Rep. John Davis (R-Wilsonville) were key in securing floor support from Republican caucus members to avoid a controversial fight that could have derailed the bill.

OLTA continued to showcase their political effectiveness through their work on HB 2127. The bill was introduced by the Multnomah County Assessor’s Office and sought



to create requirements for a certificate from the assessor's office at recording attesting that all charges against real property as of date of recording have been paid. OLTA and CFM lobbied committee members in order to slow the bill's passage just long enough to secure a compromise set of amendments that addressed all of our concerns.

INTERIM ACTIVITIES

Oregon's 35-day session begins February 1, 2016. During this previous session, CFM led bi-weekly meetings with other lobbyists from the bankers association, mortgage bankers, realtors and escrow agents. These meetings allowed legislative intelligence and rumor to be shared among insiders and resulted in positive outcomes on several of OLTA's priority bills.

During the interim, CFM will continue to convene monthly meetings to learn what pieces of legislation are being developed by partners in the industry and allow OLTA to have a voice in those discussions.

Elder Abuse Tool Kit

The 2015 legislative session saw multiple bills addressing the issue of elder abuse. At least one of these vehicles targeted OLTA members. While OLTA and CFM was successful in stopping this legislation from becoming a burdensome and unhelpful law, we need to be proactive on this issue going forward.

OLTA and CFM has expressed interest in completing and educating members on an escrow officers elder abuse tool kit. We are hoping to model the document on the Oregon Bankers Association's tool kit created several years ago.

OLTA and CFM should continue interim meetings with key stakeholders to help draft this document. These include Ellen Klem (Department of Justice lead on Elder Abuse), Valerie Eames (OAAPI policy analyst), Diane Childs (Outreach Coordinator for the Securities Fraud Division of DCBS), Peter Bale (Investigator for Oregon Real Estate Board), and Thomas Wrosch (Outreach Coordinator for Notary).

In addition, OLTA should prepare presentation material on the current state of affairs relating to elder abuse in the title insurance industry for the Elder Abuse Work Group's first or second meeting during the interim. Both the Chairs of that committee (Rep. Val Hoyle (D-Junction City/W. Eugene) and Rep. Vic Gilliam (R-Silverton/Molalla) have expressed interest in hearing from OLTA on these issues.

Title Insurance Industry Advocacy Outreach

During the legislative session, CFM led coalition discussion among bankers, brokers and title company lobbyists. Meeting with industry experts regularly during the month



allowed OLTA to receive insider information on legislation that proved helpful as we addressed issues at the Capitol.

As we edge closer to the 2016 session, keeping these meetings on the calendar will be helpful. Knowing what your partners are expecting to bring forward in February of 2016 will allow OLTA to have a voice in the discussion and potentially help or oppose issues earlier.

Identification of Legislation

Being prepared for the short session will require CFM and OLTA to work together on developing legislation impacting the title insurance industry. We recommend meeting at least monthly on ideas and rumors of legislative vehicles OLTA is interested in monitoring.

Legislator Outreach

We suggest continuing to engage with legislators and educate them and their staff about the work OLTA and your members perform. Developing relationships with key lawmakers will yield dividends throughout the cycle. We need to ensure that when legislators are beginning to develop bill ideas during the interim on subjects important to OLTA, we are called in to provide feedback. That will require constant outreach and will result in less scrambling during a legislative session.

In addition, CFM is recommending the creation of an OLTA political action committee to further increase your political visibility and standing with influential leaders. This act would also give you an enhanced voice in the conversation around complicated and controversial issues as they arise. We can discuss the particulars of what a PAC would look like and the funding mechanisms and opportunities it presents.

Political giving also has the added benefit of helping to educate new lawmakers to your issues. As we enter a 2016 campaign cycle, we know there will be substantial turnover in many key districts. Developing a relationship with these candidates and new lawmakers will be beneficial as we gear up for future legislative sessions.

We look forward to working with OLTA to enhance its relationships with legislators, including those who have championed land title legislative priorities.

BILLS OF INTEREST

Below is a summary of bills we worked on or monitored for OLTA.

[HB 2007](#): Wage Disclosure Retaliation



Summary: Makes imposition of disciplinary action against employee that inquires about or discloses wage information unlawful employment practice.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: The only wage equity bill passed this session.

HB 2012: Minimum Wage

Summary: Increases Oregon minimum wage rate in graduated steps to \$13.50 per hour by 2017.

Outcome: Died.

Notes: Speaker Tina Kotek (D-Portland) introduced a proposal to raise the minimum wage rate in graduated steps to \$13 an hour by 2018. The fact that the legislature already had approved increased sick leave requirements left little room for negotiation on the minimum wage.

HB 2073: Second Home Mortgage Interest Deduction

Summary: Disallows, for purposes of personal income taxation, mortgage interest deduction for residence other than taxpayer's principal residence if taxpayer's federal adjusted gross income exceeds \$125,000, or \$250,000 if reported on joint return.

Outcome: Died.

Notes: The bill was introduced by the House Revenue Committee but received no support and was not given a hearing. This issue was taken up more thoroughly in discussions around tax credits, which occurred throughout session.

HB 2077: Confidential Taxpayer Information Publication

Summary: Requires corporations doing business in Oregon to file tax disclosure statements with Secretary of State. Specifies information that must be disclosed by corporations. Declares that tax disclosure statements filed by corporations are public records. Directs Secretary of State to make tax disclosure statements publicly available via Internet. Allows Secretary of State to impose penalty for noncompliance with filing requirements.

Outcome: Died.



Notes: Controversial and debated throughout session in multiple public hearings and work sessions. The bill would make certain corporate taxpayer return information public records. Opponents argued that the fruitless, punitive and arbitrary nature of the bill accomplishes nothing while proponents urged lawmakers to tackle Oregon's corporate income tax system through this mechanism, which they saw as enhancing transparency efforts. Expect this issue to continue to receive attention.

HB 2083: Homestead Property Tax Deferral

Summary: For purposes of homestead property tax deferral program, creates exception to five-year ownership requirement for homestead if claimant for deferral moved to homestead from homestead granted deferral and of greater real market value than new homestead, sells prior homestead within one year of purchasing new homestead, satisfies lien against prior homestead for deferred amounts and provides written attestation that claimant incurred debt for not more than 80 percent of purchase price of new homes. Increases maximum allowable value for homesteads that taxpayers have continuously owned and lived in for 21 years or more. For purposes of certifying continuing eligibility for deferral program, requires Department of Revenue to notify Aging and Disability Resource Connection or seniors and people with disabilities division of Department of Human Services if no response to notification sent to taxpayers is received within 35 days. Provides that homestead is ineligible for deferral if Department of Revenue has not received response from taxpayers within 30 days after notifying Aging and Disability Resource Connection or Department of Human Services.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: The senior deferral program was enacted in 1963, the 1999 Legislature made the program available to qualified disabled homeowners. Homeowners age 62 and older, and qualifying disabled homeowners, may defer payment of property taxes until the owner dies or sells the property. The state pays the tax and obtains a lien on the property for the tax and accrued interest at the rate of 6% per year. Beginning in fiscal year 2007-08, a combination of factors began to occur that would reverse the cash flow of the deferral account. In response to the cash flow issues, multiple changes were made to the deferral programs over the past few years. HB 2083 is the bill to update the program in 2015.

HB 2127: County Certificate Requirement

Summary: Prohibits recording by county clerk of instrument to convey fee title to real property to tax-exempt government transferee unaccompanied by certificate issued by county assessor attesting that all charges against real property as of date of recording



have been paid. Provides that deficiency in payment by transferor of charges against real property conveyed to tax-exempt government transferee is not lien on real property but constitutes personal debt of transferor to be collected as provided by law for collection of delinquent property taxes on personal property.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: The original version of the bill was fraught with problems. CFM and OLTA worked with Randy Walruff at the Multnomah County Assessor's Office to draft the 2 amendments that brought us to neutral. All of OLTA's recommended changes made it into the bill. Behind the scenes work entailed legislator meetings with committee members to drum up opposition prior to the hearing.

HB 2161: County Recording Fee Increases

Summary: Authorizes county to charge fee not to exceed actual cost to county of recording certain instruments.

Outcome: Died.

Notes: Chair of the House Revenue Committee, Rep. Phil Barnhart (D-Eugene), was planning to hear this bill, which would allow a county to increase the fee (currently set at \$10) for recording all instruments during a recording of ownership transfer for real property. However, CFM met with the chair and walked through some of the concerns OLTA has with the bill – chiefly, the new and added costs title companies and citizens would be liable for if the bill passed.

HB 2208: Public Records Disclosure Exemption

Summary: Adds civil code enforcement officers to public officials who may request exemption from required disclosure under public records law of specified personal information. Defines "civil code enforcement officer." Exempts specified personal information of individuals currently or previously certified or licensed by Department of Public Safety Standards and Training from required disclosure under public records law.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: First responders, public safety officers, code inspectors and fire fighters petitioned the legislature to remove their personal details from public record requests. Any time exemptions are made to public records requests we should remain vigilant, but this particular request was met with widespread support.

HB 2221: Power of Attorney



Summary: Modifies laws regarding powers of attorney.

Outcome: Died.

Notes: This bill was brought forward by the Elder Abuse Prevention Work Group, led by House Majority Leader Val Hoyle (D-Junction City/West Eugene) and Rep. Vic Gilliam (R-Silverton/Molalla). The work group proposed several changes to elder abuse laws in 2015 and will continue to do so in future sessions. CFM will continue to monitor these bills and watch for any mention of mandatory reporting requirements for escrow officers or agents, title companies, etc.

HB 2759: Definition of Marriage

Summary: Modifies definition of "marriage." Expands types of prohibited marriages. Clarifies that clergyperson, religious congregation or organization authorized to solemnize marriages may refuse to solemnize marriage that is contrary to tenets of religious congregation or organization. Provides that refusal to solemnize marriages does not affect tax-exempt status of religious congregation or organization. Provides that two individuals who have lawfully established civil union, domestic partnership or similar relationship under laws of another state shall be considered as having entered into marriage under laws of this state, with privileges, immunities, rights, benefits and responsibilities of married persons, for period not longer than 12 months after entering state or establishing domicile in this state, unless parties enter into marriage before expiration of 12-month period. Authorizes same-sex, nonresident individuals who have lawfully established civil union, domestic partnership or similar relationship under laws of another state to make emergency medical decisions and funeral arrangements when in this state on temporary basis. Modifies residence requirements to establish jurisdiction of court to enter judgment of separation, annulment or dissolution of marriage. Provides that registered domestic partnerships that are not dissolved or annulled on or before December 31, 2016, shall become marriages for all legal purposes. Prohibits entering into or registering domestic partnerships after effective date of Act. Repeals Oregon Family Fairness Act.

Outcome: Died.

Notes: Introduced at the request of Rep. Rob Nosse (D-Portland), the bill did not receive enough support to move through the system during the 2015 session.

HB 2780: Escrow Agents Elder Abuse

Summary: Provides that escrow agent or other person that engages in real estate closing escrow may not accept funds, property or documents if principal to real estate



closing escrow is 65 years of age or older and selling price of property is more than 20 percent below appraised or assessed value and if escrow agent or other person reasonably believes that principal does not understand nature or terms of transaction. Requires escrow agent or other person that reasonably believes that principal does not understand nature or terms of transaction to report attempted sale as suspected financial exploitation in accordance with elder abuse reporting requirements.

Outcome: Died.

Notes: Introduced by Rep. Julie Parrish (R-West Linn). OLTA was the only group out in front of this particularly bad bill. OLTA and CFM testified in opposition to the bill, but in support of decreasing instances of elder abuse. Meetings with committee members before and after the hearing allowed our stance to win the day.

HB 3025: Ban the Box

Summary: Establishes unlawful employment practice for employer in the following cases: use of a job application form that inquires about applicant's conviction history; inquiring about or considering an applicant's conviction history prior to an interview; or inquiring about or considering an applicant's conviction history prior to making a conditional offer of employment when no interview is conducted. Creates right of civil action for violation.

Outcome: Passed the House and Senate, signed by the Governor. Effective January 1, 2016.

HB 3033: Estate Planning

Summary: Authorizes affiants and claiming successors to execute instruments or documents of conveyance of real or personal property that is part of small estate under particular circumstances.

Outcome: Died.

Notes: Introduced by freshman legislator, Rep. Mike Nearman (R-Dallas), at the request of Dallas estate planning lawyer, Stephen Mannenbach. Rep. Nearman was unsuccessful in gathering support for the bill, which shared similar goals with OLTA's priority legislation amendments for SB 402.

HB 3244: OLTA Bill



Summary: Provides that borrower or borrower's agent may rely on lender's payoff statement for amount required to discharge mortgage or perform obligation necessary to request reconveyance of estate of real property described in trust deed until after lender delivers amended payoff statement. Provides that lender may recover amounts that borrower owes that do not appear in payoff statement or amended payoff statement only as unsecured debt or by foreclosing other property that secures obligation if borrower or borrower's agent satisfies obligation set forth in payoff statement or amended payoff statement.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: In the very beginning of session the OLTA made an agreement with CFM to lead the effort to pass this bill. Even with little interim work on the legislation, the efforts proved successful. CFM was able to secure Rep. Paul Holvey's (D-Eugene) support early on, in addition to Rep. Esquivel's (R-Medford) support, and get the bill dropped as a House Business and Labor Committee bill. Other stakeholders were educated on the bill and its intent. Feedback from the Oregon Bankers Association and the NW Credit Union Association was incorporated into the language. Rep. Holvey and Rep. Barton (D-Clackamas) threatened to kill the bill in the committee of origin because of their fear of how this legislation did not protect the borrower. CFM was able to pull together a last-minute workgroup to address the issue and ease the legislators concerns enough that they were willing to move it forward. After it passed unanimously in the House, it was smooth sailing in the Senate chamber. Industry insight from Cleve Abbe, Alan Brickley and Pat Inhat was invaluable and Alan did a wonderful job testifying and answering questions at the committee hearings. CFM was careful to provide ample information, through floor letters, testimony, emails and meetings, along the way to House and Senate members and eventually the Governor's office to ensure passage of HB 3422.

HB 3488:

Summary: Exempts specified instruments that condition transfer of fee simple interest in real property from prohibition on fee, commission or other payment to declarant or other person upon transfer of interest in real property. Requires for exemption that proceeds of fee, commission or payment directly benefit property subject to instrument or support activities that directly benefit residents of property subject to instrument and that certain entities execute instrument.

Outcome: Passed the House and Senate, signed by the Governor.

SB 27: Omnibus Housekeeping Bill – County Clerks

Summary: Resolves certain contradictory provisions applicable to duties of county clerk. Eliminates biannual duty of county to examine financial books and papers of



county clerk, clerk of county court, treasurer and sheriff. Requires purchaser to record sheriff's certificate of execution sale in County Clerk Lien Record.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: Each Legislative Session, the Association of County Clerks brings forward an omnibus housekeeping bill to resolve contradictions in statutes, align statutory timeframes, update statutes to reflect legislative intent, and repeal outdated statutes relating to the work of county clerks. Senate Bill 27 is the omnibus housekeeping for 2015.

SB 56: Statewide Lien Register

Summary: Directs Secretary of State to maintain Statewide Lien Register. Allows state agencies that have authority to issue warrants to transmit notice of lien to Secretary of State for filing in register. Specifies effect of filing notice of lien. Allows state agencies to amend notice of lien. Allows state agencies to release, subordinate or extend lien. Requires state agencies to release lien when debt on which warrant is based is satisfied. Allows Secretary of State to specify format for notice or certificate of extension and manner in which state agencies transmit notice or certificate for filing in register.

Outcome: Died.

Notes: Currently, an agency must record its lien in each county in which it wishes to obtain a lien on the debtor's real property. Senate Bill 56 would have allowed an agency to obtain a statewide judgment lien upon the debtor's real and personal property by recording a notice of lien with the Secretary of State's office. CFM submitted testimony in opposition to the bill and worked members of the committee and Senate leadership in order to keep the bill from moving.

SB 224: Estate Recover Program Exemption

Summary: Exempts Oregon Health Authority and Department of Human Services from certain provisions relating to acquiring, holding or disposing of real property or equitable interest in real property or in mineral or geothermal resource right.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: Federal and state law require the Oregon Health Authority (OHA) and the Department of Human Services (DHS) to have Estate Recovery Programs for public programs such as Medicaid for long-term care recipients. Due to the fact that the process to sell state-owned real property is time consuming and expensive, the Department of Veterans' Affairs and the Housing and Community Services Department are exempt from these requirements. SB 224 grants OHA and DHS the same



exemptions for the real property that the Estate Recovery Program acquires. Rick Mills, DHS analyst, worked with CFM and OLTA on this, SB 402, and other bills impacting this area.

SB 274:

Summary: Provides that attorney authorized to practice law who renders legal services in course of representing client is not required to register as collection agency. Increases from \$10,000 to \$15,000 amount of bond or irrevocable letter of credit that applicant for registration as collection agency or registrant must provide to and maintain with Department of Consumer and Business Services. Specifies conditions under which out-of-state collection agency is exempt from registration as collection agency in this state. Provides that Director of Department of Consumer and Business Services, in addition to issuing cease and desist order for violations of law in connection with collection of claims, may impose civil penalty and seek to compel person to disgorge payments of principal, interest or fees that person obtained in violation of law. Increases amount of civil penalty per violation from \$1,000 to \$5,000.

Outcome: Died.

SB 313: Unlawful Insurance Practice

Summary: Permits person to bring action against insurer or other person that commits unlawful insurance practice. Directs court to award attorney fees in certain circumstances. Allows class actions against persons that commit unlawful insurance practices. Establishes two-year statute of limitations for actions. Permits Attorney General to punish unlawful insurance practice as unlawful practice under unlawful trade practices law.

Outcome: Died.

Notes: One of several bills from the Oregon Trial Lawyers Association on this issue. Multiple companies and insurance groups came out in opposition to this bill. Both SB 313 and SB 314 seek to add insurance to Oregon's Unlawful Trade Practices Act, which protects consumers from unfair general practices by granting the AG jurisdiction over such matters as well as creating private causes of action. Insurance was explicitly excluded in the UTPA when it was created. Expect these issues to continue to be discussed during the interim and in the 2016 session.

SB 314: Unlawful Trade Practices

Summary: Includes insurance in definition of "real estate, goods or services" that are subject to penalties for unlawful trade practices. Permits person to obtain, and court to award, appropriate equitable relief in addition to monetary damages in action under Unlawful Trade Practices Act.



Outcome: Died.

Notes: Similar to SB 313, brought forward by trial lawyers. CFM met with members of the committee and leadership to express concern with these bills. Expect this issue to come back in 2016 or 2017.

SB 317: Insurance Contracts and Certificates

Summary: Provides that insurer may not offer or issue policy, contract or certificate of insurance that provides that insurer has sole right or right that is superior to right of insured to interpret terms and conditions of policy, contract or certificate or that specifies standard of interpretation or review that is inconsistent with laws of this state.

Outcome: Died.

Notes: See notes on SB 313 and SB 314. Several amendments were debated that would see the bill morph to provide additional enforcement tools for the Oregon Insurance Division, modifying the operative date and makes violations to health insurance coverage mandates into unfair claim settlement practices. Received controversial stance from multiple groups, chiefly insurance companies.

SB 368: Execution Sale

Summary: Requires sheriff to deliver proceeds of execution sale to court administrator. Permits judgment creditor in foreclosure suit to bid for foreclosed property at foreclosure sale by paying, among other fees and costs, amount that exceeds full amount of money award if judgment includes money award, or amount declared in judgment for judgment that does not include money award. Specifies that judgment creditor's bid for foreclosed property may not exceed full amount owing on money award in judgment that includes money award or amount declared in judgment for judgment that does not include money award. Provides that judgment to foreclose residential trust deed may not include money award for amount of debt against grantor, successor in interest or another person obligated on note, bond or other obligation in specified circumstances. Requires judgment in suit to foreclose lien to include declaration of amount of debt lien secures and, if plaintiff requests in complaint, money award against lien debtor.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: CFM provided notice of support to lawmakers before the public hearing and work session.

SB 379: Update to Will and Estate Administration



Summary: Updates and modernizes certain laws pertaining to intestacy, wills and estate administration. Creates avenue for inheritance for child conceived posthumously when decedent's will or trust provides for posthumous conception. Requires diligent search and inquiry prior to property escheating to state. Allows contemporaneously executed affidavits to be counted as signatures. Prohibits electronic documents as formal will. Allows digital statement or list disposing of household items, furniture, furnishings, and personal effects. Prohibits disposal of money, business property, or certificates of title through digital writing. Clarifies statutes on enforcement of no-contest clauses, partial revocation of will, and inheritance under slayer or abuser statutes.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: The Oregon Probate Code was adopted in 1969. In the 46 years of its existence, it has undergone individual modifications, but has not been subject to a lengthy review or update. The Probate Modernization Work Group of the Oregon Law Commission was formed in 2013 to review and recommend changes to the Oregon probate code. Senate Bill 379 B is the 2015 probate modernization recommendation of the Oregon Law Commission. It covers Oregon Revised Statute 112, dealing with disposition of intestate property and wills

SB 402:

Summary: Permits affiant in small estate to open one or more deposit accounts in financial institution with funds of decedent upon which to withdraw funds to pay certain claims and expenses. Permits certain attorney affiants to convey real or personal property to third party for valuable consideration when heir or devisee entitled to succeed to conveyance fails or refuses to join in conveyance. Provides that property conveyed by affiant is subject to liens and encumbrances against decedent or estate of decedent but is not subject to rights of creditors of decedent or liens or encumbrances against heirs or devisees of decedent. Provides that filing and allowance of claim does not make claimant secured creditor. Provides that financial institution is not liable to any other person for opening deposit account for affiant in small estate or for permitting affiant to withdraw funds from deposit account.

Outcome: Passed the House and Senate, signed by the Governor.

Notes: OLTA led the discussion on this bill, amended with our recommended changes. Lots of behind the scenes work was required to get Rep. Cliff Bentz (R-Ontario) and Rep. John Davis (R-Wilsonville) on board. Effective strategy and implementation led to successful passage of this bill.



SB 454: Paid Sick Leave

Summary: Requires most employers having ten or more employees to implement a sick time policy allowing an employee to earn, accrue, donate or use up to 40 hours of paid sick time per year with the exception of employers located in Portland, who would be required to provide up to 40 hours of paid sick time if they have six or more employees. Sets the minimum rate of accrual at one hour sick leave for every 30 hours worked. Requires most employers who employ fewer than ten employees are required to implement an unpaid sick time policy.

Outcome: Passed the House and Senate, signed by the Governor. Effective January 1, 2016.

Notes: Paid Sick Leave was a priority of leadership this session. The law is the product of a work group made up of representatives from labor and business and legislators.