

Oregon Association of Defense Counsel  
2011 Legislative Assembly  
End of Session Report



## **I. INTRODUCTION**

It has been our pleasure to represent the Oregon Association of Defense Counsel (OADC) before the 2011 Legislative Assembly. During the legislative session, we monitored or worked directly on approximately 65 separate pieces of legislation on behalf of OADC. A summary of each measure along with OADC's position and the final status of the measure are contained in the tracking report attached as Appendix A.

Of the roughly 65 bills we tracked for OADC, only 11 were enacted into law. This session, like the sessions in 2009 and 2010, was dominated by the lingering effects and impact of the global economic recession and a focus on balancing the State's budget. A shortfall of \$3.5 billion from what was required to continue State-funded services at existing levels and a House evenly divided between democrats and republicans, made it difficult to pass policy bills that were controversial or that required additional funding. In fact, no bills were enacted that were opposed by OADC.

The OADC did not seek to introduce legislation in the 2011 session. However, to provide guidance and direction on bills introduced during the session, the OADC Government Affairs Committee reviewed approximately 100 pertinent bills and prioritized them in accordance with OADC members' interests.

As a result of Ballot Measure 71, approved by voters last year, the 2011 Legislative Session was one of the shortest in history. Ballot Measure 71 calls for a 160-day legislative session in odd-numbered years and a 35-day session in even-numbered years. The 2011 Oregon Legislative Session began in earnest on February 1 and adjourned on June 30.

## **II. 2011 INTERIM ACTIVITIES AND FEBRUARY 2012 LEGISLATIVE SESSION**

The next legislative session will begin on February 1, 2012. Between now and then, interim legislative committees will be very active working on policy issues that will result in the preparation and introduction of legislative measures in 2012. In all likelihood, they will also still be acutely focused on budgetary issues as the second year of the 2011-13 biennium approaches.

Because the even-numbered-year session in 2012 will be short compared to the 2011 session (lasting a total time of approximately 5.5 weeks), much of the work that occurs to successfully enact or curtail legislation in the 2012 session will occur during the legislative interim. Efficient committee work is essential to the proper functioning of the 2012 session. While individual members will be allowed to introduce bills during the 2012 session, committee work is critical to hold public hearings and get legislation drafted prior to the start of the February session.

Recent experience indicates that if a bill is not reviewed by an interim committee prior to session, its likelihood of passage in the time-limited 2012 session is substantially reduced. Similarly, if a problematic bill moves through interim committees unchecked, it

can be difficult to improve it or stop it in the short 2012 session. Assuming the model from the 2009-10 interim is followed, expect there to be approximately 14 House committees and 10 Senate committees comprised to perform 2011-12 interim work.

As was the case in 2009 ahead of the 2010 session, the Legislature is planning at least three "mini-sessions" where all interim committees convene in Salem to perform precatory work that will yield measures for introduction in 2012. Interim legislative meetings of all committees are scheduled for September 21-23, November 16-18, and January 18-20. We will be actively engaged during the interim, representing OADC's interests as issues arise and policy develops for the 2012 session.

### **III. CONCLUSION**

As always, it is our privilege to continue our work with OADC and to represent the interests of the organization before the Oregon Legislature. It is a particular pleasure to represent fellow attorneys in the legislative process, and we enjoy working with such a dedicated group of professionals. Thank you.

# Oregon Association of Defense Counsel

## 2011 Legislative Session Report

### Bills Enacted During the 2011 Legislative Session:

#### HB 2039EN

Position	Category
No Position 3	Enacted

**Summary:** House Bill 2039 subjects employers that issue a dishonored check for payment of wages to statutory damages and attorney fees. House Bill 2039 was reviewed by the OADC Employment Practice Group. The group had no concerns.

#### HB 2667EN

Position	Category
No Position 3	Enacted

**Summary:** House Bill 2667 makes several statutory changes. It: (1) specifies that a court administrator is subject to the direction of the court in entering a judgment for judgment by default; (2) updates statutory references to the Oregon State Bar's Lawyer Referral Service to include website address; (3) establishes, for declaratory judgment filings occurring on or after January 1, 2011, and before July 1, 2011, a \$117 filing fee; and (4) requires, upon request, partial refund of any filing fee paid at higher rate on or after January 1, 2011, and before the effective date of the bill, which is upon passage.

#### HB 2710EN

Position	Category
No Position 1	Enacted

**Summary:** House Bill 2710, as introduced, was the work product of the Joint Interim Committee on Justice System Revenues and reflected the committee's attempt to create a revenue-neutral filing fee structure and a revenue distribution structure that were simpler and more streamlined than the systems in place at the time. Even though the bill was amended three times, the basic tenets of the committee's work remain although the filing fees differ in amount and the revenue distribution structure is somewhat altered. House Bill 2710 directs the State Court Administrator to fund Legal Aid in the amount of \$11.9 million each biennium and states that it is the intention of the Legislature that other programs currently funded by filing fees be funded via a direct appropriation from the Legislature each biennium. The bill also creates the Joint Committee on State Court Revenue Structure to review all court fees and fines. House Bill 2710 takes effect July 1, 2011.

**HB 3034EN**

<b>Position</b>	<b>Category</b>
No Position 3	Enacted

**Summary:** House Bill 3034 provides that a judge or clerk may defer jury service more than once only for good cause and it requires the person requesting a second deferral to provide a list of at least 10 dates within the following six-month period on which the person would be available for jury duty. The bill also provides that an employer may not require an employee to use vacation leave, sick leave or annual leave for time spent by employee in responding to summons for jury duty and that the employer must allow an employee to take leave without pay for time spent by the employee in responding to summons for jury duty. House Bill 3034 takes effect January 1, 2012.

**HB 3068EN**

<b>Position</b>	<b>Category</b>
No Position 3	Enacted

**Summary:** House Bill 3068 permits the State to appeal to the Court of Appeals from justice court of record or municipal court of record. This bill takes effect upon passage.

**HB 3525EN**

<b>Position</b>	<b>Category</b>
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No Position 2            Enacted

**Summary:** House Bill 3525 provides that 10 percent of an amount awarded as punitive damages in a civil action is payable to Attorney General for deposit in Courthouse Capital Improvement Trust Fund to pay for capital improvements to county courthouses. This bill takes effect upon passage.

**HB 3558EN**

**Position                    Category**

No Position 3            Enacted

**Summary:** House Bill 3558 provides that statutory choice of law rules for contracts, except for law establishing applicability of Oregon law to specific types of contracts, apply to contracts in which one of the parties is a financial institution. This bill takes effect upon passage.

**HB 3650EN**

**Position                    Category**

No Position 3            Enacted

**Summary:** House Bill 3650 begins to transform the health care delivery system in Oregon. It establishes the Oregon Integrated and Coordinated Health Care Delivery System to replace the managed care systems for recipients of medical assistance by January 1, 2014. The OADC membership may have an interest in Section 16 of the bill, which requires the Oregon Health Authority to study and make recommendations to the next legislature on medical liability cost and reform issues. This bill takes effect upon passage.

**SB 0380EN**

**Position                    Category**

No Position 3            Enacted

**Summary:** Senate Bill 380 requires members of the Oregon State Bar to annually certify whether the member maintains any lawyer trust accounts in Oregon and provides that the person's membership in the Bar is automatically suspended if he or she does not provide certification and other disclosures within 60 days after the notice of default is mailed. This bill takes effect upon passage.

**SB 0397EN**

**Position                    Category**

No Position 3          Enacted

**Summary:** Senate Bill 397 allows an action based on tort to be brought against an officer, employee or agent of a public body if the complaint alleges that plaintiff is entitled to damages in excess of limitations imposed by Oregon Torts Claims Act. This bill takes effect January 1, 2012.

**SB 0592EN**

**Position**                  **Category**  
No Position 2          Enacted

**Summary:** Senate Bill 592 modifies law that requires that statutes authorizing or mandating award of attorney fees to parties in civil proceeding be construed as authorizing or mandating that award on appeal. The bill also includes denial of petition for review by the Supreme Court and mandamus proceeding arising out of original proceeding and extends law to statutes that authorize or require award of attorney fees in administrative proceedings. Senate Bill 592 takes effect January 1, 2012.

**SB 5516EN**

**Position**                  **Category**  
Support 2                  Enacted

**Summary:** Senate Bill 5516 appropriates moneys from the General Fund to Judicial Department for biennial expenses. This is the Judicial Department's budget bill and OADC members Kevin Crawford and Dan Schanz testified in support of funding for the Department before the Ways & Means Public Safety Subcommittee.

**Bills that Failed During the 2011 Legislative Session:**

**HB 2035**

**Position**                  **Category**  
No Position 3          Dead

**Summary:** Standardizes time limitations for filing civil actions for unlawful discrimination. Declares emergency, effective on passage.

**HB 2037**

**Position**                  **Category**

No Position 3          Dead

**Summary:** Requires Commissioner of Bureau of Labor and Industries to award costs and reasonable attorney fees when complainant prevails for cease and desist order. Allows commissioner to award costs and reasonable attorney fees when respondent prevails for cease and desist order only if condition met.

**HB 2041**

**Position                  Category**

No Position 3          Dead

**Summary:** Authorizes Commissioner of Bureau of Labor and Industries to issue temporary cease and desist order under certain circumstances.

**HB 2243**

**Position                  Category**

No Position 3          Dead

**Summary:** Allows Attorney General or Commissioner of the Bureau of Labor and Industries to file civil action in relation to discrimination against person for service in uniformed service.

**HB 2360**

**Position                  Category**

No Position 2          Dead

**Summary:** Provides that employer who discloses information about current or former employee's job performance to prospective employer of employee is presumed to be acting in good faith and immune from civil liability unless presumption is rebutted by clear and convincing evidence.

**HB 2365**

**Position                  Category**

No Position 3          Dead

**Summary:** Provides civil immunity to education providers, and officers, employees and agents of education providers, for acts or omissions of education provider in attempting to prevent suicide by students. Exempts intentional torts and acts or omissions that constitute gross negligence.

**HB 2490**

**Position                  Category**

No Position 3          Dead

**Summary:**          Changes statute of limitations for actions arising from provision of architectural or engineering services.

**HB 2494**

**Position                  Category**

Oppose 1                  Dead

**Summary:**          Permits person to bring action against insurer or other person that commits unlawful insurance practices. Directs court to award attorney fees in certain circumstances. Allows class actions against persons committing unlawful insurance practices. Establishes one-year statute of limitations for actions against unlawful insurance practices.

**HB 2618**

**Position                  Category**

No Position 3          Dead

**Summary:**          Permits person to bring action for treble damages against insurers and operators of motor vehicle body and frame repair shops violating laws relating to insurance and vehicle repair. Requires notice to Director of Department of Consumer and Business Services in certain circumstances. Directs court to award attorney fees in certain circumstances. Specifies what may constitute prima facie evidence of unfair claim settlement practice. Declares emergency, effective on passage.

**HB 2666**

**Position                  Category**

No Position 3          Dead

**Summary:**          Extends statute of limitations from 10 years to 12 years for action for recovery of real property or for recovery of possession of real property.

**HB 2668**

**Position                  Category**

No Position 3          Dead

**Summary:**          Increases amount of noneconomic damages that may be awarded in civil action seeking damages arising out of bodily injury. Corrects inaccurate reference for definition.

**HB 2691A**

**Position                  Category**

No Position 3          Dead

**Summary:** Repeals provision requiring that court be held in Pendleton, Hermiston, Milton-Freewater and Heppner in sixth judicial district. Authorizes presiding judge for judicial district with more than one place where court regularly sits to consolidate court administrative functions for specified purposes, subject to approval of Chief Justice. Streamlines consolidation of probation violation proceedings. Allows Chief Justice to designate any circuit court judge to serve as acting presiding judge. Allows Chief Justice to establish reasonable subscription fees, and other user and transaction fees, for remote access to case information, and other Judicial Department forms, reports and services, that are available in electronic form. Allows Chief Justice to establish consolidated judicial administrative districts composed of two or more judicial districts. Provides for mandatory participation in appellate mediation program and imposition of fees by Court of Appeals for mediator's services. Authorizes offsetting debt imposed by state courts with amounts owed to debtor by state or federal agency or state or federal tax refunds.

**HB 2711**

**Position**                  **Category**  
No Position 1          Dead

**Summary:** Creates Joint Committee on State Courts Revenue Structure.

**HB 2815**

**Position**                  **Category**  
No Position 3          Dead

**Summary:** Repeals statute prohibiting civil causes of action for alienation of affections.

**HB 2837**

**Position**                  **Category**  
Oppose 2                  Dead

**Summary:** Establishes right of employee for civil action based on unpaid wages. Authorizes creation of lien on employer's real and personal property for unpaid wages under certain circumstances. Establishes priority of lien for amounts of unpaid wages up to specified amount. Creates exception.

**HB 3035**

**Position**                  **Category**

No Position 2          Dead

**Summary:** Provides that statute may not be construed to create statutory cause of action for person who suffers injury, death or damage by reason of statute's violation unless Legislative Assembly has by law specifically authorized civil action.

**HB 3097**

**Position                  Category**

No Position 3          Dead

**Summary:** Requires that judicial district have one circuit court judge for every 15,000 residents within district, based on latest federal decennial census. Appropriates moneys from General Fund to Judicial Department to pay for costs associated with new judicial positions. Declares emergency, effective on passage.

**HB 3215**

**Position                  Category**

No Position 2          Dead

**Summary:** Authorizes court, as part of settlement or judgment in class action, to approve process for payment of damages. Directs court to order that amounts awarded as damages that are not paid to class members be paid to Oregon Student Assistance Commission for purpose of funding Oregon Opportunity Grants. Declares emergency, effective on passage.

**HB 3252**

**Position                  Category**

No Position 2          Dead

**Summary:** Requires that circuit court in Gresham accept all civil filings, including family abuse protection petitions, small claims actions and forcible entry and detainer proceedings. Provides that hearings and trials for civil filings in Gresham court be conducted in Gresham unless all parties agree to conduct proceedings in Portland. Declares emergency, effective on passage.

**HB 3275**

**Position                  Category**

No Position 2          Dead

**Summary:** Directs Chief Justice of the Supreme Court to develop criteria and process for identifying and expediting major civil actions.

**HB 3287**

<b>Position</b>	<b>Category</b>
No Position 3	Dead

**Summary:** Limits awards of punitive damages to amount equal to three times economic damages and noneconomic damages awarded to plaintiff. Provides that limit does not apply to cause of action for which judgment was entered before effective date of Act. Declares emergency, effective on passage.

**HB 3288**

<b>Position</b>	<b>Category</b>
No Position 2	Dead

**Summary:** Limits plaintiffs in civil action for unlawful business or trade practice to natural persons. Limits damages that can be recovered by natural persons for unlawful business or trade practices.

**HB 3289**

<b>Position</b>	<b>Category</b>
No Position 3	Dead

**Summary:** Limits awards of punitive damages to amount equal to three times economic damages and noneconomic damages awarded to plaintiff. Applies only to causes of action arising on or after effective date of Act. Declares emergency, effective on passage.

**HB 3297**

<b>Position</b>	<b>Category</b>
No Position 2	Dead

**Summary:** Modifies law that requires that statutes authorizing or mandating award of attorney fees to parties in civil proceeding be construed as authorizing or mandating that award on appeal. Extends law to statutes that authorize or require award of attorney fees in administrative proceedings.

**HB 3519**

<b>Position</b>	<b>Category</b>
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No Position 1          Dead

**Summary:** Prohibits commencement of civil action against health care provider until after submission of health care claim to medical legal panel. Establishes membership and procedures for medical legal panels. Requires disclosure of identity of expert witness and summary of expert's opinion in health care claims. Provides that findings of medical legal panels are not admissible in subsequent proceedings. Provides that records and hearings of medical legal panels are not subject to public disclosure. Provides that costs of medical legal panels be paid by surcharges on health care providers. Establishes Medical Legal Panel Fund. Continuously appropriates moneys in fund to Chief Justice of Supreme Court for payment of costs of medical legal panels. Declares emergency, effective on passage.

**HB 3678**

**Position                  Category**  
No Position 3          Dead

**Summary:** Removes ambulance services from list of fee schedules used to calculate provider charges for personal injury protection benefits. Declares emergency, effective on passage.

**SB 0028**

**Position                  Category**  
Oppose 2                  Dead

**Summary:** Requires that members of Oregon State Bar must provide unbiased and effective representation for all clients.

**SB 0208**

**Position                  Category**  
No Position 3          Dead

**Summary:** Prohibits hospitals from billing to or attempting to collect from uninsured patients charges that exceed either Medicare rate or rate paid by hospital's highest volume commercial insurer. Allows patient to claim treble damages and attorney fees if hospital bills or attempts to collect charges in violation of Act.

**SB 0283**

**Position                  Category**

No Position 1          Dead

**Summary:** Requires entry of judgment with installment payments in medical liability actions in which \$100,000 or more is awarded for losses that will be incurred by plaintiff after entry of judgment. Modifies law governing liability of individual tortfeasors when more than one tortfeasor is liable for injury, death or property damage. Eliminates reallocation of liability between tortfeasors when court determines that all or part of tortfeasor's share of obligation is uncollectible. Imposes qualifications for expert witnesses in civil actions for medical liability actions. Provides that if offer of compromise in civil action is not accepted, and party asserting claim in action fails to obtain judgment more favorable than offer of compromise, court must award prevailing party fees and attorney fees incurred after service of offer. Declares emergency, effective on passage.

**SB 0358**

**Position                  Category**

No Position 3          Dead

**Summary:** Increases amount of noneconomic damages that may be awarded in civil action seeking damages arising out of bodily injury. Corrects inaccurate reference for definition.

**SB 0362**

**Position                  Category**

No Position 3          Dead

**Summary:** Extends statute of limitations from 10 years to 12 years for action for recovery of real property or for recovery of possession of real property.

**SB 0388**

**Position                  Category**

Support 2                  Dead

**Summary:** Increases number of Court of Appeals judges from 10 to 13. Provides that new positions become operative July 1, 2012. Appropriates moneys from General Fund to pay costs of new judges. Declares OADC submitted joint letter with OTLA in support of this bill to the Senate Judiciary Committee and to the Ways & Means subcommittee.

**SB 0404**

**Position                  Category**

No Position 2          Dead

**Summary:** Provides that judge is not prohibited from acting as judge in proceeding solely because judge is related to partners, associates or other persons in firm of attorney who represents party to proceeding.

**SB 0417**

**Position                  Category**

Neutral 3                  Dead

**Summary:** Requires circuit court to allow attorney to appear at hearing by telephone, or by video if available, if evidence will not be submitted at hearing and attorney does not have principal office within 50 miles of place at which hearing will be held.

**SB 0421**

**Position                  Category**

No Position 3              Dead

**Summary:** Provides that civil action based on negligence, including but not limited to claim for indemnity or contribution, may not be brought against design professional for damages arising out of work performed by design professional on improvement unless action is brought by person who contracted with design professional. Exempts tort claim for personal injury, death or damage to property other than improvement.

**SB 0450A**

**Position                  Category**

Oppose 1                  Dead

**Summary:** Creates evidentiary privilege for confidential communication made by minor to parent. An amendment for certain exemptions was drafted at OADC's request and adopted.

**SB 0497**

**Position                  Category**

No Position 3              Dead

**Summary:** Modifies law regarding recoverable attorney fees and costs in certain antitrust and wage claim proceedings.

**SB 0502**

<b>Position</b>	<b>Category</b>
No Position 1	Dead

**Summary:** Amplifies materials that may be considered legislative history of statute.

**SB 0543**

<b>Position</b>	<b>Category</b>
No Position 2	Dead

**Summary:** Imposes pleading requirements for professional liability claims. Requires that claim be accompanied by certification by claimant's attorney stating that attorney has consulted person who holds same license, registration or certificate as defendant and who is qualified, available and willing to testify to admissible facts and opinions sufficient to create question of fact as to professional liability. Specifies exceptions. Mandates settlement conference in action in which professional liability claim is made. Allows defendant in professional liability claim to request impaneling of commonsense jury if claim is for more than \$50,000. Requires award of reasonable attorney fees to defendant if commonsense jury determines that claim is meritless and plaintiff does not receive money award at trial.

**SB 0577A**

<b>Position</b>	<b>Category</b>
No Position 2	Dead

**Summary:** Establishes requirements for legal action brought by debt buyer to collect debt. Makes violation unlawful collection practice. Increases amount of damages in action for unlawful collection practice. Prohibits award of attorney fees and costs to prevailing debt collector in action for unlawful collection practice unless court finds that debtor had no objectively reasonable basis for bringing action or asserting ground for appeal. Increases time period during which debtor must commence action for unlawful collection practice and provides that time period begins upon discovery of unlawful collection practice.

**SB 0590**

<b>Position</b>	<b>Category</b>
No Position 3	Dead

**Summary:** Provides that after assignment of administrative law judge from Office of Administrative Hearings, chief administrative law judge may assign different administrative law judge for hearing only upon showing of good cause.

**SB 0622**

<b>Position</b>	<b>Category</b>
No Position 3	Dead

**Summary:** Allows plaintiff in civil action or suit based on use of tobacco, or exposure to tobacco, to recover from manufacturer of product containing tobacco costs of medical monitoring for disease that are incurred after judgment in action or suit is entered. Provides that costs of medical monitoring may be recovered without showing of present injury if plaintiff establishes that plaintiff has increased risk of disease by reason of use or exposure. Provides that in action or suit to recover costs of medical monitoring, judgment may require that as condition of receiving medical monitoring plaintiff must have ceased use of tobacco products or have agreed to enter smoking cessation program paid for by defendant. Requires that action or suit to recover costs of medical monitoring for disease based on use of tobacco, or exposure to tobacco, must be commenced not more than two years after later of effective date of Act, or date on which plaintiff first discovered, or in exercise of reasonable care should have discovered, increased risk of disease by reason of use of tobacco or exposure to tobacco.

**SB 0623**

<b>Position</b>	<b>Category</b>
No Position 3	Dead

**Summary:** Revives certain product liability civil actions for damages resulting from asbestos-related disease claims that are barred solely because statute of limitations for claims has expired. Allows commencement of action for claim on or after effective date of Act and before January 1, 2013.

**SB 0624**

<b>Position</b>	<b>Category</b>
No Position 3	Dead

**Summary:** Establishes right of employee for civil action based on unpaid wages. Authorizes creation of lien on employer's real and personal property for unpaid wages under certain circumstances. Establishes priority of lien for amounts of unpaid wages up to specified amount. Creates exception.

**SB 0712**

<b>Position</b>	<b>Category</b>
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No Position 2	Dead
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**Summary:** Prohibits agencies from adopting any rule that becomes effective on or after effective date of Act and before July 1, 2012. Specifies exceptions. Declares emergency, effective on passage.

**SB 0713**

<b>Position</b>	<b>Category</b>
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No Position 2	Dead
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**Summary:** Requires all mandatory arbitration provisions in insurance policies between insureds in this state and insurers to make State Insurance Arbitration Board arbitrator. Requires Director of the Department of Consumer and Business Services to appoint members of board based upon public contracting process. Compensates members of board from state funds. Allows insured to terminate arbitration proceedings filed after January 1, 2009, and before effective date of Act, and vacate decisions on such claims. Allows insured to refile such claims with State Insurance Arbitration Board.

**SB 0719A**

<b>Position</b>	<b>Category</b>
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Oppose 1	Dead
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**Summary:** Includes insurance in definition of 'real estate, goods or services' for purposes of Unlawful Trade Practices Act. Makes violation of law prohibiting unfair claim settlement practices unlawful trade practice. Permits Attorney General to define by rule additional unfair claim settlement practices that are also unlawful trade practices. Authorizes Attorney General, with prior review and approval by Director of Department of Consumer and Business Services, to adopt rules for investigating and prosecuting unlawful trade practices involving insurance. Requires indemnification from costs, damages and attorney fees arising out of violation of unfair claim settlement practice of person who transacts insurance for another.

**SB 0820**

**Position**                      **Category**

No Position 2                      Dead

**Summary:**                      Requires attorney to provide unbiased and effective representation for all clients. Describes unbiased and effective representation.

**SB 0857**

**Position**                      **Category**

No Position 3                      Dead

**Summary:**                      Prohibits health insurer from unilaterally reducing or modifying contracted reimbursement rate due to primary care provider having claims totaling less than \$1,000 in prior six months. Creates cause of action, specifies damages and authorizes injunctive relief. Requires court to award prevailing provider reasonable attorney fees, costs and disbursements. Declares emergency, effective on passage.

**SB 0876**

**Position**                      **Category**

Neutral 2                              Dead

**Summary:**                      Modifies law relating to offset of collateral benefits in tort actions. Provides that if award of damages is made for personal injury or death, and before entry of verdict person who was injured or died received benefits by reason of injury or death from source other than defendant, upon motion court must deduct amount of benefits from money award. Declares emergency, effective on passage.

**SB 0963**

**Position**                      **Category**

No Position 2                      Dead

**Summary:**                      Modifies laws relating to transfers of structured settlement payment rights. Extends time period in which payee under structured settlement who signs transfer agreement may cancel agreement. Specifies findings that court or administrative authority must make to approve transfer agreement. Requires transferee to pay up to specified amount to payee for fees incurred by payee for professional advice related to transfer agreement.

**SJR 0005**

**Position**                      **Category**

No Position 3          Dead

**Summary:** Proposes amendment to Oregon Constitution to impose limitation on noneconomic damages in claims against health care providers based on provision of medical care or failure to provide medical care. Provides that limit is \$500,000 for claims arising in calendar year 2011. Provides for adjustment based on cost of living in subsequent calendar years. Refers proposed amendment to people for their approval or rejection at next regular general election.

**SJR 0019**

**Position**                  **Category**  
No Position 3          Dead

**Summary:** Proposes amendment to Oregon Constitution to impose limitations on awards of noneconomic damages in civil actions. Refers proposed amendment to people for their approval or rejection at next regular general election.