

SB 358 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary**Action Date:** 03/26/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 1/30, 3/26**WHAT THE MEASURE DOES:**

Reorders provisions for information sharing between Department of Revenue and Oregon State Bar when Department has reasonable grounds to believe an attorney failed to file a required return, failed to file an appeal contesting the tax by the filing deadline and Department is unable to obtain payment, or the person failed to withhold or remit income taxes on behalf of another. Specifies that information provided by the Department is confidential and not subject to disclosure unless the professional responsibility board makes finding of probable cause of a rule violation or the matter reaches final resolution. Revises process for certification and default on lawyer trust accounts. Allows Bar to charge membership fees to members who have been admitted to practice in Oregon for more than 50 years. Modifies provisions of Board of Governors. Directs authority to adopt, alter, amend, or repeal bylaws from Board to state bar. Charges Board with executive functions of state bar. Specifies that Supreme Court retains inherent authority to adopt rules for the operation of the courts, including regulation of practice of law. Specifies modifications to ORS 9.080 become operative January 1, 2020. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Regulation of attorneys
- Process for sharing tax information
- Provisions of measure

EFFECT OF AMENDMENT:

Includes additional actions for which the Department of Revenue may notify Oregon State Bar, including the person admitted to practice law failed to file a required return, failed to withhold or remit personal income taxes on behalf of another, and did not properly file an appeal.

Modifies provisions of Board of Governors. Directs authority to adopt, alter, amend, or repeal bylaws from Board to state bar. Charges Board with executive functions of state bar. Specifies that Supreme Court retains inherent authority to adopt rules for the operation of the courts, including regulation of practice of law. Specifies modifications to ORS 9.080 become operative January 1, 2020.

BACKGROUND:

The Oregon State Bar was established in 1935 to license and discipline lawyers, regulate the practice of law, and provide services to bar members and the public. There are over 14,000 individuals admitted to practice law in Oregon.

Senate Bill 358 A reorders and clarifies provisions relating to data sharing between the Department of Revenue and the Oregon State Bar when the Department has reasonable grounds to suspect a bar member has failed to file a required return or failed to withhold or remit personal income taxes, has failed to file an appeal of a contested tax on time, and the Department is unable to obtain payment. SB 358 A also redirects the Board of

This summary has not been adopted or officially endorsed by action of the committee.

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Governors of the Oregon State Bar to carry out the executive functions of the bar while transferring the authority to adopt, alter, amend, or repeal bylaws from the Board to the state bar. Finally, the measure removes a prohibition on the bar from charging membership fees to attorneys who have been admitted to practice law in Oregon for more than 50 years.