

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

June 9, 1993 Hearing Room 357 1:00 p.m. Tapes 134 - 135

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Tom Mason

MEMBERS EXCUSED: Rep. Jim Edmunson

STAFF PRESENT: Holly Robinson, Committee Counsel Carole
Souvenir, Committee Counsel Sarah May, Committee Clerk

MEASURES CONSIDERED: SB 461 - Relating to trusts SB 539 -
Relating to marriage license applications SB 574 - Relating to trustees
SB 209 - Relating to attorneys

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 134, SIDE A

007 CHAIR BRIAN: Calls the meeting to order at 1:05 p.m.

PUBLIC HEARING ON SB 461

(SB 461 Defines "person" to include trusts for purposes of Uniform
Partnership Law)

Witnesses: Frank Brawner, Oregon Bankers Association Jim Perry,
Oregon Bankers Association

021 FRANK BRAWNER, OREGON BANKERS ASSOCIATION: Testifies and
submits written testimony in support of SB 461. (EXHIBIT A)

072 REP. BAKER: Asks about the breach of judicial duties for a
trustee to become a partner in a partnership.

079 JIM PERRY, OREGON BANKERS ASSOCIATION: It is permissible, but not
very smart. Testifies in support of SB 461.

085 REP. BAKER: This bill limits to the property.

WORK SESSION ON SB 461

089 MOTION: REP. BAKER: Moves SB 461 TO FULL COMMITTEE with a DO
PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Mason, Brian NO: None EXCUSED:
Edmunson

PUBLIC HEARING ON SB 574

(SB 574 Provides that trustee must obtain court approval to resign unless resignation is expressly authorized by trust instrument and trust instrument provides for appointment of successor trustee)

Witnesses: James Perry, Oregon Bankers Association

095 JAMES PERRY, OREGON BANKERS ASSOCIATION: Testifies and submits written testimony in support of SB 574. (EXHIBIT B)

155 REP. BAKER: Do you accept trusts for less than \$100,000?

157 PERRY: We will accept them, but not usually.

WORK SESSION ON SB 574

163 MOTION: REP. BAKER: Moves SB 574 TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Mason, Brian NO: None EXCUSED:
Edmunson

PUBLIC HEARING ON SB 539

(SB 539 Deletes requirement that applicant's race be listed on application for marriage license. EXHIBIT C) Witnesses: Judith McGinty, Legislative Assistant to Sen. Cohen

177 JUDITH MCGINTY, LEGISLATIVE ASSISTANT TO SEN. COHEN: Testifies and submits written testimony in support of SB 539. (EXHIBIT D)

260 REP. BRIAN: What were the Senate's arguments against this bill?

265 MCGINTY: Sen. Rasmussen said he had concerns that some information had social value.

283 REP. BRIAN: Why is the listing of education important?

286 MCGINTY: We don't know either. Cites form in EXHIBIT D.

300 REP. BAKER: Asks about the school districts keeping track of employee's race. Is there any reporting purposes for minority hiring practices?

323 MCGINTY: Those statistics could be received from birth certificates.

327 REP. BAKER: What about census data?

328 MCGINTY: Census data could also get that information.

330 REP. BAKER: On pg. 1, line 22 asks about the change and "generally".

341 MCGINTY: It gives liberty for interpretation of the form.

351 REP. BRIAN: What if delete, "literally" and "generally", and cites changed words.

362 MCGINTY: We would be willing to accept a change. I think the time is past that we need this information.

400 REP. BAKER: The minority in most towns is over 50%.

WORK SESSION ON SB 539

443 MOTION: REP. BRIAN: Moves to AMEND SB 539 by deleting in line 22 "generally" and in line 21 "shall" and substitute "may".

VOTE: Hearing no objections the amendments are ADOPTED.
Rep. Edmunson is

excused.

457 MOTION: REP. BAKER: Moves SB 539 AS AMENDE TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES AYE: Baker, Mason, Brian NO: None EXCUSED: Edmunson

TAPE 135, SIDE A

WORK SESSION ON SB 209

015 CAROLE SOUVENIR, COMMITTEE COUNSEL: SB 209 authorizes Supreme Court to adopt rules to govern appearance in legal proceedings by attorneys who

are not licensed to practice law in Oregon. (EXHIBIT E)

021 REP. MASON: Discusses a provision that says the attorney's don't lose any money if they chose to practice in another country. Can we get that one reference out of the rules?

042 REP. BAKER: Could we send a letter that asks for a deletion of the language?

044 REP. MASON: To make the program work, a deputy can't overlook the attorney.

046 REP. BAKER: The district attorney is going to make sure

that the attorney is competent.

WORK SESSION ON SB 209

100 MOTION: REP. BAKER: Moves SB 209 TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Mason, Brian NO: None EXCUSED: Edmunson

104 CHAIR BRIAN: Adjourns the meeting at 1:42 p.m.

Submitted by:

Reviewed by:

Sarah May
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on SB 461 - Oregon Bankers Association - 4 pages B -
Testimony on SB 574 - Oregon Bankers Association - 6 pages C -
Testimony on SB 539 - Committee Counsel - 1 page D - Testimony on SB
539 - Judith McGinty - 5 pages E - Testimony on SB 209 - Committee
Counsel - 6 pages