

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL  
ADMINISTRATION

June 15, 1993          Hearing Room 357 1:00 p.m.      Tapes 138 - ?

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

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

MEASURES CONSIDERED:                  SB 222 - Relating to garnishments SB 230 -  
Relating to business corporations SB 1003 - Relating to international  
dispute resolution SB 1061 - Relating to rule against perpetuities SB  
1111 - Relating to liens for storage fee recovery

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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 138, SIDE A

007    CHAIR BRIAN:    Calls the meeting to order at 1:17 p.m.

PUBLIC HEARING ON SB 1111

(SB 1111

KEITH BURNS,    OREGON FINANCIAL    SERVICES ASSOCIATION: Testifies and  
submits written testimony in support of SB 1111. (EXHIBIT) Al Elkin,:  
Testifies and submits written testimony in support of SB 1111 with  
an amendment. (EXHIBIT )

CAROLE SOUVENIR, COMMITTEE COUNSEL:

Elkin:    I have been told that certified mail does not have

Frank Brawner, oregon bankers:

REP. BRIAN:

CAROLE SOUVENIR, COMMITTEE COUNSEL: want change on line 14, pg. 1.

Frank Brawner: Testifies and submits written testimony in support of SB  
1111. (EXHIBIT)

CAROLE SOUVENIR, COMMITTEE COUNSEL:    Section 3, line 17-23,

Brawner: Correct.

CAROLE SOUVENIR, COMMITTEE COUNSEL: That wouldn't be pursuant to, I don't understand how that section follows.

Brawner: If an authority is going to take the vehicle, it doesn't apply. Most contracts today have a provision. If you have an authority moving in between.

CAROLE SOUVENIR, COMMITTEE COUNSEL: How does it apply in this part of the statute when, the authority would then place it in You would get priority over an authority

Brawner: That would be our opinion.

REP. BAKER: forfeiture is not in this bill?

Brawner: No. That proceeds would take priority.

WORK SESSION ON SB 1111

REP. BAKER: moves amendments

PUBLIC HEARING ON SB 230

ANDREW MORROW, BUSINESS LAW SECTION - OREGON STATE BAR: Testifies and submits written testimony in support of SB 230. (EXHIBIT)

REP. BAKER: Are these four things what you cannot do now?

Morrow: gives example. This would allow the shareholders to and simplify the process.

REP. BAKER: the summary talks about the limits, and

Morrow: Section 9, explains. Cites a section-by-section summary. This section defines the circumstances that deal with corporatons . The purpose of the amendments was to clarify the date at which one measure the shares that are publically traded. The language that was created. There would not REP. BAKER: you cannot attack the price or the date?

Morrow:

REP. BAKER: you are confined to a limited number of issues.

Morrow: the removal of prices was a gramatical change. Cites language that is of concern between the two sides. I don't feel an amendment is needed, would suggest.

REP. BAKER:

Morrow: I don't think it is necessary

HENRY KANTOR, : Testifies and submits written testimony in opposition to SB 230. (EXHIBIT)

REP. BRIAN:

Kantor:

Morrow:

REP. BRIAN: on the alternative one

Kantor: it should read "otherwise".

WORK SESSION ON SB 230

mason moves

PUBLIC HEARING ON SB 222

FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Testifies and submits written testimony in support of SB 222. (EXHIBIT)

TAPE 139, SIDE A

030 REP. BRIAN:

Brauner:

REP. BRIAN:

REP. BAKER: do banks now share

Brauner: Not as much as in the past.

REP. BAKER: does this bill cover that situation

Brauner:

REP. BAKER: pg. 3, do

Brauner:

REP. BAKER:

Brauner:

REP. BAKER: wait for the trustee

Brauner:

REP. BAKER:

Brauner: we are amazed it hasn't been

REP. BAKER: middle of pg. 3, no fee to the garnishee, what difference does it make?

Brauner: we hope that it is not standard practice, after the session we found confusion, an employee

WORK SESSION ON SB 222

baker moves

PUBLIC HEARING ON SB 1003

MARK THORBURN, INTERNATIONAL LAW SECTION OF OREGON STATE BAR:  
Testifies and submits written testimony in support of SB 1003.  
(EXHIBIT)

CAROLE SOUVENIR, COMMITTEE COUNSEL: lines 21-22, so that it is no longer  
a requirement.

Thorburn: The drafters, the principal was to apply to as currently it  
would be limited, and would not apply the proposed amendment

CAROLE SOUVENIR, COMMITTEE COUNSEL: they could bring an action

Thorburn: If SB 1003, then yes it would apply

CAROLE SOUVENIR, COMMITTEE COUNSEL: should "circuit" be deleted?

Thorburn: No.

WORK SESSION ON SB 1003

baker moves PUBLIC HEARING ON SB 1061

EMILY KARR, ESTATE PLANNING AND ADMINISTRATION SECTION OF OREGON STATE  
BAR: Testifies and submits written testimony in support of SB 1061.  
(EXHIBIT)

CAROLE SOUVENIR, COMMITTEE COUNSEL: What does the amendment do?

Karr: explains existing rule. Common rule explains

WORK SESSION ON SB 1061

REP. BRIAN: Adjourns the meeting at 2:12 p.m.