



STATE OF OREGON
Legislative Counsel Committee

May 21, 2013

To: Representative Jeff Barker, Chair, House Committee on Judiciary
From: Marisa N. James, Deputy Legislative Counsel
Subject: -5 amendments to Senate Bill 396

Enclosed are the -5 amendments to Senate Bill 396, which insert the provisions of A-engrossed House Bill 3520 into the bill. As we have discussed, there is a viable argument that the title of SB 396, with its relating clause of "[r]elating to execution of property," does not properly describe the subject of HB 3520, which does not relate neatly to execution. If that argument succeeded, the bill would be void if enacted because it violates the requirements of Article IV, section 20, of the Oregon Constitution.

There may be a colorable argument that the title of SB 396 is acceptable because HB 3520 relates to the use of the exemptions from execution contained in state law in a bankruptcy proceeding. However, the committee should be aware of the potential problem.

Encl.