

**Testimony before the House Judiciary Committee
in support of HB 2330
On behalf of the Oregon State Bar Debtor-Creditor Section
January 19, 2023**

Chair Kropf and Members of the Committee:

My name is Tony Kullen. I am an attorney in Portland. I am here today as a representative of the Oregon State Bar's Debtor-Creditor Section. The Debtor-Creditor Section is made up of over 300 attorneys from all parts of Oregon, who represent clients in all types of debtor-creditor matters.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

HB 2330

HB 2330 would adopt the Uniform Voidable Transactions Act. This Act, like many others adopted in Oregon, is a product of the national Uniform Laws Commission (ULC) on which Oregon actively participates. The ULC develops uniform laws in a variety of areas that states can adopt as they see fit.

This act would amend Oregon's Uniform Fraudulent Transfer Act to address a number of shortcomings of the UFTA that have come up since the Act was adopted in 1985. Some of the changes this Act would bring to Oregon law include:

- The Act clarifies that non-fraudulent transfers can still be covered, and are hence voidable;
- The Act clarifies longstanding confusion by providing that creditors bear the burden of proof, except as to defenses; and
- The Act implements a predictable choice-of-law rule, clarifying which state or nation's rule applies in a cross-border situation.

At least 20 other states have adopted the Uniform Voidable Transactions Act, including Washington, Idaho, and California.

Thank you for your consideration of HB 2330. I am happy to answer any questions.