

SENATE COMMITTEE ON JUDICIARY

February 06, 2003 Hearing Room 343
8:00 A.M. Tapes 19-20

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Bill Joseph, Counsel**
 Sam Sears, Committee Intern
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 64 Public Hearing**
 SB 217 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 19, A		
003	Chair Minnis	Calls the meeting to order at 8:10 a.m. and introduces Sam Sears as Judiciary Committee intern. Announces the informational meeting for Monday.
012	Sen. Ferrioli	Introduces his guest legislative assistant.
030	Chair Minnis	Opens a public hearing on SB 64.
<u>SB 64 – PUBLIC HEARING</u>		
036	Warren Deras	Attorney, Multnomah County. Submits testimony and testifies in support of SB 64 that eliminates intestate share of certain descendants of grandparents of decedents (EXHIBIT A). Recognizes that the bill is still a work in progress.
088	Deras	Discusses the intention of this legislation.
162	Sen. Ringo	Questions the removal of decedents of grandparents.
172	Deras	Gives examples of what the Division of State Lands does in searching for cousins of a decedent.
227	Sen. Walker	Wonders about “laughing heirs” as described in the staff measure summary.
240	Deras	Describes a “laughing heir.”
269	Sen. Ringo	Asks about the typical sum involved in an estate.
274	Deras	Discusses examples of large estates.
311	Chair Minnis	Asks for history of constitutional amendment that would address the disposition of intestate estates.
323	Deras	Says he has not researched this issue.
404	Deras	Continues his discussion of SB 64.
TAPE 20, A		
022	Deras	Talks about the legal applications.

034	Sen. Walker	Asks how expenses are handled.
044	Deras	Explains how expenses are handled.
062	Sen. Walker	Asks if this bill would require repayment by heirs of administrative expenses.
069	Deras	Responds, yes.
090	Deras	Continues his discussion of SB 64.
144	Sen. Walker	Asks if the Division of State Lands is asking for a timeline for settling an estate.
154	Deras	Says the Division of State Lands is asking for the right to administer an estate.
183	Sen. Walker	Asks for additional clarification.
190	Deras	Gives additional explanation.
228	Vice Chair Burdick	Asks about distribution of an estate going to the Common School Fund.
250	Deras	Explains the authority to distribute funds.
279	Bill Joseph	Committee Counsel. Asks about entitlement.
285	Deras	Explains entitlement period.
310	Deras	Continues his discussion of SB 64.
TAPE 19, B		
016	Deras	Continues his discussion of SB 64.
127	Deras	Explains why time of recovery should be reduced from 10 years to 3 years.
246	Deras	Continues his discussion of SB 64.
332	Deras	Talks about changing the statute to provide better identity of collateral heirs.
TAPE 20, B		
030	Chair Minnis	Closes the public hearing on SB 64 and opens a public hearing on SB 217 which provides that when Director of Division of State Lands has been appointed personal representative for person who dies intestate and without heirs, director must immediately petition for appointment of successor personal representative if it is determined that no part of estate will escheat to state.
<u>SB 217 – PUBLIC HEARING</u>		
033	Chair Minnis	Closes the public hearing on SB 217 and re-opens the public hearing on SB 64.
<u>SB 64 – PUBLIC HEARING</u>		
035	Jeannette Holman	Division of State Lands. Submits testimony and testifies in support of SB 64 (EXHIBIT B).
078	Lisa Joyce	Department of Human Services. Offers to work with the Division of State Lands in reviewing SB 64.
080	Sen. Ferrioli	Asks if review should include the Oregon Department of Veterans Affairs.
099	Joyce	Replies that they will check with Veterans Affairs.
100	Chair Minnis	Asks staff counsel to assist with a work group. Closes the public hearing on SB 64.
113	Chair Minnis	Introduces LC 1408 (EXHIBIT C).
118	Vice Chair Burdick	MOTION: Moves LC 1408 BE INTRODUCED as a committee bill.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Ferrioli
119	Chair Minnis	Hearing no objection, declares the motion CARRIED.
122	Chair Minnis	Adjourns the meeting at 9:45 a.m.

EXHIBIT SUMMARY

A – SB 64, written testimony submitted by Warren Deras, 55 pp

B – SB 64, written testimony submitted by Jeannette Holman, 1 p

C – LC 1408, submitted by staff, 5 pp