

SENATE COMMITTEE ON JUDICIARY

March 09, 1999 Hearing Room 343

3:00 p.m. Tapes 66 - 67

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Aaron Felton, Counsel

Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: Work Session

HB 2235A

Public Hearing and Work Session

SB 601

SB 618

HB 2222

HB 2295A

HB 2379A

TAPE/#	Speaker	Comments
Tape 66, A		
003	Chair Bryant	Calls meeting to order at 3:13 p.m.
<u>HB 2235A WORK SESSION</u>		
013	Sen. Courtney	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2235A.
		VOTE: 4-0 EXCUSED: 3 - Nelson, Qutub, Tarno
		Hearing no objection, declares the motion CARRIED.
026	Sen. Courtney	MOTION: Moves to RECONSIDER the vote by which HB 2235A was voted out of the committee.
		VOTE: 4-0 EXCUSED: 3 - Nelson, Qutub, Tarno
		Hearing no objection, declares the motion CARRIED.
030	Counsel Felton	Discusses the reason that a conflict amendment is needed in reference to SB 29 (EXHIBIT A).
038	Sen. Courtney	MOTION: Moves to ADOPT HB 2235A-3 amendments dated 3/8/99.
		VOTE: 4-0 EXCUSED: 3 ñ Nelson, Qutub, Tarno

	Chair Bryant	Hearing no objection, declares the motion CARRIED .
041	Sen. Courtney	MOTION: Moves HB 2235A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Nelson, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED . SEN. QUTUB will lead discussion on the floor.
050	Chair Bryant	Discusses committee schedule. Opens public hearing on SB 601.
<u>SB 601 PUBLIC HEARING</u>		
085	Alan Tressider	Oregon Humane Society Introduces the Humane Society staff.
091	David Munro	Counsel, Oregon Humane Society Submits written testimony and testifies in support of SB 601 (EXHIBIT B). SB 601 specifies that decedent's pet if valued less than \$1000 is not part of decedent's estate. It allows a family member or friend to take possession of the animal immediately upon death of decedent. The bill amendments increase the value of the pet to \$2500 or less (EXHIBIT C). Under current law, the pet is subject to the probate process. Although it is usually ignored, there are times when it poses a hardship on the animals. SB 601 will allow prompt placement of the pets in suitable living arrangements.
122	Susan Mentley	Oregon Humane Society Submits written testimony and testifies in support of SB 601 (EXHIBIT D). Describes an example when pets were not properly cared for due to the requirements of probate.
152	Gary Kish	Oregon Humane Society

		Submits written testimony and testifies in support of SB 601 (EXHIBIT E). Indicates that making provision for pets in a will has become more common. However, doing this makes the instructions in the will subject to probate. Causing such a delay is not the intention of the decedent.
178	Sen. Courtney	Asks if they support the amendment.
179	Munro	Agrees that they support the amendment.
181	Sen. Courtney	Asks for a definition of animal under this bill. What about horses and llamas? Discusses definition of pets.
212	Sen. Brown	\$2500 is a reasonable value to decide whether the horse goes through probate or not. Over \$2500 becomes a show horse rather than a pet.
221	Chair Bryant	Discusses types of pets which could fall under this legislation.
246	Sen. Burdick	If the pet is not listed in the will, family members or friends can do what they wish? Would they be breaking the law?
252	Munro	Most wills don't mention pets. However, they could be considered as part of a general property disposition. This bill will allow a trustee to make immediate arrangements for the pets, in line with the decedents wishes.
266	Sen. Burdick	If they are not mentioned in the will, do they have to go through probate?
270	Munro	Technically, even if it's not mentioned specifically, a pet has to go through probate.
275	Chair Bryant	Discusses probate process.
283	Dennis Ganoe	Represents Pedigree Cat Organizations in Portland Submits written testimony and testifies in support of SB 601 including the 11 amendments (EXHIBIT F). Discusses situations that would not be covered by SB 601 and are of concern to his organizations.
328	Chair Bryant	Indicates that the 11 amendment speaks to some of these concerns.
338	Ganoe	Discusses dollar value and intangible value of cats and other pets. Pedigreed animals often have co-owners. Discusses concerns about their rights.
360	Chair Bryant	As a practical matter, a co-owner would be able to assert his property rights.

364	Ganoe	Discusses family members or friends who may not have the best interests of the animal in mind.
395	Chair Bryant	Closes public hearing and opens work session on SB 601.
<u>SB 601 WORK SESSION</u>		
398	Sen. Courtney	MOTION: Moves to ADOPT SB 601-1 amendments dated 3/3/99.
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
404	Sen. Courtney	MOTION: Moves SB 601 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
411	Chair Bryant	Opens the public hearing on HB 2379A.
<u>HB 2379A PUBLIC HEARING</u>		
420	Greg Chaimov	Legislative Counsel Submits written testimony and testifies in support of HB 2379A (EXHIBIT G). HB 2379A eliminates the requirement that a mandated report to the legislature be presented in a particular form.
<u>HB 2379A WORK SESSION</u>		

452	Sen. Courtney	MOTION: Moves HB 2379A to the floor with a DO PASS recommendation.
		VOTE: 7-0
Chair		Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
Tape 67, A		
<u>SB 618 PUBLIC HEARING</u>		
017	Senator Kate Brown	State Senator, Oregon Senate District 7 Testifies in support of SB 618 that will eliminate ORS 108.070, an archaic section of the marital law regarding property disposition. This section of the law allows abandoned wives to dispose of their own personal property as if they were no longer married. It has been superceded by no-fault divorce statutes.
048	Sen. Courtney	Where is "abandonment" defined?
053	Sen. Brown	Abandonment under this statute is defined as not making provision for her support and leaving the state.
057	Sen. Qutub	What if we eliminate this and an abandoned wife doesn't want to file for divorce in order to establish her property rights?
063	Sen. Brown	Ownership of property is covered differently in the law than it was at that time. Since wives are no longer considered property, they are able to own property, singly or jointly, and dispose of it as well.
068	Counsel Tweedt	This statute applies only to property owned by the abandoned wife. Joint property can only be disposed of jointly.
<u>SB 618 WORK SESSION</u>		
109	Sen. Brown	MOTION: Moves SB 618 to the floor with a DO PASS recommendation.

		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED. BROWN will lead discussion on the floor.
<u>HB 2222 PUBLIC HEARING</u>		
114	Ben DeHaan	Oregon Department of Corrections (DOC) Submits written testimony and testifies in support of HB 2222 (EXHIBIT H). HB 2222 allows the DOC, under the Administrative Procedures Act (APA), to eliminate the requirement for oral testimony at hearings. Currently, inmates are considered as the public under the APA. The DOC would like to change that. Estimates that \$122,000 per biennium will be saved. Indicates they will continue to accept written testimony. Stipulates that Oregon is one of the few states which still allows oral testimony at hearings.
143	Dave Schumacher	Oregon Department of Corrections Introduced as the Administrator of Rules Compliance and Hearings for the DOC and is available to answer any specific questions about how the hearings are conducted.
144	Sen. Qutub	Do inmates have the right to vote?
147	De Haan	We don't think so. I will have to check.
154	Sen. Qutub	Why did we ever let them participate then, if they have lost their rights as citizens? I'm in support of this bill.
159	De Haan	According to the opinion of the Attorney General, they were included under the definition of the public. This will give us more specificity on the issue.
169	Chair Bryant	Closes the public hearing and opens the work session on HB 2222.
<u>HB 2222 WORK SESSION</u>		
170	Sen. Qutub	MOTION: Moves HB 2222 to the floor with a DO PASS recommendation.
		VOTE: 7-0

	Chair Bryant	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. QUTUB will lead discussion on the floor.</p>
<u>HB 2295A PUBLIC HEARING</u>		
192	Dean N. Alterman	<p>Real Estate Section of the Oregon State Bar</p> <p>Submits written testimony and testifies in support of HB 2295A (EXHIBIT J). This bill will modify statutory forms for warranty deeds, special warranty deeds, and bargain and sale deeds. It will coordinate references to the statutory requirements for the specified deeds. Notes that the A-engrossed version doesn't contain references to quitclaim deeds which also needs the cross reference.</p>
250	Chair Bryant	<p>Clarifies the need to include a reference to the quitclaim deed. Indicates that an amendment will be drafted to do this. Adjourns the hearing at 4:15 p.m.</p>

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,

Administrative Support Counsel

EXHIBIT SUMMARY

A ñ HB 2235A, -A3 amendments (LC 1752), 3/8/99, 1 pp

B ñ SB 601, written testimony dated March 9, 1999, David Munro, 1 pp

C ñ SB 601, -1 amendments (LC 2172), 3/3/99, 1 pp

D ñ SB 601, written testimony dated March 9, 1999, Susan Mentley, 1 pp

E ñ SB 601, written testimony dated March 9, 1999, Gary Kish, 1 pp

F ñ SB 601, written testimony dated March 9, 1999, Dennis Ganoë, 2 pp

G ñ HB 2379A, written testimony dated March 9, 1999, Greg Chaimov, 1 pp

H ñ HB 2222, written testimony, Ben deHaan, 1 pp

I ñ HB 2222, written testimony, Scott A. Lovelace, 2 pp

J ñ HB 2295A, written testimony dated March 9, 1999, Dean Alterman, 2 pp