

Conference Committee on June 26, 1991 - Page

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.

CONFERENCE COMMITTEE ON HB 2266

June 26, 1991Hearing Room 137 9:30 a.m.Tape 2

SENATE MEMBERS PRESENT: Sen. Cohen Sen. Shoemaker

HOUSE MEMBERS PRESENT: Rep. Parks, Chair Rep. R. Johnson

MEMBER EXCUSED: Sen. J. Hill Rep. Mason

STAFF PRESENT: Greg Chaimov, Committee Administrator Evie Redler, Committee Assistant

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TAPE 2, SIDE A

Staff submits SMS (EXHIBIT A), Hand Engrossed version of proposed conference committee amendments (EXHIBIT B), and a letter from Warren Deras (EXHIBIT C).

Chair Parks convenes conference committee at 9:45 a.m.

MOTION: Sen. Cohen moves to adopt the amendments in the hand engrossed version of HB 226 6 (EXHIBIT B).

VOTE: Hearing no objection, Chair Parks so moves. Rep. Mason and Sen. Hill absent.

SEN. COHEN: Warren Deras feels that we need to pass the original bill before the amendments. The only way to deal with subsection five is to make a complete new section.

SEN. SHOEMAKER: Agrees with the two points that Deras makes. However, not sure about the new section five. Will accept the judgement of Deras. -Two ways in which he differs from us: 1. Whether or not a person who claims that there is an agreement should be limited to the one year notice. 2. Talked about having limitations fall four months after public notice.

REP. PARKS: Agreed with first point made by Sen. Shoemaker. Doesn't understand second point. Don't want people to wait out one year and then file the estate and have claims barred.

SEN. SHOEMAKER: Not comfortable with making it a one year law.

REP. PARKS: Can see the logic of four months. Forgery should be handled within the context of the estate. If you have a contested will, you have to bring that out within one year from the date of death.

SEN. COHEN: That is the way both chambers passed the bill. Those things are not an issue.

REP. JOHNSON: Summarizes the intent of the amendments.

128 SEN. COHEN: Not willing to renegotiate with the bar association.

GREG CHAIMOV, Committee Counsel: You could put in a statement to not have the one year cap, only the four months notice.

REP. JOHNSON: If it was a contract issue you would have six years to bring it to court.

REP. PARKS: Prefers the alternative of the four months. If we take the year out it is a compromise.

196 SEN. SHOEMAKER: Another possibility would be to have the latter of the four months or one year.

GREG CHAIMOV, Committee Counsel: Take out lines 30-38 and add subsection 3.

SEN. SHOEMAKER: Take out section four completely. In line 22 refer to section 2.

Discussion on whether these amendments would be suitable for Warren Deras.

GREG CHAIMOV, COMMITTEE COUNSEL: States the amended motion. Line 25 page 1 "the decedent agreed, promised or represented that the decedent would make or revoke a will or devise, or not to revoke a will or devise or die intestate" that same language would need to be in lines 16 and 17 on page two. Line 22 the words "paragraph A or B of" should be deleted. Lines 30-38 on page two would be deleted and would become a new subsection four which reads "a cause of action described in paragraph sub c of subsection one of this section should not be presented as a claim under ORS chapter 115."

245 MOTION: Rep. Johnson moves to adopt the above stated motion.

VOTE: In a roll call vote the motion carries with all members present voting AYE. Rep. Mason and Sen. Hill absent.

Adjourned 10:13 a.m.

Submitted by,

Reviewed by,

Evie Redler

Pat Zwick Committee Assistant Office Manager

EXHIBIT LOG:

A: HB 2266, Staff, 1 page B: HB 2266, Staff, 2 pages C: HB 2266,
Staff, 3 pages