

Conference Committee on HB 3375 June 25, 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 3375

June 25, 1991Hearing Room E 8:30 a.m.Tape 2

SENATE MEMBERS PRESENT: Sen. Brockman Sen. Shoemaker

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

MEMBER EXCUSED: Sen. Cohen Rep. Mason

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

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.

TAPE 2, SIDE A

CONFERENCE COMMITTEE ON HB 3375 WITNESSES: Carl Meyers, Oregon State Bar

003 CHAIR CAMPBELL: Opens Conference Committee on HB 3375 at 8:45.
Introduces dash B3 amendments (EXHIBIT B)

GREG CHAIMOV, Committee Counsel: Discusses the hand engrossed bill with amendments (EXHIBIT A).

CHAIR CAMPBELL: Please explains the definitions.

GREG CHAIMOV, Committee Counsel: The statute will decide the definition of children and heirs.

REP. JOHNSON: Would there be a 9 month period for children still in the womb?

SEN. SHOEMAKER: We should have something to apply. The determination would be made after the death. Would that pick up an unborn child?

43GREG CHAIMOV, Committee Counsel: Not sure of present rulings.

CHAIR CAMPBELL: No definition currently.

SEN. SHOEMAKER: If we're going to make up the rules, let's do it right.

SEN. BROCKMAN: How about saying children known or unknown.

SEN. SHOEMAKER: If the statute would add at the end "thus in a state or interest for life only in the grantee or person receiving the gift in advance and the remainder of the children or heirs by right of representation."

GREG CHAIMOV, Committee Counsel: ORS 111.005 defines heir.

SEN. SHOEMAKER: How is children defined?

GREG CHAIMOV, Committee Counsel: There is a definition for issue but not unborn children.

SEN. SHOEMAKER: If we were to say that for purposes of distribution children equals issue as defined and that heirs and children are by right of representation. Does that then pick up those who have died between the time of the gift and the time of the death?

REP. JOHNSON: Aunt Milly dies knowing these two children and not knowing any of the children's children. If one of them dies before her, she may rather have the one child get everything instead of the one child's heirs collecting a share.

SEN. SHOEMAKER: My hunch is that you would have in mind the children that are already alive.

REP. JOHNSON: Let's try to create a simple situation as opposed to a complex one.

106 CHAIR CAMPBELL: Why couldn't we handle this like any other case of a person dying intestate.

SEN. SHOEMAKER: If the gift was to you and your heirs then the distribution would be as if the person died intestate.

CHAIR CAMPBELL: No definition at the present time. We could pass it out with legislative intent. -Handle as you would any other intestate case. -Provide no definition of children at the present time. -Put in the amendments suggested by the bar.

SEN. BROCKMAN: Have not heard from the sponsors. What were they looking at?

CHAIR CAMPBELL: Wanted that section eliminated.

GREG CHAIMOV, Committee Counsel: Heir is defined for purposes of probate law.

CARL MEYERS, OREGON STATE BAR: This body of law has all kinds of treatises. Are a number of ways in which a transfer can be stated. The real estate section would like extra time. The interim will give us time to look at it.

CHAIR CAMPBELL: We don't need to define children?

MEYERS: Don't believe so. If there are no heirs alive then may have simple arrangement.

Discussion on the definition of heirs. Includes spouse and children.

SEN. SHOEMAKER: Maybe these amendments are the best that we can do.

MEYERS: The bar will do the study.

SEN. SHOEMAKER: If we passed these as is, would Speaker Campbell be supportive next session.

CHAIR CAMPBELL: Would support them as much as today.

MOTION: Rep. Johnson moves B3 amendments.

VOTE: Hearing no objections, Chair Campbell so moves. Sen. Cohen, Rep. Mason absent.

MOTION: Rep. Johnson moves to pass HB 3375 committee report with amendments. Sen. Shoemaker will carry the measure.

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

Adjourned at 9:01.

Submitted By:

Reviewed By:

Evie Redler
Assistant

Pat Zwick Committee
Office Manager

EXHIBIT LOG:

A: HB 3375 SMS - Staff - 1 page. B: HB 3375-B3 Amendment - Staff - 1 page.