

HOUSE AMENDMENTS TO HOUSE BILL 2346

By COMMITTEE ON BUSINESS AND LABOR

March 30

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages 2 and 3.

2 On page 4, delete line 1 and insert:

3 “**SECTION 1.** ORS 708A.430 is amended to read:

4 “708A.430. (1) On the death of a depositor of an insured institution, if the deposit is \$25,000 or
5 less, the insured institution, after receiving an affidavit as provided in subsection [(2)] **(3)** of this
6 section from a person that claims the deposit, **or a declaration from the Department of Human**
7 **Services or the Oregon Health Authority as provided in subsection (4) of this section**, may
8 pay the moneys on deposit to the credit of the deceased depositor, in the following order of priority,
9 to:

10 “(a) The surviving spouse at the surviving spouse’s demand at any time after the depositor’s
11 death;

12 “(b) The Oregon Health Authority or the Department of Human Services, if the authority or the
13 department demands the payment not less than 46 days and no more than 75 days [from] **after** the
14 death of the depositor if the depositor does not have a surviving spouse and if the authority or de-
15 partment has a preferred claim under ORS 411.708, 411.795 or 416.350;

16 “(c) The depositor’s surviving children 18 years of age or older, if the depositor does not have
17 a surviving spouse and the authority and department do not have a claim;

18 “(d) The depositor’s surviving parent, if the depositor does not have a surviving spouse or sur-
19 viving child 18 years of age or older and if the authority and department do not have a claim; or

20 “(e) The depositor’s surviving brothers and sisters 18 years of age or older, if the depositor does
21 not have a surviving spouse, surviving child 18 years of age or older or surviving parent and the
22 authority and department do not have a claim.

23 “**(2)(a) An insured institution may not pay moneys on deposit under subsection (1)(c), (d)**
24 **or (e) of this section earlier than 46 days after the death of the depositor.**

25 “**(b) An insured institution may not pay moneys on deposit under subsection (1)(c), (d)**
26 **or (e) of this section earlier than 76 days after the death of the depositor unless the financial**
27 **institution obtains prior verbal or written authorization from the Oregon Health Authority**
28 **or its designated representative and the Department of Human Services or its designated**
29 **representative.**

30 “[2)] **(3) [The affidavit] An affidavit or declaration submitted under this section** must:

31 “(a) State where and when the depositor died;

32 “(b) State that the total deposits of the deceased depositor in all financial institutions in Oregon
33 do not exceed \$25,000;

34 “(c) Show the relationship of the affiant **or declarant** to the deceased depositor; and

35 “(d) Embody a promise to pay the expenses of last sickness, funeral expenses and just debts of

1 the deceased depositor out of the deposit to the full extent of the deposit if necessary, in the order
2 of priority prescribed by ORS 115.125, and to distribute any remaining moneys to the persons that
3 are entitled to the moneys by law.

4 “(4) An insured institution shall accept from the Department of Human Services or the
5 Oregon Health Authority, without additional requirements, a declaration under penalty of
6 perjury meeting the requirements of subsection (3) of this section. A declaration submitted
7 under this section must be signed by the declarant and must include the following sentence
8 immediately above the signature line of the declarant: ‘I hereby declare under penalty of
9 perjury that I am authorized by the Department of Human Services or the Oregon Health
10 Authority to make this declaration, that the above statement is true to the best of my
11 knowledge and belief, and that I understand that it is subject to penalty for perjury.’

12 “[3] (5) In the event the depositor died intestate without known heirs, an estate administrator
13 of the Department of State Lands appointed under ORS 113.235 is the affiant and shall receive the
14 moneys as escheat property.

15 “[4] (6) The insured institution shall determine the relationship of the affiant **or declarant** to
16 the deceased depositor, but paying the moneys in good faith to the affiant **or declarant** discharges
17 and releases the insured institution from any liability or responsibility for the transfer in the same
18 manner and with the same effect as if the insured institution transferred, delivered or paid the
19 moneys to a personal representative of the estate of the deceased depositor.

20 “[5] (7) A probate proceeding is not necessary to establish the right of the surviving spouse,
21 Oregon Health Authority, Department of Human Services, surviving child, surviving parent, sur-
22 viving brothers and sisters or an estate administrator of the Department of State Lands to withdraw
23 the deposits after filing the affidavit **or declaration**. If a personal representative is appointed in an
24 estate where a withdrawal of deposits was made under this section, the person that withdraws the
25 deposits shall account for the deposits to the personal representative.

26 “[6] (8) If an insured institution transfers moneys under subsection (1) of this section, the in-
27 sured institution may require the transferee to furnish the insured institution with a written
28 indemnity agreement that indemnifies the insured institution against loss for moneys the insured
29 institution transferred to the extent of the amount of the deposit.

30 “(9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of
31 this section may be made payable only to the department.

32 “(b) Moneys disbursed to the Oregon Health Authority under subsection (1) of this sec-
33 tion may be made payable only to the authority.

34 “[7] (10) This section is subject to the rights of other parties in the account under ORS
35 708A.455 to 708A.515.

36 “**SECTION 2.** ORS 723.466 is amended to read:

37 “723.466. (1) On the death of a member of a credit union, if the deposit to the credit of the de-
38 ceased member is \$25,000 or less, the credit union may, upon receipt of an affidavit from *[the] a*
39 person claiming the deposit as provided in subsection [(2)] (3) of this section, **or a declaration from**
40 **the Department of Human Services or the Oregon Health Authority as provided in subsection**
41 **(4) of this section**, pay the moneys on deposit:

42 “(a) To the surviving spouse on demand of the surviving spouse at any time after the death of
43 the member;

44 “(b) If there is no surviving spouse, to the Oregon Health Authority or the Department of Hu-
45 man Services, on demand of the authority or the department no less than 46 days and no more than

1 75 days [from] **after** the death of the member when there is a preferred claim arising under ORS
2 411.708, 411.795 or 416.350;

3 “(c) If there is no surviving spouse and no authority or department claim, to the member’s sur-
4 viving children 18 years of age or older;

5 “(d) If there is no surviving spouse, authority claim, department claim or surviving child 18
6 years of age or older, to the member’s surviving parents; or

7 “(e) If there is no surviving spouse, authority claim, department claim, surviving child 18 years
8 of age or older or surviving parent, to the member’s surviving brothers and sisters 18 years of age
9 or older.

10 “(2)(a) **A credit union may not pay moneys on deposit under subsection (1)(c), (d) or (e)**
11 **of this section earlier than 46 days after the death of the depositor.**

12 “(b) **A credit union may not pay moneys on deposit under subsection (1)(c), (d) or (e) of**
13 **this section earlier than 76 days after the death of the depositor unless the financial insti-**
14 **tution obtains prior verbal or written authorization from the Oregon Health Authority or its**
15 **designated representative and the Department of Human Services or its designated repre-**
16 **sentative.**

17 “[2] (3) *[The affidavit shall]* **An affidavit or declaration submitted under this section**
18 **must:**

19 “(a) State where and when the member died;

20 “(b) State that the total deposits of the deceased member in all financial institutions in this state
21 do not exceed \$25,000;

22 “(c) Show the relationship of the affiant **or declarant** to the deceased member; and

23 “(d) Embody a promise to pay the expenses of last sickness, funeral expenses and just debts of
24 the deceased member out of the deposit, to the full extent of the deposit if necessary, in the order
25 of priority prescribed by ORS 115.125, and to distribute any remaining moneys to the persons who
26 are entitled to those moneys by law.

27 “(4) **A credit union shall accept from the Department of Human Services or the Oregon**
28 **Health Authority, without additional requirements, a declaration under penalty of perjury**
29 **meeting the requirements of subsection (3) of this section. A declaration submitted under**
30 **this section must be signed by the declarant and must include the following sentence imme-**
31 **diately above the signature line of the declarant: ‘I hereby declare under penalty of perjury**
32 **that I am authorized by the Department of Human Services or the Oregon Health Authority**
33 **to make this declaration, that the above statement is true to the best of my knowledge and**
34 **belief, and that I understand that it is subject to penalty for perjury.’**

35 “[3] (5) In the event the member died intestate without known heirs, an estate administrator
36 of the Department of State Lands appointed under ORS 113.235 shall be the affiant and shall receive
37 the moneys as escheat property.

38 “[4] (6) The credit union shall determine the relationship of the affiant **or declarant** to the
39 deceased member. However, payment of the moneys in good faith to the affiant **or declarant** dis-
40 charges and releases the transferor from any liability or responsibility for the transfer in the same
41 manner and with the same effect as if the property had been transferred, delivered or paid to a
42 personal representative of the estate of the deceased member.

43 “[5] (7) A probate proceeding is not necessary to establish the right of the surviving spouse,
44 **Oregon Health** Authority, Department of Human Services, surviving children, surviving parents,
45 surviving brothers and sisters or an estate administrator of the Department of State Lands to

1 withdraw the deposits upon the filing of the affidavit **or declaration**. If a personal representative
2 is appointed in an estate where a withdrawal of deposits was made under this section, the person
3 withdrawing the deposits shall account for them to the personal representative.

4 “[6] **(8)** When a credit union transfers moneys under subsection (1) of this section, the
5 transferor may require the transferee to furnish the transferor with a written indemnity agreement,
6 indemnifying the transferor against loss for moneys paid to the extent of the amount of the deposit.

7 **“(9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of**
8 **this section may be made payable only to the department.**

9 **“(b) Moneys disbursed to the Oregon Health Authority under subsection (1) of this sec-**
10 **tion may be made payable only to the authority.**

11 “[7] **(10)** This section is subject to the rights of other parties to the account under ORS 723.474
12 to 723.498.”.

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