

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 4 - 0 - 1
Yeas: Beyer, Kruse, Prozanski, Burdick
Nays:
Exc.: Walker
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 2/22

WHAT THE MEASURE DOES: Clarifies that claims by the Department of Human Services (DHS) against a decedent's estate for the care of the decedent at a state institution have priority over claims of general creditors. Applies to probate proceedings in which a petition for an appointment of a personal representative is filed on or after effective date of Act. Declares an emergency, effective upon passage.

ISSUES DISCUSSED:

- Priority of DHS claims against estates under ORS 115.125
- Reasons for drafting error resulting in omission of specific reference to claims for unpaid institutional care at DHS-managed institutions
- Number and amount of claims filed against estates in recent years
- Nature of state institutions managed by DHS

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: A decedent's estate must pay for the care provided to the decedent at a state institution. Although claims against an estate by DHS to recover public assistance already have priority over claims by general creditors (i.e., must be paid first), the current statute is unclear as to whether this includes the cost of care at institutions managed by DHS. HB 2192 clarifies that these claims have priority as well.