

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	1/28

WHAT THE MEASURE DOES: Clarifies who inherits if a person disclaims his or her right to inherit property passing by intestate succession.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under current law, when people disclaim their right to inherit, it is unclear to whom the property then transfers. HB 2357 clarifies the current statute (ORS 105.633) by providing that the property will pass as if the “disclaimant” (the person disclaiming) died immediately before the death of the “transferor” (previous owner). If the resulting recipient would have inherited the disclaimant’s estate, the property passes to the disclaimant’s surviving descendants or--if there are no such descendants--to the surviving intestate heirs of the transferor. However, if the transferor’s surviving spouse is living but is remarried, the property will bypass the spouse.