

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued**FISCAL:** May have fiscal impact, statement not yet issued**SUBSEQUENT REFERRAL TO:****Action:****Vote:**

Yeas:

Nays:

Exc.:

Prepared By: Whitney Perez, Counsel**Meeting Dates:** 2/16

WHAT THE MEASURE DOES: Modernizes laws pertaining to intestacy, wills and estate administration. Corrects technical errors to probate statutes. Declares emergency, effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

Proposed (-A3) Amendment clarifies that “descendant” includes adopted child and descendants of adopted child. Makes necessary technical changes to ORS 112.045 that are effective immediately. Modernizes ORS 112.045 with an effective date of January 1, 2017. Clarifies share of net intestate estate with respect to grandparents.

BACKGROUND:

Oregon adopted its probate statutes in 1969. The probate statutes have not undergone a thorough review since that time. In October 2013, the Oregon Law Commission created the Probate Modernization Work Group. The Work Group has already completed a review of probate laws in Chapter 112 of the Oregon Revised Statutes. Senate Bill 379 was enacted in the 2015 legislative session. The measure included changes to Chapter 112 as recommended by the Work Group.

House Bill 4102 A encompasses the work done by the Probate Modernization Work Group in the 2015-2016 interim. It modernizes Chapter 111, which largely deals with general provisions related to probate law. Additionally, it corrects technical errors contained in Senate Bill 379.