

STAFF MEASURE SUMMARY

House Committee On Judiciary

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 02/01/16

**Action:** Do Pass With Amendments. (Printed A-Eng.)

**Meeting Dates:** 02/01

**Vote:**

Yeas: 7 - Barker, Barton, Greenlick, Lininger, Post, Sprenger, Vega Pederson

Exc: 2 - Krieger, Olson

**Prepared By:** Whitney Perez, Counsel

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**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:**

- Formation of Oregon Law Commission Probate Modernization Work Group
- Substantive changes include update to advancement language
- Discussion of technical changes
- Proposal to change definition of intestate
- Majority of bill operative January 1, 2017
- Emergency clause applies only to sections 4 and 17

**EFFECT OF COMMITTEE AMENDMENT:**

Makes technical change.

**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 4102A 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.