

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 02/17/16

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 02/17

**Vote:**

Yeas: 4 - Gelser, Kruse, Prozanski, Thatcher

Exc: 1 - Rosenbaum

**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:**

- Oregon Law Commission Probate Modernization Work Group
- Substantive changes include update to advancement language
- Discussion of technical changes
- Possible effects of this measure
- Majority of bill operative January 1, 2017
- Emergency clause applies only to sections 4 and 17

**EFFECT OF COMMITTEE AMENDMENT:**

Clarifies that “descendant” includes adopted child and descendants of adopted child. Makes technical changes to ORS 112.045, which address the share of the net intestate estate not passing to the surviving spouse. Clarifies effective dates of sections. 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 B 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.