

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2986 - 1

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Modifies provisions relating to administration of estates.

Government Unit(s) Affected:

Department of Revenue, Department of Justice, Department of State Lands, Department of Veterans' Affairs, Judicial Department, Oregon Health Authority (OHA), Department of Human Services

Summary of Expenditure Impact: See Analysis

Analysis:

The measure modifies a number of provisions related to administration of estates. Among the changes is the allowance for a personal representative to petition for a different method of compensation than is normally allowed by statute. Currently, ORS 116.173 outlines the compensation of personal representatives.

The fiscal impact to the Department of Human Services (DHS) is indeterminate. Currently, the Office of Payment Accuracy and Recovery (OPAR) within DHS administers an estate recovery program and relies on the Department of Justice (DOJ) to represent the agency in probate proceedings where estate recovery is sought. The OPAR estate recovery program has approximately 900 cases per year and averages approximately \$270 per case in DOJ charges. Depending on the number of estate recovery cases that are brought forward with requests for a different method of compensation, DHS may have additional Attorney General costs in order to file objections to this request. OPAR notes that any monies paid to the personal representative results in less money available to pay estate recovery costs.

There is a minimal fiscal impact to the Judicial Department and Department of Revenue as a result of this measure's modifications to provisions related to administration of estates. The Department of State Lands and Department of Veterans' Affairs anticipate no fiscal impact.