

HB 3006 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/09/19

Action: Do pass with amendments to the bill. (Printed A-Eng.)

Vote: 4-0-1-2

Yeas: 4 - Fagan, Gelser, Manning Jr, Prozanski

Exc: 1 - Thatcher

Abs: 2 - Bentz, Linthicum

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 5/1, 5/9

WHAT THE MEASURE DOES:

Modifies probate process for estate with no known assets. Removes requirement that personal representative obtain bond, provide notice to interested persons via newspaper, investigate the financial records and affairs of the decedent, and provide required notices. Allows filing of inventory stating the estate has no known assets. Removes duty to allow or disallow claims presented in cases in which estate has no known assets. Allows personal representative to close estate after four months after delivery of the required information. Provides avenue for following exempted procedures if assets are discovered or become known. Provides process on closing no-asset estate. Provides alternative process for providing account of administration of estate with consent of all heirs or devisees.

ISSUES DISCUSSED:

- Examples of processes that are not needed in estate with no assets
- Process for reopening probate if assets are discovered
- Oregon Law Commission Probate Modernization Work Group efforts
- Provisions of measure

EFFECT OF AMENDMENT:

Resolves conflicts with House Bill 3008.

BACKGROUND:

The Oregon Law Commission's Probate Modernization Work Group has been reviewing the probate statutes since 2013. Their efforts have resulted in enacted legislation in the 2015, 2016, and 2017 sessions. During the 2017-2018 interim, the work group undertook changes to the probate statutes in three areas: estates in which no assets are known to exist; small estates; and estates in which the personal representative is pursuing a wrongful death claim.

House Bill 3006 A removes several required processes in the probate of an estate with no known assets. The measure provides processes for completing the required steps should assets be discovered. Additionally, the measure allows a personal representative to file a statement in lieu of a full accounting upon the consent of all heirs and devisees.