

A-Engrossed
House Bill 2883

Ordered by the House April 20
Including House Amendments dated April 20

Sponsored by Representative COWAN; Senator MORRISETTE (at the request of Governor's Commission on Senior Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates Public Guardian and Conservator Task Force.
[Creates Public Guardian and Conservator Task Force Fund. Continuously appropriates moneys in fund to task force for purposes of task force.]
Sunssets task force on date of convening of next regular biennial legislative session.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to protective proceedings task force; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) There is created the Public Guardian and Conservator Task Force con-**
5 **sisting of not fewer than 11 members appointed as follows:**

6 (a) **The President of the Senate shall appoint one member from among members of the**
7 **Senate, who shall cease being a member of the task force upon ceasing to be a member of**
8 **the Legislative Assembly.**

9 (b) **The Speaker of the House of Representatives shall appoint one member from among**
10 **members of the House of Representatives, who shall cease being a member of the task force**
11 **upon ceasing to be a member of the Legislative Assembly.**

12 (c) **The Chief Justice of the Supreme Court shall appoint one member.**

13 (d) **The Board of Governors of the Oregon State Bar shall appoint one member.**

14 (e) **The Governor shall appoint seven members as follows:**

15 (A) **Two from the Department of Human Services, one of whom has expertise in adult**
16 **protective services;**

17 (B) **One from Disability Rights Oregon or a similar advocacy organization;**

18 (C) **One from the Governor's Commission on Senior Services;**

19 (D) **One from the Oregon Disabilities Commission;**

20 (E) **One designated by the Long Term Care Ombudsman; and**

21 (F) **One from an established type A or type B Area Agency on Aging within a planning**
22 **and service area designated under section 305 of the federal Older Americans Act.**

23 (f) **The Governor shall appoint such other members as the task force deems necessary.**

24 (2) **The task force shall have its first meeting on or before the later of 90 days after**
25 **adjournment sine die of the regular session of the Seventy-fifth Legislative Assembly or**
26 **September 30, 2009.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (3) A member may not serve or be employed as a provider of public guardian or
2 conservator services during the member's term of appointment.

3 (4) The task force shall study and make recommendations on:

4 (a) The need for public guardian and conservator services in this state. In developing its
5 recommendations, the task force shall consider providing services only to those who cannot
6 afford them or to those whom the private sector does not serve.

7 (b) Options and models of public guardian and conservator programs. In developing its
8 recommendations, the task force shall consider the most cost-effective approaches to deliv-
9 ering quality public guardian and conservator services in this state.

10 (c) The need for, efficacy of, duration of, resources required to establish and evaluation
11 procedures for interim pilot programs.

12 (d) Oregon's public guardian and conservator laws in ORS 125.700 to 125.730 and the need
13 for legislative changes.

14 (e) The establishment of a permanent commission with authority to allocate funds to
15 projects, make legislative recommendations on improvements and perform such other func-
16 tions as may be appropriate.

17 (f) The development of model standards of practice for a public guardian and conservator
18 program, including standards of eligibility, standards for program operations and standards
19 of professional conduct.

20 (g) Alternative funding sources, public or private, to aid in financing public guardian and
21 conservator programs and projects.

22 (5) The task force shall prepare a detailed assessment of the costs to implement the task
23 force's recommendations. The assessment must address both current and future needs in
24 providing recommended public guardian and conservator services. Each agency or organiza-
25 tion with a member on the task force shall cooperate with the task force in assessing and
26 identifying the costs of complying with the task force's recommendations.

27 (6) A majority of the members of the task force constitutes a quorum for the transaction
28 of business.

29 (7) Official action by the task force requires the approval of a majority of the members
30 of the task force.

31 (8) The task force shall elect one of its members to serve as chairperson.

32 (9) If there is a vacancy for any cause, the appointing authority shall make an appoint-
33 ment to become immediately effective.

34 (10) The task force shall meet at times and places specified by the call of the chairperson
35 or of a majority of the members of the task force.

36 (11) The task force may adopt rules necessary for the operation of the task force.

37 (12) The task force shall make a report, and may include recommendations for legis-
38 lation, to an interim committee of the Legislative Assembly related to public guardians and
39 conservators no later than October 1, 2010.

40 (13) The task force may accept donations of staff support, office space and equipment
41 from Disability Rights Oregon or similar advocacy organizations to assist the task force in
42 the performance of its functions.

43 (14) Notwithstanding ORS 171.072, members of the task force who are members of the
44 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-
45 teers on the task force. Other members of the task force are not entitled to compensation

1 or reimbursement for expenses and serve as volunteers on the task force.

2 (15) All agencies of state government as defined in ORS 174.111 are directed to assist the
3 task force in the performance of its duties and, to the extent permitted by laws relating to
4 confidentiality, to furnish such information and advice as the members of the task force
5 consider necessary to perform their duties.

6 SECTION 2. Section 1 of this 2009 Act is repealed on the date of the convening of the next
7 regular biennial legislative session.

8 SECTION 3. This 2009 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
10 on its passage.

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