

# House Bill 2883

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 **as introduced**.

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.  
Sunsets 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; appropriating money; 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.**

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

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

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

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

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

9 (d) Oregon’s public guardian and conservator laws in ORS 125.700 to 125.730 and the need  
 10 for legislative changes.

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

14 (f) The development of model standards of practice for a public guardian and conservator  
 15 program, including standards of eligibility, standards for program operations and standards  
 16 of professional conduct.

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

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

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

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

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

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

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

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

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

37 (13) The task force may employ persons to provide staff support and to assist the task  
 38 force in the performance of its functions. The task force shall fix the duties and amounts  
 39 of compensation of persons employed as staff support.

40 (14) The task force may accept contributions of moneys and assistance from the United  
 41 States Government or its agencies or from any other source, public or private, and agree to  
 42 conditions placed on the moneys not inconsistent with the duties of the task force.

43 (15) There is established in the State Treasury, separate and distinct from the General  
 44 Fund, the Public Guardian and Conservator Task Force Fund. The fund consists of moneys  
 45 received by the task force under this section and such other moneys as may otherwise be

1 made available by law. Interest earned on the fund shall be credited to the fund. Moneys in  
2 the fund are continuously appropriated to the task force and must be used only for the per-  
3 formance of the functions of the task force.

4 (16) Notwithstanding ORS 171.072, members of the task force who are members of the  
5 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-  
6 teers on the task force. Other members of the task force are not entitled to compensation  
7 or reimbursement for expenses and serve as volunteers on the task force.

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

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

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

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