

Enrolled
House Bill 2237

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Human Services for Public Guardian and Conservator Task Force)

CHAPTER

AN ACT

Relating to the Public Guardian and Conservator Task Force; and declaring an emergency.

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

SECTION 1. (1) It is the intent of the Legislative Assembly to recreate the Public Guardian and Conservator Task Force, first established on June 17, 2009, by section 1, chapter 321, Oregon Laws 2009, and repealed on January 10, 2011, so that the task force may complete its work as set forth in section 1, chapter 321, Oregon Laws 2009.

(2) The Public Guardian and Conservator Task Force shall consist of not fewer than 11 members appointed as follows:

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

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

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

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

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

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

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

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

(D) One from the Oregon Disabilities Commission;

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

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

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

(3) The task force shall have its first meeting on or before the later of 90 days after adjournment sine die of the 2011 session of the Seventy-sixth Legislative Assembly or September 30, 2011.

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

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

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

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

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

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

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

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

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

(6) The task force shall prepare a detailed assessment of the costs to implement the task force's recommendations. The assessment must address both current and future needs in providing recommended public guardian and conservator services. Each agency or organization with a member on the task force shall cooperate with the task force in assessing and identifying the costs of complying with the task force's recommendations.

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

(8) Official action by the task force requires the approval of a majority of the members of the task force.

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

(10) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

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

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

(13) The task force shall make a report, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to public guardians and conservators no later than October 1, 2012.

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

(15) Notwithstanding ORS 171.072, members of the task force who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the task force. Other members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

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

SECTION 2. Section 1 of this 2011 Act is repealed on July 1, 2013.

SECTION 3. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 18, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 15, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State