

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 4 - 0 - 0

Yeas: Monnes Anderson, Olsen, President Courtney, Boquist

Nays: 0

Exc.: 0

Prepared By: Cheyenne Ross, Administrator

Meeting Dates: 4/25, 5/2, 5/9

WHAT THE MEASURE DOES: Allows Oregon Department of Veterans' Affairs (ODVA) to recuperate cost of conservatorship from estate of deceased client. Permits ODVA to retract waiver of claim for costs, if ODVA finds payment no longer results in hardship and does not deplete estate. Tolls claims against estate from date claim waived to date waiver retracted.

ISSUES DISCUSSED:

- Sustainability of conservatorship program
- Companion measure, House Bill 2044, which lifts current cap on fees
- Reliance on success of loan program to cover costs of conservatorship program
- Relative small size of program in contrast with high value of service provided
- Wide range of clients, approximately half able to live independently
- Average client incomes, if any, and commitment to serve those who cannot pay
- Contrast to much higher fees received by private conservators
- Similarity with other agencies' ability to retract waivers (such as Department of Human Services)
- Detailed data breaking-down costs by client, and source of funds and how allocated among clients

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Oregon Department of Veterans' Affairs (ODVA) operates a Conservatorship Program (Program) for veterans deemed incompetent by either the U.S. Department of Veterans Affairs or the courts; however, the Program is not self-sufficient. Under current law, the ODVA may charge a fee of no more than five percent of the income under its management, plus reasonable compensation for unusual services. The ODVA does not charge destitute veterans and may waive its claim against estates without income, but some estates are comprised of significant holdings despite not having income. House Bill 2046 allows the ODVA to retract its waiver and recuperate conservatorship costs from estates, provided payment of costs will not deplete the estate or pose any hardship.