

House Bill 2044

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Veterans' Affairs)

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**.

Removes limit on compensation for ordinary services after Department of Veterans' Affairs is appointed conservator. Requires department to establish compensation for ordinary and unusual services by rule.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to claims for compensation when Department of Veterans' Affairs is appointed conservator;
3 amending ORS 406.100; and declaring an emergency.

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

5 **SECTION 1.** ORS 406.100 is amended to read:

6 406.100. If the Department of Veterans' Affairs is appointed as a conservator under ORS 406.050
7 or a personal representative under ORS 113.085, the department shall have a claim against the es-
8 tate of the protected person or the decedent, as the case may be, for all of the following:

9 (1) Reasonable expenses incurred by the department in the execution or administration of the
10 estate.

11 (2) After the appointment of the department as conservator, **reasonable** compensation for ordi-
12 nary [*services in an amount not to exceed five percent of income to the estate, and reasonable compen-*
13 *sation for*] **and** unusual services, as set forth by rule by the department.

14 (3) After the appointment of the department as personal representative, compensation as pro-
15 vided in ORS 116.173.

16 (4) With prior approval by the court having probate jurisdiction over the estate, fees charged
17 to the department by the Attorney General for advice or assistance in the performance of the
18 department's duties as conservator or personal representative of the estate.

19 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
21 **on its passage.**

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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.