



# HARNEY COUNTY COURT

*Judge Bill Hart*

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## **Written Testimony before the Senate Committee on Judiciary Regarding Senate Bill 1576 – 4<sup>th</sup> Amendment**

Dear Chair,

I am writing to give support of SB 1576-4

Amending Oregon Revised Statute (ORS) Chapter 111 sections .055 and .075 to allow named counties the option to transfer probate jurisdiction, authority, powers, functions and duties of the County Judges to the circuit courts would allow these counties to determine their own destiny in the form of government they and their electors choose. Whether a county wishes to remain as a County Court structure or a Board of Commissioners should be each of the remaining seven Oregon counties own choice and not dictated by statute that does not meet the needs of all.

- The provisions of ORS 203.230 prescribe the process for a County Court to transition to a Board of Commissioners as long as the County Judge has no judicial function. ORS chapter 111 vest such judicial function in the way of probate to just six remaining counties thus preventing the freedom to choose their form of county government.
- In 1973, the Oregon Legislative Assembly enacted statute delegating to all counties the power to enact local legislation on matters of county concern. In a way ORS Chapter 111 restricts the named counties to exercise local legislative actions.
- The complexity of probate matters is no longer a layman's duty but rather should be performed by those with specialized experience and background.

Just as Counties should have the right to relinquish probate powers vested by ORS 111, it is as equally important to allow those that choose to retain them.

Thank you for this opportunity to comment on Senate Bill 1576.