

Conference Committee on HB 2709 June 22, 1991 - Page

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

CONFERENCE COMMITTEE ON HB 2709

June 22, 1991Hearing Room D 9:00 a.m.Tapes 1

SENATE MEMBERS PRESENT: Sen. Brockman Sen. Cohen Sen. Shoemaker

HOUSE MEMBERS PRESENT: Rep. Parks, Chair Rep. Clark

MEMBERS EXCUSED:Rep. Bauman

STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve,
Committee Assistant

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TAPE 1, SIDE A

001 CHAIR PARKS: Calls Conference Committee to order.

002 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2709 makes numerous changes to the state's guardianship laws.

Notes letter from Bill Linden, State Court Administrator raising his concerns (EXHIBIT A) and letter from original sponsors of the bill noting their support for the changes (EXHIBIT B).

Summarizes the changes that the Senate made to the bill.

036 CHAIR PARKS: Reviews Mr. Linden's letter.

Seems reasonable to change the 15 days back to 30 days for a court visitor to submit a report to the court.

040 ROBINSON: The statute is currently silent on when reports are due.

048 BILL LINDEN, STATE COURT ADMINISTRATOR: The 30 day period issue is the main issue we want to raise on the bill to accommodate smaller counties.

060 SEN. SHOEMAKER: How would you feel about 30 days for permanent

guardianship, but 15 days for temporary guardianship?

063 LINDEN: Something that set a range within the 15 and 30 days would be fine.

068 ROBINSON: The provisions of HB 2708 would require that in a temporary guardianship, the visitor do the report within five days after the appointment of a temporary guardian if there has not been a request for a hearing. Thinks your concern is addressed there.

074 LINDEN: Does not believe the bills conflict. HB 2708 is on the Senate floor for a vote today.

081 ROBINSON: It may behoove the committee to add language to make it clear that this does not apply to temporary guardianships.

093 SEN. SHOEMAKER: So we let HB 2708 control temporary guardianships regarding visitors, and HB 2709 control permanent guardianships?

099 ROBINSON: HB 2709 does not currently exempt out the 15 day timeline from the temporary guardianship proceedings as the original bill did.

104 LINDEN: Recollects that HB 2708 makes it fairly clear that the bill applies in the temporary guardianship arena. Has no objection to making it even clearer in HB 2709.

106 SEN. COHEN: Does not have a problem with changing it to 30 days, but the exception language in the A Engrossed dealt with the contact, which is quite different. May have to just change the days and not worry about the exception.

119 CHAIR PARKS: Could say "except as otherwise provided by law you will have 30 days" and the "otherwise provided" would be the passage of HB 2708.

129 LINDEN: Does not have any reason to expect HB 2708 will have difficulty. There is a definite need for a fix in the temporary guardianship area.

137 CHAIR PARKS: Leads discussion of contact with the visitor, serving of notice, and guardianship process.

212 SEN. COHEN: Willing to live with a ward's momentary trauma if it will result in a good visitor relationship that will give the court and the proposed ward a fair opportunity.

222 CHAIR PARKS: Your position is that the visitor would not serve the papers?

224 SEN. COHEN: Yes.

232 MOTION: CHAIR PARKS: Moves adoption of amendment stating "written notice of the rights to contact, retain, and have access to records shall be incorporated in the notice required to be given".

275 VOTE: Without objection, amendment is adopted.

278 MOTION: REP. CLARK: Moves that the House concur in the Senate amendments and the bill be further amended.

295 CHAIR PARKS: We are amending the bill to accept temporary guardianships, except as otherwise provided by law, the period of time in which the visitor has to report, notifying the prospective ward of right to counsel, and changing the 15 days to 30 days.

315 VOTE: On a roll call vote, motion passes unanimously. Rep. Bauman is excused.

325 CHAIR PARKS: Rep. Miller or I will carry the bill in the House.

326 SEN. COHEN: Rep. Shoemaker will carry the bill in the Senate.

328 CHAIR PARKS: Adjourns meeting.

Transcribed by,

Pat Zwick

EXHIBIT LOG

A: HB 2709 - Bill Linden Letter - 2 pages B: HB 2709 - Oregon Advocacy Center Letter - 2 pages