Senate Judiciary Committee March 20, 1991 - Page

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks $\frac{1}{2}$

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

Measures Heard SB 15 (WRK) SB 463 (WRK) SB 376 (WRK) SB 507 (WRK) SB 508 (PUB) SB 681 (PUB) SB 683 (PUB) HB 2445 (PUB)

SENATE COMMITTEE ON THE JUDICIARY

March 20, 1991Hearing Room C 1:05 p.m. Tapes 68 - 70

MEMBERS PRESENT:SEN. JOYCE COHEN, CHAIR SEN. PETER BROCKMAN SEN. JIM BUNN SEN. JEANNETTE HAMBY SEN. BOB SHOEMAKER SEN. DICK SPRINGER

MEMBER EXCUSED: SEN. JIM HILL, VICE CHAIR

STAFF PRESENT: BILL TAYLOR, COMMITTEE COUNSEL INGRID SWENSON, COMMITTEE COUNSEL MARK THORBURN, COMMITTEE ASSISTANT

WITNESSES:

THE HONORABLE AL NORBLAD, CIRCUIT COURT JUDGE CHARLES SMITH, OREGON STATE TREASURY CAROL KYLE, OREGON STATE BAR ESTATE PLANNING SECTION WARREN DERAS, OREGON STATE BAR ESTATE PLANNING SECTION WILLIAM LINDEN, STATE COURT ADMINISTRATOR KAREN HIGHTOWER, STATE COURT ADMINISTRATOR'S OFFICE PAT ROSS, AMERICAN ASSOCIATION OF RETIRED PERSONS LARRY POUND, ATTORNEY AT LAW DANIEL RITTER, ATTORNEY AT LAW PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES CONRAD HUTTERLI, ATTORNEY AT LAW KATE BROWN, WOMEN'S RIGHTS COALITION LINDA ELLIOTT, CITIZEN FRANK BRAWNER, OREGON BANKERS' ASSOCIATION JOHN KAUFMAN, COUNTY CLERK, CLACKAMAS COUNTY

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.

TAPE 68, SIDE A

(Recording equipment was operating, and recording nothing, before hearing was convened; therefore, 001 through 077 is blank. Hearing is convened at 077 and nothing that transpired during the hearing is lost.)

077 CHAIR COHEN: Calls meeting to order at 1:05 p.m.

SB 15

080 BILL TAYLOR, COMMITTEE COUNSEL: Comments on the amendments

- (Exhibits A and B) and the copies of the bonds (Exhibits C and D) that the committee had requested at the last hearing on this bill.
- 082 CHARLES SMITH, OREGON STATE TREASURY: SB 15 would clarify to local government issuers the types of bonds, certificates of participation, and other types of indebtedness that they must report to the Municipal Debt Advisory Commission.
- 095 CHAIR COHEN: And the amendments (Exhibits A and B) just add a few things that you want them to report as well?
- 097 SMITH: That's correct. Explains background of the amendments.
- 104 CHAIR COHEN: And there's the sample bonds (Exhibits C and D).
- 111 SMITH: Those are in response to a question from the committee at the last hearing. They indicate on their face the obligation, or lack thereof, of the state to repay the bonds.
- 118 CHAIR COHEN: Most of the people interested in buying bonds gets Exhibit C. Discusses it's content.
- 125 SMITH: Such documents can get even more extensive.
- 127 CHAIR COHEN: Exhibit C is just the first page of what the buyer would get. Would look at this before buying the bond?
- 129 SMITH: That's correct. You receive the official statement (Exhibit C) before buying the bond, but would not get the bond itself (Exhibit D) until after the purchase.
- 131 CHAIR COHEN: So Exhibit C is more relevant.
- 134 SEN. SHOEMAKER: What are the "limit tax obligations" mentioned in Exhibit A?
- 138 CHAIR COHEN: These are those bonds issued at the local level that the state is asking the local jurisdictions, through the Municipal Debt Commission, to collect information on.
- 146 SMITH: Limited tax obligation bonds are payable by any legal source, including taxes up to the limits of Ballot Measure 5. Cites example.
- 158 SEN. SHOEMAKER: So it's a new animal?
- 159 SMITH: Yes, it is.
- 160 SEN. HAMBY: An old animal with a new name.
- 161 CHAIR COHEN: And this bill doesn't do anything regarding authorization.
- 162 SEN. SHOEMAKER: Just wanted to understand what we're including here.
- 165 MOTION: Sen. Hamby moves the dash one amendments to SB 15. Calls for objections; hearing none, so ordered; Sens. Brockman, Bunn, and Hill excused.
- 169 MOTION: Sen. Shoemaker moves SB 15 as amended to the floor with a

"do pass recommendation."

172 VOTE: Motion passes unanimously; Sens. Brockman, Bunn, and Hill excused.

SB 376

- 178 CHAIR COHEN: We'll move to SB 376 for an update; we will not take action on the bill today.
- 193 INGRID SWENSON, COMMITTEE COUNSEL: The committee has before it Exhibits E, F, and G.
- 200 CHAIR COHEN: Asks William Linden to testify.
- 206 WILLIAM LINDEN, STATE COURT ADMINISTRATOR: We're in touch with all interested groups.
- Paraphrases Exhibit F and explains changes in the bill (Exhibit G).
- 283 CHAIR COHEN: There are a few things in this bill that this committee is going to have to deal with.
- 286 LINDEN: Back to paraphrasing Exhibit F and explaining changes in Exhibit G.
- Will have a few more amendments regarding the appellate process after meeting with Court of Appeals Chief Judge Joseph.
- 330 CHAIR COHEN: Appreciates efforts and acknowledges that some of these issues need to be taken up by the committee.
- 336 LINDEN: Everyone expects the committee to review the issue of recusal.
- 343 CHAIR COHEN: Urges committee members to review the work done on this bill.
- There's a communication in your files from David Lowry (Exhibit H).

SB 463

- 362 TAYLOR: The proponents are in the hallway; thinks they're going to ask that the bill be put over.
- 369 CHAIR COHEN: Let's go on to SB 507.

SB 507

- 376 SEN. HAMBY: Introduces Conrad Hutterli. Calls committee's attention to the dash one amendments (Exhibit I).
- 390 CONRAD HUTTERLI: Supports the adoption of the dash one amendments. Currently, often have to bring a support modification action and force the other party to produce certain information before knowing whether sufficient grounds exist for a support modification. Oregon Rules of Civil Procedure apply only when the modification proceeding has been commenced (Exhibit J).
- 454 CHAIR COHEN: Where in the dash one amendments is the support obligor allowed to be left alone?

- 458 HUTTERLI: Subsection 2 lists limitations of what you can ask for. You can request this information only once during a calendar year.
- 469 CHAIR COHEN: Can I go back into any old divorce that has become final?
- 473 HUTTERLI: Support issues do not become final. What you're asking for here is the right to ask the other party to verify what their income is and how much they've made in the calendar year.
- 489 CHAIR COHEN: So ORS 107.105 is spousal support and ORS 107.135 is child

support?

TAPE 69, SIDE A

- (001 through 132 is identical to Tape 68, Side A, including the blank space from 001 to 077.)
- 176 HUTTERLI: ORS 107.105 lists all the things that a court can do in a divorce judgment.
- 181 CHAIR COHEN: What is 105 and 135 based on your understanding of what you want to do?
- 182 HUTTERLI: ORS 107.105 is just a judgment in a divorce.
- 184 CHAIR COHEN: And 135 is?
- 185 ${\tt HUTTERLI:}\ {\tt A}\ {\tt modification}\ {\tt proceeding}\ {\tt to}\ {\tt modify}\ {\tt child}\ {\tt or}\ {\tt spousal}\ {\tt support.}$
- 186 CHAIR COHEN: So they both involve either child or spousal support?
- 187 HUTTERLI: That's my intent.
- 190 SEN. SPRINGER: Does this give the state or the district attorney the same authority to request these records?
- 196 HUTTERLI: It was my intention that this would be offered to individuals. Explains how it would operate. The state and the district attorney already have the authority, without this legislation, to get this information; in fact, they can collect much more without initiating a proceeding.
- 209 CHAIR COHEN: Why can't you go through the state or the district attorney?
- 213 HUTTERLI: Not all of these decrees are collected through these people; especially true if dealing with spousal support. Also, it's every two years that the decrees run through their process.
- 228 SEN. HAMBY: Do you agree with the comments from Hutchinson Anderson contained in your materials (Exhibit K)?
- 233 HUTTERLI: Have concern about requesting information regarding income earned during the preceding 12 months; had in mind the pay roll stubs that are available on a calendar basis.

- 240 CHAIR COHEN: A lot of people that you're dealing with don't have pay roll stubs.
- 241 HUTTERLI: That's true.
- 242 CHAIR COHEN: Especially the ones who want to shelter their income.
- 244 HUTTERLI: That's true.
- Have no objections to the rest of the proposed changes.
- 253 CHAIR COHEN: He's referring to the Deanne Darling letter (contained in Exhibit K).
- 255 $\tt HUTTERLI:$ Thought you were referring to the Michael Wells' letter (contained in Exhibit K).
- In regards to the Deanne Darling letter, she's saying that we'd open the Rules of Civil Procedure for full scale discovery without initiating proceedings, which is farther than what I intended to go.
- 272 SEN. SHOEMAKER: To protect against abuse and harassment, would it be appropriate to permit attorney fees against the moving party?
- 285 HUTTERLI: Makes sense.
- 294 SEN. HAMBY: Introduces Linda Elliott. Thinks the bill is appropriate vehicle for amendment (Exhibit L) to order child support payments based on the payment schedule of the payor.
- 310 CHAIR COHEN: We're talking about the dash two amendments (Exhibit L)?
- 311 SEN. HAMBY: That's correct.
- 315 LINDA ELLIOTT, CITIZEN: Describes problems collecting support from former spouse who receives \$65,000 a year in winnings from the Oregon State Lottery and earns \$40,000 a year. System awards huSB and for not paying support.
- 366 CHAIR COHEN: And we specifically dealt with that issue?
- 368 SEN. HAMBY: On page two, on lines 10 through 14 (Exhibit L), there is language that has been drafted in an effort to meet these needs.
- 374 CHAIR COHEN: We'll be looking at that.
- 381 KATE BROWN, WOMEN'S RIGHTS COALITION: Paraphrases Exhibit M.
- 423 CHAIR COHEN: You'll need to work on some amendments if this bill is to move forward.
- 432 SEN. HAMBY: Will check with the committee members individually regarding proposed amendments.
- 435 CHAIR COHEN: Please work through Bill Taylor.
- SB 463
- 443 CHAIR COHEN: The proponents want to speak to the bill.
- 458 TAYLOR: This bill would allow county clerks not to accept illegible

documents presented for recording and absolve clerks for any civil or criminal liability for recording a document that is not legible. Have dash one amendments (Exhibit N) and a hand engrossed version with the amendments (Exhibit O).

- 474 CHAIR COHEN: What do the amendments do?
- 476 TAYLOR: Explains the amendments.
- TAPE 68, SIDE B
- 029 CHAIR COHEN: Comments on the amendments.
- 038 SEN. BUNN: One thing we did get past is that if you want to substitute something, it's attached to it so you haven't lost the original. Understand that, when you substitute an original, that substitute has to have a signature. If you can't, then you have option "b."
- 044 SEN. SPRINGER: Have the title people been involved in this?
- 046 CHAIR COHEN: They've probably been involved.
- 049 SEN. SPRINGER: Wonders whether the amendments will really make things easier.
- 056 CHAIR COHEN: Invites witnesses to testify.
- 060 JOHN KAUFMAN, COUNTY CLERK, CLACKAMAS COUNTY: The amendments (Exhibits N and O) would give the options to the person recording the document. The county clerk would only be saying whether the document is illegible and present the options available for recording.
- 065 SEN. SPRINGER: So the problem isn't any different for the person who's examining the accuracy of the documents recorded.
- 070 CHAIR COHEN: What happens now?
- 071 KAUFMAN: We'd reject the document and the person would have to come back with an original legible document.
- 073 CHAIR COHEN: So they have to go away and come back with something. The clerks are still making the determination of whether they can read it or not.
- 075 KAUFMAN: And other determinations too. Cites examples.
- 079 SEN. SHOEMAKER: Present language already provides an option.
- 082 KAUFMAN: That's correct.
- 083 SEN. SHOEMAKER: So what we're adding is a third option.
- 085 KAUFMAN: Yes.
- 086 CHAIR COHEN: Asks Frank Brawner what he doesn't like about the bill.
- 088 FRANK BRAWNER, OREGON BANKERS' ASSOCIATION: Agrees to removing liability from county clerks; have prepared amendment to that effect (Exhibit P). It's my understanding that county clerks do accept

- illegible documents; in fact, ORS 205.235, that the amendments would repeal, authorizes a charge for an illegible document. The problem is that there is no standardization in the counties as to recording equipment, the recording process, or the expertise of those who record documents. Priority is more critical than legibility. Would agree to letting county clerk go ahead with recordation, stamp the document illegible, and then let us see if we can replace that document.
- 119 SEN. BUNN: As he reads the amendments, a county clerk can tell a person that option "a" is available, but not "b" or "c," etc.
- 128 CHAIR COHEN: Asks witness to explain intent.
- 129 KAUFMAN: The way he reads it, the person presenting the document would have all three options.
- 135 CHAIR COHEN: Do you want to put the "or" in a different place?
- 136 BRAWNER: There should be an "or" after option "a" if that's the way it's suppose to read.
- 138 SEN. SHOEMAKER: It still isn't clear who makes those decisions and we should clarify it.
- 140 TAYLOR: Suggests new wording.
- 142 SEN. SHOEMAKER: That doesn't do it either.
- 143 TAYLOR: I think we can do it between now and . . .
- 144 CHAIR COHEN: Let's make a decision of whether the committee is interested in supporting the bill with the clarification that the person bringing it in has any of the three options set down here.
- 148 SEN. BUNN: As I understand the bill, you have the ability to write out illegible part and attach; would that meet your needs?
- 152 BRAWNER: The concern is still priority. There should be a way to record, observe the priority, and then, if we the capacity to exercise one of these options, be able to do so, but after the date stamp is on the document.
- 161 SEN. BUNN: Refers to the OBA amendments (Exhibit P); better to give the clerks that half and get the bill on its way; we're not going to resolve the other controversy today.
- 165 SEN. SHOEMAKER: Asks Frank Brawner to explain the OBA amendment.
- 171 BRAWNER: The amendment handles only the liability question; has nothing to do with legibility.
- We are prepared to have the county clerks stamp the documents; offers possible language to that effect.
- 182 SEN. BUNN: If we take the original bill, remove section one, and take section two as originally worded, will that accomplish what you want?
- 189 KAUFMAN: That was really a minor part. Would accept that as an alternative to not amending section one of the present law.
- Suggests wording for line 7 of the bill.

- 200 SEN. SHOEMAKER: How about adding additional subsection saying that when the original document is presented, the court clerk shall record and then may require the recording party to do one of these three things?
- 207 BRAWNER: Yes.
- 208 SEN. SHOEMAKER: Clarifies Brawner's concerns.
- 209 BRAWNER: If all the equipment in the all the county clerks officers were the same, we'd have no problem.
- 214 SEN. SHOEMAKER: County clerks have a problem with that?
- 215 KAUFMAN: To Mr. Brawner's comment, no.
- 216 SEN. SHOEMAKER: I'm suggesting that you go ahead and record, note that there's an imperfect document, but require the recording party to correct it in one of these three ways.
- 218 KAUFMAN: The county clerk association has discussed the concept of marking the original as illegible, but rejected it. Would like to stick with original proposal; Sen. Bunn's proposal would be the best fall back.
- 228 CHAIR COHEN: Senator Bunn's second proposal.
- 229 KAUFMAN: Second proposal.
- 230 CHAIR COHEN: Assuming what you're saying is leave subsection one unamended with the addition of sub two as you have recommended. Leave it up to Sen. Bunn to decide which motion he wants to make.
- 236 MOTION: Sen. Bunn moves that section one be left alone as it is presently in the statute and add section two as in the original version of the bill.
- 241 SEN. BROCKMAN: How does that compare with what Sen. Shoemaker said?
- 244 CHAIR COHEN: The sponsors of the bill rejected what Sen. Shoemaker said.
- 255 SEN. BUNN: My motion doesn't change anything in terms of recording.
- 259 CHAIR COHEN: That's correct.
- 260 SEN. BUNN: Not convinced that the OBA language (Exhibit P) does either.
- 263 SEN. SPRINGER: Are the clerks getting sued?
- 266 KAUFMAN: No. It's potentially there.
- 268 SEN. SPRINGER: Don't count on me as an aye vote; explains reason.
- 274 SEN. SHOEMAKER: How is Sen. Bunn's amendment an improvement over the dash one amendments (Exhibit N)?
- 283 SEN. BUNN: Thought that there was concern that we're creating a new criteria for rejecting documents; did not want to expand the current opportunity for rejecting documents. The clerks should record whatever

- comes in and deal with the legibility question if we can.
- $294\ \text{SEN.}$ SHOEMAKER: So you agree with my suggestion. Restates the suggestion.
- 300 CHAIR COHEN: Would you like to make that motion?
- 301 MOTION: Sen. Shoemaker moves that SB 463 be amended so that a new subsection be provided that would require the clerk to record an illegible document, noting on the document in what respect it is illegible, and that, as a condition of that recording, the filer of the document would be required to then do one of the three corrections that are set forth in the dash one amendments.
- 318 BRAWNER: Shouldn't there be a time frame attached to that?
- 319 SEN. SHOEMAKER: Yes. Say one week.
- 322 BRAWNER: You may need to get new signatures and a week isn't enough time. We'd support the sense of the amendment; not sure about the title companies.
- 330 CHAIR COHEN: If amendment passes, can always adjust the date when we give it a final look.
- 336 SEN. BUNN: Is there any problem with referencing?
- 341 CHAIR COHEN: He's included that.
- 342 SEN. BUNN: But if you record an illegible document, how will you know that there is subsequent information?
- 350 KAUFMAN: Our index would be pretty clear in showing that other documents are there. With the amendments that you're proposing, at some fixed point, there would be a legible document on record; thinks that he can get the clerks' support.
- 358 BRAWNER: The time runs from the time the document is returned to the person asking for recordation? Explains concern.
- 363 SEN. SHOEMAKER: You leave the document with the clerk and you have one week from that moment to fix it.
- 371 BRAWNER: They will not know that it's illegible from a photographic standpoint until they photograph it. They go through the process and then discover it's illegible.
- 377 CHAIR COHEN: Closes discussion.
- 385 SEN. SHOEMAKER: Willing to accommodate the point that was just made.
- 387 VOTE: Motion passes 4 to 2; Sen. Springer and Chair Cohen voting no; Sen. Hill excused.
- SB 681
- 409 PAT ROSS, AMERICAN ASSOCIATION OF RETIRED PERSONS: The bill permits the recordation of the power of attorney by a county clerk and, if recorded, then revocation must be by the same process.
- 444 SEN. SHOEMAKER: Doesn't provide that the power of attorney shall be

recorded.

448 ROSS: That's correct.

449 SEN. SHOEMAKER: Maybe, as to the revocation, we should add "if recorded."

451 CHAIR COHEN: We're not in a work session now.

452 SEN. SHOEMAKER: Just asking. From current wording, might have a situation where you have unrecorded power that you can't revoke without recording the revocation.

457 ROSS: The intent was that if the power of attorney was recorded, then the revocation must also be recorded.

460 SEN. SHOEMAKER: If the holder of the power is running amok and a party is told by the principal that the holder is acting contrary to his wishes, but it isn't feasible to record a revocation, seems to be appropriate that the party who is responding to the instructions of the holder knows that the principal revoked that power, and that ought to be sufficient to block any action pursuant to that power.

485 ROSS: And with the knowledge the recording of the revocation wil take place. Assumes that if the agent is clearly taking actions contrary to the intention of the principal, he'd probably be liable for some criminal action as well.

TAPE 69, SIDE B

040 SEN. SHOEMAKER: Don't know if he would be. There would be recourse, but it may not be adequate.

045 ROSS: We're interested in facilitating this and won't object to anything that will help us do that.

047 TAYLOR: This bill is similar, but broader, than ORS 93.670. Reads current statute.

053 CHAIR COHEN: So we may have the power already.

054 TAYLOR: At least as to land.

SB 683

061 CHAIR COHEN: Comments on witnesses and the bill.

071 ROSS: Paraphrases Exhibit Q. Have prepared a summary of the legislation (Exhibit R).

126 CHAIR COHEN: Wants examples of how the current situation is not working; not just comparison of Oregon law with other states.

145 ROSS: Had hoped to have two witnesses to provide examples; they weren't able to come today.

152 THE HONORABLE AL NORBLAD, CIRCUIT COURT JUDGE: Describes guardians and conservatorship practices in Marion County.

- This bill would make a true adversary system; no difference from criminal trials except for a lack of a jury. Would require at least one more judge in Marion County. - Contested guardianships and

conservatorships are very rare.

- Marion County judges would like to see more guardianships for mental health cases.
- There are concerns about guardianships, but this bill does not deal with them.
- Need temporary guardianship bill.
- Need sanctions for not filing annual accounting, etc.
- Briefly discusses the substantial changes and additional costs the bill would cause.
- 258 SEN. SHOEMAKER: The existing law calls for a visitor to interview the person seeking the appointment, etc. There's no sanction for failing to do that?
- 266 NORBLAD: No; was referring to the annual accounting.
- 267 SEN. SHOEMAKER: You appoint the visitor, he goes through this process, and you get a report?
- 269 NORBLAD: Have called two attorneys who are here to testify to that.
- 272 SEN. SHOEMAKER: Looks like we've built something in the law that should catch those cases where it would be appropriate to get into an adversarial proceeding. Why isn't it working?
- 275 NORBLAD: It's working.
- 277 CHAIR COHEN: Asks Judge Norblad to think of improvements that are needed.
- 283 NORBLAD: As far as Marion County goes, should consult with attorney Ralph Wyckoff.
- 297 WARREN DERAS, OREGON STATE BAR ESTATE PLANNING SECTION: There are serious problems in the law. The members of the Section are of many minds on the subject. The Section does not support this particular bill.
- Introduces Carol Kyle.
- 351 CAROL KYLE, OREGON STATE BAR ESTATE PLANNING SECTION: The Estate Planning Section opposes this bill. We want Chapter 126 rewritten in its entirety.
- This bill will not provide the constitutional standard of the least restrictive alternative without great cost. Any contested hearing is going to cost thousands of dollars. A contested proceeding is already costly.
- Discusses bill's mandate for court-appointed attorneys.
- Discusses features in bill that are good.
- Would not be able to hear petitions in a timely manner.
- Discusses the changes the bill would have on the powers of the conservator.

- Visitors are available only in guardianship proceedings, not in conservatorship proceedings. Might want to look into expanding the role of the visitor into conservatorships.
- 485 CHAIR COHEN: Do you have the same sense about the accounting not being followed through?

TAPE 70, SIDE A

- 033 KYLE: Depends on the county you're in and the staff that's available. Cites practice in Multnomah County.
- 041 DERAS: Comments further on practices in Multnomah County. Most conservatorships there are handled mostly on a pro bono basis. There is an effective operating system to handle the relatively small number of cases where there are problems.
- 060 KYLE: If there are a large amount of assets involved, a bank is often appointed as conservator. Comments on another bill regarding conservators.
- 071 CHAIR COHEN: There's an association of guardians?
- $073\ \text{KYLE:}$ There is a professional association of professional guardians and conservators.
- 080 CHAIR COHEN: Thanks witnesses.
- 089 LARRY POUND, ATTORNEY AT LAW: While much to recommend SB 508 and SB 683, there's also much that's destructive.
- There are sanctions available for a fiduciary that is not performing their functions properly.
- Part of the problem in the past was that the courts were not spending the time needed. In most courts, probate takes a backseat.
- There should be a visitor in every case.
- Most objections are filed by family members who are fighting among themselves; often get resolved because someone tells them that they can't take family fight into the courtroom and offers a third party as a fiduciary.
- All written or oral objections are considered by the court.
- The bills seemed designed not to make to system better, but to nullify it.
- Cites benefits of current system.
- Discusses specific provisions in bill.
- 205 DANIEL RITTER, ATTORNEY AT LAW: This is a bad bill. A comprehensive look at the due process rights of the elderly by the legislature is needed. Likes the visitor system. Gives examples of why this is a bad bill.
- 233 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: Concerned about the cost of appointing counsel for indigents in conservatorship cases. Was

not intent of bill's sponsor to impose mandates on local governments and he has no objection to amending bill so that the costs are borne by the state. (Exhibit S)

249 CHAIR COHEN: What would the fiscal impact of the counties would be?

250 SNIDER: Can't tell; appointment of a conservatorship implies assets, but there's an appointment of an attorney only if the individual is indigent.

262 KAREN HIGHTOWER, STATE COURT ADMINISTRATOR'S OFFICE: Amendment proposed by counties has a large price tag (Exhibit U); suggests that the bill go through Ways and Means.

SB 508

277 CHAIR COHEN: SB 508 will have to be carried over to be heard with another bill.

HB 2445

286 DERAS: Paraphrases Exhibit T in opposition to the bill.

- Bill will lead to more litigation over terms of spousal support in the initial decree. Also more litigation when second marriages dissolve. Supports time limits on the reinstatement of spousal support.
- Discusses the approaches the judges take to the issue of spousal support.

 $452\ \text{CHAIR}$ COHEN: Invites sponsors of the bill to come back at another time.

- Adjourns meeting at 3:15 pm.

Submitted by: Reviewed by:

Mark Thorburn Bill Taylor Committee Assistant Committee Counsel

EXHIBIT LOG:

A - Amendment to SB 15 - Committee Staff - 1 page B - Hand Engrossed Version of SB 15 - Committee Staff - 1 page C - Sample Economic Development Revenue Bond Re: SB 15 - Charles Smith - 1 page D - Sample of another Economic Development Revenue Bond Re: SB 15 - Committee Staff - 1 page E - Amendments to SB 376 - Committee Staff - 5 pages F - Testimony on SB 376 - William Linden - 9 pages G - Hand Engrossed Version of SB 376 - Committee Staff - 21 plus pages

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- Amendments to SB 507 (dash 1) - Conrad Hutterli - 2 pages
I
J
               Copies of various rules from ORCP - Conrad Hutterli - 2 pages
               Testimony on SB 507 - Conrad Hutterli - 6 pages
K
               Amendments to SB 502 (dash 2) - Sen. Hamby - 7 pages
L
               Testimony on SB 507 - Kate Brown - 1 page N -
                                                                           Amendments
to SB 463 (dash 1) - John Kaufman - 1 page 0 - Hand Engrossed Version of SB 463 - John Kaufman - 2 pages P - Amendments to SB
463 - Frank Brawner - 1 page Q - Testimony on SB 681 and 683 - Pat
Ross - 3 pages R- Summary of SB 681 and 683 - Pat Ross - 3 pages
       - Amendments to SB 683 - Paul Snider - 1 page
- Testimony on HB 2445 - Warren Deras - 4 pages
Τ
       - Testimony on SB 683 - Karen Hightower - 3 pages
U
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