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Subject: Added Comment re Amendment -4 (LC 228) to SB 1576.

Date: February 10, 2024 at 9:41 PM

To: Sen.FloydProzanski@oregonlegislature.gov, Sen.KimThatcher@oregonlegislature.gov, Sen Gelser Blouin sen.saragelser@oregonlegislature.gov, sen.DennisLinthicum@oregonlegislature.gov, sen.jamesmanning@oregonlegislature.gov

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10 February 2024

Senator Floyd Prozanski, Chair
Senator Kim Thatcher, Vice-Chair
Senators Sara Gelser Blouin, Dennis Linthicum and James Manning
Senate Judiciary Committee
Oregon State Legislature
State Capitol
Salem, Oregon

Re: Added comment concerning proposed amendment -4 (LC 228), SB 1576

Chair Prozanski; Vice-chair Thatcher; senators Gelser Blouin, Linthicum and Manning:

To further encourage a referral, if you will, of the above-referenced matter to the 2025 Legislative session, versus acting this session on the proposed amendment involved, please know I (and likely many others here in Gilliam county) would support legislation this session (perhaps SB 1576 rewritten) directing one of the Legislature's interim committees to review the collective and appropriate statutes at issue in this matter, consider proposed changes to those statutes, and report its findings and recommendations to the 2025 session.

That effort could well focus on, but not necessarily be limited to, the following three principal aspects of the Gilliam county situation:

1. Ensuring there is a *prior referral* by a county court to its voting populace of the question of transferring both probate and/or juvenile court functions from the county judge to a circuit court before such a transfer can occur; but, in the event of a no vote result from said referral, enabling a county court to proceed with that transfer if in its wisdom it deems that subsequent action needed or otherwise appropriate and establishes on record its supporting facts, findings and recommendations for doing so;
2. Providing for a county's governing body to petition a circuit court seeking the return of either probate or juvenile court functions that have previously been transferred from that county's former county court structure to a circuit court, if the county's governing body determines it wants to do that.

Presently, it's said a county cannot seek a return of such jurisdiction once it has been transferred. But I'm believing this needs to be either revisited or more clearly and equitably defined, at least with respect to counties, given the City of Hermiston's municipal court recently successfully sought and achieved (after a ten year transfer of it to circuit court) a return to its jurisdictional authority of certain Class A misdemeanor cases. If a city of similar size population as Gilliam county can retrieve jurisdictional authority, Gilliam county reasonably enough ought to be able to do so, if it so desired.

The circuit court should be required to approve of such a petition unless it can substantiate on the record factual and serious reason not to. Any appeal of a denial of such a petition could or should easily enough be decided upon by the State Court Administrator, I'd think.

Again, the county's governing body should first be required to refer to its voting populace the matter of doing so (petitioning the circuit court); but, in the event of a no vote result from said referral, the county's governing body should still be able to proceed to do that if in its wisdom it deems it needed or appropriate, and establishes on record its supporting facts, findings and recommendations for doing so.

3. Stipulating that a county with a population of less than ____ and which becomes no longer county court-structured shall not allow for inclusion in the determined compensation paid to members of its then being a policy making-only governing body, a dollar amount of more than ____, health plan coverage, or public employee retirement benefits, but may include in that compensation, aside from a paid dollar amount, stipends, allowances and one-time only or annually reoccurring-authorized reimbursements, the dollar amount of which shall be determined by the governing body authorizing the expenditure of those public monies only after receipt and adoption of a county compensation board's open session review, consideration and forwarded recommendation of a current fiscal year's elected officials salary schedule.

Thank you for reading along this far :)

Sincerely,

Les

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