

HOUSE COMMITTEE ON JUDICIARY

March 06, 2003 Hearing Room 357
1:00 p.m. Tapes 68 - 69

MEMBERS PRESENT: **Rep. Williams, Chair**
 Rep. Ackerman, Vice-Chair
 Rep. Anderson, Vice-Chair
 Rep. Barker
 Rep. Jenson
 Rep. Krummel
 Rep. Prozanski
 Rep. Macpherson
 Rep. Shetterly

STAFF PRESENT: **Bill Joseph, Counsel**
 Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2277 Public Hearing and Work Session**
 HB 2645 Public Hearing and Work Session
 HB 2272 Public Hearing and Work Session
 HB 2075 Work Session
 HB 2275 Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 68, A		
008	Chair Max Williams	Opens meeting at 1:05 pm. Opens public hearing on HB 2277.
<u>HB 2277 PUBLIC HEARING</u>		
014	Bill Joseph	Committee Counsel. Describes HB 2277 that requires party in certain domestic relations proceedings, or entity providing support enforcement services in certain cases, to state in pleadings or notices whether another support proceeding is pending involving child and whether support order exists involving child.
040	Ronelle Shankle	Child Support Program Administration, Department of Justice (DOJ). Explains why HB 2277 is needed to provide preventative action, and submits testimony (EXHIBITS A & B) .
041	Carl Stecher	Oregon District Attorneys Association. Testifies in support of HB 2277.
080	Vice Chair Ackerman	Asks about the number of incidents of multiple orders in child support cases.
045	Shankle	Responds explaining the complexity of coordinating child support cases. Says the number of incidents is probably very high.
049	Vice Chair Ackerman	Asks if in all instances filing certificates is needed.
100	Stecher	Explains the administrative process is probably made easier by the certificates.
112	Layne Barlow	Oregon Men's Association. Submits testimony and testifies in support of HB 2277 (EXHIBIT C) . Recommends non-joint children be included in the child support orders.
134	Shankle	Explains intent of the bill is to not create multiple orders.

160 Chair Williams Closes public hearing on HB 2277. Opens work session on HB 2277.

HB 2277 WORK SESSION

170 Vice Chair Ackerman **MOTION: Moves HB 2277 to the floor with a DO PASS recommendation.**

VOTE: 6-0-3

179 Chair Williams **EXCUSED: 3 - Krummel, Prozanski, Shetterly**
Hearing no objection, declares the motion CARRIED.
REP. ACKERMAN will lead discussion on the floor.

182 Chair Williams Closes work session on HB 2277. Opens work session on HB 2645.

HB 2645 PUBLIC HEARING

185 Bill Joseph Committee Counsel. Explains HB 2645 that provides requirements for enforcement, modification or setting aside of child support judgments.

274 Ronelle Shankle Department of Justice (DOJ). Submits testimony and testifies in support of HB 2645 (**EXHIBITS D & E**). Describes a “governing judgment.”

282 Carl Stecher Oregon District Attorneys Association. Further explains advantages that HB 2645 will incur.

290 Chair Williams Refers to flow charts and reiterates their meaning.

335 Stecher Clarifies the flow chart.

384 Rep. Macpherson Asks if the party has the right to go to court.

394 Stecher Answers, yes, initially they can bring action. Refers to flow chart.

400 Rep. Macpherson Asks if an administrative resolution is more economical than going to court.

423 Shankle Answers private parties can petition the court. States the likelihood is that most cases will contact DOJ.

TAPE 69, A

020 Layne Barlow Oregon Men’s Association submits testimony and testifies in opposition to part of HB 2645 (**EXHIBIT F**) in its present form (**EXHIBIT G**). Refers to 2-a, page 1, lines 13 and 14.

049 Bob Whiteside Concerned Citizen, Beaverton. Submits testimony and testifies in opposition to HB 2645 in its present form (**EXHIBIT G**). Requests that the term “administrator” be defined so that the parents know who they are dealing with. States notification to parents of the governing judgment is not included in the bill. Suggests legislation that would strengthen the money judgments by naming the children and dates, and give state agencies remedies to make corrections. Says the multiple child support judgments part is unclear.

153 Chair Williams Responds to Mr. Barlow that ORS 416.440 lays out the support order process. HB 2645 does not create a new right, it is already in current law. Responds to Mr. Whiteside, the definition of “administrator” is in ORS 25.010. Explains that HB 2645 assists arrearage issues.

206 Rep. Barker Asks if it is better to have names on money judgments.

211 Whiteside Replies that the children’s names and dates are not on money judgments which makes it impossible to coordinate dates and timeframes.

261 Chair Williams Explains how HB 2645 is more efficient and helpful to parents and the courts. Says HB 2645 does not administer any special rights.

280 Barlow Says, with minor changes, the Oregon Men's Association can support this bill.

272 Vice Chair Ackerman Refers to Mr. Whiteside's judgment. Says the judgment does conform to the court procedures. Describes a Support Order Abstract.

315 Whiteside Responds that the money judgments do not seem to have conformity.

330 Vice Chair Ackerman Explains that a child over 18 can be deemed as a judgment creditor.

338 Shankle Responds that nothing in this bill changes the fact that the final order must be reviewed by the court.

337 Chair Williams Closes public hearing on HB 2645. Opens work session on HB 2645.

HB 2645 WORK SESSION

340 Rep. Shetterly **MOTION: Moves HB 2645 to the floor with a DO PASS recommendation.**

VOTE: 9-0

344 Chair Williams **Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.**

345 Chair Williams Closes work session on HB 2645. Opens public hearing on HB 2272.

HB 2272 PUBLIC HEARING

422 Michael Livingston Assistant Attorney General, DOJ. Member of the Oregon Law Commission's Juvenile Code Revision Work Group. Submits testimony in support of HB 2272 (**EXHIBITS H & I**). Describes HB 2272 corrects a problem inadvertently included in ORS 419(B). 917. Further explains why HB 2272 is needed.

TAPE 68, B

022 Judge Terry Leggert Marion County. Member of the Oregon Law Commission's Juvenile Code Revision Work Group. Submits testimony and explains if the parents do not show up a default is taken without a hearing (**EXHIBIT J**). Discusses problems of relating to families in court.

055 Livingston Describes requirements for oral orders and written orders as the same. The oral order is a savings and also expedites proceedings.

082 Chair Williams States that Safe Families and Adoptions Act requires action in a short timeframe to move children into permanency.

096 Chair Williams Asks about the -1 amendments.

098 Livingston Explains the -1 amendments (**EXHIBIT K**).

100 Chair Williams Closes public hearing on HB 2272. Opens work session on HB 2272.

HB 2272 WORK SESSION

312 Rep. Shetterly **MOTION: Moves to ADOPT HB 2272-1 amendments dated 03/04/03.**

VOTE: 9-0

314 Chair Williams **Hearing no objection, declares the motion CARRIED.**

315 Rep. Shetterly **MOTION: Moves HB 2272 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 9-0

317 Chair Williams **Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.**

318 Chair Williams Closes work session on HB 2272. Opens work session on HB 2075.

HB 2075 WORK SESSION

136	Bill Joseph	Committee Counsel. Explains HB 2075 revises laws relating to form of business entities.
154	Andrew Moral	Business Law Section, Oregon State Bar. Updates committee on HB 2075. Explains the -4 amendments (EXHIBIT L).
203	Rep. Macpherson	Agrees with the bill as amended with the -4 amendments.
208	Robert Ardt	Professor, Willamette University. Explains the changes made in HB 2075 by the amendments.
210	Rep. Shetterly	Comments that the fair process is still there.
230	Rep. Macpherson	MOTION: Moves to ADOPT HB 2075-4 amendments dated 02/18/03.
		VOTE: 8-0-1
		EXCUSED: Anderson
235	Chair Williams	Hearing no objection, declares the motion CARRIED.
234	Rep. Macpherson	MOTION: Moves HB 2075 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0- 1
		EXCUSED: Anderson
235	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. MACPHERSON will lead discussion on the floor.
237	Chair Williams	Closes HB 2075 work session. Opens work session on HB 2275.

HB 2275 WORK SESSION

260	Bill Joseph	Committee Counsel. Explains HB 2275 that prohibits unlawful discrimination based on age by place of public accommodation under certain circumstances.
270	Marcia Ohlemiller	Counsel, Bureau of Labor and Industry (BOLI). Submits testimony and explains the HB 2275-1, -2, and -3 amendments (EXHIBITS M, N, O, and P). Explains the emergency clause is needed along with a retroactive amendment.
285	Vice Chair Ackerman	Asks if these cases are tried in circuit court as well as BOLI.
290	Ohlemiller	Replies, yes, they may be.
300	Vice Chair Ackerman	Explains his concern with the cases that would not be reviewed with BOLI but may be filed with the circuit court. If the claims are reviewed, they should include both private and public defendants.

TAPE 69, B

029	Vice Chair Ackerman	Explains that public remedy is only viable if you file a tort claim notice within 180 days of the incident. Explains further, the way HB 2275 reads, this period would most likely have expired.
040	Rep Shetterly	Agrees the issue should be corrected through further drafting.
042	Chair Williams	Asks that HB 2275 be referred to Legislative Counsel for further work. Asks Ms. Ohlemiller if there were claims filed that the error caused.
070	Ohlemiller	Responds she is not aware there were claims.
085	Rep. Shetterly	Comments that tort claim notices may have been filed during this period.
090	Chair Williams	Asks that DOJ, Ms. Ohlemiller, and Counsel Joseph assist in addressing this issue.
106	Chair Williams	Closes work session on HB 2275. Refers HB 2275 and HB 2276 to LC and DOJ for further work. Adjourns meeting at 2:35 p.m.

EXHIBIT SUMMARY

A - HB 2277, written testimony, Ronelle Shankle, 1 p
B - HB 2277, Certificate report, Ronelle Shankle, 7 pp
C - HB 2277, written testimony, Layne Barlow, 1p
D - HB 2645, written testimony, Ronelle Shankle, 5 pp
E - HB 2645, multiple orders, Ronelle Shankle, 10 pp
F - HB 2645, written testimony, Layne Barlow, 1 p
G - HB 2645, written testimony, Bob Whiteside, 2 pp
H - HB 2272, written testimony, Michael Livingston, 3 pp
I - HB 2272, Majority Report, Michael Livingston, 4 pp
J - HB 2272, Minority Report, Terry Leggert, 3 pp
K - HB 2272-1 amendments, staff, 2 pp
L - HB 2075-4 amendments, staff, 14 pp
M - HB 2275, letter, Marcia Ohlemiller, 2 pp
N - HB 2275-1 amendments, staff, 1 p
O - HB 2275-2 amendments, staff, 1 p
P - HB 2275-3 amendments, staff, 1 p