

HOUSE COMMITTEE ON JUDICIARY

January 27, 2003 Hearing Room 357

1:00 p.m. Tapes 15 - 16

MEMBERS PRESENT: Rep. Max Williams, Chair
 Rep. Robert Ackerman, Vice-Chair
 Rep. Gordon Anderson, Vice-Chair
 Rep. Jeff Barker
 Rep. Jerry Krummel
 Rep. Greg Macpherson
 Rep. Floyd Prozanski
 Rep. Lane Shetterly

MEMBER EXCUSED: Rep. Bob Jenson

STAFF PRESENT: Bill Taylor, Counsel
 Craig Prins, Counsel
 Bill Joseph, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: Measure Introduction
 Informational Meeting: Proposed Amendments to the Rules of Civil Procedure—
 Ralph C. Spooner, Chair, Council on Court Procedures
 HB 2110 Public Hearing
 HB 2111 Public Hearing
 HB 2113 Public Hearing
 HB 2114 Public Hearing and 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 15, A		
004	Chair Williams	Calls the meeting to order at 1:08 p.m.
010	Bill Taylor	Committee Counsel. Introduces LC 1284, 1285, 1286, 1287, 1288, 1289 and 1290 (EXHIBITS A-G).
053	Rep. Prozanski	Asks for requestors.
055	Chair Williams	Responds that the requestors include the Oregon Medical Association and Oregon Association of Hospitals and Health Systems.
058	Rep. Prozanski	MOTION: Moves LC's 1284, 1285, 1286, 1287, 1288, 1289, 1290
		INTRODUCED as committee bills.
060		VOTE: 8-0-1
		EXCUSED: 1 - Rep. Jenson
061	Chair Williams	Hearing no objection, declares the motion CARRIED.
059	Chair Williams	Announces field trip to MacLaren Youth Correctional Facility on Friday, January 31, 2003.
076	Rep. Prozanski	Asks if the committee will be going to Albany to visit the facility there.

078	Chair Williams	Responds probably not.
089	Chair Williams	Introduces Ralph Spooner, Chair, Council on Court Procedures and Maury Holland, Executive Director, Council on Court Procedures.
092	Ralph Spooner	Chair, Council on Court Procedures. Discusses proposed amendments to the rules of civil procedure.
216	Rep. Krummel	Asks about rules 43 and 47.
191	Maury Holland	Executive Director, Council on Court Procedures. Clarifies rules 43 and 47.
260	Holland	Discusses rules 44 and 55.
316	Rep. Krummel	Asks about privacy issues in the statutes.
329	Spooner	Explains current rules regarding privacy.
400	Holland	Notes amendments to the perjury statutes that the legislature will be considering.

TAPE 16, A

012	Counsel Joseph	Explains that HB 2049 creates a deadline to add punitive damages and wonders if this bill had been considered by the council.
047	Chair Williams	Closes the informational meeting and opens a public hearing on HB 2110.

HB 2110 - PUBLIC HEARING

093	Bill Taylor	Committee Counsel. Introduces HB 2110 that modifies application of definition.
117	Ronelle Shankle	Assistant Director, Policy, Rules & Legislative Section, Department of Justice. Submits testimony and testifies in support of HB 2110 (EXHIBITS H & I) . Explains that there will be amendments.
221	Rep. Ackerman	Asks about procedures for enforcement.
228	Shankle	Explains the procedures.
237	Rep. Ackerman	Asks if a fact-finding process is needed.
244	Shankle	Replies that there is not a fact finding process in place.
289	Layne Barlow	Oregon Men's Association. Submits testimony and testifies as neutral on HB 2110 (EXHIBIT J) . Points out objections to the bill.
339	Rep. Prozanski	Asks for clarification of an example given.
355	Barlow	Talks about child support judgments in case of a death.
363	Shankle	Explains why language was removed from her proposal.
358	Rep. Krummel	Asks for further clarification.
411	Shankle	Explains the modifications.

TAPE 15, B

028	Rep. Barker	Asks further about Mr. Barlow's objection to the notification section of the bill.
041	Shankle	Explains the notification procedure.
045	Taylor	Referring to page 3 lines 23-25 of the bill, asks about a possible modification.
052	Shankle	Says there would be objection to this modification.
057	Chair Williams	Closes the public hearing on HB 2110 and opens a public hearing on HB 2111.

HB 2111 - PUBLIC HEARING

067	Bill Taylor	Committee Counsel. Introduces HB 2111 that makes decree or order final judgment as to any child support or spousal support payment that accrues up to time party is served with motion to set aside, alter or modify decree or order.
075	Ronelle Shankle	Assistant Director, Policy, Rules & Legislative Section, Department of Justice. Submits testimony and testifies in support of HB 2111 (EXHIBIT K) .
120	Layne Barlow	Oregon Men's Association. Submits testimony and testifies in opposition to HB 2111 (EXHIBIT L) . Suggests an amendment.
152	Russell Lipetzky	Attorney, Salem, Oregon. Submits amendments and testifies in support of HB 2111 (EXHIBIT M) .
181	Rep. Shetterly	Asks where the proposed language would be used in the bill.
190	Shankle	Responds to Mr. Barlow's testimony.
223	Taylor	Asks Mr. Lipetzky if the Oregon State Bar would support his proposal.
225	Lipetzky	Says, yes.
235	Rep. Shetterly	Wonders if his proposal is similar to Mr. Barlow's.
241	Lipetzky	Replies that they are similar.
253	Chair Williams	Closes the public hearing on HB 2111 and opens a public hearing on HB 2113.

HB 2113 PUBLIC HEARING

273	Bill Taylor	Committee Counsel. Introduces HB 2113 that limits disclosure of child support enforcement information.
285	Ronelle Shankle	Assistant Director, Policy, Rules & Legislative Section, Department of Justice. Submits testimony and testifies in support of HB 2113 (EXHIBIT N) .
322	Layne Barlow	Oregon Men's Association. Expresses concerns about certain areas of the HB 2113.
350	Chair Williams	Asks for response on the social security issue.
351	Shankle	Explains the release of social security numbers.
402	Rep. Krummel	Asks about dealing with collection agencies.

TAPE 16, B

004	Shankle	Explains the procedures.
017	Chair Williams	Closes the public hearing on HB 2113 and opens a public hearing on HB 2114.

HB 2114 - PUBLIC HEARING

018	Bill Taylor	Committee Counsel. Introduces HB 2114 that provides that single writ of garnishment may be issued for two or more judgments for past due support owed by same judgment debtor.
029	Ronelle Shankle	Department of Justice. Testifies in support of HB 2114. Suggests an amendment removing the word “immediately” from the statute.
052	Layne Barlow	Oregon Men’s Association. States no opposition to this bill.
073	Ken Sherman, Jr.	Oregon Banker’s Association. Testifies in support of HB 2114.
098	Rep. Shetterly	Asks if there will need to be changes to the statutory form.
103	Barlow	Says there will be no change.
110	Rep. Krummel	Asks for clarification of multiple judgments.
112	Shankle	Explains the multiple judgments (EXHIBIT O).
121	Rep. Shetterly	Asks how courts will process these.
129	Shankle	Discusses the process.
141	Rep. Ackerman	Wonders how individual judgments get satisfied.
146	Shankle	Explains the procedure for distribution.
190	Rep. Macpherson	Asks about the ordering rule.
198	Shankle	Says there are federal regulations.
211	Chair Williams	States that many of the child support issues are mandated by federal law.
217	Rep. Shetterly	Wonders about accounting procedures.
229	Shankle	Replies that complete accounting records are kept.
233	Rep. Ackerman	Explains that he was not aware partial satisfactions are not filed. Says this is unfair to the debtor.
247	Shankle	Says partial satisfactions will be filed upon request.
268	Chair Williams	Closes the public hearing on HB 2114 and opens a work session on HB 2114.

HB 2114 WORK SESSION

268	Rep. Williams	MOTION: Moves to SUSPEND the rules for the purpose of conceptual amendment. VOTE: 8-0-1 EXCUSED: 1 - Rep. Jenson
284	Chair Williams	Hearing no objection, declares the motion CARRIED.
285	Chair Williams	MOTION: Moves to ADOPT HB 2114 conceptual amendments deleting the word “Immediately” on line 18, page 1, and the word “upon”.
286	Chair Williams	Hearing no objection, declares the motion CARRIED.
287	Rep. Shetterly	MOTION: Moves HB 2114 with a DO PASS AS AMENDED recommendation.
288	Rep. Ackerman	States that he opposes the bill and explains.

289 **VOTE: 7-1-1**
AYE: 7 - Rep. Barker, Rep. Krummel, Rep. Macpherson, Rep. Prozanski, Rep. Shetterly, Vice Chair Anderson, Chair Williams
NAY: 1 - Rep. Ackerman
EXCUSED: 1 - Rep. Jenson

334 **Chair Williams** **The motion Carries.**
REP. ANDERSON will lead discussion on the floor.

350 **Chair Williams** **Closes the work session on HB 2114 and adjourns the meeting at 2:50 p.m.**

EXHIBIT SUMMARY

A – LC 1284, submitted by staff, dated 1/20/03, 3 pgs.
B – LC 1285, submitted by staff, dated 12/18/02, 1 pg.
C – LC 1286, submitted by staff, dated 1/20/03, 3 pgs.
D – LC 1287, submitted by staff, dated 1/20/03, 2 pgs.
E – LC 1288, submitted by staff, dated 1/20/03, 3 pgs.
F – LC 1289, submitted by staff, dated 12/19/02, 5 pgs.
G – LC 1290, submitted by staff, dated 12/13/02, 3 pgs.
H – HB 2110, proposed amendments, submitted by Ronelle Shankle, Department of Justice, dated 1/27/03, 3 pgs.
I – HB 2110, proposed amendments, submitted by Ronelle Shankle, Department of Justice, 3 pgs.
J – HB 2110, written testimony, submitted by Layne Barlow, Oregon Men’s Association, dated 1/27/03, 2 pgs.
K – HB 2111, written testimony, submitted by Ronelle Shankle, Department of Justice, dated 1/27/03, 5 pgs.
L – HB 2111, written testimony, submitted by Layne Barlow, Oregon Men’s Association, dated 1/27/03, 1 pg.
M – HB 2111, proposed amendments, submitted by Russell Lipetzky, Attorney, dated 1/27/03, 1 pg.
N – HB 2113, written testimony and proposed amendments, submitted by Ronelle Shankle, Department of Justice, 7 pgs.
O – HB 2114, written testimony and proposed amendments, submitted by Ronelle Shankle, Department of Justice, 4 pgs.