

SENATE COMMITTEE ON JUDICIARY

May 13, 2003
8:00 AM

Hearing Room 343
Tapes 128-129

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Craig Prins, Counsel**
 Bill Taylor, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 52 Work Session**
 HB 2206A Public Hearing and Work Session
 HB 2034A Work Session
 HB 2114A Public Hearing and Work Session
 HB 2113A Public Hearing
 HB 2111A Public Hearing and Work Session
 HB 2095A Public Hearing

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 128, A		
004	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a work session on SB 52.
<u>SB 52 WORK SESSION</u>		
008	Craig Prins	Committee Counsel. Explains that SB 52 that creates crime of aggravated identity theft is being reconsidered to allow for a correction with the -4 amendments (EXHIBIT A).
021	Vice Chair Burdick	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 52. VOTE: 5-0-1
023	Chair Minnis	EXCUSED: 1 - Sen. Ferrioli Hearing no objection, declares the motion CARRIED.
027	Vice Chair Burdick	MOTION: Moves to ADOPT SB 52-4 amendments dated 5/9/03. VOTE: 5-0-1
030	Chair Minnis	EXCUSED: 1 - Sen. Ferrioli Hearing no objection, declares the motion CARRIED.

031 Vice Chair Burdick **MOTION: Moves SB 52 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ferrioli
035 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. MINNIS will lead discussion on the floor.
037 Chair Minnis Closes the work session on SB 52 and opens a public hearing on HB 2206A.

HB 2206A PUBLIC HEARING

038 Bill Taylor Committee Counsel. Introduces HB 2206A that expands crime of abuse of memorial to dead.
047 James Hamrick Assistant Director, Oregon Parks and Recreation Department. Submits testimony and testifies in support of HB 2206A **(EXHIBIT B)**.
084 Sen. Ringo Asks if cemetery vandals have been apprehended and prosecuted.
088 Hamrick Says there are no statistics available.
092 Sen. Ringo Contends that this is another example of considering legislation that is not going to make any difference.
101 Taylor Discusses the growing business of stealing from cemeteries.
112 Chair Minnis Asks if this legislation may be in conflict with a Senate bill now in the House.
117 Taylor Says he does not know the status of the other bill.
127 Sen. Walker Expresses her concern that the bill is too broad and the fines too much.
137 Hamrick Clarifies how the bill addresses fines.
148 Vice Chair Burdick Asks if there are plans to post the proposed penalties.
151 Hamrick Says that the plan is to engage in an aggressive education campaign.
174 Chair Minnis Closes the public hearing on HB 2206A and opens a work session.

HB 2206A WORK SESSION

175 Vice Chair Burdick **MOTION: Moves HB 2206A to the floor with a DO PASS recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Ferrioli
179 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. BURDICK will lead discussion on the floor.
188 Chair Minnis Closes the work session on HB 2206A and opens a work session on HB 2034A.

HB 2034A WORK SESSION

190 Bill Taylor Committee Counsel. Introduces HB 2034A that modifies definition of iodine matrix.
216 Vice Chair Burdick **MOTION: Moves HB 2034A to the floor with a DO PASS recommendation.**
VOTE: 6-0
222 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. C. STARR will lead discussion on the floor.
238 Chair Minnis Closes the work session on HB 2034A and opens a public hearing on HB 2114A.

HB 2114A PUBLIC HEARING

247 Ronelle Shankle Department of Justice. Submits testimony and testifies in support of HB 2114A that provides that single writ of garnishment may be

281	Bill Taylor	issued for two or more judgments for past due support owed by same judgment debtor (EXHIBIT C).
290	Sen. Ferrioli	Committee Counsel. Expresses his approval of HB 2114A.
295	Shankle	Asks who calculates child support interest.
		Advises that child support interest is not calculated by the agency. Explains the administrative rule 461.200.5080.
315	Sen. Ferrioli	Says he objects to the way interest is handled.
345	Chair Minnis	Wonders why it is done the way it is.
347	Shankle	Says the computer system is unable to handle that function.
372	Sen. Ringo	Disagrees with Sen. Ferrioli's position.
393	Sen. Ferrioli	Agrees that interest calculations can be calculated, but thinks there should be advancements.
421	Chair Minnis	Closes the public hearing on HB 2114A and opens a work session.

HB 2114A WORK SESSION

427	Vice Chair Burdick	MOTION: Moves HB 2114A to the floor with a DO PASS recommendation.
		VOTE: 6-0
431	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
440	Chair Minnis	Closes the work session on HB 2114A and opens a public hearing on HB 2113A.

2113A PUBLIC HEARING

443	Ronelle Shankle	Department of Justice. Submits testimony and testifies in support of HB 2113A that limits disclosure of child support enforcement information (EXHIBIT D).
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TAPE 129, A

027	Chair Minnis	Asks if the Federal Code mandates this proposed change.
029	Shankle	Explains that 654A on page 5 of the Federal Code is what this legislation is in compliance with.
093	Chair Minnis	Asks what the penalty is for non-compliance.
100	Shankle	Explains the penalty would include a loss of federal matching funds to the program.
116	Sen. Walker	Says it seems that we are always trying to bring ourselves into compliance with the federal government.
124	Shankle	Agrees this is the case.
132	Chair Minnis	Explains his concern with the broad rule-making authority given to agencies.
140	Shankle	Says that page 2, line 20 of the A-engrossed bill is where the limit of authority is addressed.
152	Chair Minnis	Believes that the legislature should approve agency rules each session, and spend more time governing existing laws instead of spending time making new laws.
154	Shankle	Says that topic has come up several times before.
175	Chair Minnis	Closes the public hearing on HB 2113A and opens a public hearing on HB 2111A.

HB 2111A PUBLIC HEARING

176	Ronelle Shankle	Department of Justice. Submits testimony and testifies in support of HB 2111A that makes decree or order final judgment as to any child support or spousal support payment that accrues up to time nonmoving party is served with motion to set aside, alter or modify decree or order (EXHIBIT E).
228	Sen. Ringo	Asks if this bill would allow for more flexibility in modifying the

236 Shankle on-going support provision.
245 Chair Minnis States it would not.
Closes the public hearing on HB 2111A and opens a work session.

HB 2111A WORK SESSION

249 Vice Chair Burdick **MOTION: Moves HB 2111A to the floor with a DO PASS recommendation.**

VOTE: 6-0

255 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.**

258 Chair Minnis Closes the work session on HB 2111A and opens a public hearing on HB 2095A.

HB 2095A PUBLIC HEARING

264 Ronelle Shankle Department of Justice. Submits testimony and testifies in support of HB 2095A that requires court or enforcing agency issuing child support order to direct obligor to provide health care coverage to child under health benefit plan under certain circumstances **(EXHIBIT F)**. Says this legislation brings the state up to federal mandate.

308 Sen. Walker Asks about the availability of health insurance for a child.

314 Shankle Explains what is required. Continues highlighting the issues addressed in HB 2111A.

398 Chair Minnis Asks about requirement in selection of health insurance.

404 Shankle Explains that those plans available to the child would be the only ones available from which to choose.

427 Sen. Walker Asks for clarification of the insurance issue.

435 Shankle Explains the process for supplying health insurance.

481 Chair Minnis Asks how this works with people with borderline incomes.

484	Shankle	Says the combined total of insurance and child support cannot exceed 50% of an obligor's income.
TAPE 128, B		
050	Bill Taylor	Committee Chair. Asks about the -A3 amendments and what they would do (EXHIBIT G).
053	Shankle	Introduces the -A3 amendments that are additional and final technical amendments that address liability. Asks for a referral to Ways and Means.
086	Chair Minnis	Says he wants to hold the bill for further consideration. Closes the public hearing on HB 2095A and adjourns the meeting at 9:15 a.m.

EXHIBIT SUMMARY

- A – SB 52, -4 amendments submitted by staff, 1 p**
- B – HB 2206A, written testimony submitted by James Hamrick, Jr., 6pp**
- C – HB 2114A, written testimony submitted by Ronelle Shankle, 3 pp**
- D – HB 2113A, written testimony submitted by Ronelle Shankle, 37 pp**
- E – HB 2111A, written testimony submitted by Ronelle Shankle, 3 pp**
- F – HB 2095A, written testimony submitted by Ronelle Shankle, 18 pp**
- G – HB 2095A, -A3 amendments submitted by staff, 3 pp**