

SENATE COMMITTEE ON JUDICIARY

May 27, 2003
8:00 AM

Hearing Room 343
Tapes 140 – 141

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: Bill Taylor, Counsel
Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: HB 2074A Public Hearing and Work Session
HB 2638A Public Hearing and Work Session
HB 2803A Work Session
HB 2113A Work Session
HB 2711A Public Hearing and Work Session
HB 2381A Public Hearing and Work Session
HB 3250A 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 140, A		
003	Chair Minnis	Calls the meeting to order at 8:12 a.m. and opens a public hearing on HB 2074A that requires Public Defense Services Commission to submit report to Legislative Assembly biennially.
<u>HB 2074A PUBLIC HEARING</u>		
010	Ann Christian	Public Defense Services Commission. Submits testimony and testifies in support of HB 2074A (EXHIBIT A).
084	Sen. Ringo	Asks how the peer review process works.
088	Christian	Explains the process.
098	Sen. Ringo	Offers an example and asks if he is correct in his assumption.
100	Christian	Indicates the assumption is correct.
110	Chair Minnis	Asks if the Oregon District Attorneys Association (ODAA) is in support of this bill.
122	Christian	Replies that they are.
130	Chair Minnis	Closes the public hearing on HB 2074A and opens a work session on HB 2074A.
<u>HB 2074A WORK SESSION</u>		
133	Vice Chair Burdick	MOTION: Moves HB 2074A to the floor with a DO PASS recommendation. VOTE: 5-0-1 EXCUSED: 1 - Sen. Walker
135	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.

138	Chair Minnis	Closes the work session on HB 2074A and opens a public hearing on HB 2638A.
<u>HB 2638A PUBLIC HEARING</u>		
140	Ann Christian	Public Defense Services Commission. Submits testimony and testifies in support of HB 2638A that specifies that Public Defense Services Commission determines whether person petitioning for review of final order of State Board of Parole and Post-Prison Supervision is financially eligible for appointed counsel (EXHIBIT B).
170	Chair Minnis	Asks if the Oregon Justice of the Peace Association (OJOP) is in support of this bill.
177	Christian	Comments on the changes created by the amendments adopted on the House side.
191	Chair Minnis	Asks if this bill needs an emergency clause.
196	Christian	Comments on the possible need for an emergency clause.
203	Bill Taylor	Committee Counsel. Clarifies that the OJOP did not need the bill, so the relating clause was used as a vehicle for the amendments adopted on the House side.
205	Chair Minnis	Closes the public hearing on HB 2638A, and opens a work session on HB 2638A.
<u>HB 2638A WORK SESSION</u>		
210	Vice Chair Burdick	MOTION: Moves HB 2638A to the floor with a DO PASS recommendation.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Walker
215	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. C. STARR will lead discussion on the floor.
220	Chair Minnis	Closes the work session on HB 2638A and opens a work session on HB 2803A.
<u>HB 2803A WORK SESSION</u>		
232	Mitch Morrow	Department of Corrections. Submits testimony and testifies in support of HB 2803A that authorizes Department of Corrections to enter into contracts with public entity for provision of correctional services in facilities out of state (EXHIBIT C).
271	Sen. Walker	Expresses her appreciation of the changes that have been made to this legislation.
300	Vice Chair Burdick	MOTION: Moves HB 2803A to the floor with a DO PASS recommendation.
310	Sen. Ringo	Asks for the practical impact if this bill did not pass.
318	Morrow	Says there would be unsafe crowding.
		VOTE: 6-0
325	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
330	Chair Minnis	Closes the work session on HB 2803A and opens a work session on HB 2113A.
<u>HB 2113A WORK SESSION</u>		
340	Bill Taylor	Committee Counsel. Introduces HB 2113A that limits disclosure of child support enforcement information.
370	Chair Minnis	Asks if the Department of Justice is happy with this bill.
372	Ronelle Shankle	Department of Justice. Says, yes. Submits testimony of Steve Henigson, Department of Health and Human Services (EXHIBIT D).
378	Vice Chair Burdick	MOTION: Moves HB 2113A to the floor with a DO PASS

recommendation.

VOTE: 6-0

385 Chair Minnis

Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.

387 Chair Minnis

Closes the work session on HB 2113A, and opens a public hearing on HB 2711A.

The following prepared testimony is submitted for the record without public testimony for HB 2113A:

Michael Buckley

Submits written testimony (**EXHIBIT L**).

HB 2711A PUBLIC HEARING

393 Ronelle Shankle

Department of Justice. Submits testimony and testifies in support of HB 2711A that modifies provisions relating to collection of child support payments by collection agencies (**EXHIBIT E**).

TAPE 141, A

034 Rep. Rob Patridge

House District 6. Testifies in support of HB 2711A.

058 Sen. Ferrioli

Asks who pays the \$200 fee out of a \$1,000 collection.

067 Shankle

Says the obligor gets complete credit for the money paid.

074 Sen. Ferrioli

Contends that it is the child then that pays the fee.

080 Rep. Patridge

Says that it is more than would be collected otherwise.

085 Chair Minnis

Questions whether there could be a problem with adding the fee to the current obligation.

095 Sen. Ferrioli

Points out the burden should be placed on the deadbeat parent.

100 Rep. Patridge

Comments on the issue, indicating it could be further addressed in the interim.

107 Sen. Walker

Comments on the history of the bill, and clarifies that this bill would not lessen the department's collection mandate, but rather offer another tool to use in the most difficult cases.

121 Shankle

Acknowledges, commenting on the possible use of the tool created by the bill.

125 Sen. Ringo

Asks about the 20% fee.

133 Rep. Patridge

Further comments on the 20% fee.

140 Shankle

Points out the state collection agencies do not want to do child support collections.

152 Sen. Ringo

Asks whether the collection companies conduct investigations to find the deadbeat parents.

157 Shankle

Outlines the collections process.

165 Sen. Ringo

Further clarifies that this would involve actual investigations.

170 Shankle

Further outlines the collection process.

175 Vice Chair Burdick

Asks for a review of what the Department of Justice does with regard to child support collection before a collection agency is hired.

182 Shankle

Says it is a long list. Explains some of the steps taken.

196 Vice Chair Burdick

Asks if there is a risk because of budget cuts.

201 Rep. Patridge

Says there have been assurances that there will be no money taken from this budget.

205 Chair Minnis

Closes the public hearing on HB 2711A, and opens a work session on HB 2711A.

HB 2711A WORK SESSION

210 Vice Chair Burdick

MOTION: Moves HB 2711A to the floor with a DO PASS recommendation.

VOTE: 6-0

215 Chair Minnis

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

221 Chair Minnis

Closes the work session on HB 2711A and opens a public hearing

HB 2381A PUBLIC HEARING

229	Mitch Morrow	on HB 2381A.
248	John Powell	Department of Corrections. Submits testimony and testifies in support of HB 2381A that allows transfer of defendant sentenced to confinement in Department of Corrections institution during normal business hours unless prior arrangements have been made (EXHIBIT F) .
252	Chair Minnis	Oregon State Sheriffs Association. Submits written material and testifies in support of HB 2381A (EXHIBIT G) . Closes the public hearing on HB 2381A and opens a work session.

HB 2381A WORK SESSION

280	Vice Chair Burdick	MOTION: Moves HB 2381A to the floor with a DO PASS recommendation.
		VOTE: 6-0
285	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		CHAIR MINNIS will lead discussion on the floor.
290	Chair Minnis	Closes the work session on HB 2381A and opens a public hearing on HB 3250A.

HB 3250A PUBLIC HEARING

299	Sybil Hebb	Oregon Law Center. Testifies in support of HB 3250A that permits court to require security, bond or other guarantee from parent subject to custody order who may travel with minor child in another country if court finds risk of intentional abduction. Suggests a conceptual amendment changing the “or” to “and” on page 2, line 7.
370	Chair Minnis	Asks about the list of nations which would fit the criteria outlined in the bill.
380	Hebb	Indicates the need for the list to be somewhat flexible.
403	Vice Chair Burdick	Asks about the passport restriction.
416	Hebb	Says this bill does not intend to restrict a parent from getting his/her own passport.
429	Bill Taylor	Committee Counsel. Asks if the court would still be able to make parents surrender their passport.
435	Hebb	Says the court could determine another remedy.
TAPE 140, B		
015	Rep. Donna Nelson	House District 24. Submits testimony and testifies in support of HB 3250A (EXHIBIT H) . Introduces a family who experienced an abduction.
081	Sen. Walker	Discusses the amount of money required by families to get their children returned.
101	Rep. Nelson	Points out the need for the conceptual amendment on page 2 line 7 from “or” to “and.”
125	Sen. Ringo	Asks the mechanics of keeping a father from abducting his child.
139	Hebb	Explains that the security bond would help to get the child back.
145	Sen. Ringo	Asks how the bond requirement would be enforced.
160	Hebb	Comments on the enforcement of the bond requirement.
170	Sen. Ringo	Further comments on the problems with making a parent pay the bond requirement.
192	Lillian Frease	Grandmother of an abducted child. Submits testimony and testifies in support of HB 3250A (EXHIBIT I) .
274	Sen. Walker	Asks if other states have passed laws such as this.
288	Frease	Says, yes, including Texas, California, Indiana and Illinois.

303	Chair Minnis	Comments on whether the bill needs the proposed conceptual amendment.
319	Hebb	Comments on the conceptual amendment.
348	Chair Minnis	Questions the language of the bill being a bit loose.
367	Vice Chair Burdick	Expresses concern about the change of wording.
390	Taylor	Explains the language in question.
408	Chair Minnis	Points out language which could be better utilized in the bill.
410	Hebb	Says she has no problem with that change.
TAPE 141, B		
027	Vice Chair Burdick	Comments on the language.
030	Hebb	Acknowledges the clarification offered by Vice Chair Burdick.
038	Sen. Walker	Says she is ok with the language as it is.
047	Chair Minnis	Explains his support for the language as written.
057	Sen. Ringo	Indicates his support for the bill as written.
072	Chair Minnis	Says there will an amendment to make the changes requested.
087	Chair Minnis	Closes the public hearing on HB 3250A and adjourns the meeting at 9:40 a.m.

The following exhibits were submitted without public testimony for HB 3250A:

Staff	Submits FAQ sheet (EXHIBIT J) regarding HB 3250.
Kristine Uhlman	Submits written testimony (EXHIBIT K).

EXHIBIT SUMMARY

- A – HB 2074A, written testimony, Ann Christian, 4 pp.**
- B – HB 2638A, written testimony, Ann Christian, 2 pp.**
- C – HB 2803A, written testimony, Mitch Morrow, 2 pp.**
- D – HB 2213A, submitted written testimony from Steve Henigson, Ronelle Shankle, 1 p.**
- E – HB 2711A, written testimony, Ronelle Shankle, 2 pp.**
- F – HB 2381A, written testimony, Mitch Morrow, 1 p.**
- G – HB 2381A, Notice of Waiver, John Powell, 1 p.**
- H – HB 3250A, written testimony, Rep. Donna Nelson, 16 pp.**
- I – HB 3250A, written testimony, Lillian Frease, 2 pp.**
- J – HB 3250A, Frequently Asked Questions, Staff, 5 pp.**
- K – HB 3250A, written testimony, Kristine Uhlman, 7 pp.**

The following exhibits are submitted out of order in the body of the tape log:

- L – HB 2113A, written testimony, Michael Buckley, 1 p.**