

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CRIMINAL LAW**

March 15, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 38 - 40

**MEMBERS PRESENT:**     **Rep. Max Williams, Chair**  
                                  **Rep. Robert Ackerman**  
                                  **Rep. Jo Ann Bowman**  
                                  **Rep. Wayne Krieger**  
                                  **Rep. Lane Shetterly**  
                                  **Rep. Vicki Walker**  
                                  **Rep. Carl Wilson**

**STAFF PRESENT:**       **Bill Taylor, Counsel**  
                                  **Patsy Wood, Office Coordinator**

**MEASURE/ISSUES HEARD:**     **HB 2008 Public Hearing**  
                                  **HB 2063 Public Hearing**  
                                  **HB 2072 Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 38, A</b>		
003	Chair Williams	Calls the meeting to order at 8:40 a.m. Opens a public hearing on HB 2008.
<b><u>HB 2008 PUBLIC HEARING</u></b>		
013	<b>Terry Thompson</b>	<b>Marine Fisherman</b> Submits testimony and testifies in support of HB 2008 which increases penalties for littering on beaches ( <b>EXHIBIT A</b> ). Expresses his concern with legally released marine debris being tossed overboard at sea and falling under this legislation for a penalty, as well as the glass floats placed on the beach to attract tourists. Discusses the -2 amendments ( <b>EXHIBIT B</b> ). Illustrates how long plastic holds up in the ocean by telling a story of a wallet found in marine debris, with a fishing license in a plastic holder, and locating the owner who had lost the wallet 15 years previously.
123	Chair Williams	Questions the word "discard" and wonders if the "attempt to abandon" is included in the bill. Believes that fishing gear or a boat breaking up would not fall into the framework of the bill.
141	Thompson	Says he is correct. Encourages people to get involved in beach walks to pick up beach litter. Feels that local fishermen are getting blamed for beach litter that may have come from Japan or Hawaii.
162	Rep. Krieger	Comments he has witnessed the fishing industry disposing of debris in a proper manner. Says a lot of beach debris comes from streams - not the ocean or people on the beaches.
178	Thompson	Agrees and describes how the fishermen were the first to get

197	Rep. Bowman	involved in beach cleanup. Mentions that on larger fishing vessels, garbage compactors have been installed.
202	Thompson	Asks if the amendments would keep a fisherman who litters with pop cans, garbage, etc., from facing a penalty.
210	Rep. Krieger	Feels that a person who throws debris overboard should be held liable, but the commercial fisherman carrying that person should not lose their commercial vessel license.
219	Thompson	Compares violations of commercial vessel littering to truck drivers who would not lose their commercial license for littering the first time.
228	Chair Williams	Reiterates that the penalty should be imposed against the individual and not the commercial enterprise.
		Closes the public hearing on HB 2008 and opens a public hearing on HB 2063.

**HB 2063 PUBLIC HEARING**

253 **Gerri Hickey**

**Portland, Oregon**

Submits testimony and testifies in support of HB 2063 which revises criteria for support of child over 18 years of age (**EXHIBIT C**). Discusses the issue of children of divorce attending school as well as health insurance benefits stopping at 19 years of age if the child is attending school only part-time, thus creating a hardship on the second family who has to supply the insurance.

386 **Ronelle Shankle**

**Department of Justice, Division of Child Support**

Submits testimony and testifies as neutral on HB 2063 (**EXHIBIT D**). Gives a brief history on how the current “child attending school” law is working in Oregon.

443 **Kevin Aguirre**

**Adult and Family Services, Child Support Program Director**

Submits testimony and testifies in opposition to HB 2063 (**EXHIBIT E**). Says that he supports the current policy because it is consistent with the Child Support Program and the Adult and Family Services self-sufficiency mission by supporting continuing education.

**TAPE 39, A**

024 Rep. Lowe

Asks for his opinion on the constitutionality of the policy.

029 Aguirre

States the Court of Appeals upheld the constitutionality of the child attending school policy as passed by the legislature.

034 Shankle

Says that a review of the above-mentioned case (In Re Marriage of Crocker, 1457 Or App 651 (1998) was granted a review by the Oregon Supreme Court and they are awaiting a decision.

038 Rep. Shetterly

Comments about the legislation from the 1999 session and asks what were some of the past issues.

043 Shankle

Reviews past legislation regarding child attending school.

057 Rep. Shetterly

Asks what the issues were that varied from the original bill in 1999 that maintained the “child in school” requirement.

062 Shankle

Explains past legislation and policy issue of child qualifying.

077 Rep. Krieger

Discusses the disadvantages of divorced parents not contributing equally to education.

102 Aguirre

Says that the Oregon Guidelines consider the income of the non-custodial and custodial parent.

117 Rep. Krieger

Questions the obligations of custodial parents to contribute after the child turns 18.

131 Aguirre

Responds that the child support program is in place to enforce

		the orders of the court. Answers yes to the question of whether or not custodial parent is required to pay.
152	Rep. Krieger	Asks if the custodial parent is required to have the child in the home.
158	Aguirre	Explains that is why there are strict requirements for what defines a child attending school.
164	Rep. Krieger	Asks if the child has to remain in the home of the custodial parent, and if not, then is that custodial parent not contributing.
169	Aguirre	Says that they don't monitor if a child is in the home of the custodial home. Continues testimony in opposition to HB 2063.
197	<b>Karen Berkowitz</b>	<b>Legal Aid Services of Oregon</b> Submits testimony and testifies in opposition to HB 2063 <b>(EXHIBIT F)</b> . Gives personal testimony of her daughter's college not being paid by her father because he stopped child support at age 18.
262	Rep. Shetterly	Discusses a fairness issue, with the burden on the custodial parent from the 1997 session.
284	Rep. Krieger	Wonders about different scenarios, for example if the child chose not to attend college straight out of high school.
287	Shankle	Speaks to what the current law allows. States the law does not allow a break, summer excepted.
308	Rep. Bowman	Asks the panel if the anyone believe child support payments take care of the need of any individual child who is in receipt of child support payments.
313	Shankle	Answers no/
315	Rep. Bowman	Asks if anyone believes the non-custodial parent has a more significant financial disadvantage than the custodial parent.
323	Shankle	Responds that she can't speak to that because everyone carries different financial obligations.
344	<b>Roger Wong</b>	<b>Oregon District Attorney's Association, Child Support Liaison</b> Submits testimony and testifies in opposition to HB 2063 <b>(EXHIBIT G)</b> . Discusses the consequences of HB 2063.
431	<b>Carl Stecker</b>	<b>Oregon District Attorney's Association</b> Testifies in opposition to HB 2063.
<b>TAPE 38, B</b> 048	<b>Marvin Calhoun</b>	Testifies in support of HB 2063.
085	<b>Layne Barlow</b>	<b>Oregonians for Family Law Reform</b> Submits testimony and testifies in support of HB 2063 <b>(EXHIBIT H)</b> .
134	<b>Leila Aman</b>	<b>Legislative Associate, Oregon Student Association</b> Submits testimony and testifies in opposition to HB 2063 <b>(EXHIBIT I)</b> . Discusses students of low-income parents trying to apply for financial aid.
162	<b>Steve Lindsley</b>	<b>Reporter</b> Testifies that it is unfair for him to be "required" to pay child support after his children reach the age of 18.
192	Chair Williams	Closes the public hearing on HB 2063 and opens a public hearing on HB 2072.

**HB 2072 PUBLIC HEARING**

218 **Ronelle Shankle**

**Department of Justice, Division of Child Support**

Submits testimony and testifies as neutral to HB 2072 which requires that child support obligation be offset by child's Social Security or Veteran's benefits received as result of obligor's disability or retirement (**EXHIBIT J**).

293 **Carl Stecker**

**Oregon District Attorney's Association, Marion County District Attorney's Office**

Says that the organization was originally opposed to the bill, but says that the - 2 amendments from the Division of Child Support would make the bill acceptable (**EXHIBIT K**).

323 Shankle

Says she would be in opposition to -3 amendments to HB 2072, but supports the -2 amendments (**EXHIBIT L**).

336 **Layne Barlow**

**Oregonians for Family Law Reform**

Opposes -3 amendments, but supports the -2 amendments.

364 **Karen Berkowitz**

**Legal Aid Services of Oregon**

Submits testimony and testifies in opposition to HB 2072 (**EXHIBIT M**).

**TAPE 39, B**

008 Berkowitz

Suggests changes to - 2 amendments. Says that SSI and social security benefits are not the same thing.

037 Rep. Shetterly

Clarifies that the -2 amendments refer to Social Security and not SSI.

049 Berkowitz

Points out where the problem is with paragraph 2.

059 **Jean Fogarty**

**Assistant Attorney General**

Says that is something that can be easily fixed, which is what she was trying to accomplish in 3(a)

065 Chair Williams

Discuss -2 adoptions.

081 **Tom Ruedy**

**Milwaukie, Oregon**

Testifies in support of HB 2072 and the -3 amendments.

Describes his personal situation of becoming disabled and his daughter being able to collect social security payments instead of him having to pay child support. Says the -3 amendments are straightforward and don't dilute the proposed legislation.

168 **Jim Hansen**

**Lake Oswego, Oregon**

Testifies in support of HB 2072 and the -3 amendments.

Describes the activities and positive fathering skills of Tom Ruedy.

201 Chair Williams

Acknowledges Rep. Bowman's last day in the house and wishes her the best.

239 **John Roach**

Submits testimony and testifies in support of HB 2072 (**EXHIBIT O**). Discusses the case of one of Rep. King's constituents who is not getting credit for social security payments. Describes his own situation where he is not getting credit toward child support of the social security benefits paid.

**TAPE 406, A**

032 **Rep. Bill Witt**

**House District 7**

Testifies in support of HB 2072. Says that under the current law, these people paying social security benefits or veteran's benefits are not being handled fairly.

071	Roach	Comments that he'd like to spend more time with his children, but feels he doesn't have the money to do extra things for them.
091	<b>Dennis Hooyman</b>	
102	Rep. Wilson	Mentions HB 3361 in the 1999 session. Closes the public hearing on HB 2072 and adjourns the meeting at 10:30 a.m.

Submitted By,

Reviewed By,

Patsy Wood  
Office Coordinator

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

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