

**HOUSE COMMITTEE ON JUDICIARY - CIVIL LAW**

February 02, 1999 Hearing Room 357

1:00 p.m. Tapes 17-18

**MEMBERS PRESENT: Rep. Shetterly, Chair**

**Rep. Uherbelau, Vice-Chair**

**Rep. Williams, Vice-Chair**

**Rep. Backlund**

**Rep. Edwards**

**Rep. Lowe**

**Rep. Walker**

**Rep. Wells**

**Rep. Witt**

**STAFF PRESENT: Aaron Felton, Counsel**

**Nancy Richards, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2391**

**HB 2231**

**HB 2237**

**HB 2225**

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
<b>TAPE 17, A</b>		
<b><u>HB 2391 Public Meeting</u></b>		
004	Chair Shetterly	Calls meeting to order at 1:09
007	<b>Rep. Ben Westlund</b>	<p><b>Representative for District 55</b></p> <p>Testifies in support of HB 2391. States his feelings for this bill and the importance of this bill.</p>
019	<b>Hardy Myers</b>	<p><b>Attorney General</b></p> <p>Testifies in support of HB 2391. States his appreciation for the public support officers and the need of financial support for their families when there is a death or disability.</p>
061	Rep. Uherbelau	What will be the amount of the memorial fund?
069	Westlund	We will raise a million dollars per biennium.
079	<b>Greg Brown</b>	<p><b>Sheriff of Deschutes County</b></p> <p>Testifies in support of HB 2391 (<b>Exhibit A</b>). Discusses why public safety officers need this fund and how it provides financial support as well as shows appreciation to those families.</p>
129	<b>Robert Dent</b>	<p><b>Citizen of Bend, Oregon</b></p> <p>Testifies in support Of HB 2391 (<b>Exhibit B &amp; C</b>). Shares stories of those State Police Officers who lost their lives in active duty and the affect on their families. Discusses the non-profit foundation that was formed by private citizens to assist the surviving families during their grieving process. States the statistics on how many gave their life while on duty as well as those that were injured and assaulted. Talks about the individual officers and what they face daily. A video was shown as a tribute to Bret Clodfelter and police officers killed in the line of duty.</p>
337	<b>Ann Crocket</b>	<p><b>Mother-in-law to Bret Clodfelter</b></p> <p>Testifies in support of HB 2391 (<b>Exhibit D</b>). Tells the story of Bret and his wife, Rene of their marriage and the affect this tragedy had on the family. Discusses the need for this bill and for immediate aid in support of the surviving families. States the statistics of the affects on the survivors.</p>

**Tape 18, A**

030	Crocket	Continues her testimony.
110	<b>Vicki Jeffries</b>	<b>Widow of Thomas Jeffries</b>  Testifies in support of HB 2391. Tells the story of her husband, Thomas Jeffries, a Portland police officer, and his death in the line of duty and the affect on their family. States what this bill means to her.
272	<b>Bill Lyons</b>	<b>Oregon State Police</b>  Testifies in support of HB 2391. Tells the story of his son, Scott and the facts of his death.
333	<b>Rep. Randy Leonard</b>	<b>Representative for District 21 and Member of Portland Firefighter Association.</b>  Testifies in support of HB 2391. Discusses the affects on the family as well as the city where they live and how this bill will help these families.
413	Rep. Wells	What is the availability of life insurance for those that serve?
432	Leonard	Discusses the life insurance options provided to a public safety officer and the time limit it takes to receive the funds. States the urgency that this bill gives to appropriating the money swiftly to the deceased.

**Tape 17, B**

043	Rep. Uherbelau	This bill is not about money as much as a memorial. Talks about the time lag before money is available.
048	Leonard	Tells of his appreciation for the bill and what it stands for.
058	<b>Jim Botwinis</b>	<b>Oregon State Police Organization</b>  Testifies in support of HB 2391 ( <b>Exhibit E</b> ). Discusses his appreciation for this bill.
075	<b>Major Lee Erickson</b>	<b>Oregon State Police</b>  Testifies in support of HB 2391 ( <b>Exhibit G</b> ). Discusses the three deaths of public safety officers in his own family and his appreciation for this bill.
090	<b>Dennis Maloney</b>	<b>Director of the Department of Community Justice</b>

		Testifies in support of HB 2391. States that he worked on the funding of this bill. Offenders contribute to this fund. Relates the story of his father, a firefighter, who was crippled in the line of duty.
127	<b>Dale Penn</b>	<b>Marion County District Attorney</b>  Testifies in support of HB 2391. Discusses the danger in routine situations. Relates the story of two deputy DAs, that were almost murdered. States that these types of crimes are on the increase.
173	<b>Bob Livingston</b>	<b>Oregon State Fire Fighters Council.</b>  Testifies in support of HB 2391 ( <b>Exhibit H</b> ). Discusses the reality and vulnerability that those in the line of duty face. States his concern for the public safety officers and their families that have lost loved ones in the line of duty.
218	Rep. Lowe	Does this bill cover those that are forest firefighters?
224	Livingston	I cannot answer that question.
230	Rep. Lowe	Relates a court shooting. Asks if public defenders and judges could be included in this bill?
250	Livingston	I don't know if that subject was discussed when the bill was drafted. It would be a subject to address.
270	<b>Brian Delashmutt</b>	<b>Oregon Council of Police Association, Association.</b>  <b>Association of Oregon Corrections Employees</b>  <b>Federation of Parole and Probation Officers</b>  Testifies in support of HB 2391. States that the issue of the memorial was given high priority. Tells of the safety of an officer and what his day is like. States that there is a great deal of comradery between public safety officers.
315	<b>Mary Botkin</b>	<b>AFSCME Council 75</b>  Testifies in support of HB 2391. Discusses the affect of the deaths and injuries of public safety officers has on the union. States that the voices of our public safety people who have died cannot be heard today. This bill will not bring back those that were injured or killed, but does provide some support.
381	<b>Chief Mike Cahill</b>	<b>President of the Oregon Association Chiefs of Police</b>  Testifies in support of HB 2391. Relates incidents of those that died and were injured in the line of duty and how these are related to his own family if it happened to them.

457	Chair Shetterly	Breaks for recess at 2:35 p.m.
<b>Tape 18, B</b>		
032	Chair Shetterly	Recommence meeting at 2:45 p.m.
<b><u>HB 2231 Public Hearing</u></b>		
072	Counsel Felton	HB 2231 establishes that support order that is modified because of obligor's incarceration is reinstated by operation of law on 61st day after obligor is released from incarceration.
091	<b>Ronelle Shankle</b>	<b>Department of Justice, Support Enforcement Division.</b>  Testifies in support of HB 2231 ( <b>Exhibit H</b> ). States that there are two key points concerning this bill: delay in learning that a previously incarcerated obligor is now released and initiating a modification action to resume an appropriate monthly child support obligation; Current process involves both a modification action upon the request of a party when the non-custodial parent is incarcerated, and a second modification action of when the incarcerated obligor is released. This amendment is necessary to insure financial support in a timely and ongoing manner to the families that the division is serving.
148	<b>Mary McKnight</b>	<b>Attorney, Legal Aid Services of Oregon</b>  Testifies in support of HB 2231. The language doesn't address the effect of a suspension on the obligation of the Child Support Program to conduct a two year review and it does not clarify the fact that a change in circumstance would still need to be shown.
158	Rep. Uherbelau	When there is a change of circumstances, does the incarcerated obligor have to go through the administrative process or is there an automatic process?
164	Shankle	Discusses the automatic suspension process.
171	Rep. Uherbelau	Since this process takes several months, is the modification retroactive to the time of incarceration?
175	Shankle	The modification would be retroactive to the date that we initiate that motion for modification which is the date that we get the request from the party.
181	Rep. Uherbelau	It doesn't appear that any other notices are required, would one be sufficient?
186	Shankle	Discusses the process of notification and who it is sent to.

197	McKnight	The suspension for that circumstance is automatic by procedure, but the other party can object. There a notice requirement in Chapter 25.
212	Chair Shetterly	Is the notice requirement in Chapter 25 in there by rule or by Statute.
203	McKnight	The notice in Chapter 25 is in Statute 25.245. The notice is regarding the effect of the suspension action on the right to seek change of circumstance modification or periodic review.
227	Rep. Uherbelau	The way the statute is written, you really only have to give notice at the moment you modify the support order. States that it is very important that those involved get notice.
235	McKnight	The details about the type of notice that goes to the parents in the suspension is actually set out in the rules, not in the statute.
251	Rep. Witt	Isn't it in the department's interest to give notice so you have compliance with the order in behalf of the obligor?
254	Shankle	Yes, we do our best to give notice in all scenarios.
257	Rep. Witt	States that it is in everybody's interest that notice be given so the obligor has an opportunity to comply with the order.
258	Shankle	It is much more effective to work with people up front then to backtrack.
261	Rep. Lowe	Does your department send out monthly billings and when the 60 days are over, wouldn't that trigger the billing of the obligor?
262	Shankle	Some billings are done monthly and others are not done on a regular basis, depending upon the source of collection. To further answer your question, I would have to do some research at our accounting branch.
269	Rep. Lowe	States that the receipt of a monthly bill would certainly give the obligor notice.
<b><u>HB 2231 Work Session</u></b>		
282	Rep. Lowe	<b>MOTION: Moves HB 2231 to the floor with a DO PASS recommendation.</b> <b>Vote: 9-0 Carrier: Rep. Edwards</b>
284	Rep. Edwards	When you go on record that there will be an agreement between the Department of Justice and Legal Services, will that be noted in the background or staff

		summary that will go to the Senate?
289	Chair Shetterly	Yes, it should be included in that proposal for rule making to address notice requirements.  Adjourns meeting at 3:10 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,  
Administrative Support Counsel

**EXHIBIT SUMMARY**

- A - HB 2391, Written testimony, Greg Brown, p. 1**
- B - HB 2391, Written testimony, Robert Dent, p. 2**
- C - HB 2391, Video, "An Evening With Vincent Bugliosi"**
- D - HB 2391, Poem and Picture, Ann Crockett, p. 2**
- E - HB 2391, Written testimony, Jim Botwinis, p. 1**
- F - HB 2391, Written testimony, Lee Erickson, p. 1**
- G - HB 2391, Written testimony, Bob Livingston, p. 1**
- H - HB 2231, Written testimony, Ronelle Shankle, p. 2**