

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

February 09, 1999 Hearing Room 357

1:00 p.m. Tapes 24 - 26

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Randall Edwards

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

MEMBER EXCUSED: Rep. Vic Backlund

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: HB 2317

HB 2298

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 24, A		

004	Chair Shetterly	Calls meeting to order at 1:05.
<u>HB 2317 Public Hearing</u>		
005	Chair Shetterly	Opens public hearing on HB 2317.
008	Counsel Felton	HB 2317 requires that state pay costs of maintaining courthouses, courtrooms, offices and jury rooms used for operation of circuit courts, including costs of utilities.
017	Gary Hansen	Representative, District 17; Former County Commissioner, Multnomah County Testifies in support of HB 2317 (EXHIBIT A). Addresses the long term and short term solutions that this bill offers. States the need for a study to address how we can solve the problem statewide.
038	Rep. Uherbelau	According to the bill, Does the state start paying for county costs before the study is done by the task force?
041	Hansen	The counties already know exactly what the needs are and this bill just starts the process of solving these problems.
051	Rep. Uherbelau	Did you have any of the discussions about where the money will come from?
067	Hansen	We have had the conversations, but action never came. We think this bill will get the process started.
083	Chair Shetterly	States that the bill would at least start the Task Force that would study the issue.
086	Hansen	This is a critical problem and we need to start dealing with it at some point.
093	Rep. Uherbelau	States that the counties do not have control over the finance spending.
104	Hansen	County government has the least discretion of having influence over how the programs are run which causes higher facility costs.
113	Rep. Witt	What are the dollars relating to maintenance?
112	Hansen	Two million a year.

116	Rep. Witt	How long have the counties been paying these costs?
120	Hansen	In Multnomah county it was 1853. The big split for financing between the state and counties came in 1983 or 1984.
128	Rep. Wells	How successful was the study that dealt with the cost of District Attorneys and how would that study relate to this bill?
134	Hansen	Discussed that study and its recommendations.
142	Chair Shetterly	States that the county's assessment and taxation is a part of this issue.
145	Hansen	When government is involved in the county and the state, the historic relationships are outdated.
148	Paul Snider	Association of Oregon Counties Testifies in support of HB 2317 (EXHIBIT B & C). Discusses county's financial responsibilities and the problem of paying the bills. In 1981, the state took over the operational costs and revenue of the county. Discusses where counties get their revenues and how this bill will provide immediate and long range solutions.
384	Rep. Uherbelau	Discusses Section 5 and that it addresses maintaining courthouses and with a maintenance account with monies deposited under ORS 137.295. Where are those monies deposited and what are they used for?
400	Snider	Those monies do not exist now. There is the interest on delinquent criminal judgement for the first time and that money would go into that account.
408	Rep. Uherbelau	ORS 137.295 deals with the principle amount and it later talks about adding the interest on those accounts.
415	Snider	Projected level of revenue won't be enough to cover all of the maintenance costs.
420	Rep. Uherbelau	Where would the money come from for capitol improvements or will that be left up to the state?
426	Snider	In SB 1145, the state issued certificates of participation and this paid for additional facilities in the counties. The way it was financed was the state retained an ownership interest in the facility to secure the debt until the certificates were paid off. Another possibility would be to rent the facility from the state.

464	Rep. Wells	How much money would it take to accomplish your finance goals?
473	Snider	14 million per biennium and that would be for maintenance costs.
487	Rep. Walker	Who did the 1981 report ?
491	Snider	By the commission on the Judicial branch.
491	Rep. Witt	According to your written testimony on page two in the first paragraph, you indicate that county revenues have declined, are you speaking of absolute dollars?
Tape 25, A		
036	Snider	It is actual reductions according to forecasted revenues.
042	Rep. Witt	I am speaking of absolute dollar revenues where counties revenues have declined?
046	Snider	All 36 counties have shown a decline in revenue.
058	Rep. Lowe	Would the counties decide on the standards of the courthouse's safety?
067	Snider	Under this bill it would be the state.
072	Rep. Lowe	Has an assessment of the condition and safety been done on the courthouses?
079	Snider	Project was begun in the Judicial Department, but was not completed. The proposed Task force would look at each courthouse and their situations.
086	Rep. Lowe	Describes the security and safety of a Clackamas County courthouse.
100	Chair Shetterly	Don't we have courthouse security plans to address security issues?
107	Snider	There was courthouse security account that was created for each county and a courthouse security committee that is created by the presiding circuit judge in each judicial district. The money from that fund is used to pay courthouse security costs.
123	Rep. Walker	How was the Klamath County new courthouse funded?

134	Snider	I have no recollection. Discusses some ways that it could have been funded.
146	Rep. Walker	States that she has seen some of the problems that exists with funding for courthouses.
150	Rep. Witt	Have county revenues declined between 1990 and 1997 according to your Annual Fiscal Impact statement?
164	Snider	Discusses how the county revenues, during that time, functioned.
179	Rep. Uherbelau	According to your impact statement, did the decline in timber revenues offset by the guaranteed payment?
189	Snider	The safety net is a declining guarantee over a period of years until the year 2003, then it ends.
188	Kevin Mannix	Representative, District 32 Testifies in support of HB 2317. Discusses the deteriorated shape of the courthouse facilities around the state. Discusses the need for a task force to do a comprehensive study of the county's needs and submit a report.
267	Robert Johnston	Association of Oregon Counties Testifies in support of HB 2317. Discusses budget and revenues of Yamhill county due to Measure 47. Discusses the need for a courthouse in Yamhill county and how the bill's task force would help with the allocation of funds. Discusses a need for a work plan to meet the goal of the county's projected 20 year growth plan.
Tape 24, B		
047	Mike Propes	Polk County Commissioner Testifies in support of HB 2317. States that Polk County was one of the few counties that have a budget that just barely broke even. Discusses the reason this bill is important to Polk County for maintenance of their courthouse.
134	Rep. Witt	What sources of local revenue can you use to help with your problems?
138	Propes	Discusses what local revenue is available.
163	Rep. Witt	Why should we support at the state level what your local level won't support?
172	Propes	Discusses the effect of the criminal justice system without the revenue for

		maintenance.
188	Rep. Uherbelau	What is the stability of the solution this bill proposes?
197	Propes	States that this bill is important to us now. Decrease in property tax affects local government severely and we need a solution that won't be effected by these downturns.
207	Rep. Edwards	Forming a Task Force will give us a better direction and will provide a better sense of balance in the appropriation of funds. Discusses the people's need for a bigger justice system. When this issue was discussed in 1983, was there discussion about the maintenance and capitol funds with a clear direction or was this issue to be discussed again as a legislature at a later time?
245	Snider	Legislature members then had the intent to visit this issue again at a later time because it was a difficult and attainable circumstance over time.
255	Chair Shetterly	Discusses the impact that legislation has on the county court costs.
265	Rep. Uherbelau	States the problem of the property tax (Measure 50) and how that affects the county court costs.
279	Rep. Williams	There is history to this bill, but the reality is that we need to deal with this now and work together.
291	Chair Shetterly	States that since the legislature looked at this problem in 1983, things like Measure 50 and Measure 5 have changed financing and revenue.
294	Rep. Witt	Notes that since Measure 5, the state has had take on a lot of educational costs and Measure 11 caused expansion of the jail system affecting state government.
304	Snider	Clarifies that the \$500,000 anticipated revenues from the interest on delinquent criminal judgement, is a biannual figure and there would be start up costs and administrative costs. It is unclear the net revenue it would generate in the first biannual. States that he would like to clarify some things on the impact statement with his staff and report back to the legislature.
313	Wallace Carson	Chief Justice, Oregon Supreme Court (EXHIBITS D) . Discusses the issue of the court's control with maintenance of the courthouses. Discusses the history of the revenue control in 1981. Discusses the concerns the department has with certain sections of the bill.
Tape 25, B		

042	Rep. Uherbelau	Has there been an analysis on the maintenance account? Is it fair to use just criminal funds for this account?
056	Carson	States that there are significantly more costs are on the criminal side than the civil side.
065	Kingsley Click	State Court Administrator Discusses the complicated interest from the General Fund and costs features in the Fiscal Impact Statement Form (EXHIBIT E). Discusses the concern with the control over leasing and the operations distribution issues. Discusses how the new Klamath County courthouse was funded. States that we support a Task Force.
168	Rep. Uherbelau	Chair Shetterly, what are your intentions and what is the status on the bill?
176	Chair Shetterly	Discusses the concerns of the committee and witnesses which directs towards a Task force and see if any amendments are needed.
<u>HB 2298 Public Hearing</u>		
195	Counsel Felton	HB 2298 allows court, for good cause, to waive requirement that parents of child to be adopted be advised of voluntary adoption registry. This bill is not amended at this time.
210	Robin Pope	Oregon State Bar, Family Law Section, Adoption Standing Committee Testifies in support of HB 2298 (EXHIBIT F). Discusses changing the work "showing" to "finding" in Section 1 of HB 2298 and how it effects their committee's procedures.
270	Rep. Walker	Submits written testimony from Dianne May of Adoptee Birthfamily Connection who testifies against HB 2298 (EXHIBIT G). Discusses the letter from Dianne May and her concerns of the modification to ORS 109.353 and how it effects adoptions.
292	Pope	Discusses that there might be a situation where a court might not grant the adoption if the language in the bill just included foreign adoptions.
329	Rep. Walker	States that Holt Adoption Agency did not experience difficulties in foreign adoptions.
337	Pope	We are providing the judges with the statutory authority to allow adoptions even if the parent is not known.
347	Rep. Uherbelau	Comments that the courts would look to the legislature for guidance and if we said, "only foreign adoptions", it would limit adoptions when the parent is not

		known.
358	Pope	We want the notification requirement waived only in situations where we don't know where or who the parent is.
373	Rep. Edwards	What exactly does "good cause" mean.
385	Pope	Discusses "Good cause" which tightens the definition by changing it to "finding" which requires evidence.
408	Rep. Witt	The statute states "you shall submit verification" which is a requirement, is this sometimes not complied with because it is impossible to attain verification?
421	Pope	Discusses Services to Children and Families organization and their requirements for adoptions and how it effects the requirement of verification.
445	Rep. Witt	States that there are cases that are coming through the system where it is impossible to submit verification of parents where the parents have been advised of the voluntary registry.
450	Pope	These are primarily foreign adoptions and foreign readoption cases. The verification that is submitted is that we can't find these people and do not know who they are.
457	Rep. Witt	States that in some cases, it is impossible to comply with the statutory requirements in order to have an adoption.
461	Rep. Uherbelau	Could we limit the language in the bill to read: "the court may waive this requirement upon a showing of good cause that the parent cannot be found"?
470	Chair Shetterly	Explains that there is the circumstance where the parent will not take the notice.
474	Rep. Uherbelau	Advises that when the notice has been sent the requirement has been made, so the fault is on their side.
485	Chair Shetterly	There are circumstances that we can't anticipate concerning this issue that would show "good cause".
Tape 26, A		
043	Pope	Gives concerns about the unusual circumstances that may arise and if we limit the language regarding the notice, the judge may have to deny the adoption.

HB 2298 Work Session

054	Chair Shetterly	Opens work session.
062	Rep. Wells	MOTION: Moves to ADOPT HB 2298-1 amendments dated 0101/26/99. Vote: 9-2 Excused: Rep. Backlund, Rep. Lowe
064	Rep. Wells	MOTION: Moves HB 2298-1 to the floor with a DO PASS AS AMENDED recommendation. Vote: 7-2-1 Excused: Rep. Backlund, Rep. Lowe Nay: Rep. Walker Carrier: Wells
085	Chair Shetterly	Adjourns meeting at 3:00.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 2317, Written testimony, Gary Hansen, p. 1

B - HB 2317, Written testimony, Paul Snider, p. 2

C - HB 2317, Annual Fiscal Impact on counties of Property Tax Limitations, Paul Snider, p. 1

D - HB 2317, Written testimony, Wallace Carson, p. 4

E - HB 2317, Fiscal Impact Statement Form, Kingsley Click, p. 10

F - HB 2298, Written testimony, Robin Pope, p 1

G - HB 2298, Written testimony, Dianne May, p. 1