

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

March 25, 1999 Hearing Room 357

1:00 p.m. Tapes 77 - 78

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Randall Edwards

Rep. Kathy Lowe

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: SB 415 - Public Hearing and Work Session

SB 493 - Public Hearing and Work Session

HB 2225 - Public Hearing and Work Session

HB 2221- Public Hearing and Work Session

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 77, A

003	Chair Shetterly	Calls meeting to order at 1:05 p.m.
<u>HB 2221 - PUBLIC HEARING</u>		
007	Counsel Felton	HB 2221 establishes that Department of Corrections proceedings relating to inmate visitation issues are exempt from formal contested case provisions. The -1 amendments authorize the creation of an internal process within the Department of Corrections to review decisions regarding a visitor's visiting status (EXHIBIT A).
017	Rep. Jo Ann Bowman	State Representative, House District 19 Testifies and submits written testimony in support of HB 2221 (EXHIBIT B). Expresses her support of HB 2221 as amended.
031	Rep. Edwards	Asks how the -1 amendments solve the problem with HB 2221.
033	Rep. Bowman	Discusses new concern about the broad term of a "visitor" in HB 2221.
047	Benjamin De Haan	Oregon Department of Corrections (DOC) Testifies in support of HB 2221. Discusses the addition of a department official who is assigned to the department's central administration to obtain final administrative review of the disputed action into the -1 amendments of HB 2221.
055	Chair Shetterly	Closes public hearing.
<u>HB 2221 - WORK SESSION</u>		
056	Rep. Uherbelau	MOTION: Moves to ADOPT HB 2221-1 amendments dated 03/24/99.
058	Rep. Walker	VOTE: 7-0 AYE: 7 - Edwards, Lowe, Uherbelau, Walker, Wells, Witt, Shetterly EXCUSED: 2 - Backlund, Williams
	Chair Shetterly	The motion CARRIES.

066	Rep. Uherbelau	MOTION: Moves HB 2221-1 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: 7 - Edwards, Lowe, Uherbelau, Walker, Wells, Witt, Shetterly EXCUSED: 2 - Backlund, Williams
Chair Shetterly		The motion CARRIES. REP. LOWE will lead discussion on the floor.
<u>HB 2225 - PUBLIC HEARING</u>		
084	Counsel Felton	HB 2225 establishes that support payments made through Department of Justice must be applied and distributed according to rules adopted by Department of Human Resources. States that there is a -2 amendment to HB 2225 (EXHIBIT C).
098	Ronelle Shankle	Support Enforcement Division, Department of Justice (DOJ) Testifies and submits written testimony and in support of HB 2225 and submits written testimony on behalf of Phil Yarnall. (EXHIBITS D & E).
114	Rep. Uherbelau	Asks about the deletion of the \$50 distribution of child support collection on lines 14-16, page 3 of HB 2225.
120	Shankle	Discusses why the fifty-dollar pass-through language was taken out of HB 2225.
145	Rep. Uherbelau	Asks about the concern of the obligee not getting the first \$50 child support collection.
152	Shankle	Discusses the history regarding the \$50 pass-through child support collection. Discusses the position of the child support program regarding federal direction. Explains the computerized distribution of child support payments. Discusses the changes that the ñ2 amendments make to HB 2225. Explains the unclaimed child support payments and the process of SED in handling these payments.
250	Chair Shetterly	Closes public hearing.

HB 2555 - WORK SESSION

255	Rep. Lowe	MOTION: Moves to ADOPT HB 2225-2 amendments dated 03/18/99.
258	Rep. Uherbelau	Asks about the federal government's involvement in the allocation of child support payments.
288	Shankle	Discusses the federal regulations regarding the distribution of child support payments.
299	Rep. Uherbelau	Expresses her support of HB 2225.
305	Rep. Witt	What is the statute of limitations regarding child support orders?
307	Shankle	The statute of limitations is 25 years.
320	Rep. Witt	Have there been any cases where support obligations went beyond the statute of limitations?
323	Shankle	Yes. There have been many cases that go beyond the statute of limitations, therefore, the support payments become unrecoverable.
326	Rep. Witt	Is it possible to file a judgment regarding these unrecoverable child support payments?
327	Shankle	No.
333	Rep. Lowe	Explains the process of renewing judgment orders regarding statute of limitations. What penalties does the federal government impose if HB 2225 is not passed?
362	Shankle	Explains the penalties that the federal government may impose if Oregon's child support program does not comply with federal rules.
378	Rep. Witt	Express his support of the 2 amendments, but is concerned about not having a copy of the statute regarding the change in the distribution of child support payments.
387	Shankle	States that copies of the statute will be provided to the committee.
		VOTE: 8-0

		<p>AYE: 8 - Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly</p> <p>EXCUSED: 1 - Backlund</p>
	Chair Shetterly	The motion CARRIES.
400	Rep. Lowe	MOTION: Moves HB 2225-2 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 8-0</p> <p>AYE: 8 - Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly</p> <p>EXCUSED: 1 - Backlund</p>
	Chair Shetterly	<p>The motion CARRIES.</p> <p>REP. WELLS will lead discussion on the floor.</p>
424	Chair Shetterly	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WILLIAMS to BE RECORDED as voting AYE on the DO PASS AS AMENDED recommendation on HB 2221-1.
<u>SB 415 - PUBLIC HEARING</u>		
437	Counsel Felton	SB 415 eliminates requirement that lien certificate be filed with court before judgment becomes lien on real property of defendant in county.
457	Mark Comstock	<p>Debtor-Creditor Section, Oregon State Bar</p> <p>Testifies and submits written testimony in support of SB 415 (EXHIBIT F). Discusses the history of SB 415.</p>
Tape 78, A		
040	Comstock	Discusses the uncertainties and problems that have been created regarding judgments on property liens because of the enactment of HB 3737 in 1997.
055	Jim Markee	Oregon Collectors Association (OCA)

		Testifies in support of SB 415. Discusses why the Lien Certificate was created regarding property liens.
084	Rep. Williams	Expresses his support for the hard work that the OCA has put into SB 415.
097	Rep. Uherbelau	Expresses her support for SB 415.
103	Rep. Edwards	What was the impact of Ballot Measure 30?
107	Chair Shetterly	Explains that the impact produced fiscal analysis statements that are required to indicate whether a bill implicates an unfunded mandate.
113	Chair Shetterly	Closes public hearing.
<u>SB 415 - WORK SESSION</u>		
115	Rep. Williams	MOTION: Moves SB 415 A to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: 8 - Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly EXCUSED: 1 - Backlund
	Chair Shetterly	The motion CARRIES. REP. UHERBELAU will lead discussion on the floor.
<u>SB 493 - PUBLIC HEARING</u>		
135	Counsel Felton	SB 493 clarifies procedures for medical service liens.
139	Doug Barber	Peace Health Medical Group Testifies and submits written testimony in support of SB 493 (EXHIBIT G). Discusses why SB 493 was proposed. Explains the process of hospital and doctor liens. Discusses the problems with the Medical Services Lien in relation to the Ambulance Services Lien law.

185	Rep. Uherbelau	Asks about the language on page 1, line 10 of SB 493 and should it read "out-patient services" instead of "or who provides medical services".
200	Barber	Discusses the intent of SB 493 regarding discharges from the hospital, including outpatient treatment. States that on-going therapy would not be included.
214	Rep. Uherbelau	Asks if SB 493 will include all outpatient services.
217	Barber	Discusses the outpatient services that are included in SB 493.
218	Rep. Uherbelau	Expresses her concern with the language being too broad concerning what is included in outpatient services.
221	Rebecca Paparo	Sacred Heart Medical Center Discusses the original lien law regarding outpatient services.
239	Chair Shetterly	Explains that SB 493 does not focus on where the hospital or medical discharges occurred.
250	Rep. Uherbelau	Discusses the vague language added to SB 493 regarding where the medical services are provided.
270	Win Calkins	Attorney, Peace Health Medical Group Testifies and submits written testimony in support of SB 493 (EXHIBIT H).
283	Rep. Uherbelau	Asks about the language in SB 493 that describes where the medical services are provided.
294	Chair Shetterly	Explains that SB 493 states "it is the hospital or any licensed physician who treats the injured person in the hospital or who provides medical services".
310	Rep. Uherbelau	Explains that the language "provides medical services" needs to be extended it to outpatient services.
319	Scott Gallant	Oregon Medical Association (OMA) Discusses the changes to SB 493 regarding inpatients and outpatients. Expresses support of SB 493.
360	Chair Shetterly	If SB 493 passes, will the OMA educate the OMA membership regarding the process of liens?

364	Gallant	Yes. States that SB 493 does not make the medical paperwork process more complicated.
385	Rep. Lowe	Declares a conflict.
391	Chair Shetterly	Closes public hearing.
<u>SB 493 n WORK SESSION</u>		
400	Rep. Williams	MOTION: Moves SB 493 A to the floor with a DO PASS recommendation.
	Chair Shetterly	VOTE: 8-0 AYE: 8 - Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly EXCUSED: 1 - Backlund
	Chair Shetterly	The motion CARRIES. REP. EDWARDS will lead discussion on the floor.
426	Chair Shetterly	Adjourns meeting at 3:10 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

EXHIBIT SUMMARY

- A - HB 2221-1, Proposed -1 amendment, Counsel, p. 1**
- B - HB 2221, Written testimony, Rep. Bowman, p. 1**
- C - HB 2225, Proposed -2 amendment, Counsel p. 2**
- D - HB 2225, Written testimony, Ronelle Shankle, p. 3**
- E - HB 2225, Written testimony, Phil Yarnall, p. 2**
- F - SB 415, Written testimony, Mark Comstock, p. 4**
- G - SB 493, Written testimony, Doug Barber, p. 4**
- H - SB 493, Written testimony, Win Calkins, p. 2**