

**HOUSE JUDICIARY COMMITTEE ON CIVIL LAW**

**May 03, 1999 Hearing Room 357**

**1:30 p.m. Tapes 145 -146**

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

**Rep. Max Williams, Vice-Chair**

**Rep. Judy Uherbelau, Vice-Chair**

**Rep. Vic Backlund**

**Rep. Randall Edwards**

**Rep. Kathy Lowe**

**Rep. Vicki Walker**

**Rep. Larry Wells**

**Rep. Bill Witt**

**STAFF PRESENT: Aaron Felton, Counsel**

**Nancy Richards, Administrative Support**

**MEASURE/ISSUES HEARD: SB 792 - Public Hearing & Work Session**

**SB 662A - Public Hearing**

**SB 784 - Public Hearing & Work Session**

**SB 387 - Public Hearing**

**SB 230A - Public Hearing & Work Session**

**SB 267A - Public Hearing & 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.**

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TAPE/#	Speaker	Comments
<b>TAPE 145, A</b>		
005	Chair Shetterly	Calls meeting to order at 1:40 p.m.
<b><u>SB 662A - PUBLIC HEARING</u></b>		
	Counsel Felton	
	<b>Sen. Kate Brown</b>	<b>State Senator , District 7</b> <b>(EXHIBITS )</b>
	<b>Tammy Dentinger</b>	<b>Family Law Section, Oregon State Bar</b> Testifies in support of SB 662A.
	Sen. Brown	
059	Rep. Uherbelau	
063	Sen. Brown	
066	Rep. Uherbelau	
070	Dentinger	
076	Sen. Brown	
080	Rep. Lowe	States that there are several counties
084	Rep. Uherbelau	
	Sen. Brown	
110	Chair Shetterly	Does it include
114	Rep. Uherbelau	

118	Dentinger	Explains when you have to wait 80 days
124	Rep. Uherbelau	States that you
127	Dentinger	Explains
130	Rep. Edwards	Could you give a background of a circumstance when a child is born out of wedlock concerning
	Dentinger	Explains
155	Rep. Uherbelau	How do you expect to get people in
161	Dentinger	Explains the custody evaluation.
167	Sen. Brown	
175	<b>Michael Bouchard</b>	<b>Citizen, Marion County</b>  Testifies in neutrality of SB 662A. Discusses that it should be more strongly worded regarding those that are born out of wedlock.
230	Chair Shetterly	Do
236	Dentinger	
246	Chair Shetterly	
253	Sen. Brown	
259	Rep. Uherbelau	The language in SB 662A is
267	Chair Shetterly	
270	Sen. Brown	
273	Rep. Uherbelau	
275	Sen. Brown	It is clarifying language.

279	Dentinger	SB 662A tells you how to do it.
282	Chair Shetterly	Closes public hearing.
<b><u>SB 784 n PUBLIC HEARING</u></b>		
294	<b>Senator Kate Brown</b>	<b>State Senator, District 7</b> Testifies and submits written testimony on behalf of Mark Kramer in support of SB 784 ( <b>EXHIBIT</b> ).
	Rep. Lowe	
334	Sen. Brown	Explains why adding an attorney fees provision to SB 784
340	<b>Tammy Dentinger</b>	<b>Family Law Practice, Oregon State Bar</b> Testifies in support of SB 784. Discusses
364	Rep. Lowe	Is there anything in SB 784 where the court assesses
370	Dentinger	SB 784 does not specifically say that, discretions are left up to the court.
		Closes public hearing.
<b><u>SB 784 n WORK SESSION</u></b>		
		Do pass
	Chair Shetterly	Closes work session.
<b><u>SB 792 n PUBLIC HEARING</u></b>		
	<b>Mark Gardner</b>	<b>Counsel, Attorney General, State of Oregon</b> Testifies and submits written testimony in support of SB 792 ( <b>EXHIBIT</b> ). Discusses the serious public health concern to Oregon concerning cigarette smoking.
<b>Tape 146, A</b>		

030	Gardner	Discusses the Master Settlement Agreement (MSA) regarding the agreement between Oregon and the tobacco manufacturers ( <b>EXHIBIT</b> ).
110	Rep. Uherbelau	
115	Gardner	Explains the money that is set aside for
124	Rep. Uherbelau	
132	Gardner	SB 792 has been looked at by constitutional law and would be upheld. The MSA requires people who sign on to it
145	Chair Shetterly	Was there any opposition to SB 792?
151	Gardner	No.
154	Rep. Edwards	
155	Gardner	Both. That was due to Schuman
162	Rep. Uherbelau	Was Mr. Schuman's opinion in writing?
	Gardner	No.
166	Rep. Lowe	
175	Gardner	No, there is nothing in the bill.
177	Chair Shetterly	SB 792
180	Gardner	That is correct. They have the option of signing the MSA. Comments on SB 792 in the present form regarding being a qualifying statute.
198	Rep. Edwards	How much money will be put in escrow?
201	Gardner	That will change from year to year, but will be about 18 cents per pack of cigarettes.
208	Rep. Edwards	How many companies joined in the MSA?

210	Gardner	There is about 20 that have signed on.
216	Chair Shetterly	Closes public hearing.
		SB 792 ñ WORK SESSION
		Do Pass
220	Rep. Uherbelau	Expresses her opposition to SB 792.
<b><u>SB 387 ñ PUBLIC HEARING</u></b>		
	Vice-Chair Williams	SB 387
	Counsel Felton	
	<b>Melinda Bruce</b>	<b>Assistant Attorney General, Department of Justice (DOJ)</b> Testifies and submits written testimony in support of SB 387 ( <b>EXHIBIT</b> ). Discusses the proposed amendment to SB 387 ( <b>EXHIBIT</b> ).
352	Rep. Walker	Asks about foster care
358	Bruce	Explains the parentis rights of the child during an appeal of the determination order. The child will be in foster care longer with the passage of SB 387.
380	Rep. Walker	Clarifies
389	Rep. Witt	What happens when you have both proceeding running simutaneously?
396	Bruce	That is a possibility. Explains the appeal if it is a jurisdictional appeal. States that SB 387 does not requireÖSB 387 is aimed at cases where
434	Rep. Wells	Can you move to final determination if the appeal is there?
442	Bruce	Explains the current law concerning the wait of determination of parental rights
<b>Tape 145, B</b>		

030	Rep. Wells	Can you get the final determination of rights under this bill
035	Bruce	You could have an order entered
037	Rep. Wells	
	Bruce	
046	Rep. Backlund	Is it fairly usual for action to move ahead when there is an appeal.
051	<b>Timothy Travis</b>	<b>Oregon Judicial Department</b>  Testifies in support of SB 387. Explains that there will be more problems with determination of parental rights if SB 387 does not pass because of time lines introduced by the federal government. Appealing a determination of parental rights will put a child in foster care for up to two years.
079	<b>Cathy Ledesma</b>	<b>State Office for Services to Children and Families (SCF), Department of Human Resources (DHR)</b>  Testifies and submits written testimony in support of SB 387 (EXHIBIT ). Discusses why SCF supports SB 387.
109	Rep. Witt	
111	Travis	The courts already have expedited cases. Explains SB 387 would only let cases that need to be expedited
120	Rep. Witt	Are determination cases expedited.
	Travis	Yes.
125	Bruce	Explains the history of the proposed amendment to SB 387.
		Closes public hearing.
<b><u>SB 230A n PUBLIC HEARING</u></b>		
	Counsel Felton	
	<b>Chuck Craig</b>	<b>Assistant Director, Oregon Department of Agriculture</b>  Testifies and submits written testimony in support of SB 230 (EXHIBIT ).

		Discusses why SB 230 was introduced.
195	<b>Dave Nelson</b>	<b>Oregon Fine Fescue and Oregon Tall Fescue Commissions</b> Testifies in support of SB 230. Discusses why the commissions support SB 230.
	<b>Paul Rains</b>	<b>Oregon Fryer Commission</b> Testifies in support of SB 230.
230	Chair Shetterly	Closes public hearing.
<b><u>SB 230 n WORK SESSION</u></b>		
<b>Do Pass</b>		
<b><u>SB 267A n PUBLIC HEARING</u></b>		
	<b>Don Mazziotti</b>	<b>Department of Administrative Services Information Resources Management Division</b> Testifies and submits written testimony in support of SB 267A ( <b>EXHIBIT</b> ).
293	Rep. Williams	D
297	Mazziottei	Explains
<b>Do Pass</b>		
319	Rep. Wells	
348		

Submitted By, Reviewed By,



Nancy Richards, Aaron Felton,  
Administrative Support Counsel

**EXHIBIT SUMMARY**

**A -**