

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON FAMILY LAW**

May 13, 1997 Hearing Room 357

3:15 P.M. Tape 88

**MEMBERS PRESENT:**

Rep. Ron Sunseri, Chair

Rep. George Eighmey, Vice-Chair

Rep. Roger Beyer

Rep. Peter Courtney

Rep. Charles Starr

Rep. Judy Uherbelau

**MEMBER EXCUSED:**

**STAFF PRESENT:**

William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

**MEASURE/ISSUES HEARD:**

**HB 2324 - 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 88, A</b>		
003	Chair Sunseri	Calls the meeting to order at 3:15 p.m.
<b><u>HB 2324 - WORK SESSION</u></b>		
005	Chair Sunseri	Opens a work session on HB 2324. Refers to -3 amendments dated 05/12/97 ( <b>EXHIBIT A</b> ) and -4 amendments

		dated 05/12/97 ( <b>EXHIBIT B</b> )
014	Bob David	Manager and Child Support Legislative Liaison for the Department of Justice Support Enforcement Division (SED)  Changes discussed at the last work session held on May 6, 1997 before the subcommittee have been incorporated into the -4 amendments.
021	Rep. Eighmey	Has the issue from Rep. Beyer regarding the \$25 dollar fine referenced within <u>Section 21</u> of the -2 amendments (presented earlier before the subcommittee on April 1, 1997 exhibited as B, C, D) been addressed in the -4 amendments?
025	David	Rep. Beyer's issue regarding the elimination of the \$25 civil penalty against an employer for not reporting new hires, has been addressed in the -4 amendments.
028	Rep. Eighmey	Has the \$50 pass through been incorporated into the -4 amendments?
030	David	The \$50 pass through has not been incorporated into the -4 amendments.
033	David	I contacted the Office of Child Support Enforcement (OCSE) a section of the Federal Health and Human Services for Region 10 which covers Oregon, Washington, Idaho, and Alaska at Rep. Uherbelau's request regarding the attachment by SED of workers compensation benefits. Currently garnishment of workers compensation is exempt. Per OCSE, SED can administratively attach workers compensation through income withholding that met the federal requirement. So, SED has added a reference which specifically excludes workers compensation from garnishments. See page 55 of the -4 amendments.  SED is limited to 25% of the those benefits with regards to attachment by income withholding. Therefore, no new language has changed since the -2 amendments by SED. See page 9 of the -4 amendments.  After conversation with the federal government at Rep. Uherbelau's request, new language has been incorporated within the section on garnishment which will exempt 75% of the benefits an obligor would receive for personal injury and other lump sum settlements. See pages 55 through 57 of the -4 amendments.
050	Rep. Eighmey	Where within the -4 amendments would the \$50 pass through (-1 amendments dated 03/14/97 presented earlier before the subcommittee on April 10, 1997 exhibited as D) be inserted?
054	David	The \$50 pass through is not in the current statute, therefore, I am unable to state where to insert within the -4 amendments.
056	Rep. Eighmey	Refers to the -4 amendments on page 37.
063	David	Page 37 of the -4 amendments addresses administrative subpoenas.
064	Chair Sunseri	Has SED covered both concerns by Rep. Uherbelau?
065	David	Yes, I believe both concerns of garnishment of workers compensation and attachment to personal injury awards have been addressed.

067	Chair Sunseri	So, the only remaining issue is the \$50 pass through?
068	Rep. Eighmey	Correct.
071	David	There is a reference to a pass through on page 115, line 7 of the -4 amendments.
091	Rep. Eighmey	Correct.
098	Rep. Beyer	Are the -3 amendments included in -4 amendments?
101	David	I believe the -3 amendments are included in the -4 amendments.
103	William E. Taylor	Counsel Clarifies that the -3 amendments are included in the -4 amendments.
134	Rep. Eighmey	Therefore, before the subcommittee makes a motion on the -4 amendments, the -1 amendments need to be adopted within the -4 amendments. The -1 amendments were to be inserted on page 36 of the original printed measure.
143	Chair Sunseri	My only concern over the \$50 pass through is regarding the cost of the program.
145	Rep. Eighmey	Explains the cost of the \$50 pass through program.
161	Chair Sunseri	Does the -1 amendments need to go through Ways and Means?
163	Rep. Eighmey	Probably, but not until HB 2324 goes through the Senate. Shares comments on the \$50 pass through benefits.
165	Chair Sunseri	A fiscal will be requested before HB 2324 goes to the full committee on the -1 amendments. Should the fiscal analysis comeback too high, the full committee may have to remove the -1 amendments from HB 2324.
176	Rep. Eighmey	<b>MOTION: Moves to ADOPT HB 2324-1 amendments dated 03/14/97 and to ADOPT HB 2324-4 amendments dated 05/12/97.</b>
190		<b>VOTE: 5-0-1</b> <b>EXCUSED: 1 - Rep. Uherbelau</b>
	Chair Sunseri	<b>Hearing no objection, declares the motion CARRIED.</b>
194	Rep. Sunseri	<b>MOTION: Moves to AMEND HB 2324 by inserting "A sunset clause of four years".</b>
196		<b>VOTE: 5-0-1</b> <b>EXCUSED: 1 - Rep. Uherbelau</b>
	Chair Sunseri	<b>Hearing no objection, declares the motion CARRIED.</b>

202	Rep. Eighmey	<b>MOTION: Moves HB 2324 to the full committee with a DO PASS AS AMENDED recommendation.</b>
205		<b>VOTE: 5-0-1</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Rep. Uherbelau</b>
	Chair Sunseri	<b>The motion CARRIES.</b> <b>REP. SUNSERI will lead discussion on the floor.</b>
210	Chair Sunseri	Closes the work session on HB 2324. Adjourns the meeting at 3:32 p.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - HB 2324, -3 amendments dated 05/12/97, Staff, 1 page.**

**B - HB 2324, -4 amendments dated 05/12/97, Staff, 149 pages.**