

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON FAMILY LAW**

**May 29, 1997 Hearing Room 357**

**3:15 P.M. Tapes 97 - 98**

**MEMBERS PRESENT:**

**Rep. Ron Sunseri, Chair**

**Rep. George Eighmey, Vice-Chair**

**Rep. Peter Courtney**

**Rep. Charles Starr**

**Rep. Judy Uherbelau**

**MEMBER EXCUSED:**

**Rep. Roger Beyer**

**STAFF PRESENT:**

**William E. Taylor, Counsel**

**Lauri A. Smith, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 1059 - Public Hearing & Work Session**

**SB 771 - Public Hearing and Work Session**

**SB 243A - Public Hearing**

**SB 244A - Public Hearing**

**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 97, A</b>		
<b>003</b>	<b>Chair Sunseri</b>	<b>Calls the meeting to order at 3:18 p.m.</b>
<b>OPENS PUBLIC</b>		

<u>HEARING ON SB 1059</u>		
008	Larry Oglesby	<p><b>Marion County Juvenile Department representing Oregon Juvenile Department Director's Association.</b> Testifies in support of SB 1059. Discusses the concept behind the measure and history.</p> <p>&gt;counties historically have charged these fees - operating under local ordinance or broad authority under juvenile code</p> <p>&gt;bill drafted to provide specific authority - mirrors adult corrections bill</p> <p>&gt;holding youth accountable/offsetting some of the costs of supervision</p>
<u>CLOSES PUBLIC HEARING ON SB 1059</u>		
<u>OPENS WORK SESSION ON SB 1059</u>		
034	Rep. Starr	<b>MOTION: Moves SB 1059 to the full committee with a DO PASS recommendation.</b>
039	Rep. Starr	Comments his support for the bill.
042	Rep. Uherbelau	Comments her support for the bill.
		<p><b>VOTE: 4-0-2</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 2 - Rep. Beyer, Rep. Courtney</b></p>
	Chair Sunseri	<p><b>The motion CARRIES.</b></p> <p><b>REP. UHERBELAU will lead discussion on the floor.</b></p>
<u>CLOSES WORK SESSION ON SB 1059</u>		
<u>OPENS PUBLIC HEARING ON SB 771</u>		
		State Court Administrators Office. Speaks of

062	<b>Brad Swank</b>	proposed amendments.
081	<b>Nancy Miller</b>	<b>State Court Administrators Office.</b> Requests delay until amendments are ready.
<b><u>CLOSES PUBLIC HEARING ON SB 771</u></b>		
<b><u>OPENS PUBLIC HEARING ON SB 243A AND SB 244A</u></b>		
092	<b>Lane Shetterly</b>	<b>Representing House District 34.</b> Lends his support to SBs 243 & 244. Gives a brief history of measures encouraging Committee's support.
105	<b>William J. Howe III</b>	<b>Chair, Oregon Task Force on Family Law.</b> Submits written testimony in support of SB 243A and SB 244A. <b>[Exhibit A]</b>
155	Howe	Continues testimony.
177	<b>Carl Myers</b>	<b>Oregon Task Force on Family Law and the Family Law Section Oregon State Bar.</b> States that the Family Law Section of the Bar supports these bills.  >Oregon Commission on Children and Families endorses SB 244A - no position on SB 243A  >Chief Justice endorses both bills
196	Howe	The only portion controversial on either measure has been the visitation rights. Explains.
210	Chair Sunseri	Questions for clarification regarding filing fee.
218	Myers	Discusses Chair Sunseri's question of "Why should a person who is current in his support pay \$45 for an expedited hearing?"  >only way to enforce visitation is contempt which is a long, drawn out proceeding.  >expedited process will be form driven, no attorney necessary - \$45 filing fee to handle extra costs to court
244	Chair Sunseri	What was the time difference of appealing through the court process versus the expedited process?
248	Howe	Responds. Hope is 30/45 days at most. Continues.
270	Rep. Uherbelau	Questions for clarification regarding time frame.

285	Howe	Responds. Judges feel it is inappropriate at this stage. Explains.
300	Chair Sunseri	Couldn't expeditiously be 6 months and the court process a year or more?
303	Howe	Responds. Every judge we talked to expressed high levels of frustration over the management of this problem. Continues.
322	Chair Sunseri	States concerns over the purpose of expediting the process.
337	Myers	One reason for having the local jurisdiction come up with an expedited process is that what works in one county may not work in another. Continues.
383	Rep. Eighmey	Comments regarding 'time certain'.
390	Myers	Replies. Not sure how you word a 'time certain'. Continues.  >the measure does include mediation
423	Bill Taylor	Committee Counsel. Questions Howell regarding expedited time period.
	Howe	Replies. 30/45 days
	Taylor	Continues questioning for clarification.
453	<b>Richard L. Koenig</b>	Presents written testimony in support of SB 243A. <b>[Exhibit B]</b>
<b>Tape 98, A</b>		
035	Koenig	Continues testimony.
085	Koenig	Continues testimony.
135	Koenig	Continues testimony.
165	Taylor	Comments for clarification regarding facilitation of visitation rights.
170	Koenig	It is a factor to be considered.  Continue testimony.
220	Koenig	Continues testimony.
229	Chair Sunseri	If the legislature expedites - found unconstitutional - would the court settle?
234	Koenig	A waste of taxpayers money in the courts if this bill goes through as is.
238	Taylor	Comments for clarification. Refers to language within the A-Engrossed version, Section 35.
256	Koenig	I do support the friendly parent provision. Continues.

306	Koenig	Continues testimony.
322	<b>Layne Barlow</b>	<b>Director, Oregon Men's Association.</b> Submits written testimony supporting the principles behind SB 243. <b>[Exhibit C]</b>
372	Barlow	Continues testimony.
422	Barlow	Continues testimony.
472	Barlow	Continues testimony.
<b>Tape 97, B</b>		
038	Barlow	Continues testimony.
057	Taylor	Responds. Reads from Section 35. >some kind of proof
065	Barlow	Replies. If you attach some kind of mandatory evidence - then acceptable. Continues.
078	Rep. Uherbelau	References Barlow's testimony. Were these particular suggestions given to the task force to consider?
081	Barlow	Yes.
082	Rep. Uherbelau	Continues: During the process, after or both?
083	Barlow	Throughout the process.
092	Chair Sunseri	Would you support this measure without changes to the language?
093	Barlow	No.
097	Howe	Responds. All factors presented were considered. Continues.
114	<b>David Nebel</b>	<b>Oregon Coalition Against Domestic and Sexual Violence.</b> Speaks to Section 35 of SB 243. Essential this section acknowledge the effect of domestic or sexual violence. A victim is not going to feel very friendly toward the other parent.  >hoped for stronger language  >accept bill as written without amendments
	Additional written testimony submitted by Michael E. Fogle, Co-Director, National Clearinghouse for Divorce. <b>[Exhibit E]</b>	
<b><u>CLOSES</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING ON</u></b> <b><u>SB 243A &amp; SB</u></b>		

<u>244A</u>		
<u>REOPENS PUBLIC HEARING ON SB 771</u>		
132	<b>Nancy Miller</b>	<b>State Court Administrator's Office.</b> Gives Committee some background and history of measure. Offers SB 771-1 amendments to simplify the process of providing the information that is made public by SB 771.
143	<b>Brad Swank</b>	<b>State Court Administrator's Office.</b> Offers SB 771-1 amendments. <b>[Exhibit D]</b> with explanation.
<u>CLOSES PUBLIC HEARING ON SB 771</u>		
<u>OPENS WORK SESSION ON SB 771</u>		
178	<b>Rep. Courtney</b>	<b>MOTION: Moves to ADOPT SB 771-1 amendments dated 05/26/97.</b>
180		<b>VOTE: 4-0-2</b> <b>EXCUSED: 2 - Rep. Beyer, Rep. Eighmey</b>
	<b>Chair Sunseri</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
185	<b>Rep. Courtney</b>	<b>MOTION: Moves SB 771 to the full committee with a DO PASS AS AMENDED recommendation.</b>
189		<b>VOTE: 4-0-2</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Rep. Beyer, Rep. Eighmey</b>
	<b>Chair Sunseri</b>	<b>The motion CARRIES.</b> <b>REP. STARR will lead discussion on the floor.</b>
194	<b>Chair Sunseri</b>	Adjourns the meeting at 4:29 p.m.

Transcribed by, Reviewed by,

Julie A. Clemente for

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - SB 243A, written testimony, William J. Howe III, 22 pages.**

**B - SB 243A, written testimony, Richard L. Koenig, 5 pages.**

**C - SB 243A, written testimony, Layne Barlow, 9 pages.**

**D - SB 771-1 amendments dated 05/26/97, Nancy Miller, 1 page.**

**E - SB 243A, written testimony, Michael E. Fogle, 1 page.**