

HOUSE COMMITTEE ON  
JUDICIARY

Hearing Room 357  
am Tape

MEMBERS PRESENT:  
Rep. Del Parks, Chair  
Rep. Kate Brown, Vice-Chair  
Rep. Chuck Carpenter  
Rep. Peter Courtney  
Rep. Jerry Grisham  
Rep. Bryan Johnston  
Rep. Leslie Lewis  
Rep. Lisa Naito  
Rep. Floyd Prozanski  
Rep. Eileen Qutub  
Rep. Veral Tarno  
Rep. Bob Tiernan

STAFF PRESENT:  
Holly Robinson, Committee Counsel  
Milt Jones, Committee Counsel  
Sarah May, Committee Assistant

MEASURES HEARD:  
HB 2357 - Work Session  
HB 2650 - Work Session  
HB 2809 - Work Session  
SB 63 - Work Session

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,  
please refer to the tapes.

TAPE , SIDE A

001 CHAIR PARKS: Calls the meeting to order at 10:10 AM

WORK SESSION ON HB 2650

002 MILT JONES, COMMITTEE COUNSEL: HB 2650 establishes rules and guidelines  
for trustee in investing and managing trust assets. (EXHIBIT A)

009 REP. BROWN: Did we adopt -1 amendments?

011 MILT JONES, COMMITTEE COUNSEL: Yes. Explains amendment.

012 MOTION: REP. BROWN: Moves HB 2650-1 AS AMENDED TO THE FLOOR with a DO  
PASS recommendation.

VOTE: 12-0 MOTION PASSES  
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,  
Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None

WORK SESSION ON HB 2809

025 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2809 allows testimony before  
grand jury by simultaneous television transmission. (EXHIBIT B)

036 MOTION: REP. PROZANSKI: Moves HB 2809-3 AS AMENDED TO THE FLOOR with a  
DO PASS recommendation.

VOTE: 12-0 MOTION PASSES  
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,  
Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None

WORK SESSION ON SB 63

049 MILT JONES, COMMITTEE COUNSEL: SB 63 revises limited liability company  
laws.

054 MOTION: REP. BROWN: Moves SB 63 TO THE FLOOR with a DO PASS  
recommendation.

VOTE: 12-0 MOTION PASSES  
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,  
Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None

WORK SESSION ON HB 2357

068 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2357 suspends driving privilege for failure to pay child support. (EXHIBIT C)

078 MOTION: REP. NAITO: Moves HB 2357-2 AS AMENDED TO THE FLOOR with a PASS recommendation.

DO

080 REP. TIERNAN: Can someone explain the testimony for and against this bill?

083 REP. NAITO: Explains testimony of who was in favor or against the bill.

117 REP. TIERNAN: What happens in the case of late payments? What is the triggering mechanism in the bill?

120 REP. NAITO: That would go under the existing program of the bill. John Ellis may be able to talk about when the threshold level of that will be triggered.

123 CHAIR PARKS: I don't approve on people testifying during a full committee except on major pieces of legislation that have a broad impact. This bill has a broad impact and is worth talking about.

130 REP. TIERNAN: Asks about late payments. Asks if someone is behind in payments when bill is passed, what is process to make up those payments, is

it retroactive, etc.? What happens when someone moves into the state who has an out of state child support payment obligation? How does this bill phase into this existing situation?

142 JOHN ELLIS, DEPARTMENT OF JUSTICE: The bill blends it's terms into the existing professional license revocation act, which also covers commercial drivers licenses. The threshold in HB 2357 is that a person who holds a license and who has a child support case that is maintained by the Oregon child Support Program and who has a \$2,500 arrears, is then subject to provisions of the act. When we identify a person who is a child support obligor, has a license, and who has an arrears of \$2,500, a letter goes to that person, explains. The key point in the bill is that people are to make payment arrangements. We negotiate payment arrangements based upon the ability to pay. Discusses what happens when a person contacts DOJ within 30 days of letter being sent to child support obligor. We also check other records to make sure we know the address of the person who is supposed to pay, gives example. Discusses the process of when a person pays on time or when they are late with payments. We often make payment agreements for less than the court ordered amount, explains. Explains process of keeping records on an out of state person who needs to pay child support.

224 REP. TIERNAN: Asks about a situation where someone who makes \$2,500 a month and their child support payments are \$1000 a month, loses job and goes on unemployment. Is there is a system where the payment can be reduced?

235 ELLIS: Yes there is, explains.

244 REP. TIERNAN: Seventy percent of the people are behind in their payments?

250 ELLIS: That is correct with qualification, explains. About seventy percent or more of the public welfare child support case load, does not make a payment in a given month. The overall average of people who are supposed to pay child support is about 50 percent.

263 REP. TIERNAN: Of the 70 percent, there are people who are behind and not paying all of their obligation, is that correct?

268 ELLIS: Yes.

270 REP. TIERNAN: I will vote for the bill, but there are some irregularities to this bill, explains.

291 CHAIR PARKS: I am one of the very "inconsistent" people. We do jump in on the license area sometimes more than we should. In the first session this bill was brought to us, I was against it. Last session I decided that we should try it. The truth is, that someone who won't support their families, steal from everyone in the state. I don't like using the drivers license, but it works. We have to trust the DOJ and they are worthy of that trust.

322 REP. TIERNAN: Discusses speaking to fathers who may or may not have had custody of their children. Discusses all of the child support problems and variety of situations. I hope this law does not trap some people that it wasn't suppose to trap.

339 REP. QUTUB: You mentioned visitation rights?

344 REP. NAITO: The right of visitation is a separate issue than the obligation to pay child support. This legislation doesn't speak to that issue, but I would work on another legislation to include that.

356 REP. QUTUB: Gives example of person being behind on child support.  
Will that encompass the money that the person that is behind on? Will they  
all of the sudden lose their license?

365 REP. NAITO: The point is to collect support. Some of those judgments  
do expire after time, but if there was an arrearage they would be sent a  
letter to try to work out a payment schedule.

370 REP. CARPENTER: I hope that when some of the drunk driving laws come  
up, that we are as supportive of those as we are about this bill.  
Discusses another bill that would take away the drivers license. When  
those bills come up on the floor I hope my colleagues will be as supportive  
of using the drivers license as we are now.

383 REP. TIERNAN: Would you be in favor to deny drivers license to people  
who refused to allow visitation?

387 REP. NAITO: I would like to go forward with this bill.

401 VOTE: 12-0 MOTION PASSES  
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,  
Prozanski, Qutub, Tarno, Tiernan, Parks  
NO: None

419 CHAIR PARKS: Adjourns the hearing at 10:38 am.

Submitted by, Reviewed by,

Sarah May Debra Johnson  
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Proposed -1 Amendments to HB 2650 - Staff - 1 page
- B. Proposed -3 Amendments to HB 2809 - Staff - 1 page
- C. Proposed -2 Amendments to HB 2357 - Staff - 1 page