

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

June 21, 1993 Hearing Room 137 1:30 p.m. Tapes 99 - 100

MEMBERS PRESENT: Rep. John Meek, Chair Rep. Lisa Naito, Vice-Chair Rep. Ron Adams (Alternate) Rep. Patti Milne

MEMBER EXCUSED: Rep. Gail Shibley

STAFF PRESENT: Annette Price, Committee Administrator Edward C. Klein, Committee Assistant

PUBLIC HEARING & WORK SESSION: SB 975-B - Requires specified occupational licensing boards to refuse licenses to persons more than \$2,500 in arrears in support payments or not in compliance

with agreement to pay arrears. SB 674-A - Declares certain benefits to families

providing in-home care of qualifying youths or

children are social benefits and are not to be used to replace or reduce other benefits provided to families.

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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. [--- Unable To Translate Graphic ---] TAPE 99, SIDE A

003 CHAIRMAN MEEK: Calls the committee to order at 1:37 p.m.

PUBLIC HEARING ON SB 975-B -- EXHIBITS A

Witnesses: Sen. Bill Kennemer, District 12 John Ellis, Support Enforcement Division Sharon Amburgy

CHAIRMAN MEEK: Opens the Public Hearing on SB 975-B

006 SEN. BILL KENNEMER, District : Testifies in support of SB 975-B. -He submits background information on SB 975-B (EXHIBIT A). -It's our intent to try to add other licenses in the future. -The intent is not to put anyone out of work, but to get them to pay

support. -He refers to fiscal information (EXHIBIT A). -California and Arizona have similar successful programs.

085 REP. MILNE: Understands why you're focusing on the groups you are. -Do you have any idea, if we focus on those you identify, how many we might be able to deal with?

091 JOHN ELLIS, Support Enforcement Division (SED): We have no idea how many people in our caseload are licensed by these particular agencies. -We asked DMV to match our list with theirs. -We think there

may be 2,000 to 3,000 commercial drivers who would qualify under the \$2500 limit. -He has not asked for a match about the other six occupations.

110 REP. MILNE: Hopes it won't be too long before we could focus on all of the dads who are in arrears. -She realizes you have to start somewhere.

ELLIS: There is a movement across the country to do what you propose. -Several states are considering this kind of legislation. -Some states have included all licenses, including drivers licenses.

SEN. KENNEMER: Rep. Milne, SB 935 expands garnishment to employee workers and picks up an additional \$9.5 million. -There is a two to one federal match in support enforcement. -You are correct that the vast majority of people in arrearage are men; although the bill doesn't discriminate.

142 REP. NAITO: How was the \$2500 arrived at?

SEN. KENNEMER: He asked John, what a reasonable amount would be. -A report is required. -We tried to make it simple. -\$2500 is a rough equivalent of a six month arrearage. -He thinks we'll be back looking for a different number next session.

164 REP. NAITO: How would you arrive at that figure? -Often dads pay directly, how would you address those concerns?

177 ELLIS: Refers to page 1, line 13, SB 975-B. -The cases we contemplate are those within the state's publicly administered child support program. -A citizen would have to become a client of the state's child support system. -He describes how the program would work.

199 REP. NAITO: Has prosecuted those cases. -Many times there were cases where the state was enforcing those, yet support was being paid.

ELLIS: ORS 25.020 says any payments not made through DHR are not considered payments. -Before we would go forward, we would notify the custodial parent that we were going to do this and ask that they bring forward any additional information. -He assures her we would attempt to exclude those from the program who are not in arrears.

228 REP. NAITO: How do you envision the payment agreement being prescribed by rule? -All of these cases are unique, how can you prescribe the terms of these cases by rule?

240 ELLIS: By Congressional mandate there is a requirement that all child support subject to garnishment be paid that way. -It's our intention to apply the same standard to these people. -The standard rule is 25% or current support, whichever is greater.

263 REP. NAITO: Has a concern about the time frame, some truck drivers may not receive the notice in enough time. -The severity of the potential action would be losing their license and their livelihood.

ELLIS: The total time is 60 days. -If someone comes in contact with us in 70 days, because they've been out of town, he'd immediately execute an agreement and have the license restored. -Unless the time frames are made longer these things may occasionally happen. -If it happens we

will reach an agreement.

299 SEN. KENNEMER: We had this discussion in the Senate. -People are required to keep the boards notified of their current addresses.

REP. NAITO: If they miss the deadline and within the next 30 days they come to you--where in the bill is this discretionary action?

317 ELLIS: Refers to page 2, line 39.

REP. NAITO: That's the date notice was sent, do you put three days on that?

ELLIS: We put four days on it. -He thought the bill said the party had 30 days after the first 30 days to make an agreement with us.

REP. NAITO: Sections 6 and 7 require affirmative action be taken within 30 days. -If the obligor fails to take that action they lose their opportunity to have their hearing on the arrears amount. -Knowing these people come from all walks of life, she strongly feels there should be discretionary power to waive the rules.

353 ELLIS: Refers to page 2, line 43. -They're sent notice; 30 days from that point they must make contact. If they make contact, they have an additional 30 days to make an agreement. -If they don't make contact, we proceed after 34 days or so. -We would execute the agreement at any point of contact. -Page 3, line 43, states that anytime after the suspension, when the conditions resulting in the suspension cease to exist, we'll notify the issuing agency to restore the license.

383 SEN. KENNEMER: For the record, it's not our intention to revoke anyone's license, we want them to work and to make payments.

395 REP. NAITO: Thinks it's a good bill, and does not want to dispute it. -Often you get very vindictive people involved with this. -She wants to make it clear that there is broad discretionary power all they way through this.

411 SEN. KENNEMER: The SED has a lot of experience. -The SED has 170,000 cases and he gets very few complaints.

423 REP. NAITO: This may be a point of legislative intent in section 10. -Is it your intent, that if a payment agreement has been reached, that

would constitute that the conditions no longer existed?

433 ELLIS: Absolutely.

445 REP. ADAMS: Refers to the fiscal information (EXHIBIT A). -He is not sure how the process works.

TAPE 100, SIDE A

010 ELLIS: Describes the process.

039 REP. ADAMS: Can not imagine that when you are already doing a lot of things to find these individuals, to give you a tool with this much

power that it would cause you to add 3.5 FTE and add these kinds of dollars. -Is it because it's a chance to make up other deficits or because you

don't want to do it?

067 ELLIS: Discusses the fiscal impact.

104 REP. NAITO: Is this provided for in the Department of Justice budget?

ELLIS: No.

113 SHARON AMBURGY: Testifies on how her huSB and's social security has been garnisheed for back child support has forced them into bankruptcy.

157 CHAIRMAN MEEK: This has come from Michigan?

AMBURGY: Responds. -Something is going to have to be done with the child support laws.

181 CHAIRMAN MEEK: Doesn't know Michigan's laws. -This bill is not germane to your particular case.

AMBURGY: She's meeting Wednesday morning with Rep. Kopetski.

CHAIRMAN MEEK: That's probably your best course of action.

194 REP. ADAMS: A good aspect of this bill is the six month term.

AMBURGY: Responds.

CHAIRMAN MEEK: Please call me after you talk to Congressman Kopetski. -He closes the Public Hearing.

WORK SESSION ON SB 975-B

210 CHAIRMAN MEEK: Opens the Work Session on SB 975-B. -We need a motion to suspend the rules and rescind the subsequent

referral to Appropriations and move the bill to the Floor.

REP. NAITO: Has no problem with that. -She understands no final budget has been approved for the Department of Justice. -This would be taken into account--

CHAIRMAN MEEK: In his conversation with Rep. Minnis--he will send him a letter that we've moved the bill, the aspects of the bill and the

dollars. -They'll deal with the budget aspects in their final bill. -He didn't see any problem after going through the bill that they needed it down there. -They're just going to deal with a \$500,000 plus figure and how it gets handled.

233 MOTION: REP. NAITO: Moves to suspend the rules and rescind the subsequent referral to Appropriations.

CHAIRMAN MEEK: Hearing no objection the motion is adopted.

MOTION: REP. ADAMS: Moves SB 975-B to the floor with a do pass recommendation.

241 REP. ADAMS: It appears we gain \$500,000, is that correct?

ELLIS: Yes.

ROLL CALL: All members present voting aye. The motion carries 4 to 0.

AYE: Rep. Adams, Rep. Milne, Rep. Naito, Chairman Meek.

EXCUSED: Rep. Shibley.

CARRIER: Chairman Meek.

251 REP. NAITO: It's important to follow up on this next session. -We might even want to ask the Interim Children and Families Committee

to monitor how this is working.

CHAIRMAN MEEK: Once the Department of Justice notifies the agency of the suspension, they'll have to send notice to the individual.

PUBLIC HEARING ON SB 674-A -- EXHIBIT B

Witness: Kathryn Weit, Families as Leaders

CHAIRMAN MEEK: Opens the Work Session on SB 674-A.

294 KATHRYN WEIT, Families as Leaders: Presents testimony in support of SB 674-A (EXHIBIT B).

CHAIRMAN MEEK: Closes the Public Hearing.

WORK SESSION ON SB 674-A

CHAIRMAN MEEK: Opens the Work Session.

317 REP. MILNE: What kinds of things come under Other?

WEIT: Is not exactly sure, but will check into it.

334 CHAIRMAN MEEK: How did you ever change the relating clause?

WEIT: Senate Human Resources did that. -She describes what happened.

349 REP. ADAMS: Has information on the difference between youth and child. -He's not sure if this is relating to the same bill.

WEIT: This area of statute deals with people from birth to death. -Family support, in one instance she's aware of, pays someone to bathe

an adult child once a week.

371 REP. ADAMS: Because of this support, certain other agencies have been holding support or saying you're already getting \$200 for this, so

instead of getting another \$200, you'll only get \$125?

WEIT: Correct. -For example, a family gets money to build a ramp and that money gets

marked against their access to food stamps. -This bill is trying to prevent that.

430 MOTION: REP. NAITO: Moves SB 674-A to the Floor with a do pass recommendation. ROLL CALL: All members present voting aye. The motion carries 4 to 0.

AYE: Rep. Adams, Rep. Milne, Rep. Naito, Chairman Meek.

EXCUSED: Rep. Shibley.

CARRIER: Rep. Milne.

CHAIRMAN MEEK: Adjourns at 2:34 p.m. Submitted by, Reviewed by, Edward C. Klein, Annette Price, Committee Assistant Committee Administrator EXHIBIT LOG:

A - Testimony on SB 975-B - Sen. Kennemer - 2 pages B - Testimony on SB 674-A - Kathryn Weit - 2 pages