

HOUSE COMMITTEE ON JUDICIARY

April 19, 1993                      Hearing Room 357 1:30 p.m.                      Tapes 26 - 27  
MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Tom Mason, Vice-Chair  
Rep. Ken Baker Rep. Tom Brian Rep. Kate Brown Rep. Peter Courtney Rep.  
Jim Edmunson Rep. Veral Tarno Rep. Bob Tiernan VISITING MEMBER: Sen.  
Bill Dwyer Rep. Mike Burton STAFF PRESENT:                      Holly Robinson,  
Legislative Counsel Carole Souvenir, Legislative Counsel Bryan  
Boehringer, Committee Clerk MEASURES CONSIDERED: HB 2352 - Relating  
to post-conviction relief. HB 2976 - Relating to domestic relations. HB  
3125 - Relating to the Task Force on Family Law. HB 3577 - Relating to  
custody of children. HB 2401 - Relating to taxation; appropriating  
money. HB 2402 - Relating to taxation; appropriating money. HB 2833 -  
Relating to custody of children. HB 3097 - Relating to domestic  
relations.

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statements made during this session. Only text enclosed in quotation  
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proceedings, please refer to the tapes.

TAPE 26-, SIDE A

004 CHAIR PARKS: Opens the meeting at 1:36 p m.

WORK SESSION ON HB 2352 006 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill  
allows post-conviction relief petitions to filed within one year. There  
are -3 amendments.

029 MOTION: REP. COURTNEY: Moves to ADOPT tne HB 2352-3 amendments, as  
further amended House Committee on Jud~c~ary April 19, 1993 - Page 2

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED.  
Rep. Tiernan is excused.

033 MOTION: REP. COURTNEY: Moves HB 2352, AS AMENDED TO BE  
REAMENDED, to the Floor with a DO PASS recommendation. VOTE: 8-0 Motion  
passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Parks  
NO: None EXCUSED: Tiernan REP. COURTNEY will lead discussion on the  
Floor.

WORK SESSION ON HB 2976 048 HOLLY ROBINSON, COMMITTEE COUNSEL: The  
bill makes judgments that result from an unpaid child support obligation  
good for 20 years from the date the underlying child support judgment is  
entered. There are -3 amendments. 065 REP. BRIAN: Asks about the memo  
from Virginia Vanderbilt. 067 HOLLY ROBINSON, COMMITTEE COUNSEL:  
Explains the memo concerning Rep. Baker's amendment. 080 REP. BAKER:  
Explains what would have changed. 084 MOTION: REP. BRIAN: Moves to  
ADOPT the HB 2976-3 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED.  
Rep. Tiernan is excused.

087 MOTION: REP. BRIAN: Moves HB 2976, AS AMENDED, to the Floor with  
a DO PASS recommendation. 092 REP. MASON: Explains his vote. Objects  
to the bill. Sees no reason to separate out the child support  
judgements. 109 CHAIR PARKS: Explains the differences between the  
judgements. 118 REP. BROWN: Asks about bankruptcy proceedings.

124 VOTE: 7-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Parks NO: Mason EXCUSED: Tiernan REP. BAKER will lead discussion on the Floor. \_ 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. House Committee on Judiciary April 19, 1993 Page 3

WORK SESSION ON HB 3125

132 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill creates a Task Force on Family Law, which will develop a proposal for providing a nonadversarial system for families undergoing divorce that provides families with an opportunity to access appropriate services. There are -5 and -6 amendments. MOTION: REP. BROWN: Moves to ADOPT the HB 3125-5 and HB 3125-6 amendments. VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Tiernan is excused. 154 MOTION: REP. BROWN: Moves HB 3125, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 8-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Parks NO: None EXCUSED: Tiernan REP. BROWN will lead discussion on the Floor.

WORK SESSION ON HB 3577

164 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill removes the requirement that a parent relinquish legal custody of a child in order to access state-funded residential or treatment foster care. There are -1 amendments.

175 MOTION: REP. BROWN: Moves to ADOPT the HB 3577-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Tiernan is excused.

178 MOTION: REP. BRIAN: Moves HB 3577, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 8-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Parks NO: None EXCUSED: Tiernan REP. BROWN will lead discussion on the Floor. 189 CHAIR PARKS: Recesses the meeting for 10 minutes at 1:50 p.m. 200 CHAIR PARKS: Reconvenes the meeting at 2:10 p.m. Explains the justification for the public hearing of these bills.

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PUBLIC HEARING ON HB 2401 & 2402 Witnesses: Rep. Mike Burton, District 17 Fred Stewart, King Neighborhood Association 227 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2401 establishes the Oregon Explicit Video Commission. HB 2402 imposes a 20 percent tax on the lease of all videos and the tax shall be deposited in the State Treasury; the Attorney General would disburse all of the moneys collected to counties and cities that maintain counseling and treatment programs for rape and child sexual abuse victims. 248 REP. MIKE BURTON, DISTRICT 17: Testifies on HB 2401. Notes the importance of the goal of the bill, (finding revenue sources for victim assistance programs). Voiced concerns with taxing adult videos. Concerned with constitutional issues, and specific sales taxes. 303 CHAIR PARKS: Asks about distinctions in

the taxing of ideas. 308REP. BURTON: Discusses taxing issues. Discusses the -1 amendments. (EXHIBIT L) Discusses the addition of the commission. Voices concerns about the taxing of these videos might justify the existence of the videos. Discusses HB 2402. This bill needs to be in front of Ways and Means. This is a serious problem that needs to be addressed. 410 FRED STEWART, KING NEIGHB OREIOOD ASSOCIATION: Testifies in favor of HB 2401. Voices concerns about taxes. Explains the need for revenue to fund programs ` that help victims. 479 CHAIR PARKS: Asks about the board responsible for reviewing the explicit material. 481 STEWART: Discusses the board. , TAPE 27, SIDE A

030 STEWART: Continues with testimony. Discusses the correlation between the videos and the behavior. Explains the scope of the tax.

051 CHAIR PARKS: Discusses the lack of a definition of explicit videos for the purpose of taxing the suspect videos. 054STEWART: Explains where the definition is in the bill. Explains what would and wouldn't be taxed. The specific acts are outlined in the bill.

075 CHAIR PARKS: Who decides what movies will be taxed?

077 STEWART: The film industry would decide the taxable videos. The tax would apply to the rating system. Discusses the appeal for exemption. 096 REP. TIERNAN: Asks for clarification on the taxation of. the non-rated movies. 102 STEWART: Further explains the exemption and the appeals process.

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112 REP. TIERNAN: Asks why we are going after the non-rated movies.

110 STEWART: Explains that about 90% of the problem movies are currently not rated. Very few of the home movies are non-rated.

120 REP. TIERNAN: Is the intent to stop newer unrated movies?

125 STEWART: That's correct. Discusses exemption process. 131 REP.

TIERNAN: Asks about just applying a cut off date for the tax.

135 STEWART: That is another option. I would support an amendment that made that type of change. This bill only taxes videos that go into the homes.

PUBLIC HEARING ON HB 2833 Witnesses: Kevin Schaumleffle, Oregonians for Custodial Equality

178 KEVIN SCHAUMLEFFLE, OREGONIANS FOR CUSTODIAL EQUALITY: (EXHIBIT B) Submits and reviews testimony in favor of HB 2833. 208 CHAIR PARKS: Asks about joint custody. How can divorcing parents agree on what is best for the child? 219 SCHAUMLEFFLE: Discusses what is detrimental to the children. Discusses the need for case by case analysis. 236 REP. BROWN: Asks about the factors for determination. Asks about instances of domestic violence. 242 SCHAUMLEFFLE: Explains some of the determinants for joint custody. 254 CHAIR PARKS: What is the point of the bill? 255 SCHAUMLEFFLE: There should be a presumption that joint custody is in the best interest of the children, unless it is determined to be detrimental to the children or if one parent declines the custodial role. 260 CHAIR PARKS: Discusses concerns with a lack of definition in the bill. 273 REP. MASON: Discusses presumption. Even if the marriage ends, the presumption is that there is still responsibility for the joint care of the child. 296 REP. BROWN: Discusses the fact that the bill does not address

domestic violence concerns.

304 REP. MASON: Discusses the politics of the bill. These are fathers that want back into their children's lives.

313 CHAIR PARKS: Discusses the current law.

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321 REP. TARNO: Nothing precludes the court from its current options.

333 REP. BROWN: Discusses possible joint custody scenarios.

341 SCHAUMLEFFLE: The judge will have the final say in situations like that. Discusses incentives to seek sole custody. Discusses jeopardizing the welfare system. 388 REP. MASON: Discusses the standards for this bill. Discusses custody issues.

431 REP. BAKER: Discusses joint custody legal issues. Discusses blending in the custody issues. 453 REP. BROWN: Discusses concerns about disputes between the two parties. 482 REP. TIERNAN: Asks about other states that have a similar type of law.

484 SCHAUMLEFFLE: There are 13 states that have a preference to the presumption of joint custody. The statistics show that it works better over the current system that we are in.

TAPE 26, SIDE B

032 PUBLIC HEARING ON HB 3097 Witnesses: Sen. Bill Dwyer, District 21

034 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill requires the Department of Human Resources to establish a formula for determining spousal support awards; the formula is based upon stated factors and the amount determined by the formula shall be presumed to be the correct amount of the obligation unless there is a written finding that application of the formula would be unjust. 042 SENATOR BILL DWYER, DISTRICT 21: Testifies in favor of HB 3097. 080 REP. BROWN: Discusses concerns with the bill. Discusses spousal support. Concerned that the court might lose its ability to perform case by case analysis.

091 SEN. DWYER: Discusses the need for objective standards.

096 REP. MASON: Discusses quotes from the Older Women's Coalition memo. 103 DWYER: Responds to the memo. 112 CHAIR PARKS: Discusses the possibility of setting the bill for hearing before the Civil Subcommittee.

PUBLIC HEARING ON HB 2833 Witnesses: Kevin Schaumleffle, Oregonians for Custodial Equality Victor Smith, DADS Elizabeth MacQuire, Families' Alliance to Have Equal Rights (FATHERS) Karen Grinnell, FATHERS \_ 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. House Committee on Judiciary April 19, 1993 - Page 7

121 SCHAUMLEFFLE: Discusses other states that have the presumption.

129 REP. BAKER: Discusses proficiency issues in the bill.

139 SCHAUMLEFFLE: Discusses best interest for children. Discusses

exemptions to joint custody. Discusses timelines. 162 REP. BROWN:  
Asks about equal parent status in focus of the bill.  
164 SCHAUMLEFFLE: Discusses contributions by both parents.  
176 REP. TIERNAN: Asks for a quick summary of how the law is now, and  
the proposed changes. 178 SCHAUMLEFFLE: Explains the differences.  
Currently a presumption towards single custody. We want what is best for  
the children. 209 VICTOR SMITH, DADS: Testifies in favor of HB 2833.  
Discusses socio-economic benefits. 242 REP. BROWN Discusses drains on  
the state support system. 248 SMITH: We are trying to put an end to  
these fraudulent games that take advantage of the support system.  
265 REP. BROWN: Asks about the amount of support that went unclaimed  
last year. 266 SMITH: The national figure is around \$18 billion.  
282 REP. COURTNEY: Asks about how the new system would work with the  
support system. 286 SMITH: Explains the new system. 353 REP.  
MASON: Discusses the changes in child support and welt:are. Discusses  
needs tor the joint custody presumption. 422 SMITH: Summarizes  
comments. Explains the benefits and the rationale behind the joint  
custody presumption. 458 ELIZABETH MAQUIRE, FAMILIES ALLIANCE:  
Testifies in favor of HB 2833. 481 KAREN GRINNELL, FAMILIES ALLIANCE:  
Testifies in favor of HB 2833. Explains that single parent families are  
not working.

TAPE 27, SIDE B

028 REP. BROWN: Discusses allowing joint legal custody and physical  
custody to one party.

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035 GRINNELL: Discusses the rights of children. Discusses problems  
with the system. Divorce does not mean you are no longer a parent.  
058 MAQUIRE: Discusses the needs and the desires of children.  
068 REP. BROWN: Discusses second and third family situations.  
074 GRINNELL: Explains the justification for the joint custody.  
084 CHAIR PARKS: Asks the pro joint custody individuals to meet with  
REP. MASON.

094 . CHAIR PARKS: Adjourns the meeting at 3:30 p.m.

Submitted by  
Anne May Committee Clerk

Reviewed by: Bryan Boehringer  
Committee Coordinator

EXHIBIT LOG:

A - Testimony on HB 2401 - Debra Hopkins - 9 pages B - Testimony on HB  
2833 - Kevin Schaumleffle - 9 pages C - Testimony on HB 2833 - Karen  
Grinnell - 8 pages D - Testimony on HB 2833 - Steve Young - 3 pages E -  
Testimony on HB 3097 - Helenjane Williams - 2 pages F - Testimony on HB  
3097 - Helenjane Williams - 1 page G - Amendments to HB 2352 -  
Legislative Counsel - 2 pages H - Amendments to HB 2976 - Legislative  
Counsel - 4 pages I - Amendments to HB 3125 - Legislative Counsel - I  
page J - Amendments to HB 3125 - Legislative Counsel - I page K -  
Amendments to HB 3577 - Legislative Counsel - 1 page L - Amendments to  
HB 2401 - Legislative Counsel - 2 pages

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