

- Gives the case of Stuart vs. Stuart (EXHIBIT A)

REP. KATE BROWN, DISTRICT 13: Testifies in support of HB 2946.

- I'm concerned about deleting line 6 on pg. 2.

105 REP. PARKS: The rationale is that a court could find that a person
did contribute to the education of their spouse.

SEN. G. SMITH: I wonder if it won't increase demand for prenuptial agreements or discourage marriage.

122 REP. PARKS: People should think a long time about marriage and
the commitment it involves.

BROWN: Prenuptial agreements are beneficial. This is a tool to protect spouses that put a lot, financially, into a marriage.

159 SEN. SHOEMAKER: This is a good idea. When the court makes an award
do they consider the energy that will have to be put forth from that
point forward? Is it based on a 50/50 capacity?

REP. PARKS: They compare the earning capacity to the base and reject
out to present value.

178 SEN. SHOEMAKER: Would they then compare contributions and split it?

REP. PARKS: It's what the judge feels is an equitable contribution.

189 SEN. SHOEMAKER: If the paid spouse starts to earn a lot of money
that wouldn't affect the rewards since it is a property division.

REP. PARKS: Changes in alimony occur according to a spouse's work situation.

210 SEN. SHOEMAKER: That's change on the part of the paying spouse, but
not the paid spouse.

REP. PARKS: That wouldn't be taken into consideration.

BROWN: If the paid spouse improves his circumstances following the marriage that shouldn't affect what they get out of the marriage.

249 SEN. G. SMITH: What if a spouse chooses to leave the marriage? Is
there allowance to accommodate this in the bill?

REP. PARKS: The bill says "the court shall consider..".

281 SEN. RASMUSSEN: I don't see anything saying that if the burden is

met

and there has been material contribution of prolonged duration it should be split 50/50.

REP. PARKS: We wanted to avoid that and left it to the court.

289 SEN. RASMUSSEN: I like that it leaves some flexibility for the court.

308 LAURIE WIMMER, COMMISSION FOR WOMEN: Submits and reviews written testimony in support of HB 2946. (EXHIBIT B)
- The potential should be up or down.

323 MOTION: SEN. RASMUSSEN: Moves to ADOPT the reinsertion of lines 6 & 7 on page 2.

VOTE: Hearing no objection the amendments are ADOPTED.

347 MOTION: SEN. SHOEMAKER: Moves to ADOPT on pg. 5 sub. c after line 26, which provides for modification of the decree as it relates to this property award based on enhanced earning capacity. ("such other circumstances as to the court shall appear just and proper")

VOTE: Hearing no objection the amendment is ADOPTED.

361 SEN. WEBBER: How would we alter the situation if there was an increase in earnings? Do you have any particular language?

WIMMER: I would ask "less" or "greater" income on pg.5, line 24. So the modification would follow to go up or down.

395 REP. PARKS: I think that Senator Shoemaker's amendment encompasses Laurie Wimmer's request.

SEN. RASMUSSEN: I would like to be reflected as a NAY vote on that amendment.

406 SEN. G. SMITH: Sen. Rasmussen, is your concern that an early mistake in life/marriage forever ties you, financially, to that mistake?

SEN. RASMUSSEN: I disagree with the Commission for Women because we're talking about a property settlement issue and one shouldn't be able to revisit a property settlement later because someone's profession position has changed by their own efforts.

TAPE 188, SIDE A

003 SEN. G. SMITH: I agree. I see the distinction between Sen.

Shoemaker
and Sen. Rasmussen.

SEN. SHOEMAKER: A point of clarification; my amendment is limited to modification of the property award based on the enhanced earning capacity of a party (ll. 20-22). It should be flexible enough for the courts.

014 SEN. G. SMITH: In that instance, but if you expand that I can't support it.

HB 2398: Prohibits unauthorized use of livestock animal.

030 JOHN McCULLY, OREGON CATTLEMENS' ASSOCIATION: Submits and reviews testimony in support of HB 2398. (EXHIBIT K)

073 DIXIE FITZGERALD, OREGON CHAPTER AMERICAN OSTRICH ASSOCIATION: Testifies in support of HB 2398.

133 SEN. HAMBY: I have spoken with Rep. Shiprack and all members of the Agriculture and Natural Resources Committee and asked if they had any opposition to the inclusion of Ratites and Psittacines. The HB 2398-A3 amendments include Ratite and the HB 2938-A4 amendments include Psittacine. (EXHIBIT C, D)

157 SEN. SHOEMAKER: Are your ratites at risk of being chased and harmed by dogs?
FITZGERALD: Yes. My sister's ratite was harmed but she couldn't receive recourse because they aren't classified.

164 SEN. SHOEMAKER: So that's the reason you want to amend ORS 609.

169 BILL PERRIN, OREGON EMU ASSOCIATION: Submits and reviews written testimony in support of HB 2398.
- This is a rapidly evolving industry.

201 TAYLOR: Do you sell the meat, feathers and the leather?

PERRIN: Each bird is grown for specific products. The Emu has an oil that is being looked at for cosmetic and industrial uses.

240 SEN. SHOEMAKER: Wouldn't it make sense to get rid of the laundry list in both amendments and define a livestock animal as "any animal bred and maintained commercially"?

CHAIR SPRINGER: The Department of Agriculture is interested in game ranching for Elk and Deer.

274 FITZGERALD: It is a valid industry and we contribute to Oregon therefore, we have a right to be protected.

PERRIN: We need immediate protection. The biggest loss is due to theft and dogs.

296 CHAIR SPRINGER: Some of these activities are already against the law.

FITZGERALD: The fact remains that there is no system for recourse.

324 McCULLY: Some of these activities aren't seen as falling under any category.

360 PATRICK DAY, RATITE INDUSTRY: Submits and reviews written testimony in support of HB 2398. (EXHIBIT F)

404 KAREN MARIANI, OREGON EMU ASSOCIATION: Testifies in support of HB 239 8.

TAPE 187, SIDE B

002 ROD HARDER, PUTTING PEOPLE FIRST: Submits and reviews written testimony in support of HB 2398. (EXHIBIT E)

041 BILL PERRY, OREGON FARM BUREAU: Testifies in support of HB 2398.

CHAIR SHOEMAKER: Are you in support of psittacines being in the amendments?

PERRY: I'm trying to find a definition for psittacines. I don't really know what the word means.

061 ERICK SNOW, WILLAMETTE VALLEY TROPICAL: Testifies in support of HB 239 8.

111 SEN. HAMBY: In the -A4 amendments Ratites and Psittacines are used as nouns.

CHAIR SHOEMAKER: This bill doesn't relate to the right to farm? What is your connection?

118 SNOW: It lists them as livestock and there would be potential for a future bill on the right to farm.

SEN. HAMBY: His testimony is important because it shows the lack of

disparity by county.

137 JULIE ATKINSON, PARROT PEAK PRESERVE: Submits and reviews
written
testimony in support of HB 2398. (EXHIBIT G)

233 ANNE OLSON, A AND N CATTLE COMPANY: Submits and reviews
written
testimony in support of HB 2398. (EXHIBIT H)

269 MOTION: SEN. HAMBY: Moves to ADOPT HB 2398-A4 amendments.

VOTE: Hearing no objection the amendments are ADOPTED.

278 CHAIR SHOEMAKER: John, are you comfortable in expanding this to
include
these additional types of animals?

McCULLY: Yes.

287 MOTION: SEN. HAMBY: Moves that HB 2398 as amended be sent to the
Floor
with a DO PASS recommendation.

VOTE: In a roll call vote all members present vote AYE.

POSSIBLE RECONSIDERATION & WORK SESSION

HB 2143: Deletes requirement that court grant guardianship to
Children's
Services Division when
court places child in legal custody of division.

302 QUIGLEY: Gives overview of HB 2143-1 amendments. (EXHIBIT I)

319 MOTION: CHAIR SHOEMAKER: Moves that reconsideration of HB 2143
be
ADOPTED.

VOTE: Hearing no objection reconsideration is ADOPTED.

345 QUIGLEY: The original Housebill included discretionary language, but
is
no longer necessary since already enrolled in SB 257.

351 MOTION: CHAIR SHOEMAKER: Moves that HB 2143 as amended be sent to
the
Floor with a DO PASS recommendation.

VOTE: In a roll call vote all members present vote AYE. CHAIR SPRINGER
and SEN. RASMUSSEN are EXCUSED.

WORK SESSION

HB 2254: Defines terms in murder statute.

382 TOM CHINCHAER, WASHINGTON COUNTY DISTRICT ATTORNEY'S OFFICE: Submits
and
reviews written testimony in support of HB 2254. (EXHIBIT J)

TAPE 188, SIDE B

003 CHINCHAER: Continues testimony.
- On line 10, of the amendments, you may want to broaden this by
adding "or a person having assumed the permanent care/temporary
care,
custody, responsibility for the supervision of the child".

100 CHAIR SHOEMAKER: I'm concerned that the person who would be caught
would
be a woman who herself is abused by the huSB and.

CHINCHAER: I've never run across a situation where the abuse has been
extended to the adult.

118 CHAIR SHOEMAKER: There should be some protection for a person in
that
situation.

CHINCHAER: There is help for adults in abusive situations. A child
can't help theirselves.

128 CHAIR SHOEMAKER adjourns at 3:15 p.m.

Submitted by:

Reviewed by:

Ellen L. Senecal
Assistant

Karen Quigley
Bill Taylor
Administrator

EXHIBIT LOG

- A - Testimony on HB 2946-Rep. Parks-4 pgs.
- B - Testimony on HB 2946-Laurie Wimmer-1 pg.
- C - Proposed HB 2398-A3 amendments-staff-2 pgs.
- D - Proposed HB 2398-A4 amendments-staff-2 pgs.
- E - Testimony on HB 2398-Rod Harder-1 pg.
- F - Testimony on HB 2398-Patrick Day-2 pgs.
- G - Testimony on HB 2398-Julie Atkinson-12 pgs.
- H - Testimony on HB 2398- Ann Olsson-5 pgs.
- I - Proposed HB 2143-1 amendments-staff-1 pg.
- J - Proposed HB 2254-A3 amendments-staff-1 pg.
- K - Testimony on HB 2398-John McCully-1 pg.
- L - Testimony on HB 2398-Bill Perrin-10 pgs.