

Measures Heard SB 490 (WRK) SB 221 (WRK) SB 568 (WRK) SB 222 (PAVV) SB 220 (PUB) SB 223 (PUB) 2083 (PAVV) SB 754 (PUB) SB 492 (WRK)

SENATE COMMITTEE ON THE JUDICIARY

March 27, 1991 Hearing Room C 1:05 p.m. Tapes 78 - 80 MEMBERS
PRESENT: SEN. JOYCE COHEN, CHAIR SEN. JIM HILL, VICE CHAIR SEN. PETER BROCKMAN SEN. JIM BUNN SEN. JEANNETTE HAMBY SEN. BOB SHOEMAKER SEN. DICK SPRINGER
STAFF PRESENT: BILL TAYLOR, COMMITTEE COUNSEL MARK THORBURN, COMMITTEE ASSISTANT

WITNESSES: COLLEEN SEALOCK, DEPARTMENT OF JUSTICE STEVE MINNICH, ADULT AND FAMILY SERVICES PHILLIP YARNELL, ADULT AND FAMILY SERVICES DEAN BARR, EMPLOYMENT DIVISION VIC PIKE, CITIZEN ERNEST CARNEAU, CITIZEN CAROL ALONGI, MOTHERS AGAINST CHILD ABANDONMENT CARL STECKER, OREGON DISTRICT ATTORNEYS ASSOCIATION D. MICHAEL WELLS, OREGON STATE BAR FAMILY AND JUVENILE LAW SECTION TONY HALBLIEB, DESCHUTES COUNTY FAMILY SUPPORT AND OREGON DISTRICT ATTORNEYS ASSOCIATION MAUREEN MCKNIGHT, OREGON LEGAL SERVICES JOHN ELLIS, DEPARTMENT OF JUSTICE DEBRA WILSON, DEPARTMENT OF JUSTICE CARL MYERS, OREGON STATE BAR

These minutes contain materials which paraphrase and/or summarize statements made Senate Judiciary Committee March 27, 1991- Page 2

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 78\$ SIDE A

004 CHAIR COHEN: Calls the meeting to order at 1:05 p.m.

SB 754

009 VIC PIKE, CITIZEN: There's a loophole in the concept of the way of necessity if one has another legally enforceable access. Describes personal experience (Exhibit C).

- The bill states that, if an existing access can be established for 8 % or less than the value of the property, then that's the route the land owner has to go; if it exceeds that, then the landowner would have the right to ask the courts to generate a way of necessity across somebody else's land.

042 CHAIR COHEN: Why 8%?

043 PIKE: Legislative Counsel arrived at that figure. Kris Gorsuch of the Bar's Real Estate Committee thought that was too high.

051 SEN. SHOEMAKER: Someone has suggested that there is a constitutional problem. What would that be? 056 CHAIR COHEN: Did Gorsuch raise a constitutional problem with you? 057 PIKE: No.

063 SEN. SHOEMAKER: Don't see one offhand, but that isn't to say that there isn't one.

065 BILL TAYLOR, COMMITTEE COUNSEL: Discussed constitutionality with Sue Hanna and we couldn't think of any issues.

067 SEN. SHOEMAKER: Not taking private property for public use. It's

just a policy question.

070 CHAIR COHEN: Have you passed this bill among the people who regularly practice in this field?

074 PIKE: I haven't. The appellate case that I was involved in came down last summer and that's what shut down my farming operation. The Real Estate Committee of the Bar reviewed that in their August meeting. Mr. Gorsuch says that they're not planning to raise any issues with this.

082 SEN. SHOEMAKER: Ways of necessity are granted without compensation to the

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landowner. When the way of necessity is granted because it is the most economical way, should there be compensation to the landowner?

094 PIKE: My understanding is that compensation does have to be provided.

104 SEN. SHOEMAKER: You believe that within the statute, but not in the bill in front of us, there is a provision for compensation?

105 PIKE: Yes.

106 CHAIR COHEN: We'll have Bill Taylor check it out.

107 SEN. SHOEMAKER: You have no problem with that?

108 PIKE: I would be agreeable to that.

113 CHAIR COHEN: We'll check it out and be in touch.

SB 221 127 TAYLOR: This bill is from the Support Enforcement Division. There are dash two amendments (Exhibit A). There is one addition that needs to be made . . .

132 CHAIR COHEN: Are they here?

- The hand engrossed (Exhibit B) includes the dash two?

135 TAYLOR: Yes.

136 CHAIR COHEN: I can't find dash two.

139 SENS. HILL AND SHOEMAKER: I have it.

143 CHAIR COHEN: There they are.

144 TAYLOR: On line 15, the word "compensation" is to come out and the word "insurance" is to be inserted.

148 SEN. SHOEMAKER: Page?

149 CHAIR COHEN: He's talking about the dash two amendments.

- Does the bill do anything else?

155 TAYLOR: This is a housekeeping bill that does about six things.

161 MOTION: Sen. Hill moves changing the dash two amendments by substituting "insurance" for "compensation."

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164 CHAIR COHEN: Calls for objections; hearing none, so ordered. Sens. Brockman and Bunn excused.

168 MOTION: Sen. Hill moves the dash two amendments as amended.

170 CHAIR COHEN: Calls for objections; hearing none, so ordered. Sens. Brockman and Bunn excused.

- The amendment that deals with 25% of the benefit; is that common practice?

187 JOHN ELLIS, DEPARTMENT OF JUSTICE: 25% of whatever we're attaching is typical of child support.

192 CHAIR COHEN: Thanks witness.

195 MOTION: Sen. Hill moves SB 221 as amended to the floor with a "do pass" recommendation.

198 VOTE: Motion passes unanimously; Sens. Brockman and Bunn excused.

SB 490

207 TAYLOR: The committee should have the dash four amendments (Exhibit D). This bill extends the allowance of attorney fees to arbitration. There was some question whether the bill may have gone beyond what the current statute is as it applies to court cases.

220 CHAIR COHEN: Is Charles Williamson here?

221 SEN. SHOEMAKER: We don't have a hand engrossed do we?

222 TAYLOR: There is a hand engrossed coming; Charles Williamson is tied up in the House.

224 CHAIR COHEN: So we'll wait then.

SB 568

228 TAYLOR: SB 568 is also . . .

229 CHAIR COHEN: Not interested in that now.

SB 222

230 CHAIR COHEN: Comments on the support enforcement bills. Invites Colleen Sealock to testify.

244 COLLEEN SEALOCK, DEPARTMENT OF JUSTICE: There's her written testimony (Exhibit E), a section by section summary of the bill (Exhibit F), and a hand engrossed _

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version of the bill (Exhibit G) that encompasses the dash two amendments (Exhibit H).

- Paraphrases Exhibit E.

- For the most part, Legal Aid and the District Attorneys Association are in agreement.

- In the hand engrossed version, made a grammar change in line 14e; does not appear in the dash two amendments.

325 CARL STECKER, MARION COUNTY DISTRICT ATTORNEY'S OFFICE: There's a minor concern; in section one, there's an indication that we're to modify orders based on a substantial change in circumstance. It's our belief that we're only so required to do that when requested by a party; we don't have to move on our own motion to modify an order if we become aware of some change in circumstance. - There may be cases where there have been a change of circumstance, but the end result would not affect the order or the order would be in conformity with the guidelines. If the parties are represented by private attorneys individually, the state does not need to be involved and we should have the discretion to say that this case is adequately advocated and the state's interest is well served by that advocacy and we don't need to be present. - Wants provision to insure that the ultimate order would be conformity with the formula provided by 25.275 and 25.280. 384 CHAIR COHEN: A few brief comments.

387 STECKER: Regarding DHRestablishing rules concerning the provision of support enforcement services and being able to mandate that, the State Bar already has the authority to regulate conflict of interest situations and we don't want to be submitted to conflicting opinions. (Exhibit AI) Can amend line 13c by adding "may be contradictory" and deleting "may be in conflict."

414 CHAIR COHEN: Asks whether Bill Taylor has these recommended changes.

417 TAYLOR: He's impression is that the Bar has seen the language and has no difficulty with it.

423 CHAIR COHEN: It's the District Attorneys who are expressing the uneasiness. Do you have their recommended changes and whether they change substantially what the original amendment wanted to do. Don't see that it does. 434 STECKER: Comfortable with DHRwriting the rules stating that the District Attorney or SED office can stand in. Under current ethics opinions, there are not many conflicts of interest that

exist, but its possible. Just does not want to be regulated by two separate entities. 470 CHAIR COHEN: Do you have your recommended changes in writing?

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472 STECKER: No.

477 SEN. SHOEMAKER: Did you say that line 10, page 1 should be deleted?

484 STECKER: It needs to be qualified.

488 SEN. SHOEMAKER: You prefixed your statement by saying that you only do that when you have a request from a party. So you're doing that on behalf of a party, is that right?

494 STECKER: No. We do it when requested, but on behalf of the state.

TAPE 79, SIDE A

(000 through 022 identical to 000 through 022 on Tape 78, Side A)

061 SEN. SHOEMAKER: That kind of blurs, doesn't it?

062 STECKER: Yes and its caused a great deal of confusion. We're in court to assure that the guidelines are followed.

067 SEN. SHOEMAKER: The bill would prohibit you from being there on behalf of either party.

068 STECKER: That's correct.

069 SEN. SHOEMAKER: When you do this at the request of a party, it seems to be typical to argue that you're doing it on behalf of the party.

070 STECKER: The federal law was not clear enough for us either. It just indicates that its necessary at the request of a party who's receiving private support enforcement services.

073 SEN. SHOEMAKER: The drafting is going to have to be pretty careful to make that clear.

074 CHAIR COHEN: If you tighten it up too much, it takes away their ability to actually go in when they think its necessary.

- Do you ever go in on your own without being requested by . . .

080 STECKER: We have not. That has not been the experience of SED.

- We have seen circumstances and alerted parties that they could avail themselves of that remedy.

085 CHAIR COHEN: But SED needs to be allowed to file on behalf of the state.

- Reminds committee that extensive federal law is developed in this

arena.

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092 TONY HALBLIEB, DESCHUTES COUNTY FAMILY SUPPORT AND OREGON DISTRICT ATTORNEYS ASSOCIATION: As a general rule, District Attorneys do not go in unless there is a request. We want it clearly understood that has be a request made of us. The only time we get into a periodic review is under ORS 25.285. 112CHAIR COHEN: Asks witnesses to read language to be added.

114 STECKER: Reads language to be added and deleted in line 13c of hand engrossed version. Explains reason for that language.

121 CARL MYERS, OREGON STATE BAR: There's a concern that the term "conflict" is a term of art in bar disciplinary procedures. The determination of conflicts of interest are in the jurisdiction of the Supreme Court. There was a feeling that in using the term "conflict," there would be the suggestion that an executive department or agency might be making a judicial decision. The language that Mr. Stecker read would eliminate the confusion whether it was a conflict of interest or contradictory purposes. 144 CHAIR COHEN: We have another one de; ling with mod)fications to insure that orders follow the guidelines?

148 STECKER: Having the legislative record on it, we could live with the language that exists at this time. Wants it clear that a substantial change of circumstance, of and by itself, is not sufflcient for us to become involved unless it would change the order to comport with the guidelines. 156 CHAIR COHEN: So your presence here is to make a record and offer an amendment in line 13c on page one. 159 STECKER: That's right.

162 CAROL ALONGI, MOTHERS AGAINST CHILD ABANDONMENT: The terminology in section one replaces and eliminates parental and attorney enforcement responsibilities for support orders. The 1989 law limited this authority to SED and District Attorney to cases assigned to such agencies or if the obligee or baneficiary of any decree requested support enforcement services. This bill would broaden the power of those agencies beyond what is required for the intent of this bill, which is only to insure that support orders meet the guidelines. This bill is not to enforce, but to establish and modify child support orders; feels that this responsibility needs to be shared with parents and attorneys. Suggests changes in wording in statute.

216 CHAIR COHEN: You want them to go ahead and do this on behalf of other parties? Do you want them to be more proactive or less?

221 ALONGI: O.K. for SED and the District Attorneys to modify or initiate support, but please don't stop parents and attorneys from doing it privately.

225 CHAIR COHEN: This does not do that; in fact, your amendment suggests that they should be allowed to go way beyond where the bill does.

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234 ALONGI: My meaning is that it should be shared by attorneys and parents also; not just SED and the DA.

- There are two provisions that were repealed in 1989 that she wants reinstated (Exhibit I)

- Feels the bill limits the option of parents to seek private counsel.

259 CHAIR COHEN: Asks SED to talk about whether the bill limits that option at all.

267 ELLIS: Miss Alongi's amendments would broaden the scope of the authority of the state child support program way beyond what we intend.

- Trying to say in line 7 that when the District Attorneys and Support Enforcement Division handle a child support case, our client is the State of Oregon.

287 SEN. HILL: She also mentioned the language concerning the standard of living, expenses, and so forth.

290 ELLIS: Made changes to all child support statutes in 1989 to make sure that, whenever child support was calculated, the child support guidelines formula established by 25.275 as applied.

299 CHAIR COHEN: Those guidelines are federally directed? 300 ELLIS: Yes. - Went into all the child support statutes and said that criteria for setting child support has to be this formula. - 25.275 has discussion of criteria to be used. - Took the former standard out of 107 and replaced it with what is now the child support guideline. 315 MAUREEN MCKNIGHT, OREGON

LEGAL SERVICES: The amendment for DHR rulemaking for contradictory purposes or conflicts is my proposal. Have no problem with the language that Mr. Stecker has proposed. - Mr. Stecker has not mentioned that there is a federal regulation that requires both SED and the District Attorneys office to handle modifications based on a change of circumstance. This is different from modifications done solely to insure that a support order is in conformity with the guidelines. Have had a problem getting the District Attorneys to do modifications based on a change in circumstance. Agrees with language in the hand engrossed version of the bill (Exhibit H), but here to make a record to rebut Mr. Stecker's position. (Exhibit J) 376 CHAIR COHEN: Heard words that modifications are to insure that the order is in

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conformity with the guidelines; does that mean SED formulate the guidelines or does that include your comment on 45 CFR?.

384 MCKNIGHT: My understanding is that Mr. Stecker is trying to meld the two procedures together to make sure that if they do a modification or a change of circumstance, its solely to insure conformity with the guidelines. Its the position of Legal Services that, until HHS repeals or recalls the other regulation, there remains an independent obligation

on behalf of IV-D agencies to review when they become aware of change of circumstance. HHS has proposed to repeal that regulation, but they have done it with commentary that ties that concept into the periodic review requirement. But clearly, the proposed federal regulation indicates that the IV-D agencies should continue to review child support orders outside of the standards of the periodic review process when they become aware of change of circumstance.

407 SEN. SHOEMAKER: Would it be correct that you oppose the amendment of line 14d on page two by the DA?

414 CHAIR COHEN: They walked away from that.

415 SEN. SHOEMAKER: I thought they walked away from . . . (Inaudible)

416 MCKNIGHT: That's correct.

418 CHAIR COHEN: Add "shall" to the dash two amendments at line 20; that's line 14e on the bill. Asks Bill Taylor to recite the amendments that need to be made. 448 TAYLOR: Recites the other amendments that need to be made. 456 MOTIONS: The Chair moves these amendments and calls for objections to those amendments; hearing none, so ordered; Sen. Bunn excused. - The Chair moves the dash two amendments. Calls for objections; hearing none, so ordered; Sen. Bunn excused.

TAPE 78, SIDE B

023 SEN. SHOEMAKER: When we insert a new subsection saying that SED and the DA are authorized to provide these services, that's not a direction to provide them. Sounds like the legal effect of that is to diminish their responsibility. Is that the intent?

038 CHAIR COHEN: Invites Colleen Sealock to testify.

045 SEALOCK: Defers to John Ellis.

047 ELLIS: Comment about section one is true if it stood alone, but line five on page two of the hand engrossed bill makes it mandatory.

053 SEN. SHOEMAKER: But it's prefaced by "when responsible for providing."

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054 ELLIS: I understand.

055 SEN. SHOEMAKER: What establishes that responsibility other than section one? That simply authorizes it; it doesn't establish responsibility.

056 CHAIR COHEN: Tell me when you get involved.

059 ELLIS: SED and the District Attorneys handle three kinds of cases. First, public assistance cases. Second, closed public assistance cases unless the obligee declines the service. Third, any citizen who wants child support enforcement services can apply. Those mandates are found

in federal law. There are mandatory requirements in Chapter 418 that all AFDC cases be referred. But other than 25.080, you won't find any other place where brings all of this together about the cases we're working on and who works them.

- Sen. Shoemaker has a pretty good point.

086 SEALOCK: If we change the language from "are authorized" to "are responsible," would that clarify from your prospective or do we need to take this back and do further refinements?

096 SEN. SHOEMAKER: It might. Would feel more comfortable if you sat down with Legislative Counsel and make sure that this is the section that gives you that responsibility.

110 CHAIR COHEN: Happy to put off the bill to take a look and see if you want to define those words a little more.

121 SEN. SHOEMAKER: That's why I was suggesting that it needs a little manicuring.

123 SEALOCK: We don't believe it needs to be changed, but if you want us to work on it, we're willing to do that. We believe that we have the responsibility and authority.

127 ELLIS: Troubled when Mr. Ellis acknowledged that he isn't really satisfied that you do have that responsibility.

131 DEBRA WILSON, DEPARTMENT OF JUSTICE: By adding the words that SED and the Department of Justice are responsible to provide these services as provided in subsection four, and subsection four it says that we shall, etc., that clearly shows the intent that we provide these specific services. Is good to change "authorize" to "responsible."

148 CHAIR COHEN: Satisfied with that?

149 SEN. SHOEMAKER: We're O.K. and we have a legislative record here.

151 MOTION: The Chair moves that, on line 6 of the hand engrossed bill, that "authorize" be replaced with "responsible." Calls for objections; hearing none, so ordered; Sen.

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Bunn excused.

159 MOTION: The Chair moves SB 222 to the floor as amended with a "do pass" recommendation.

162 VOTE: Motion passes unanimously; Sen. Bunn excused.

SB 223

185 SEALOCK: This bill provides an administrative process to hear objections to the judicial registration of another state's order; currently, objections have to be heard in the circuit court. If there still

any objections, any decision made administratively would be de novo reviewed back to circuit court.

208 SEN. SHOEMAKER: Does the hand engrossed bill (Exhibit K) include the dash two (Exhibit L) and three (Exhibit M) amendments?

210 SEALOCK: Only the dash two.

- Section two of the bill amends 416.427; it allows administrative hearings for a judicial orders.

- Adult and Family Services would like to offer an amendment that is covered by the dash three amendments.

228 CHAIR COHEN: Sub g on page one says that the only basis that a parent may object "is that" and then there are four choices. Can there legally be no other basis for objections?

236 SEALOCK: That's correct.

237 SEN. SHOEMAKER: And if they cite a different basis, then there is no jurisdiction?

238 SEALOCK: That's correct.

239 SEN. SHOEMAKER: Can they pick more than one of the four?

240 SEALOCK: Certainly.

- That is current law.

248 STEPHEN MINNICH, ADULT AND FAMILY SERVICES DIVISION: Paraphrases Exhibit N.

274 CHAIR COHEN: What are the effect of your amendments?

276 PHILLIP YARNELL, ADULT AND FAMILY SERVICES DIVISION: We are amending 416 .410 (3). Explains how current statute works. Through an unintentional

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error, have a very broad definition of assistance. - Does committee have a copy of the fiscal impact statement (Exhibit O)? 298 CHAIR COHEN: Not on your amendments. 301 YARNELL: We believe we'd be writing off \$3 million a year in child support if its assigned to the state; we'd have collected about 25%. Further, if we're found to be out of compliance with federal regulations, we're subject to a penalty against our AFDC funds of 1% to 5%. - We don't have authority under federal regulations to waive anybody's child support obligations. - The amendment deletes the existing subparagraph three and insert a new paragraph that would restrict any kind of exemption to just those obligors who actually receive cash assistance. That exemption only allow us to not take enforcement action against them while they're on ADC; the debt would remain and we'd try to collect once they're off. 328 CHAIR COHEN: We're not going to move the bill today.

335 SEN. SHOEMAKER: Current support nor state debt collected from a parent when that parent was receiving public assistance? 340 YARNELL: Yes when the family due to receive the support is also on public assistance.

344 SEN. SHOEMAKER: That's what I thought. 345 YARNELL: Under the law, there is a break for those obligors who owe money and are on public assistance whose families are also on public assistance that other obligors don't get. 354 SEN. SHOEMAKER: And you're proposing no change in that? 355 YARNELL: That's correct. 357 CHAIR COHEN: Invites Maureen McKnight to testify. 363 MCKNIGHT: Prefers to come back later. HB 2083 381 DEAN BARR, EMPLOYMENT DIVISION: Paraphrases Exhibits P and AH. 438 SEALOCK: Paraphrases Exhibit Q. Discusses proposed amendments (Exhibit R). 474 MOTION: Sen. Hill moves the amendments. . These minuter contain materiale which paraphrase and/or summarize datemerLr made during this session. Only text enclosed in quotation marks report a speakertr exact worde. For complete conterde of the procedingr, ple ee refer to the tapes. Senate Judiciary Committee March 27, 1991 - Page 13

483 CHAIR COHEN: Calls for objections; hearing none, so ordered; Sen. Bunn excused.

487 MOTION: Sen. Hill moves HB 2083 to the floor with a "do pass" recommendation.

493 VOTE: Motion passes unanimously; Sen. Bunn excused.

TAPE 79, SIDE B

SB 220

045 SEALOCK: There is a hand engrossed version of the bill (Exhibit S) which include the dash four amendments (Exhibit T).

- Paraphrases Exhibit U.

062 CHAIR COHEN: The dash four amendments are included in the hand engrossed bill.

064 SEALOCK: Returns to paraphrasing Exhibit U.

116 CHAIR COHEN: Does that also apply to section three? Can private people go through an administrative process?

117 SEALOCK: No.

- Completes paraphrasing of Exhibit U.

136 SEN. SHOEMAKER: Section three says that the court administrator or hearings officer shall not consider any issue other than when the support obligation began and whether it is in substantial compliance with the guidelines. Can you go for both a guidelines change and a change in circumstances?

146 ELLIS: This particular section does not provide for a material change in circumstances modification. There is other authorization elsewhere in the code for a material change in circumstances.

159 SEN. SHOEMAKER: If the parent believes she's entitled to changes

both because of a guidelines change and because of a change in circumstances, can you have both?

163 ELLIS: Can have both, but if only desired result is to get a new child support order, you'd plead the easier standard.

168 CHAIR COHEN: Asks that we defer that question. Michael Wells is here and he can answer it.

171 SEN. SHOEMAKER: Wants to make sure we're not doing something that would require that two actions be brought when one would do.

172 CHAIR COHEN: Comments on ability of witness to answer the question.

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175 SEN. SHOEMAKER: But the reason I raise the question is that it does say that the court shall not consider any other issue. If proceeding brought by the private litigant and is restricted to that one issue and they have another issue that involves child support obligation, they've got to bring two proceedings and that seems . . . 179 CHAIR COHEN: Right now they have to bring it into court straight on wherever. - We'll find out if it's a problem when we ask Mr. Wells.

182 DEBRA WILSON: There was no intent to limit any opportunity for a private litigant to use change of circumstances; it was only intended to also give them the easier standard of allowing it to be outside the guidelines which now SED and the DAs can use. 194 MICHAEL WELLS, FAMILY AND JUVENILE LAW SECTION, OREGON STATE BAR: Supports section three of this bill; seeking uniformity in the area of enforcing or modifying child support obligations. Two areas could use some clarification (Exhibit V). The Committee may wish to inquire of DHR representatives of whether they intend to change the administrative rule cited in Exhibit V. 239 STECKER: Paraphrases Exhibit W and discusses proposed amendments contained therein. These are housekeeping amendments. 280 CHAIR COHEN: Comments about housekeeping amendments. 284 STECKER: Back to paraphrasing Exhibit W. 325 CHAIR COHEN: Would you be satisfied with some language that would allow DHRto continue rulemaking for the purposes of . . . your chapter and their chapter? 332 STECKER: Yes.

333 CHAIR COHEN: That's probably the way to go. 339 STECKER: Completes paraphrasing of Exhibit W. - Supports Department of Justice's addition of sub 7 on page five of Exhibit S. 371 MCKNIGHT: Concerned that variant standards for periodic reviews for the IV-D program not be stricter than those that private attorneys, obligees, and obligors may avail themselves from. 395 CHAIR COHEN: Wants sense of the committee regarding Mr. Stecker's amendments so we can draft it before we come back to work session. 407 SEN. HILL: Nobody's objected. 408 CHAIR COHEN: We'll look at those amendments then.

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421 ERNEST CARNEAU, CITIZEN: Supports line 6 of the dash one amendment (Exhibit X) that repeals ORS 107.108. Paraphrases Exhibit Y.

457 CHAIR COHEN: Mr. Carneau's amendments are dash one. Comments on scope of the amendments.

484 SEN. SHOEMAKER: Do we have 107.108? 486 CARNEAU: Last page of Exhibit Y is a copy of the statute.

TAPE 80, SIDE A

033 CHAIR COHEN: We're not moving on those amendments now. . 035
ALONGI: Doesn't like section three of the bill. The current child support guidelines formula are not reconciled with our due process laws. Not all of the formula is federally mandated. The other states have very different guidelines than we do.

056 CHAIR COHEN: Do the guidelines give too much support or not enough?

061 ALONGI: There is not a simple answer. Some of the guidelines are good. There are other parts that do not benefit Oregon children; cites examples.

079 CHAIR COHEN: What's wrong with section three.

084 ALONGI: Cites concern about section two of the bill.

095 CHAIR COHEN: What was the page number again?

096 ALONGI: Page three of the original bill.

- Cites concern about section three of the bill.

117 CHAIR COHEN: Asks witness to prepare this in writing.

118 ALONGI: Would like to later present writing (Exhibits Z, AA, AB, AC, AD, AK, AF, AG).

119 CHAIR COHEN: That would be helpful.

120 ALONGI: Supports reinstatement of two statutes that were earlier repealed.

127 SEN. HILL: She needs a copy of the hand engrossed.

SB 492

129 CHAIR COHEN: SB 492 will be brought back to committee.

Thefie minutefi contain materials which paraphrase and/of summarize statemenb made during this fiefifiion Only text enclosed in quotation marks repod a speaker's exact words For complete contents of the proceedings, please refer to the tapes Senate Judiciary CommiUee March 27, 1991 - rage 16 SB 220 140 CHAIR COHEN: Wants to give Mr. Halblieb the opportunity to present written statement regarding amendments proposed by Mr. Stecker.

- Asks Colleen Sealock if she has any objections to the amendments.

150 SEALOCK: No objections.

152 CHAIR COHEN: Adjourns meeting at 3:05 p.m.

Submitted by: Reviewed by: Mark Thorburn Bill
Taylor Committee Assistant Committee Counsel

EXHIBIT LOG: A - Amendments to SB 221 - Committee Staff- 1 page B - Hand Engrossed Version of SB 221 - Committee Staff- 10 pages C - Testimony on SB 754 - Vic Pike - 1 page D - Amendments to SB 490 - Committee Staff- 1 page E - Testimony on SB 222 - Colleen Sealock - 1 page F - Summary of SB 222 - Colleen Sealock - 1 page G - Amendments to SB 222 - Colleen Sealock - 2 pages H - Hand Engrossed Version of SB 222 - Colleen Sealock - 4 pages I - Letter and Materials Re: 220 and 222 - Carol Alongi - 3 pages J - Testimony on SB 222 - Maureen McKnight - 1 page K - Hand Engrossed Version of SB 223 - Committee Staff- 3 pages L - Amendments to SB 223 (dash two) - Committee Staff- 2 pages M - Amendments to SB 223 (dash three) - Committee Staff- 4 pages N - Testimony on SB 223 - Stephen Minnich - 3 pages O - Fiscal Impact Statement Form Re: SB 223 - Phillip Yarnell - 2 pages P - Testimony on HB 2083 - Dean Barr - 2 pages Q - Testimony on HB 2083 - Colleen Sealock - 1 page R - Amendment to HB 2083 - Colleen Sealock - 1 page S - Hand Engrossed Version of SB 220 - Colleen Sealock - 9 pages T - Amendment to SB 220 (dash four) - Colleen Sealock - 4 pages U - Testimony on SB 220 - Colleen Sealock - 2 pages V - Testimony on SB 220 - Michael Wells - 2 pages

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. . . . Senate Judiciary Committee March 27, 1991- Page 17 W - Testimony on SB 220 - Carl Stecker - 2 pages X - Amendment to SB 220 (dash one) - Ernest Carneau - 17 pages Y - Testimony on SB 220 - Ernest Carneau - 4 pages Z - Testimony and Appendixes on SB 220 - Carol Alongi - 9 pages AA - Letter to David Frohnmayer - Carol Alongi - 10 pages AB - Dissenting Opinion in Unnamed Arkansas Supreme Court Case - Carol Alongi - 3 pages AC - Dissenting Opinion in Unnamed Maine Supreme Judicial Court Case - Carol Alongi - 8 pages AD - Statement of History of Indiana Child Support Guidelines - Carol Alongi - 9 pages AE - Discussion of Delaware Child Support Formula - Carol Alongi - 19 pages AF - Oregon Administrative Rules 137-50-320 et. seq. - Carol Alongi - 18 pages AG - Oregon Administrative Rule 137-50-450 and Worksheet - Carol Alongi - 11 pages AH - Letter Re: HB 2083 from Pamela Mattson - Dean Barr - 2 pages AI - Testimony on SB 222 - Carl Stecker - 1 page -

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