

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

February 16, 1993

Hearing Room 357 1:00 p.m.

Tapes 21 - 22

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim
Edmunson Rep. Tom Mason VISITING MEMBER: Rep. Calouri STAFF
PRESENT: Carole Souvenir, Legislative Counsel Bryan Boehringer,
Committee Clerk MEASURES CONSIDERED: HB 2381 - Relating to forfeiture.
HB 2382 - Relating to forfeiture. HB 2383 - Relating to forfeiture;
declaring an emergency. HB 2S39 - Relating to forfeiture, appropriating
money, declaring an emergency. HB 2563 - Relating to forfeiture. These
minutes contain materials which paraphrase and/or summarize statements
made during this session. Only text enclosed in quotation marks report
exact words. For complete contents of the proceedings please refer to
the tapes.

TAPE 21, SIDE A

004 CHAIR BRIAN: Opens the meeting.

WORK SESSION ON HB 2381 Witnesses: John Bradley, District Attorney's
Office

005 CHAIR BRIAN: Opens the work session on HB 2381. 007 CAROLE
SOUVENIR, COMMITTEE COUNSEL: Explains the bill. There are amendments
that refer to the distribution of forfeiture proceeds. 028 CHAIR
BRIAN: Allows committee a moment to read through the new amendments.
036 REP. EDMUNSON: Asks about the forfeiture provision. Concerned
with the wording in the section referring to use of the proceeds.
046 CAROLE SOUVENIR, COMMITTEE COUNSEL: Suggests striking to use of
the proceeds for '. [louse Committee on Judiciary Subcommittee on Civil
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050 SOUVENIR: Suggested that on line 31 of page 2, the words
"enforcement and prosecution" should be added.

054 CHAIR BRIAN: Does that mean the money starts to go into District
Attorney's offices? 057 SOUVENIR: It depends on the types of
investigations. 061 REP. EDMUNSON: What is meant by drug
intervention.

062 CHAIR BRIAN: Not exactly sure what the definition of intervention
is. Is that used in any other statute?

068 SOUVENIR: Intervention was used in original bill.

074 REP. MASON: Asks about the scope of drug treatment.

078 CHAIR BRIAN: It appears to be pretty open at this point.

083 REP. MASON: Babies could be treated for dependency, but the problem
continues beyond the initial treatment.

089 REP. EDMUNSON: The intent of the bill is to reach the victims of
the drug trade.

111 REP. MASON: Discusses the problem with the forfeiture proceeds
paragraph. Is the bill limiting areas of expenditure?

116 REP. BAKER: We could strike the clause. Strike the rest of lines 2,
3, and 4.

119 REP. MASON: Why would we strike that?

120 REP. BAKER: It includes the limiting clause. Eliminates extra language. I would suggest striking line 2, "including, but not limited to.." and the rest of those two and a half lines there. Just put a period after the word "stances" in line 2, and start with the following sentence at line 4.

129 CHAIR BRIAN: Confirms Rep. Baker's changes.

135 REP. BAKER: This cleans up the uses for the forfeiture.

141 REP. MASON: This seems to turn the whole thing around. I wanted them to use the forfeiture for treatment. 143 REP. BAKER: You could add it at the top of the bill. 144 CHAIR BRIAN: Or start a sub paragraph C, starting at line 11.

148 REP. MASON: That section would include drug dependent children.

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154 CHAIR BRIAN: Discusses concerns with possible usage of forfeiture. This program should not become a cash cow for an endless list of things. The proceeds need to be funneled back into intervention and treatment type programs.

184 REP. MASON: Discusses some of the program possibilities.

203 CHAIR BRIAN: We need to figure out where the money is going on a local basis.

206 REP. BAKER: Is there any priority on how these programs are funded?

212 SOUVENIR: That isn't covered in the statute.

214 CHAIR BRIAN: Invites John Bradley to testify.

217 JOHN BRADLEY, DISTRICT ATTORNEY'S OFFICE: The county bodies are in charge of appropriating the funds to different bodies. The statute speaks in terms of prosecution, law enforcement, and drug treatment programs. In addition, the figure of 11 million dollars is only an estimated value. That is only a pre market estimate of the property. That figure is too high.

243 CHAIR BRIAN: The problem is figuring out who is going to make the decisions on where the money goes.

247 BRADLEY: I think they set up a fund, and it is left to the local authorities.

258 CHAIR BRIAN: 3.2 million might be the realized amount of the actual forfeiture.

264 REP. MASON: Requests more information on the programs.

281 CHAIR BRIAN: We do need more information. The language is not correct for the intent we are looking for. We need to clarify where the proceeds are going. 372 REP. EDMUNSON: It is hard to limit expenditures because we don't know what these things cost. We need specific uses outlined in the statute. 396 CHAIR BRIAN: Continues to talk about defining the financial limits. Rep. Calouri arrives. 414 CHAIR BRIAN: What does the bottom of page three refer to? 417 SOUVENIR: This refers to the illegal drug cleanup fund. 429 REP. CALOURI: Comments on the drug cleanup fund. 460 REP. MASON: Talks about allocation to the drug baby treatment. We need to specify where these funds are going to go. House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration February 16, 1993 - Page 4

TAPE 22, SIDE A

034 REP. CALOURI: Discusses the concerns surrounding the use of forfeiture monies.

056 CHAIR BRIAN: Discusses capital construction possibilities.

073 REP. CALOURI: Ways and Means is open to the judgement of this committee. Discusses the tracking of the data that pertains to forfeiture funds. 087 CHAIR BRIAN: Who makes the expenditure decisions right now? 090 REP. CALOURI: The counties send it to the public safety agency. 094 CHAIR BRIAN: Could the County Commissioner divide the funds among different departments and programs? 097 REP. CALOURI: Yes. 105 CHAIR BRIAN: Could you comment on HB 2539. What are those funds for?

110 REP. CALOURI: Those funds are to maintain the tracking system.

122 REP. MASON: Discusses the General Government Service Charge in order to cover these types of costs.

141 CHAIR BRIAN: Who is now absorbing that cost?

142 REP. CALOURI: Legislative Administration.

150 CHAIR BRIAN: Discusses the possibilities of completing work on this bill today.

151 REP. MASON: Requests more testimony concerning use of funds.

155 REP. BAKER: Asks questions concerning the clean-up fund.

180 SOUVENIR: Discusses sunset provision on last page of the bill.

181 CHAIR BRIAN: Suggests a four year extension of the sunset provision.

185 CHAIR BRIAN: Closes work session on HB 2381.

Work Session on HB 2382 187 CHAIR BRIAN: Opens the work session on HB 2382

189 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reviews staff measure summary of HB 23= House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration February 16, 1993 - Page 5

197 MOTION: REP. EDMUNSON: Moves HB 2382 to the full committee with a

DO PASS recommendation.

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

CHAIR BRIAN: The motion CARRIES.

Work Session on HB 2383 Witnesses: Frank Bronner, Oregon Banker's Association

209 CHAIR BRIAN: Opens the hearing on HB 2383. 212 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reviews summary on proposed language changes, and a proposed amendment. 238 FRANK BRONNER, OREGON BANKER'S ASSOCIATION: Supports the bill if the amendments restore the deleted language. 257 SOUVENIR: Clarifies the amendments and the staff measure summary. 276 CHAIR BRIAN: Reviews the amendments in detail. 283 SOUVENIR: Explains the deletion of section two. 299 REP. EDMUNSON: Expresses the uneasiness in financial institutions regarding this change. 310 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2383-1 amendments.

VOTE: CHAIR BRIAN: Hearing no objection, the amendments are ADOPTED. All members are present.

MOTION: REP. EDMUNSON: Moves that HB 2381, AS AMENDED, be sent to the full committee with a DO PASS recommendation.

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

CHAIR BRIAN: The motion CARRIES.

Work session for HB 2539

324 CHAIR BRIAN: Opens the work session on HB 2539.

326 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reviews summary of the bill and dash 1 and dash 2 amendments. The amendments deal with the provision on the Treasury Department transfer. Clarifies the difference between both amendments.

380 CHAIR BRIAN The dash 2 amendments seem to be the more proportional method. House Committee on Judicial Subcommittee on Civil Law and Judicial Administration February 16, 1993 - Page 6

385 SOUVENIR: Explains dash 2 amendment scenarios.

393 REP. EDMUNSON: The dash 2 amendments appear to be more procedural.

421 MOTION: REP. EDMUNSON: Moves to adopt the HB 2539-2 amendments.

VOTE: CHAIR BRIAN: Hearing no objection the amendments are ADOPTED. All members are present.

MOTION: REP. EDMUNSON: Moves that HB 2539, AS AMENDED, be sent to the full committee with a DO PASS recommendation.

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

CHAIR BRIAN: The motion CARRIES.

442 CHAIR BRIAN: Closes the meeting.

Submitted by: Reviewed by: Bryan Boehringer Anne May Committee
Clerk Coordinator

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