

HOUSE COMMITTEE ON JUDICIARY

May 10, 1993 Hearing Room 357 1:30 p.m. Tapes 32 - 33
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 . STAFF PRESENT: Holly
Robinson, Legislative Counsel Carole Souvenir, Legislative Counsel Bryan
Boehringer, Committee Clerk MEASURES CONSIDERED: HB 2291 - Relating
to health support benefits in child support enforcement actions. HB 2085
- Relating to indigent defense. HB 2706 - Relating to corrections. HB
2759 - Relating to release of offenders. HB 3385 - Relating to municipal
authorities; declaring an emergency.

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.

TAPE 32, SIDE A

004 CHAIR PARKS: Calls the meeting to order at 1:35 p.m.

WORK SESSION ON HB 2085

006 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill requires that financial
institutions provide the State Court Administrator with account
information for at least the prior 30 days which may include the current
and previous account statement period from the date the information is
provided. There are -2 amendments.

017 MOTION: REP. TARNO: Moves to ADOPT the HB 2085-2 amendments

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

019 MOTION: REP. TARNO: Moves HB 2085, AS AMENDED, to the Floor with
a DO PASS recommendation. VOTE: 8-0 Motion passes AYE: Baker, Brown,
Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Brian
REP. MASON will lead discussion on the Floor.

WORK SESSION ON HB 2706

027 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill exempts the Department
of Corrections industries from requirement that public contracts be
based upon competitive bids; Allows the Department of Corrections to
enter into partnerships, limited partnerships and joint venture
agreements; Provides that all income earned from the sale of products,
services, or inmate labor from the Department of Corrections industries
shall be used by the Department of Corrections industries; Allows the
board of directors for the Department of Corrections industries to
approve the distribution of promotional products at no cost. There are
-1 amendments.

032 MOTION: REP. TIERNAN: Moves to ADOPT the HB 2706-1 amendments.

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

035 MOTION: REP. TIERNAN: Moves HB 2706, AS AMENDED, to the Floor

with a DO PASS recommendation. VOTE: 5-3 Motion passes AYE: Baker, Courtney, Tarno, Tiernan, Parks NO: Brown, Edmunson, Mason EXCUSED: Brian 050 CHAIR PARKS: Recesses the meeting for 5 minutes at 1:40 p.m. 051 CHAIR PARKS: Reconvenes the meeting at 1:43 p.m.

WORK SESSION ON HB 2291

051 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains why the bill is being reconsidered. The bill requires the an obligor name a subject child as a beneficiary on any health plan that is available under the terms of an applicable contract if available to the obligor at reasonable cost.

060 MOTION: REP. BAKER: Moves to suspend the rules in order to reconsider HB 229 1.

063 REP. MASON: Objects to the motion and requests a roll call vote.

. These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaket's exact words. For complete contents of the proceedings, please refer to the tapes. . House Committee on Judiciary May 10, 1993 - Page 3

070 CHAIR PARKS: Explains the reason for suspending the rules and rerefering the bill to the Appropriations Committee.

083 REP. MASON: Asks about the \$3.0 million positive impact. If the bill saves money, there is no need to send this to appropriations.

VOTE: 6-2 Motion passes AYE: Baker, Brown, Courtney, Tarno, Tiernan, Parks NO: Edmunson, Mason EXCUSED: Brian

108 MOTION: REP. BAKER: Moves to reconsider HB 2291.

114 REP. BAKER: Discusses concerns with the efficiency of the process.

125 REP. MASON: Discusses the need to vote no on this issues in order to change the process.

130 REP. BAKER: These bills need to start coming back out of the Appropriations Committee.

134 VOTE: CHAIR PARKS: Hearing no objection the motion PASSES. All members are present. 137 MOTION: REP. BRIAN: Moves that HB 2291 be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. VOTE: 7-2 Motion passes AYE: Baker, Brian, Brown, Courtney, Tarno, Tiernan, Parks NO: Edmunson, Mason

WORK SESSION ON HB 2759

151 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill requires that the agency responsible for supervising sex offenders who have a prior criminal history and a history of predatory behavior notify the local community that the offender is residing in the community. There are - 4 amendments. Explains the Fiscal impact. The committee needs to decide whether to send the bill to the Floor or to the Appropriations Committee. 179 REP. BRIAN: Asks about the 3 mile boundaries in the amendments. 185 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2759-4 amendments.

188 REP. MASON: Objects to approval of the amendments, asks about the existence of a list of businesses and organizations that must be notified.

192 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the process of identifying the institutions.

- 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 May 10, 1993 - Page 4

198 REP. MASON: Asks how many businesses that this list would include.

203 HOLLY ROBINSON, COMMITTEE COUNSEL: For some offenders living in urban areas the numbers could be high. 209 REP. MASON: What happens if we don't notify a business. Is the state liable? 217 HOLLY ROBINSON, COMMITTEE COUNSEL: No. Explains that section five of the bill, page 3, lines 9-11 deals with the liability issue. Explains the registration process. 234 REP. COURTNEY: Discusses liability issues in other sections of the bill. 240 REP. MASON: Is there a fiscal for HB 2759? 241 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains her discussion with the fiscal office. This bill will impact parole officers responsibilities. There is a work load impact. The fiscal would be for additional parole officers. 265 REP. COURTNEY: Discusses financial impacts in the bill. Asks about the HB 2759-4 amendments. 272 REP. TIERNAN: Discusses the testimony in the subcommittee. Discusses the amendments that reflect the changes to limit the tracking in order to cut down the fiscal. Explains the notification that is already taking place. 303 CHAIR PARKS: Discusses the problems in sending the bill to the Floor. 318 MOTION: REP. TIERNAN: Moves that HB 2759 be referred back to the subcommittee on Crime and Corrections. VOTE: CHAIR PARKS: Hearing no objection, HB 2759 is referred back to the subcommittee on Crime and Corrections. All members are present.

WORK SESSION ON HB 3385

329 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill authorizes the City of Portland to enter into agreements to allow the owner of the new Blazer Arena to jointly operate the Arena and the Portland Memorial Coliseum; Delegates the state's supervisory power over the joint operating agreement to the City of Portland and the city may, subject to its agreements with the Arena owner, review certain practices under the Coliseum Agreement. There are -1 amendments. 348MOTION: REP. MASON: Moves to ADOPT the HB 3385-1 amendments.

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

_ 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 May 10, 1993 - Page 5

352 REP. MASON: For the record notes discussion in the Sub-Committee. Explains the anti-trust regulations. Discusses State Action Doctrine.

373 CHAIR PARKS: Asks about the Arena Corporation's ownership of the Arena and the Coliseum. Asks about the anti-trust laws. Does the

Corporation have the right to fix the prices at both arenas? 382REP.
BRIAN: That's correct. 383 CHAIR PARKS: Because they are the two
principle arenas in the City of Portland, wouldn't that violate the
anti-trust laws? 386 REP. BRIAN: They could very possible do that.
387 CHAIR PARKS: Does the City of Portland currently derive revenue
from the Coliseum, and if so how much revenue is generated. 389 REP.
BRIAN: It is approximately \$800,000 positive cash flow, currently.
391 CHAIR PARKS: If the arena chooses to rent their arena prior to
the one owned by the City of Portland, could the revenues derived by the
City of Portland be less than they are now? 397 REP BRIAN: Yes, they
could be as low as zero. 398 CHAIR PARKS: Discusses the amount of
lost Revenue the City of Portland could encounter. Is the City of
Portland aware of the potential loss of revenue? 400 REP. BRIAN: Yes
they are. 401 CHAIR PARKS: Is the mayor aware of the situation, and
if so does she want the Legislature to approve the bill? 404 REP.
BRIAN: The mayor's office is supportive of the bill. 408CHAIR PARKS:
Are there any other down sides to the arrangement, besides that, from
the City of Portland's point of view? 410 REP. BRIAN: I think there
probably are. 411 CHAIR PARKS: I want them on the record. We are
changing the laws of the United States to benefit a professional
basketball team. If we are going to do that, everybody needs to know
what the potential problems are. I want it on the record that the
elected officials of Portland knew the down sides in 1993. 428 REP.
BRIAN: Discusses the use of the current revenue. The city would lose the
revenue if the Blazers left. 459REP. BAKER: Asks about the hold
harmless agreement. . 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
Jud~c~ary May 10, 1993 - Page 6 J

467 REP. BRIAN: Explains the agreement and its involvement with
litigation in an anti-trust. Discusses a hold harmless agreement for
cash flow.

492 CHAIR PARKS: Discusses damages.

496 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the cities exemptions
from damages.

TAPE 33, SIDE A

027 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the provision in the
Anti-Trust Act that protects local governments. 030 REP. TIERNAN:
Discusses problems with the bill. The public will be the big losers if
this deal goes sour. 044CHAIR PARKS: Discusses protecting the
public. 053 MOTION: REP. MASON: Moves HB 3385, AS AMENDED, to the
Floor with a DO PASS recommendation. VOTE: 9-0 Motion passes AYE: Baker,
Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None
REP. BRIAN will lead discussion on the Floor. 063 CHAIR PARKS:
Assigns REP. BRIAN to lead Floor discussion on HB 2706. 065 CHAIR
PARKS: Adjourns the meeting at 2:10 p.m.

Submitted by:
Committee Clerk

Reviewed by: Bryan Boehringer
Committee Coordinator EXHIBIT LOG:

Anne May

to HB 2706 - Legislative Counsel - 1 page C - Amendments to HB 2759 -
Legislative Counsel - 4 pages D - Amendments to HB 3385 - Legislative
Counsel - 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. -