

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 CIVIL LAW AND JUDICIAL ADMINISTRATION

February 28, 1991Hearing Room 357 2:00 p.m.Tapes 39 - 42

MEMBERS PRESENT:Rep. Ray Baum, Chair Rep. Marie Bell Rep. Tom Brian
Rep. Kelly Clark Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin Mannix
Rep. Randy Miller

VISITING MEMBER:Rep. Judy Bauman

STAFF PRESENT: Greg Chaimov, Committee Counsel Kathy Neely,
Committee Assistant MEASURES CONSIDERED: **All Bills are
Forfeiture** HB 2036 PH (Civil Forfeiture) HB 2034 PH (Civil
Forfeiture) HB 2035 PH (Property Forfeiture) HB 2025 PH (Civil
Forfeiture) HB 2026 PH (Civil Forfeiture) HB 2027 PH (Civil Forfeiture)
HB 2028 PH (Civil Forfeiture)

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TAPE 39, SIDE A

002 REPRESENTATIVE MILLER, CHAIR: Calls the meeting to order at 2:05 p.m. Comments on the agenda. Asks witnesses to discuss specific bills before committee.

PUBLIC HEARING ON HB 2036 Witness: Rep. Ted Calouri, House District 7 (Rep. Calouri provides overview of all bills on agenda)

033 REPRESENTATIVE TED CALOURI, HOUSE DISTRICT 7: Speaks to all bills before the committee. Discusses the Asset Forfeiture Advisory Committee A number of the bills are housekeeping, some deal with processes, others raise policy questions, and more. *HB 2036: Sets the effective date of the statute. *HB 2034: Service of notice. The Advisory Committee spent a lot of time on the issue of value. Forms were developed to be utilized for this. The agency can amend the values if needed. *HB 2035: Manufactured housing is normally recognized under law as different than real property. For purposes of forfeiture, tried to make the same way as real property. *HB 2025: Deals with need to publish. Comments that agencies spend a lot of money to publish and it is a heavy burden. There is the need for proper notification. The bill states that there is no need to publish for personal property valued at less than \$1,000. Proposes amendment: remove need to publish in case of auto and real estate regardless of value. (AMENDMENTS - EXHIBIT A) *HB 2026: Deals with the period of time for the process. The committee settled on 15 days from date of being served unless it is publication, which would be 15 days from the last date of publication. *HB 2027: Deals with

knowingly acquiescing in prohibited conduct. Applies to landlords who should not get off "scott free" in cases where they are aware of activity. The Committee suggests that role be notifying the police to check or proceeding against the tenants. Not intended to make landlords policemen or do things that are unreasonable. *HB 2028: Provides for expedited hearings and allows innocent owner to come to court and get property back. Committee discussion revolved around businesses being seized. Tried to give discretion to the court where ever possible.

278 REP. MANNIX: On HB 2036, which addresses problems pending currently under 1989 changes, what about adding an emergency clause and fast-tracking it to the Senate to get passed?

REP. CALOURI: Welcomes that. The Senate introduced all these bills also to make sure they would be dealt with.

291 REP. MANNIX: If Senate passes identical bill at same time, don't they merge and don't have to run through another hearing process, enabling the bill to get before the Governor signature?

322 CHAIR MILLER: Opens work session on HB 2036.

(Tape 39, Side A) WORK SESSION ON HB 2036

329 MOTION:REP. MANNIX: Moves to add an emergency clause to HB 2036.

CHAIR MILLER: Rep. Mannix moves to amend HB 2036 to add an emergency clause in appropriate place. Any discussion? Any objection? Hearing none, it is adopted.

335 MOTION:REP. MANNIX: Moves HB 2036 as amended to the full committee with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2036 as amended to the full committee with do pass recommendation. Any discussion?

VOTE: HB 2036 as amended to full committee. AYE: Clark, Johnson, Mannix, Miller, Bell NO: 0 EXCUSED: Brian, Edmunson, Baum

CHAIR MILLER: HB 2036 as amended is passed to the full committee.

(Tape 39, Side A) PUBLIC HEARING ON HB 2034 Witnesses: Gloria Gardiner, Association of Oregon Counties George Stevenson, City of Salem Pete Shephard, Department of Justice

401 GREG CHAIMOV: Deals with process of informing claimants of what property was seized. Discusses current law regarding notice and list of items seized. HB 2034 allows the officer to do what the local government would do and speeds up the process. Believes it will be a positive fiscal impact.

TAPE 40, SIDE A

015 GLORIA GARDINER, ASSISTANT COUNTY COUNSEL, CLACKAMAS COUNTY, ASSOCIATION OF OREGON COUNTIES: The good thing is allowing the police officer to do what they have been doing already which is attaching an inventory with the notice. Don't support the provision discussing reserving a notice because there is substantially incorrect balance listed. This change is not needed. Discusses purpose of putting a value on the property. Comments on current law regarding notices and value

attached to the property. *HB 2034 does not say who decides if value is substantially incorrect. *Concerned with page 3, lines 2 through 5 of HB 2034.

048 GEORGE STEVENSON, ASSISTANT CITY ATTORNEY, CITY OF SALEM: (EXHIBIT B) Comments on written testimony. *HB 2034 is result of City's testimony before Advisory Committee during interim. It is housekeeping. *Discusses examples of forfeiture. *Important to have accurate information for all parties.

068 REP. MANNIX: Regarding language in law combined with changes at bottom of page 2 of HB 203 4. The seizing agency reviews the officer's inventory and estimate the value of the property seized. The agency can amend the estimated value to correct if substantially incorrect. Concern expressed, does a new notice need to be sent out?

STEVENSON: Yes because the address of claimant or attorney is known. Does not have to be hand delivered.

REP. MANNIX: Witness has no problem with notice procedure since the subsequent notice can be mailed.

STEVENSON: Does not mind giving someone a corrected value.

093 PETER SHEPARD, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF JUSTICE: (EXHIBIT C) Supports HB 2034. The Department can live with the combination and the changes presented in the bill.

107 REP. CLARK: What was the original purpose for the dual notification?

104 SHEPARD: Did not understand why at that time they were not combined.

108 REP. CLARK: Struggling with the difference between a notice of seizure and an inventory. Describe what the difference is.

113 SHEPARD: In present practice in the field, have combined both in same document. *Inventory simply is a list of the property. *Notice for seizure of forfeiture contains various deadlines.

125 REP. CLARK: HB 2034 combines the requirement of inventory with notice of seizure, does not eliminate the notice?

SHEPARD: That is the intent, to combine the two.

129 REP. MANNIX: If there is a modification of the estimate, is the follow up process of giving notice of that modification through mail, certified mail, satisfactory?

124 SHEPARD: Not prepared to answer at this time.

139 REP. MANNIX: Concerned about creating a problem with regard to estimates. Should that problem be anticipated and say if there is a correction to the inventory or estimate that notice may be mailed by certified return receipt requested to person notice was previously hand served?

146 SHEPARD: Believes it would cure any questions.

149 REP. BELL: On page 2, lines 16 through 23, HB 2034 discusses

affixing the notice on the property. In Section 2 it says the officer shall make reasonable effort to serve the notice on the property and in subsection there are examples of when it does not have to be served. If notice is affixed, the person would not receive something in the mail? Is there a back up notice?

163 SHEPARD: Other statutes request the agency to serve all persons known to have an interest. That includes all people who have recorded an interest in the property. Affixing notice to the, for example, car is not sufficient, should mail or otherwise serve the individual owner.

173 REP. BELL: Does not understand need for subsection 2 on page 3, line 19 discussing times the notice does not need to be served. Is it assumed the individual received it?

183 SHEPARD: The function of that provision is to make it clear if a person has received a receipt does not need to be served with anything in addition to that. The officer will execute a return on the notice of seizure for forfeiture will show receipt.

CHAIR MILLER: Closes public hearing on HB 2034.

(Tape 40, Side A) HB 2034 - WORK SESSION

199 MOTION:REP. MANNIX: Moves amending HB 2034 to add a provision allowing notice of correction of inventory or estimate value be hand delivered or mailed, certified return receipt requested, to person the notice had first been given. Conceptual amendment.

CHAIR MILLER: Is there objection to Rep. Mannix's amendment? Hearing none, it is adopted.

207 MOTION:REP. MANNIX: Moves HB 2034 as amended to the full committee with a do pass recommendation.

215 VOTE: HB 2034 as amended to full committee. AYE: Clark, Johnson, Mannix, Miller, Bell NO: 0 EXCUSED: Brian, Edmunson, Baum

CHAIR MILLER: HB 2034 as amended is passed to the full committee.

(Tape 40, Side A) HB 2035 - PUBLIC HEARING Witnesses: Gloria Gardiner, Association of Oregon Counties Dave Findanque, ACLU of Oregon Pete Shepherd, Dept. of Justice Emily Cederleaf, Mobile Home Manufacturers

227 CHAIMOV: Deals with what property has to be forfeited through a lawsuit. Discusses current law. This bill makes manufactured dwellings real property which must be forfeited through a lawsuit. No fiscal impact.

242 GLORIA GARDINER, ASSOCIATION OF OREGON COUNTIES: (EXHIBIT D). The association supports HB 2035. Suggest an amendment (Exhibit D) to change Section 7. *There are 2 types of mobile homes for tax purposes: personal and real property. If taxed as real property notice should be filed in county deed office. *If taxed as personal property, no reason to file in the deed records. *Recommends changing the language in the last sentence in subsection 3 of Section 7 to add that the mobile home be taxed as real property by tax assessor of county.

275 REP. JOHNSON: Would like the amendment repeated.

276 GARDINER: Repeats and explains the amendment proposed further (EXHIBIT D).

289 REP. JOHNSON: Basis is most mobile homes are not taxed as real property because person owning home may not be person owning land.

293 GARDINER: Taxed differently depending on ownership of the land. Explains difference.

297 REP. JOHNSON: Challenges that assertion as a matter of law. Understands in order for a mobile home to not be taxed as personal property the owner has to render it immobile, unlikely to be moved from the property.

312 CHAIMOV: If one owns both real property and the mobile home the owner of both can take steps to determine if mobile home will be treated as real or personal property for tax purposes. Believes Ms.Gardiner is talking about the owners being different people and the mobile home would be taxed as personal property regardless of affixing to the land.

331 REP. CLARK: If mobile home is affixed to real property but leased, saying it is still treated as personal property?

333 CHAIMOV: No. One person owns real property and mobile home, if mobile home is affixed, likely be taxed as real property. In same situation but mobile home is not affixed, likely be personal property. If different people own the land and home, regardless of whether it is affixed, mobile home will likely be taxed as personal property.

346 REP. MANNIX: Should not amend HB 2035. There are provisions for notice regarding mobile dwellings that cover the whole range. This amendment may be more complicated than need be.

358 GARDINER: Not sure own staff will know where to file something.

361 REP. MANNIX: List places where constructive notices should be made regarding manufactured dwellings. Make is a standard process.

371 DAVID FIDANQUE, ASSOCIATE DIRECTOR ACLU OF OREGON: (EXHIBIT E) Written testimony consists of general comments regarding forfeiture. *The Committee was trying to ensure a simple premises regarding a residence being seized under forfeiture action. This requires an in rem civil action. *There should be notice filed in all places where constructive notice would be deemed proper if person's home was seized.

TAPE 39, SIDE B

004 PETE SHEPARD, DEPARTMENT OF JUSTICE; Supports the bill. Rep. Mannix identified the precise reason for the proposal which is not knowing how to deal with mobile homes or manufactured dwellings.

011 EMILY CEDARLEAF, MOBILE HOME MANUFACTURERS: Concern is who will get the notice. Discussed manufactured dwelling and filing of title with DMV regarding real property status. Also want the owner of leased land is notified.

HB 2035 - WORK SESSION

029 MOTION, REP. MANNIX: Moves HB 2035 to full committee with a do pass

recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2035 to full committee with do pass recommendation.

049 VOTE: 5-0 Motion passes. AYE: Clark, Johnson, Mannis, Miller, Bell NO: 0 EXCUSED: Brian, Edmunson, Baum

CHAIR MILLER: HB 2035 is passed to the full committee.

HB 2025 - PUBLIC HEARING Witnesses: Gloria Gardiner, Clackamas County Dave Fedanque, ACLU George Stevenson, City of Salem

056 CHAIMOV: Address how and when a forfeiting agency needs to publish notice of seizure. Discusses current law. HB 2025 will exempt publishing a notice for forfeited property \$1,000 or under.

071 GLORIA GARDINER, ASSISTANT COUNTY COUNSEL FOR CLACKAMAS COUNTY: (EXHIBIT F) This is a good bill and something really needed. It will save governmental agencies and counties money.

085 REP. CLARK: Why is there a right to less notice for property valued at \$999.99 than \$1,005?

088 GARDINER: This is where the arbitrary line was drawn.

091 REP. CLARK: What notice will be given if property value is \$999.99?

093 GARDINER: If individual was at the scene when property was seized, will be personally notified. If secured creditor of property will receive notice through summons and complaint. If owner of real property would receive notice by deed record and served summons and complaint in a lawsuit.

104 REP. CLARK: What if the owner of a vehicle loans car to friend?

107 GARDINER: Police do investigation and check who is the registered owner. The owner is contacted to determine status of claim to the car. They will call the owner or write to them.

120 DAVE FEDANQUE, ACLU: Testifies in opposition to HB 2025. Did not come out of the Oversight Committee with a unanimous vote. *Concern about situations where publication notice was the critical factor that resulted in real notice getting to a claimant. *Problem with personal property seized where owner is not clear.

156 REP. JOHNSON: What are the net proceeds a governmental agency would get from a forfeiture and resale of an item under \$1,000? How is the value forfeiture figured out?

163 FEDANQUE: If dealing with property other than cash, it is the best estimate. For car, will do a blue book value.

172 REP. JOHNSON: What about something without a titled owner?

176 FEDANQUE: Such as computer equipment, it will the best estimate again.

202 REP. JOHNSON: Under current notification law, is the agency required to list estimate of property?

FEDANQUE: Does not believe so at time of initial notice.

205 REP. JOHNSON: Point trying to make is some items seized and sold that are valued under \$1,000, the agency is not making much money on it.

222 GEORGE STEVENSON, CITY OF SALEM: Supports the bill. Refers to letter presented to the committee (EXHIBIT B). *160 cases processed since 1989, published 60. *Seen trend towards low value cash cases as a result of the forfeiture statute.

233 REP. MANNIX: The person in possession of the property has already received some kind of notice. Talking about here, is the notice to everyone else.

STEVENSON: It is a last resort notice required by statute.

250 REP. MANNIX: Why does the amendment discuss real property and motor vehicles?

STEVENSON: Limiting to publication of notice of seizure for forfeiture. Cannot seize real property including a mobile home through simple notice of seizure of forfeiture and inventory. Need seizure order or file complain through court process.

264 REP. MANNIX: Comments on the original bill regarding notifying for \$1,000 or under.

STEVENSON: It is discretionary.

REP. MANNIX: If over \$1,000 might want to find the owner. Witness is comfortable with language in the bill as presented.

STEVENSON: Correct. Regarding giving out an estimate of value presently. Interpret that it must be given out. Comments on Section 6 of the current bill regarding seizure and inventory. Explains how a police officer may obtain an estimate of the value.

289 REP. MANNIX: If estimate is really off from real value, then notice was not sufficient and someone can attack the forfeiture for insufficient notice. How important is it to discuss fair market value.

STEVENSON: Will go along with their suggestion if it were accurate.

302 REP. MANNIX: The only change is if a fair market value can be obtained, don't have publish an notice.

STEVENSON: Correct. Most often get weapons, communication equipment, and vehicles which ownership can be established.

351 CHAIR MILLER: Closes public hearing.

(Tape 39, Side B) WORK SESSION ON HB 2025

354 MOTION:REP. MANNIX: Moves HB 2025 to full committee with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2025 to full committee with a do pass recommendation.

358 REP. CLARK: Not comfortable with HB 2025. Comments on publication in other situations. Will vote for the bill today for purposes of moving it to full committee. Reserves right to vote against the bill in full committee and on the House floor.

376 REP. JOHNSON: Not comfortable with HB 2025 either. Comments on publication and see them as ineffective in reach people who have an interest in these items. Will vote for the bill on that reason.

397 CHAIR MILLER: Further comments? Calls for the vote.

VOTE: HB 2025 to full committee. AYE: Clark, Johnson, Mannix, Miller, Bell NO: 0 EXCUSED: Brian, Edmunson, Baum

CHAIR MILLER: HB 2025 is passed to the full committee.

(Tape 39, Side B) PUBLIC HEARING ON HB 2026 Witnesses:Gloria Gardiner, Association of Oregon Counties Dave Fendegue, ACLU Pete Shepherd, Dept. of Justice George Stevenson, City of Salem

414 GREG CHAIMOV: HB 2026 deals with a person who claims an interest in seized property and has to file a claim with forfeiting agency. Discusses current law. Comments on suggested changes to HB 2026 (EXHIBIT G) which have been agreed to by Rep. Calouri. No fiscal impact.

TAPE 40, SIDE B

022 GLORIA GARDINER, ASSOCIATION OF OREGON COUNTIES: Supports bill. *Claimants personally served seizure notices with deadlines of 15 days after date of service would not file within that time and upon filing claim at later date state claimant has 15 days after publication. *Comments on bill as drafted with a blank for number of days. The current statute has been 15 days. Recommends keeping that.

045 DAVID FIDANQUE, ACLU OF OREGON: Comments on blank on line 23, page 1 of HB 202 6. The Committee heard substantial testimony regarding the 15 days as being a problem. *Forfeiture statutes are confusing to the public. *Supports filling in with 30 days. *City of Portland was giving people 30 days even though statute provided for only 15. Experienced no problems. *States specific examples regarding this.

067 REP. CLARK: Asks for the number of reports.

FEDANQUE: 505 reports of seizure reported to the Committee, only 273 resulted in forfeiture after no claim was filed. Most attorneys will not handle these types of cases.

079 REP. JOHNSON: Comments on deadlines in the law where if people miss that deadline can exercise right if they perform the required action and bring in additional evidence showing good cause for missing the deadline. Comfortable with leaving 15 days there with an understood grace period of 15 days if have good cause.

089 FEDANQUE: On line 26 of HB 2026, "no extension for the filing of any claim shall be granted". Deleting that language with understanding that there must be good cause, would have no objection to the 15 days.

097 PET SHEPARD, DEPARTMENT OF JUSTICE: Supports HB 2026 as drafted. *Believes there is a remedy for a person who defaulted which would be the same as one available to a civil litigant, which is filing a motion

to set aside the default. *Discusses remedy of motion to set a side default.

110 REP. CLARK: Setting aside a default judgment is not a routine procedure.

112 SHEPARD: Experience with default judgments set aside easily.

117 REP. JOHNSON: Is the reason because no extension is granted?

SHEPHERD: Discusses reasons for failures to respond to notice. Practice was to give 15 days after publication date.

127 REP. JOHNSON: Will the judges be lenient in future?

SHEPHERD: There will be factors they will take into account.

130 GEORGE STEVENSON, CITY OF SALEM: Supports testimony of Pete Shephard. *Have lost all motions to set aside filed against City. *Comments on bills coming before the committee later regarding revision of claim filing requirements.

143 REP. BAUMAN: How many of the cases filed were without either an arrest or conviction?

STEVENSON: Cannot answer. Do not receive timely information from DA's office to compile that information.

149 REP. BAUMAN: One problem with construction of forfeitures allowing them to go forward without an arrest or conviction.

STEVENSON: As far as arrests, believes less than 5 forfeiture have been done with no arrest out of the 160.

169 REP. MANNIX: What about making it 21 days both ways for notification?

STEVENSON: The only time when deadline was the problem were when attorneys were involved. *Currently have 15 days from seizure to give a notice. The claimant has 15 days after notice. If expanded, will be further down line before counsel can determine if case is good.

170 REP. MANNIX: Comments on what will trigger a person to act on the notice.

STEVENSON: Believes 15 days is fine. It has never been an issue.

184 JENNY COOK, OCDLA: Supports Mr. Fidenque's comments regarding 30 days as a more reasonable length of time to file.

197 CHAIR MILLER: Closes hearing on HB 2026.

(Tape 40, Side B) WORK SESSION ON HB 2026

193 MOTION:REP. CLARK: Moves that the period of time be 21 days.

CHAIR MILLER: Rep. Clark moves to insert the number 21 on lines 23 and 25 of HB 2026.

198 REP. CLARK: Discusses the 15 day period and 21 days gives a full 3

weeks.

211 CHAIR MILLER: Further discussion? Any objection? Hearing none, so adopted.

214 MOTION:REP. CLARK: Moves HB 2026 as amended to full committee with do pass recommendation.

218 CHAIR MILLER: Rep. Clark moves HB 2026 as amended to full committee with a do pass recommendation.

VOTE: HB 2026 as amended to full committee. AYE: Clark, Johnson, Mannix, Bell, Miller NO: 0 EXCUSED: Brian, Edmunson, Baum

CHAIR MILLER: HB 2026 as amended it passed to the full committee.

(Tape 40, Side B) PUBLIC HEARING ON HB 2027 Witnesses:Gloria Gardiner, Association of Oregon Counties Rep. Peter Courtney, District 33 Rep. Ted Calouri Dave Fendequ, ACLU Pete Shepherd, Dept. of Justice Genoa Ingram, Oregon Assoc. of Realtors Emily Cederleaf, Mult. Cnty Housing Council Jenny Cook, OCDLA

227 GREG CHAIMOV: Discusses current law regarding tenant using property for drug transaction. HB 2027 will allow owners of seized property to get property back upon proving they did not know there was any drug activity on property. If owner learns about drug activity and does not take steps to get rid of it will not be able to get property back. Intent of bill is not to require monitoring but action.

267 GLORIA GARDINER, ASSOCIATIONS OF OREGON COUNTIES: (EXHIBIT F)
*Recommends language that covers full period of ownership of property. Explains the language, on page 1 under subsection 1, line 10 and 13. Would like to have language kept in. *Discusses amendment (EXHIBIT F). *HB 2027 changes standard from mere knowledge to acquiesce.

340 REPRESENTATIVE PETER COURTNEY, MINORITY LEADER OF HOUSE, DISTRICT 33: Supports HB 2027 but does not go far enough. *Discusses incidents in district regarding drug houses. *Supports Gloria Gardiner's testimony.

394 REPRESENTATIVE CALOURI: Comments on Gloria Gardiner's testimony, captured the essence of idea of an ongoing requirement. *Idea there was an ongoing requirement.

418 REP. COURTNEY: Notes language on line 26 regarding reasonable steps. *It may but is not limited. *Should discuss what is failure to take reasonable steps. *Nothing is mandatory.

TAPE 41, SIDE A

022 CHAIR MILLER: HB 2027 states "person shall be considered to have acquiesced if the person knowingly failed to take reasonable steps". The phone call qualifies as a step. Sounds like there should be more than one step.

030 REP. CALOURI: Correct.

CHAIR MILLER: The call would be simply a step and they did not do enough.

REP. COURTNEY: Correct. That was intent. Need to give the landlord

enough notice. Comments on line 28 and 29.

058 REP. JOHNSON: Suggests putting "or" instead of "and". Intent is that one would be sufficient.

061 CHAIR MILLER: Understands that there is a list of 3 items. They were separate steps where one did not requires doing another step.

071 DAVID FIDENQUE, ACLU: Have to put the provisions in to prospective regarding forfeiture and other statutes. *Comments on Rep. Courtney's concern regarding landlord and rental property. *Discusses reference to nuisances statutes. *Forfeiture statute provisions are the affirmative defenses. Explains that the government just has to show probable cause that property was used for prohibited conduct. *No requirement for arrest, being charged, or convicted. *As reported by Oversight Committee, of the 505 cases reported, 64 had no arrest which is about 12%. 31 cases had all charges dismissed. *ACLU position is there should be a requirement for criminal conviction. *There is a problem with the ambiguity of current statute on the knowledge or consent to prohibited conduct had to take place prior to interest in property being acquired. Believes it should be the time of seizure.

153 PETE SHEPHERD, DEPARTMENT OF JUSTICE: Supports HB 2027 as drafted. Affirms Mr. Fendanque's interpretation of the proposed change.

167 CHAIR MILLER: Refers back to discussion regarding number of steps required. Would a single step suffice?

172 SHEPHERD: The Oversight Committee did not view the word as plural being significant. Line 26 indicates that reasonable steps includes a number of things. Does not consider one telephone call to the police department reasonable. *Reasonable steps would be steps that provide government with information needed to take action to prevent unlawful action from going forward.

200 REP. JOHNSON: Have to look for the scenario which is possible under the proposed legislation which is the least acceptable to society.

217 SHEPHERD: Comments on a case brought before the Committee regarding a huSB and using and dealing drugs where wife tried to get him to stop.

248 REP. BAUMAN: Definition of acquiesce is not specific. Is it a term of art?

SHEPHERD: Did not borrow from any other statute.

265 REP. BAUMAN: Curious about the 64 cases of forfeiture with no arrest made.

SHEPHERD: Jury returning verdict of forfeiture. Which will be reported as a no arrest case.

287 REP. BAUMAN: What about situations where charges are dismissed and property is forfeited?

292 SHEPHERD: Difficult to track. Don't know disposition until after criminal case. Criminal charges can be dismissed by a local DAs for not meeting criteria for amount of drugs.

309 REP. BAUMAN: Every forfeiture case is reported to the Oversight

committee correct?

SHEPHARD: No statutory authority to report. All AG cases are reported.

316 GENOA INGRAM, OREGON ASSOCIATION OF REALTORS: Concerns with HB 2027.
*How it relates to seller financing and landlord tenant relationships.
*Addresses line 10. *Would require property owner to sell the property upon discovery of the problem but would have to disclose to potential purchasers. *Problem with the term "acquiesce". Not sure of the meaning. Comments on examples of definition. *Feels strongly about cleaning up drug houses in neigHB orhoods.

399 EMILY CEDARLEAF, MULTNOMAH COUNTY HOUSING COUNCIL: Describes the Council. Could not find any history on what the term "acquiesce" meant. *Believes there should be more than one step but not sure how many more. *Discusses FED actions regarding drug houses. Comments on mobile homes. *Uncomfortable about the word "and" on line 28.

TAPE 42, SIDE A

016 JENNY COOK, OCDLA: Discusses the term reasonable steps. *Term routinely used to allow the courts discretion on what the steps may be. *Uncomfortable with the three steps set out by the bill. *Uncomfortable with language in subsection 5 regarding "knowingly". *OCDLA is concerned with innocent spouse, parent, or child who is actual property owner.

028 CHAIR MILLER: Closes public hearing on HB 2027.

(Tape 42, Side A) PUBLIC HEARING ON HB 2028 Witnesses: John Bradly, Multn. County DA

JOHN BRADLY, MULTNOMAH COUNTY DA AND ODAA: Can come back at a later date.

035 CHAIR MILLER: Closes public hearing on HB 2028. Adjourns at 4:30 p.m.

Submitted by: Reviewed by:

Kathy Neely, Assistant David Harrell, Office Manager

EXHIBIT LOG:

A - Amendments to HB 2025 - Rep. Calouri - 1 page
B - Testimony on HB s 2025, 2026, and 2034 - George Stevenson - 3
pages C - Testimony on HB s 2025, 2026, 2028, 2034, 2035, and 2036
- Pete Shepherd - 4 pages D - Amendments to HB 2035 - Gloria
Gardiner - 1 page E - Testimony on HB 2035 - Dave Findeque - 6
pages F - Amendments to HB 2027 - Gloria Gardiner - 1 page
G - Amendments to HB 2026 - Greg Chaimov - 1 page