

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 CRIME AND CORRECTIONS

March 6, 1991Hearing Room 357 1:00
p.m.

Tapes 43 - 46

MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judy Bauman Rep. Tom Brian Rep. Rod Johnson Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri

VISITING MEMBER:Rep. Marie Bell Rep. Kelly Clark Rep. Kevin Mannix

STAFF PRESENT: Greg Chaimov, Committee Counsel Kathy Neely, Committee Assistant

MEASURES HB 2582 PH (Controlled Substances)
CONSIDERED: HB 2589 PH (Controlled Substances) HB 2586 PH
(Dependency Evaluation) HB 2623 PH (Recriminalizes Possession)

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TAPE 43, SIDE A

003 CHAIR MILLER: Calls the meeting to order at 1:05 p.m. Discusses the agenda.

PUBLIC HEARING ON HB 2585 Witnesses: Rosanna Creighton, Citizens for Drug Free Oregon Anthony Taylor Tony DeLorenzo Dave Fedenque, ACLO John Sajo Barry Stull

014 GREG CHAIMOV: Suspends driving privileges of drug defendants. Discusses federal law regarding federal highway funds. Discusses SB 688 which will meet the requirements of federal law. The difference between the Senate bill and HB 2585: 1. Covers all offenses not just criminal. 2. Refers to suspending ability to apply or re-apply for driving privileges. Also no hardship permit. 3. Effect date of Senate bill is October, 1992. 4. HB 2585 has a longer suspension for second offense.

054 REP. BAUM: Is driving while suspended under this bill a violation or misdemeanor?

GREG CHAIMOV: Current law makes driving will suspended an infraction.

REP. BAUM: Does this bill deal with alcohol possession for minors?

GREG CHAIMOV: No.

003 ROSANNA CREIGHTON, EXECUTIVE DIRECTOR OF CITIZENS FOR A DRUG FREE OREGON: (EXHIBIT A) The purpose of HB 2585 is to hold drug users accountable for their decision to use illicit drugs and adds sanctions imposed on those that manufacture and deliver controlled substances. Urges passage of HB 2585 *Suggests an amendment to HB 2585 on Page 2, Line 27 to change "120 days" to be equivalent of 6 months.

103 ANTHONY TAYLOR: Discusses suspension of license for possession of marijuana. This is not an appropriate sanction. Does not support HB

2585. *Page 2, line 24 "the suspension shall be imposed without a hearing". Questions not having a hearing for these suspensions. *Should require a hardship license.

132 REP. BAUMAN: If bill designated a hearing would witness be less inclined to oppose the bill?

ANTHONY TAYLOR: A little.

150 ANTHONY DELORENZO, DEPARTMENT OF MOTOR VEHICLES: (EXHIBIT B) The Division suggests passing a bill like this that meets federal requirements. Comments on SB 688. *The reason for no hearing is the person has had due process of law already. If convicted, the judge will send an order to suspend a license. Just implementing a court order. *Federal law requires that the state enact a law but that it enforce this law.

182 CHAIR MILLER: With respect to the loss of federal funds, what would 10% be if lost?

DELORENZO: About \$20 million a biennium.

189 REP. BAUM: What additional burden alcohol related offenses included in this might create for the Department?

DELORENZO: Probably very little impact. Required by law now to suspend license of any juvenile that is convicted of any alcohol related offense.

REP. BAUM: Under age 18?

DELORENZO: Correct.

REP. BAUM: Legal drinking age is 21. Comments on this age group distributing to minors.

208 DELORENZO: It is purely a matter of volume. This would generate an additional 12,000 suspensions per year. About \$250,000.

219 DAVID FIDANQUE, ACLU, ASSOCIATE DIRECTOR: Opposes HB 2585 and opposed the federal statute this is based on. *Would be expensive and counterproductive. *Urges nonpassage of this. *Comments on Oregon statute regarding taking vehicles of people who purchase and transport drugs, a forfeiture statute. *HB 2585 has no rational connection between the conduct and the imposition of the sanction.

256 CHAIR MILLER: You are not concerned with the \$20 million loss in federal highway funds?

FIDANQUE: There will be no impact on highway funds if legislature and governor go on record opposing this.

280 JOHN SAJO: Urges opposition to this bill for reason previously stated. *Very dangerous precedent being set. Federal government dictating state policies. *There are mechanisms that allow the funds to be maintained. *There is a minimal added deterrent.

310 BERRY STULL: Opposes this bill. Comments on personal experience with police and drugs.

CHAIR MILLER: Closes public hearing.

(Tape 43, Side A) WORK SESSION ON HB 2585

334 CHAIR MILLER: Is the committee prepared to take action?

339 REP. PARKS: If marijuana is not recriminalized, it is still a

controlled substance in the definition of this bill? Would possession of marijuana trigger this?

352 GREG CHAIMOV: Not under HB 2585 but under the LC Draft 3077 (SB 688), yes.

357 REP. BAUM: HB 2585 is before the committee not the Senate bill.

CHAIR MILLER: The LC draft could replace HB 2585.

REP. BAUM: LC 3077 conforms more closely with requirement of federal law?

GREG CHAIMOV: Yes.

REP. BAUM: Also have additional amendment from Rosana Creighton?

375 ROSANNA CREIGHTON: HB 2585 speaks of first offense of 120 days which does not meet federal requirement. The LC 3077 draft meets intention of meeting federal guidelines.

383 MOTION:REP. BAUM: Moves to adopt LC 3077 as substitute for the language of HB 2585.

CHAIR MILLER: Rep. Baum moves to adopt LC 3077 to replace the language of HB 2585.

397 REP. JOHNSON: Wants to fully understand differences in the LC 3077 and HB 2585.

405 GREG CHAIMOV: Principle changes are: 1. HB 2585 encompasses only crimes, misdemeanors and felonies. LC 3077 includes infractions and violations. 2. LC 3077 specifically refers to deferring or suspending the ability of applying for a license. There is a 6 month period for not applying. 3. LC 3077 does not permit obtaining of a hardship permit. HB 2585 would however. 4. Effective dates are different. 5. HB 2585 has provisions for substantially longer suspension for second and third offenses.

TAPE 49, SIDE A

019 REP. JOHNSON: HB 2585 is tougher in that one area.

GREG CHAIMOV: Correct.

023 REP. MASON: Why is Rep. Baum more interested in the LC 3077 than the original HB 2585. The bill seems tougher towards group would like to get to.

REP. BAUM: Assumed that LC 3077 would extend suspension period to 6 months as required by federal law.

REP. MASON: Does not have repeat offender provision in it.

REP. BAUM: Next position would be to amend to bring repeat offender in.

032 CHAIR MILLER: Try one amendment at a time.

REP. BAUM: Would be intent.

034 REP. BAUMAN: Comments on the "overlays" delivering to full committee and the House floor regarding controlled substance. Comments on items in Family Justice subcommittee with regard to drug use and pregnant women.

053 REP. BAUM: Not after pregnant women. This has a fiscal impact so it will go to Ways and Means.

061 REP. BAUMAN: Not sure they will have the same concern.

065 CHAIR MILLER: Rep. Baum has moved to insert LC 3077 into HB 2585, replacing the language. Any objections? Hearing none, it is adopted.

071 MOTION:REP. BAUM: Moves conceptually to take page 2 of HB 2585 before amendments, lines 28 through 38 and place in the appropriate location in LC 3077 language dealing with repeat offender.

CHAIR MILLER: Is there objection to the amended proposed by Rep. Baum? Hearing none, so adopted.

079 REP. JOHNSON: Understands there is no flexibility for Oregon to let people apply for hardship permits without being in violation of federal law.

GREG CHAIMOV: Federal law would permit a person to drive while suspended under "compelling circumstances".

REP. JOHNSON: Can the committee define "compelling"?

GREG CHAIMOV: The state cannot define for federal government what "compelling circumstances" may be. Understands LC 3077 doe snot have a hardship provision in it.

REP. JOHNSON: Comments on amendment and situation in rural areas.

104 MOTION:REP. SUNSERI: Moves HB 2585 as amended to the full committee with subsequent referral to Ways and Means.

CHAIR MILLER: Rep. Sunseri moves HB 2585 as amended to full committee with a subsequent referral to Ways and Means. Calls for roll vote.

VOTE: HB 2585 as amended to full committee with referral to Ways and Means. AYE: Baum, Bauman, Johnson, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED: Brian

CHAIR MILLER: HB 2585 is passed to the full committee.

(Tape 44, Side A) PUBLIC HEARING ON HB 2589 Witnesses: Renee Mason, Employment Appeals Board Jeff Kushner William Conde Steve Teger Barry Stull Rosanna Creighton, CFDFO J.D. Hutichson, CFDFO Karl Fredericks, Assoc. of Oregon Industries William Logigan Senator Paul Phillips James Herb, Norwest Publishing Co.

118 GREG CHAIMOV: HB 2589 disqualifies worker who test positive for drug use from receiving unemployment compensation benefits.

ROSANNA CREIGHTON, EXECUTIVE DIRECTOR, CFDFO: (EXHIBIT D) *Will support employers efforts to create and maintain a drug free workplace. *Does not expand drug testing. *There are safeguards and responsibilities built into HB 2589.

293 J.D. HUTICHINSON, CFDFO LABOR RELATIONS: Familiar with drug testing in work place. *Problem is the use of drugs that cause safety hazards. *Solve it by screening employee out with a pre-employment test. *Put those who are positive into rehabilitation program. *Currently there is no incentive for an employee to go to rehabilitation if tests positive because worker can obtain unemployment benefits. *Caution: most employers have drug and alcohol testing where as the bill relates only to controlled substances. Questions extending to alcohol.

236 REP. CLARK: Discusses current unemployment laws regarding misconduct. Can an employer make drug use misconduct.

HUTICHISON: Sure. Discusses drug testing program in company policy. Testing does not have to do with impairment but the level of drugs in

body established by policy.

REP. CLARK: Does not understand need for bill.

HUTICHISON: Employment Department does not rule that testing positive for drugs is not miss conduct associated with work.

258 REP. CLARK: Even if it is part of the employment contract? Comments on a US Supreme Court case.

HUTICHINSON: No unemployment benefits have been denied when issue has been a drug failure. That is not misconduct associated with work.

REP. MANNIX: Clarifies the US Supreme Court case.

308 KARL FREDERICK, VICE PRESIDENT, DIRECTOR OF LEGISLATION FOR ASSOCIATION OF OREGON INDUSTRIES (EXHIBIT E and F) In support of HB 2589. *Oregon law should state if employer has testing program then violation should be construed as misconduct and no benefits given. *Prefers lines 14 through 16 on page 2. *Supports proposed amendments.

336 REP. MASON: Would the bill cover these situations: 1. Worker voluntarily quits to avoid testing, or 2. Worker tested positive and is in treatment program and then quits to avoid that treatment program.

FREDERICKS: Under current law they would be entitled to unemployment benefits. Under bill, example 2 would be judged misconduct.

346 REP. MANNIX: Employment Division has had a case ruling that when someone tests positive after a rehabilitation program it was not enough to discharge with misconduct because there was no proof the person was impaired on the job.

356 FREDERICKS: Correct. Discusses right of employer to discharge and Employment Division with respect to collecting benefits.

367 REP. CLARK: Would like to hear from the Division.

376 WILLIAM LONIGAN, LONIGAN CONSTRUCTION, PRESIDENT: Supports HB 2589 and amendments. Comments on companies institution of drug and alcohol program to help offset growing costs of unemployment, workers comp. and other expenses. Those testing positive after policy had been in place were awarded unemployment benefits.

418 REP. BAUMAN: Is there a significant motivator? This would involve a tremendous loss in federal money. Is that a motivator for participation?

LONIGAN: Comments on financial impact. Believes it would save money. Just changing interpretation of Employment Dept. regarding misconduct. Does not know where the money impact would come from, it is an administrative change.

REP. BAUMAN: Comments on increased progress in terms of identification and treatment of drug and alcohol abuse in work place.

LONIGAN: This would help that.

TAPE 43, SIDE B

040 CHAIR MILLER: Senator Phillips is a sponsor and would like to comment on the record.

044 SENATOR PAUL PHILLIPS, DISTRICT 4: Comments on HB 2589 and highlights important parts of it. *This is about drug free work places. *Encourages positive support. Comments on other measures before the committee: *Focus on prevention, rehabilitation, and law enforcement aspects.

084 JAMES HERB, HUMAN RESOURCE MANAGER AT NORWEST PUBLISHING COMPANY: (EXHIBIT L) Speaks in support of bill. Discusses an incident that incurred with employee regarding company policy on drugs, to eliminate drugs and rehabilitate.

140 JEFF KUSHNER, ASSISTANT DIRECTOR, DEPARTMENT OF HUMAN RESOURCES, OFFICE OF ALCOHOL AND DRUG ABUSE: (EXHIBIT I) Testifying on behalf of Department of Human Resources. *Oregon Business Council program entitled Fightback Against Drugs: intended to significantly reduce the criminal and social impact of drugs by reducing the demand for drugs among employees. *Oregon Small Business Employee Assistance Program Initiative: State wide effort to help small businesses develop drug free work place policies.

163 REP. BAUMAN: This is consistent with the examination of drug use as a health problem?

KUSHNER: Yes. It is a strong motivator to move people into treatment if needed.

REP. BAUMAN: Indicative of high success rate for treatment.

170 KUSHNER: Correct. Coercive treatment is the best kind with the best success rate as opposed to voluntary.

178 REP. MASON: Asks the witness to relate position on coercive treatment with bill heard yesterday regarding addictive mothers.

KUSHNER: Personal position is better off with some leverage with an additive pregnant women to get her into treatment that with current law with no leverage at all.

187 REP. MASON: Witness is for coercive approach.

KUSHNER: For more of a coercive approach than currently have.

192 WILLIAM CONDE, CONDE'S REDWOOD LUMBER: Comments on business, employees, and drug testing/treatment. Never had a claims with SAIF, unemployment, or other agency. This is an incident of more regulation being piled on.

258 STEVE TEGER, LEGISLATIVE LIAISON FOR EMPLOYMENT DIVISION: (AMENDMENTS - EXHIBIT M) Discusses the fiscal impact. There is an error. Recalls impact would take out of conformity with federal law and would lose the administrative grants that the operation of the Employment Division, approximately \$60 million annually. *Amendments: chief problem is the disqualification is open ended. Needs to specify when disqualification ends and when individual becomes requalified. Amendments refer back to existing law regarding misconduct. *Intend to make this a specific form of misconduct under existing law.

310 REP. BAUM: Would like detail on fiscal impact regarding federal agency involved with this.

STEVE TEGER: Believes information gave to Legislative Fiscal for the impact statement was \$120 million for the biennium. Would lose administrative funding grants. Don't know impact of amended bill. Should be much less than \$120 million because the amendments should bring into conformity with federal law.

329 REP. BAUM: What is "much less"?

TEGER: Would like to bring experts up to discuss. Have compared with existing policy and see little change in the number of individuals that would be disqualified.

348 REP. MANNIX: There should not be much fiscal impact at all. Just redefining misconduct in connection with work. No impact on the general fund, dealing with the Compensation Trust Fund. *Comments on Court of Appeals case which relied on old rules which have been recently changed.

STEVE TEGER: Department's position is support for the bill.

366 REP. BAUMAN: Object is that no unemployment compensation will be paid to people under these circumstances. See if this can be targeted closer. What is the amount of money saved by employers by not paying benefits for more people.

386 TEGER: Number is not readily available. Can come up with estimate.

388 REP. BAUMAN: Comments on Mr. Kushner's testimony regarding coerced treatment. Need to get money together to pay for enhancement of treatment.

TAPE 44, SIDE B

008 TEGER: Can do a revised impact statement if bill is amended. Can provide with estimates based on proposed amendments. This bill does not provide money for drug treatment or rehabilitation programs.

014 REP. BAUMAN: Comments on amendments to Subsection 6 regarding employer paying for the program.

027 RENEE MASON, CHAIR PERSON OF EMPLOYMENT APPEALS BOARD: Discusses role. Charged with administering Employment Division law. Discusses the background on this issue. Explains misconduct definition as being connected with the work. In order to make drugs connected with work, must be impalement with job duties. *Misconduct: requires finding of wilful action which violates the employer's standards or rules. *Court of Appeals stated that employer may not make conduct work connected by enacting a rule. *Concerns about aspect regarding "in applying section 2a of this section". Specific reference to language of misconduct connected with work. Believes this language potentially remains a threshold issue on whether it is connected with work, if tests are reasonable, and whether there was impalement at work place. *Urges not making this a subsection of misconduct.

067 REP. JOHNSON: The language proposed to put in a new "8a", only real change is inserting phrase "in applying subsection 2a" which refers to denial of benefits to one who has "discharged for misconduct connected with work". Is that the only change made?

081 TEGER: Correct.

REP. JOHNSON: Is this the change that will take care of the problems?

MASON: That is the one with the most problems. Concerned over requalifying for benefits. By attaching subsection 2a, afraid leaving open interpretation of going through the analysis currently using and not solving problems.

094 REP. JOHNSON: What is proposal to solve these problems?

MASON: If committee adopts this policy that it says "apply subsection 2" but not other subsection. Makes sure not misconduct.

REP. JOHNSON: Will that comply with Department of Labor.

100 TEGER: Don't know answer. Raises drafting problems.

105 REP. MANNIX: What about saying "in applying subsection 2a of this section an individual shall be deemed to have committed misconduct connected with work when ..."?

MASON: Would help.

107 TEGER: Does this mean one decision or two decisions? Will there be one issued under misconduct connected with work and one under separate disqualifying provision? Don't know how to tie it back to clean up problems. Needs time.

120 REP. MANNIX: Could say "misconduct connected with work shall include:" and define it.

128 BERRY STULL, PRIVATE CITIZEN: Offers testimony against the bill. Explains a book on drug testing in work place. Questions where the committee is heading with this type of legislation.

147 CHAIR MILLER: Closes public hearing.

(Tape 44, Side B) WORK SESSION ON HB 2589

149 MOTION:REP. MASON: Moves the Employment Division amendment (EXHIBIT M) incorporation to HB 2589.

153 CHAIR MILLER: Rep. Mason has moved the Employment Division (EXHIBIT M). Is three objection? Hearing none, so adopted.

159 REP. MANNIX: Friendly suggestion to take out phrase "in applying" and say "for purpose of" and after "shall" insert "be deemed to have committed misconduct connected with work when". Take out "disqualified for receiving benefits."

MOTION:REP. MASON: So moves.

167 CHAIR MILLER: Rep. Mason moves a inserting "for purposes of" an "be deemed to have committed misconduct connected with work when" to the amendments. Is there objection? Hearing none, it is adopted.

MOTION:REP. MASON: Moves HB 2589 as amended to the full committee with a do pass recommendation.

CHAIR MILLER: Rep. Mason moves HB 2589 as amended to the full committee with a do pass recommendation.

VOTE: HB 2589 as amended to full committee. AYE: Baum, Bauman, Brian, Johnson, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 2589 as amended is passed to the full committee.

(Tape 44, Side B) PUBLIC HEARING ON HB 2586 Witnesses: Steve Liday, Coos County Commission, Corrections Elyse Clawson, Assistant Director, Dept. Corrections

202 STEVE LIDAY, COOS COUNTY COMMUNITY CORRECTION, PROGRAM DIRECTOR: Briefly describes the DROP program. (EXHIBIT N) *DROP stands for Drug Reduction of Probationers. *Local statistics indicate 43% of people tested continue to use drugs. *Explains past common practice of someone on probation that tests positively for drugs. *After looking at the problem discovered the past practice was missing: 1) swiftness and 2) certainty in order to produce a deterrent. *DROP increased drug testing, and immediately arrest if positive testing, complete a report, and ready to proceed on following morning with a hearing. *Treatment is an important part of DROP. *Discusses results of DROP. *Concerned with funding in HB 2586. *Concerned with paragraph 1 of HB 2586. "Criminal offense" is too broad.

291 ELYSE CLAWSON, ASSISTANT DIRECTOR OF COMMUNITY SERVICES BRANCH OF DPT CORRECTIONS: (EXHIBIT O) HB 2586 states it will be implemented if funds are available.

CHAIR MILLER Is that unusual?

320 CLAWSON: Suspect it may potentially be inviting a problem. There are other statutes on books that relate to available resources. Does exist currently.

330 CHAIR MILLER: Is there a list of priorities?

CLAWSON: Could do that. Believes it will be developed. Provided written testimony. The Dept. supports the concept. Concern is with the ability to pay.

341 REP. BAUMAN: Dislike the fact that there is no funding source. Believes this is beginning of getting a handle of a big part of drug problem. Would like to find a source of funding to implement it.

CLAWSON: That is accurate. There is a great need for this.

367 REP. BAUMAN: Need to focus resources on programs such as this.

373 CHAIR MILLER: Closes hearing on HB 2586.

(Tape 44, Side B) PUBLIC HEARING ON HB 2623 Witnesses:Rep. Markham Dave Morthland, CFDFO, Willamette Industries Dale Ransdell, Deputy Sheriff, Sheriff's Association J.D. Hutchison Anthony Taylor Allan Young, Oregon Juvenile Department John Sajo David Fidanque, ACLU William Conde, Cone's Redwood Lumber Barry Stull Edward Jones, OCDLA Bob Favre, Libraterian Party of Lane County Dean Renfrow, Oregon State Police

404 REP. BILL MARKHAM, DISTRICT __: Offers testimony in favor of HB 2623. Comments on bill that made marijuana possession a violation instead of a crime. *Comments on potency of marijuana grown today. *Large criminal business. *It is a gateway drug.

TAPE 45, SIDE A

029 DAVE MORTHLAND, VICE PRESIDENT OF WILLAMETTE INDUSTRIES, CHAIRMAN OF BOARD, CFDFO: (EXHIBIT P) Testifies in support of HB 2623. *Discusses Citizens for a Drug Free Oregon. *Key component of safety program for Willamette Industries is a drug free work place. *Potency of marijuana in Oregon is substantially higher than in 1973. *Current law sends wrong message to youth and users. *Marijuana is a gateway drug leading to use and abuse of harder drugs. *Marijuana has serious health, safety, and social problems. *Discusses the drug marijuana.

088 CHAIR MILLER: Ask witness to summarize testimony.

090 MORTHLAND: Emphasizes on the "wrong message". Have to stop sending messages to youth that possession of marijuana is nothing more than a traffic ticket. *Marijuana is Oregon largest cash crop. Why, is it the climate, or because Oregon is soft on marijuana?

129 J. D. HUTCHISON: Comments on the National Institute of Drug Abuse. *Reclassified marijuana as addictive. *Discusses personal experience with family and marijuana use of son.

157 ANTHONY TAYLOR: Discusses HB 2498 from last session. That previous bill involved a fiscal impact of \$3 million. *Criminal Justice Services Division, Law Enforcement Data System report criminal offenses and arrests in 1989: Multnomah County arrested 729 people for marijuana possession under 1 oz. (15% of drug arrests) Theorizes that with passage of HB 2623, the county will have to provide 60 additional beds per month. *Costs roughly \$89 per person for incarceration per day. *Most other counties have a 40% to 60% of drug arrests involving marijuana possession under 1 oz. *Should reject this bill.

184 REP. BRIAN: Must be assuming each citation will result in incarceration.

TAYLOR: No. Just pointing out as an extreme on high end what would result. Most people will be put on probation.

203 DALE RANSELL, DEPUTY SHERIFF, DOUGLAS COUNTY, OREGON SHERIFF'S ASSOCIATION: Urges changing possession of marijuana to a misdemeanor instead of a violation. *Gives police probable cause to make arrest and pursue criminal investigation. *Explains what happens under current law with regard to an investigation. *As a violation, cannot make searches of vehicles. *No deterrent currently.

271 JOHN SAJO: Making assumption that there is direct correlation between lenient laws and drug use. Believes it is not accurate. Opposes the bill. *Discusses policy in Netherlands and rate of use and abuse. Have 1/10 marijuana use than Oregon has. *Believes this tougher law would not bring results desired. *Comments on the potency issue. Explains marketing of the drug.

346 ALLAN YOUNG, OREGON JUVENILE DEPARTMENT: (EXHIBIT Q) Requests elimination of Sections 5, 6, and 7 from HB 2623 and suggests language in HB 2264 A-eng in sections 1 and 2 be inserted into HB 2623.

368 REP. MANNIX: What about section 8? Is that in HB 2264 A-eng.? Should take section 8 also?

YOUNG: Yes.

401 DAVID FIDANQUE, ACLU OF OREGON: (EXHIBIT R) Comments on an ACLU publication "The national Prison Project Journal" which discusses statistics of a Sentencing project. *10 years ago USA was 1/3 in world in rate of incarceration. Currently number 1. *US now incarcerates blacks at 3 times the rate or South Africa. *ACLU opposes HB 2623. Current law is appropriate policy for Oregon. Punitive effort will be counterproductive in fighting the war on drugs.

TAPE 46, SIDE A

017 REP. BRIAN: Not hearing the correlation between prison incarceration and Class C misdemeanor.

FEDANQUE: HB 2623 is merely indicative of general trend of country towards more punitive measures. Believes there is a direct relation between rate of incarceration and HB 2623.

REP. BRIAN: Not suggesting that 1 Class C misdemeanor would be going to an Oregon prison.

FEDANQUE: Rate of incarceration includes jails.

ED JONES, DIRECTOR OF MULTNOMAH DEFENDERS: Offers testimony against HB 2623. Believes current law is good judgment with weighing resources and consequences. This bill is not necessary. As consequence to a action increases, the risk to innocent accused increases.

070 WILLIAM CONDE, CONDE'S REDWOOD LUMBER: (EXHIBITS S and T) Offers testimony against HB 2623. *Comments on use of alcohol and use of marijuana. *Marijuana users are the civilian casualty of the war on drugs. *Most marijuana users are not criminals. *Discusses hemp. Explains uses of hemp. *Expands on what legalization of marijuana will do to the production of hemp which is a multi-use fiber. Discusses by-products of hemp. *60% of trees are used for manufacturing paper. Could use hemp as a better alternative. *Use of hemp could employ all timber workers. *Discusses uses of lumber and ancient forests. Hemp should be used instead of lumber for most wood products. *In the early 1900 hemp was a very valuable crop. *Discusses what his company will

produce out of legal raw hemp purchased from out of country. *In 1984 Oregon Marijuana Initiative was manipulated to keep off ballot. *Expands on Measure 5, school funding, and Lottery.

246 CHAIR MILLER: Closes public hearing on HB 2623. This bill will be before the committee again. Adjourns hearing at 3:45 p.m.

Submitted by: Reviewed by:

Kathy Neely, Assistant David Harrell, Office Manager

EXHIBIT LOG:

A	-	Testimony on HB 2585 - Rosanna Creighton - 3 pages	
B	-	Testimony on HB 2585 - Anthony DeLorenzo - 4 pages	
C	-	Letter for HB 2585 - Barbara Stoeffler, MADD - 1 page	
D	-	Testimony on HB 2589 - Rosanna Creighton - 2 pages	
E	-	Testimony on HB 2589 - Karl Fredericks - 2 pages	
F	-	Material on HB 2589 - Karl Fredericks - 1 page	
G	-	Letter on HB 2589 - Ed Redman, WTD - 3 pages	H - Letter
		on HB 2589 - Steve Tegger - 2 pages	I - Testimony on HB 2589 -
		Jeff Kushner - 3 pages	J- Letter on HB 2589 - AFL/CIO - 1 page
K	-	Letter on HB 2589 - Morse Bros. - 2 pages	L - Testimony
		on HB 2589 - James Herb - 2 pages	M - Testimony on HB 2589 -
		Pamala Mattson - 7 pages	N - Material on HB 2586 - Steve Linday -
		5 pages	O - Testimony on HB 2586 - Elyse Clawson - 1 page
P	-	Testimony on HB 2623 - Dave Morthland - 16 pages	
Q	-	Testimony on HB 2623 - Allan Young - 2 pages	
R	-	Material on HB 2623 - Dave Findanque - 2 pages	
S	-	Testimony on HB 2623 - William Conde - 3 pages	
T	-	Material on HB 2623 - William Conde - 14 pages	
U	-	Testimony on HB 2623 - Dean Renfrow - 4 pages	
V	-	Testimony on HB 2623 - Andy Bennett - 2 pages	