

## SENATE COMMITTEE ON JUDICIARY

February 12, 2001 Hearing Room 343

1:00 p.m. Tapes 30 - 31

**MEMBERS PRESENT:** Sen. Minnis, Chair  
Sen. Courtney, Vice-Chair  
Sen. R. Beyer  
Sen. Duncan  
Sen. Harper  
Sen. Metsger

**MEMBER EXCUSED:** Sen. Burdick

**STAFF PRESENT:** Marilyn Odell, Counsel  
Jane Bodenweiser, Committee Assistant

**MEASURE/ISSUES HEARD:** LC Drafts 153, 523, 1875, 2557, 2844, 2890, 3067, 3217, 3250, 3544, and 3768  
SB 69 Work Session  
SB 76 Work Session  
SB 77 Work Session  
SB 423 Work Session

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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TAPE/#	Speaker	Comments
<b>TAPE 30, A</b>		
002	Chair Minnis	Calls the meeting to order at 1:08 p.m.
003	Counsel Odell	Introduces LC drafts 153, relating to regulation of smoking in certain locations; 523, relating to interpretation of statutes; 1875, relating to corporations; 2557, relating to ballot measure numbers; 2844, relating to elections; 2890, relating to crime; 3067, relating to crime and appropriating money; 3217, relating to stay of judgement; 3250, proposes amendment to Oregon Constitution relating to election of judges; 3544, relating to remedies for unlawful land use, and 3768, relating to host organizations ( <b>EXHIBITS A-K</b> ).
005	Vice Chair Courtney	<b>MOTION: Moves LC's: 153, 523, 1875, 2557, 2844, 2890, 3067, 3217, 3250, 3544, 3768 BE INTRODUCED as committee bills.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2, Burdick, Duncan</b> <b>Hearing no objection, declares the motion CARRIED.</b>
<b>018 Chair Minnis</b>		
<b><u>SB 69 WORK SESSION</u></b>		
022	Counsel Odell	Introduces SB 69, relating to interpreters in juvenile proceedings.
030	Vice Chair Courtney	<b>MOTION: Moves SB 69 to the floor with a DO PASS recommendation.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Burdick, Duncan</b>

036 Chair Minnis Hearing no objection, declares the motion CARRIED.  
SEN. COURTNEY will lead discussion on the floor.

**SB 76 WORK SESSION**

050 Counsel Odell Introduces SB 76 relating to qualifications of interpreters. Clarifies that this is a “clean-up” bill that establishes a procedure for the state court administrator to receive input regarding procedures for the interpreter certification program. Notes that there is a –1 amendment, which is a technical change (**EXHIBIT L**) and others are in the process of being drafted.

081 Kingsley Click **State Court Administrator**  
Explains that they are working on an amendment that would address the payment provision for interpreters.

116 Vice Chair Courtney Asks if the interpreter has to take an oath in order to be certified.  
132 Click Replies, yes, a judicial officer administers the oath.  
138 Chair Minnis Asks when amendments will be ready.  
150 Counsel Odell Replies, by the end of the week.  
154 Chair Minnis Closes the work session on SB 76.  
155 Sen. Duncan **MOTION: Moves to SUSPEND the rules for the purpose of allowing Sen. Duncan to vote on SB 69.**  
**VOTE: 6-0-1**  
**EXCUSED: 1 – Burdick**

164 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

166 Sen. Duncan **Votes aye on SB 69.**

**SB 77 WORK SESSION**

172 Counsel Odell Introduces SB 77 relating to interpreters in grand jury proceedings. Indicates there are amendments at the request of the committee based on testimony by Dale Penn, Marion County District Attorney (**EXHIBIT M**).

291 Vice Chair Courtney **MOTION: Moves to ADOPT SB 77-1 amendments dated 2/5/01.**  
**VOTE: 6-0-1**  
**EXCUSED: 1 – Burdick**

295 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

298 Vice Chair Courtney **MOTION: Moves SB 77 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 6-0-1**  
**EXCUSED: 1 – Burdick**

296 Chair Minnis **Hearing no objection, declares the motion CARRIED**  
**SEN. DUNCAN to lead discussion on the floor.**

304 Chair Minnis Closes the work session on SB 77 and opens a work session on SB 423.

**SB 423 WORK SESSION**

305 Chair Minnis Introduces SB 423 relating to cigarette tax law enforcement.  
320 Bob Muir **Department of Justice**  
Explains that he is present not to advocate or oppose the bill but explain its legal affect to the committee if there are questions.

322 Debra Buchanan **Department of Revenue**  
Explains that this is a conformity bill with two provisions:

		changes to conform with legal terminology and changes to conform to tax law.
346	Chair Minnis	Asks if the bill escalates some offenses from misdemeanors to felonies.
347	Buchanan	Explains that the bill does not, and refers to the matrix handed out at the meeting on 2/8/01 ( <b>EXHIBIT N</b> ).
364	Chair Minnis	Reads line 8, subsection 2, on page 1 and asks for clarification of the change from misdemeanor to class C felony.
380	Buchanan	Explains that the key to this section is the “ <i>intent to defeat or evade</i> ”. Notes that without the “intent” the act is subject to a civil penalty of up to \$1,000.
399	Sen. Beyer	Asks for clarification of the matrix again with regard to another example of an escalation of penalty.
410	Buchanan	Explains that the example given would still be examined for “intent”.
424	Sen. Beyer	Asks about lines 21-26 on page 1 of the bill, regarding penalty.
435	Counsel Odell	Replies that it is currently an undifferentiated misdemeanor because of the one-year imprisonment.
<b>TAPE 31, A</b>		
014	Sen. Harper	Asks about the fiscal impact of this bill.
016	Buchanan	Replies that there is a fiscal impact of less than \$10,000, and explains that a large revenue impact is not expected.
023	Counsel Odell	Asks if it is correct that there are only one or two prosecutions under the statute per biennium.
025	Buchanan	Replies that the penalty provisions have not been used extensively. Explains a concern that because the cigarette tax has gone up substantially, there may be more incentive for people to avoid or evade the tax.
036	Counsel Odell	Asks if the bill allows for more flexibility in collecting civil penalty money without going through a criminal process.
040	Buchanan	Replies, yes.
058	Chair Minnis	States that he does not sense support of this bill and asks the Department of Revenue how badly it is needed.
071	Buchanan	Replies that it is her understanding that the terminology needs to be updated in order to administer the penalties. Says adding Class C felonies is a policy issue for the committee. States that it was proposed because it conforms to other provisions in other areas of tax law.
097	Sen. Metsger	States that he understands the need for consistency in terminology, but does not see the need for the new Class C penalties since there have been so few.
103	Chair Minnis	Closes the work session on SB 423 and adjourns the meeting at 1:45 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,  
Committee Assistant

Marilyn Odell,  
Counsel

**EXHIBIT SUMMARY**

**A – LC Draft 153, submitted by staff, dated 2/7/00, 3 pp**  
**B – LC Draft 523, submitted by staff, dated 10/27/00, 1 p**  
**C – LC Draft 1875, submitted by staff, dated 2/7/01, 5 pp**  
**D – LC Draft 2557, submitted by staff, dated 1/18/01, 2 pp**  
**E – LC Draft 2844, submitted by staff, dated 2/12/01, 1 pp**  
**F – LC Draft 2890, submitted by staff, dated 2/7/01, 2 pp**  
**G – LC Draft 3067, submitted by staff, dated 2/12/01, 1 p**  
**H – LC Draft 3217, submitted by staff, dated 2/12/01, 5 pp**  
**I – LC Draft 3250, submitted by staff, dated 2/9/01, 1 p**  
**J – LC Draft 3544, submitted by staff, dated 2/12/01, 2 pp**  
**K – LC Draft 3768, submitted by staff, dated 2/12/01, 2 pp**  
**L – SB 76, proposed –1 amendment, submitted by staff, dated 2/12/01, 1 p**  
**M – SB 77, proposed -1 amendment, submitted by staff, dated 2/5/01, 1 p**  
**N – SB 423, testimony submitted by Oregon Department of Revenue, dated 2/6/01, 1 p**