

Senate Committee on Judiciary March 11, 1991 - Page

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.

Measures Heard SB 382, WS SB 101, PH SB 228, PH & WS SB 98, PH SB 93, PH SB 179, PH HB 2221, PH & WS SB 129, PH SB 492, PH SB 521, PH

SENATE COMMITTEE ON JUDICIARY

March 11, 1991Hearing Room C 1:00 p.m.Tapes 57 - 59

MEMBERS PRESENT:Sen. Joyce Cohen, Chair Sen. Jim Hill, Vice-Chair  
Sen. Peter Brockman Sen. Jim Bunn Sen. Jeannette Hamby Sen. Bob  
Shoemaker Sen. Dick Springer

STAFF PRESENT: Ingrid Swenson, Committee Counsel Bill Taylor,  
Committee Counsel Kate Wrightson, Committee Assistant

WITNESSES: Bonnie Serkin, Debtor-Creditor Section,  
Oregon State Bar David Heynderickx, Legislative Counsel Jane Edwards,  
Board of Dentistry Bob Garabrant, Public Utilities Commission Tom  
Barkin, Public Utilities Commission Dennis Olmstead, Department of  
Geology and Mineral Industries Tom Barrows, Northwest Mining Association  
Michael Graine, Department of Energy Charlotte Maloney, Occupational  
Therapy Licensing Board Mike Reed, Oregon Liquor Control Commission Gary  
Wicks, Oregon Building Codes Agency Patrick Higgins, P.J. Higgins &  
Associates Timothy Wood, Assistant Attorney General Sue Prophet,  
Elections Division Sen. Shirley Gold

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TAPE 57, SIDE A

002 CHAIR COHEN: Calls hearing to order at 1:11 p.m.

SB 382, SPECIFIES USE OF LINE OF CREDIT INSTRUMENTS FOR RESIDENTIAL OR  
COMMERCIAL PURPOSES, WORK SESSION

027 CHAIR COHEN: We would like to bring this back from the floor to  
propose further amendments.

035 CHAIR COHEN: Moves to reconsider committee vote on SB 382. -Asks if  
committee has objections to the motion.

037 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

038 CHAIR COHEN: Moves to rescind -3 amendments. -Asks if committee has objections to the motion.

042 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

043 TAYLOR: Reviews intended purpose of bill. -Introduces -1 amendments and hand-engrossed version of bill (Exhibits A & B).

061 BONNIE SERKIN, DEBTOR-CREDITOR SECTION, OREGON STATE BAR: Amendments reflect expanded language which addresses the committee's concerns. -Lines of credit used to secure construction loans could result in an advance beyond the principal amount, in order to complete construction. This will be limited to commercial loans only. -We have defined "residential line-of-credit instrument," using the definition found in trust deed statutes. -One change in the bill narrows the implications of the bill. Advances made to complete construction must be made after credit instrument is recorded.

098 CHAIR COHEN: Where is this in the bill?

099 SERKIN: We deleted this, because we couldn't think of a time when a financial institution would get an advance beyond the face value of the instrument before the document had even been recorded. -The concept of advances made before the recording date of the mortgage is still included in subsections 2a and 2b. This could occur in instances where the instrument was rejected by a county clerk, although the lender had assumed that the document had been accepted. -Another change is a technical expansion, in order to reflect the current statute. Line of credit instruments must have term of the obligation on the face of the instrument. We have amended this to state that the document needs to state either the maturity date or the term. -Language on page 3, line 11, of the hand-engrossed bill may be better suited to contractual purposes, rather than statutory. Users of line of credit instruments recognize that this statute was enacted at the request of the consumer credit industry, but it became equally useful for commercial purposes. Because the language is focused on consumer needs, there is a lack of clarity for commercial uses. We need to clarify this.

160 CHAIR COHEN: Do you then want to drop this amendment?

162 SERKIN: The language from lines 11 on may not be appropriate for a statute.

168 TAYLOR: Following subsection 8, insert "the amendments to ORS 86.155 by subsections 1, 2, 3, and 4 of subsection 1 of this act do not constitute a change in, but are declaratory of existing law and shall apply to all lines of credit instruments".

176 CHAIR COHEN: This should have been dealt with before this point.

178 TAYLOR: Reviews proposed amendment.

188 SERKIN: These amendments are on page 3 of the hand-engrossed version of the bill. We are asking that line 13 and the first word of line 14 be deleted.

202 CHAIR COHEN: Clarifies proposed amendment.

203 SERKIN: Confirms proposed amendment.

214 SEN. HILL: Moves for the deletion of line 13 and the first word of line 14 of the hand- engrossed version of SB 382 introduced by the Debtor-Creditor Section of the Bar.

219 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

225 SEN. HILL: Moves for adoption of proposed amendments to SB 382, pending review by Legislative Counsel.

232 HEARING NO OBJECTIONS, CHAIR COHEN SO ORDERS.

SB 101, ESTABLISHES UNIFORM PROCEDURE FOR IMPOSITION OF CIVIL PENALTIES BY STATE AGENCIES, PUBLIC HEARING

253 CHAIR COHEN: Reviews history and intended purpose of civil penalties bills.

308 DAVID HEYNDERICKX, LEGISLATIVE COUNSEL: Reviews intended purpose of bill. -This bill is our attempt to create a uniform procedure for imposition of civil penalties. -Requirements of due process must be met in imposition of these penalties, and anyone with a objection must be given a contested case hearing. -We included a qualification that states "except as otherwise provided by law."

TAPE 58, SIDE A

001 HEYNDERICKX: Continues to review intended purpose of bill. -In drafting the bill, we tried not to change anything put in by various agencies, though we may have inadvertently changed some of them. -We tried to retain all time limits, provisions for where monies would go, and warnings that the agencies had added.

035 CHAIR COHEN: The bulk of this bill is in Section 2.

036 HEYNDERICKX: Yes.

037 CHAIR COHEN: The rest of the bill contains sections that relate to different agencies which collect civil penalties. -The material relating to collections is in subsections 7 and 8?

049 HEYNDERICKX: Yes. This bill doesn't change the collections process very much. -Agencies are the primary means of enforcement. If you are a licensing agency, then you have the perfect enforcement policy, since you have the ability to pull someone's license. -Less effective methods also exist. The Attorney General has been concerned with the method where orders act as liens against any real property owned by that person. -The order may be turned over to the Department of Revenue, who will collect from tax refunds, or the Attorney General may bring an action in circuit court for payment.

083 CHAIR COHEN: Are all those methods available to someone imposing a penalty?

086 HEYNDERICKX: Yes.

089 SWENSON: In some of these civil penalties bills, an alternative method of calculating the date when the payment becomes final and due is based on service of the notice of violation. -In SB 101, it does not become due and payable until ten days after the order becomes final. Why is this different?

097 HEYNDERICKX: There are several good reasons to have the payment not come due until after the final order in the case. -There is an issue of whether a penalty can be imposed before a hearing. Many statutes are drafted in a way which indicates that the payment may come due immediately upon service of violation notice. -Our intent was to make sure that due process was there, and to provide notice or an opportunity for a hearing.

118 SWENSON: You also indicate that, among the statements to be made in the notice provided to the violator, a statement must be included which indicates that after recordation, this will have the attribute and effect of a judgment. -Some of these other bills say that the order itself amounts to a judgment. -Is there a difference?

126 HEYNDERICKX: The Judicial Department has an objection to the use of the phrase "constitute a judgment". -Such wording is hard to enforce when no judge has been involved.

136 CHAIR COHEN: Is this something that we should change?

138 HEYNDERICKX: I don't think that the bill really indicates that it will have that effect. -It's not necessary for any of these bills to have such language, since that wording is already in the statutes relating to the county clerk lien record.

145 CHAIR COHEN: We should delete that language from the variety of civil penalties bills before us today?

147 HEYNDERICKX: Yes. It is superfluous.

148 SWENSON: The bottom of page 1 of the bill indicates that notice will be served by particular methods. -Many of these bills provide for personal service, or service by registered or certified mail. -Is there a difference?

155 HEYNDERICKX: I think the bill's language is preferable. It gives the agency a wider selection of possible service methods.

179 SWENSON: At the end of section 2, would it be appropriate to discuss whether the act, in some way, creates civil penalties where they don't exist elsewhere?

184 HEYNDERICKX: I have been asked this question before. -I don't think that's a fair reading of the bill, but it wouldn't hurt to add language that says this section creates no additional authority to impose civil penalties.

199 CHAIR COHEN: We do have that language in our files.

206 HEYNDERICKX: I spoke with a representative of the Public Utilities Commission, but I have not had time to contact every agency with civil penalty authority. -If I had a question about an agency's practices, I exempted them from the bill. -PUC has a complaint and investigation procedure which I exempted in subsection 8. -PUC has several authorities for penalties. Their representative indicated that PUC might want to come in under SB 101. If they do not, based on looking at their statutes, we should amend this bill so that they can use this as an alternative to their current procedures.

237 CHAIR COHEN: We will work with PUC to see what fits their needs.

249 SEN. HILL: Is the idea to have a minimum amount of due process, and yet accept "as provided by law"? -Suppose there is another provision under the law that does not meet the standards of this bill. -What happens? Can they choose the alternative?

258 HEYNDERICKX: I looked at all the pertinent statutes, and there is no conflict. -The problem is with agencies that don't often impose penalties, and thus don't have procedures.

278 SEN. HILL: There are no situations where some procedures are set out that don't meet this bill's provisions?

282 HEYNDERICKX: That is correct. Most agencies have additional protections or procedures, in addition to those imposed by SB 101.

289 SEN. HILL: We are establishing a structure for those who don't have one, and creating minimum due process standards for others.

293 SWENSON: The balance of the bill deals with agencies that do not have these minimum standards for imposing civil penalties.

308 HEYNDERICKX: Any civil penalty authority granted after passage of this bill must adhere to the procedures established in section 2.

319 SEN. HILL: How would it be possible to miss some agencies?

321 HEYNDERICKX: Civil penalties go back to the beginning of ORS. -Every penalty is different, and has a different procedure for collection.

339 SEN. SHOEMAKER: Would this reach local governmental civil penalties?

342 HEYNDERICKX: There are some statutes which concern municipalities which impose civil penalties, but this bill was drafted only to apply to agencies.

351 SEN. SHOEMAKER: Is there any thought that we might, in the future, address the process by which municipalities impose penalties?

354 HEYNDERICKX: That would be easy to do if there was an Administrative Procedures Act. -There is no procedural outline for local governments and political subdivision. -Unless we created some sort of procedural review for those entities, it would be a harder bill to draft.

388 JANE EDWARDS, BOARD OF DENTISTRY: We impose civil penalties, often in conjunction with other kinds of discipline, such as restitution, reprimand, or license suspension. -Our actions are covered by the APA. -We're not sure why there is a separate procedure here for civil penalties, rather than incorporating them into the APA. -If we levy a fine and impose a suspension, must we follow two sets of procedures?

404 CHAIR COHEN: Probably not. If you follow the APA, you will meet the minimum standards of this bill.

408 EDWARDS: We impose many punishments with consent orders. Before we issue a notice, we talk to the person concerned in order to negotiate some kind of discipline. Sometimes, we never get to a formal notice. The licensee signs a consent order, in which the right to hearing is

waived. -We want to make sure this bill won't preclude that practice.

424 CHAIR COHEN: You do give some sort of notice?

426 EDWARDS: Yes. We telephone them, and ask that they come in to discuss the issue with us.

428 CHAIR COHEN: You might have to give them written notice. -I'm not sure that telephoning them constitutes enough notice. -We will be negotiating this with you, and we will discuss this further.

TAPE 57, SIDE B

007 EDWARDS: Most of these people do have attorneys, and we ask them to have legal review of their consent orders.

011 CHAIR COHEN: We want to make sure that you give notice. -If you can prove that you have given appropriate notice and that you are adhering to the minimums set by this bill, then nothing gets in the way of your consent orders.

017 EDWARDS: Our procedure is consistent with the APA. -We don't want to go into a hearing process if we can resolve the issues in some other way. -We do not now have the ability for an unpaid fine to become a lien. That would be helpful. -Since we can also assess costs of a procedure as part of our fine, would unpaid procedure costs also be subject to becoming liens?

032 CHAIR COHEN: I suspect that you would not need our authority to do that, but we will take it under consideration. -Perhaps we will include a provision which concerns that. -Policies are made agency by agency.

045 EDWARDS: Submits written testimony, which contains two proposed deletions (Exhibit C).

SB 228, RELATING TO CIVIL PENALTIES FOR NONCOMPLIANCE WITH NATURAL GAS SAFETY REGULATIONS, PUBLIC HEARING & WORK SESSION

054 SWENSON: Reviews intended purpose of bill.

060 CHAIR COHEN: Did this bill come directly to our committee?

061 SWENSON: Yes.

066 BOB GARABRANT, PUBLIC UTILITIES COMMISSION: Testifies in favor of SB 228 . -Submits and reviews written testimony (Exhibit D). -Our receipt of federal funds is contingent on our adoption and enforcement of federal regulations.

115 SEN. SHOEMAKER: You are charged with enforcing federal law, and federal law provides for the imposition of civil penalties. -If you did not have parallel authority, then you would not be able to impose penalties at the federal level. Is that correct?

120 GARABRANT: Yes. -Federal authorities expect the state to enforce regulations on the same level as they do. -We are under a 5A grant program, which gives us the same power as the federal agency when we work under the 5A program. -If we were under a 5B program, we would notify the federal authorities if there were a violation and they would assess penalties.

131 SEN. SHOEMAKER: You're imposing fines under a federal statute?

132 GARABRANT: We adopt the same fine scale as federal rules require.

148 CHAIR COHEN: Asks about PUC's procedure in imposing civil penalties. -Do you want to be covered by SB 101?

152 TOM BARKIN, PUBLIC UTILITIES COMMISSION: I would like to go back to our

commissioners and see what they would like to do about our civil penalties provisions. -PUC has not exercised any options to impose penalties through the contested case procedures process. -We would like to investigate what possibilities are open to us now.

162 CHAIR COHEN: Now, do you have to go to court on every case?

163 BARKIN: That is how we have been interpreting the law.

168 SEN. SHOEMAKER: I notice that the Civil Penalty Enabling Act is not one of those sections dealt with at all in SB 101. -SB 101 neither excludes nor includes the PUC, and that may lead to a problem.

182 CHAIR COHEN: This may be found elsewhere in ORS. -Do you have a way to impose 757.991?

186 BARKIN: I don't think so. -We have assumed that 757.991 is enforced in court and have never used contested case procedures.

195 SWENSON: Would it be appropriate to add this to SB 101? -SB 101 does exclude other sections relating to PUC.

198 BARKIN: We recognize the difficulties in drafting this bill, especially in reference to us. -We would like to study the bill, and return with our opinions.

211 SEN. BROCKMAN: Moves SB 228 to the floor with a "do pass" recommendation.

215 MOTION CARRIES UNANIMOUSLY, WITH SENATOR BUNN EXCUSED.

SB 98, RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF PROVISIONS RELATING TO MINING, MINERAL EXPLORATION, GAS, OIL, AND GEOTHERMAL RESOURCES, PUBLIC HEARING

225 SWENSON: Reviews intended purpose of bill. -DOGAMI is not covered in SB 101 because they currently have authority to impose criminal penalties only.

234 CHAIR COHEN: Do you think that they meet the standards set in SB 101?

241 SWENSON: They exceed those minimum standards. -Dave Heynderickx raised the question of the date when an instrument becomes due and payable, and the question of method of service. -Those issues are also raised by this bill.

248 CHAIR COHEN: We would then have to amend SB 98 to conform with SB 101.

249 SWENSON: Yes.

252 DENNIS OLMSTEAD, DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES:

-Submits and reviews written testimony (Exhibit E).

302 SEN. HILL: What criminal penalties are currently available to you?

304 OLMSTEAD: We have different ones; it depends on the statute.  
-Mining statutes allow for \$1,000 criminal penalty for aggregate mining,  
or \$10,000 for metal mining.

306 SEN. HILL: Per day?

307 OLMSTEAD: No. That is the total penalty which we can assess. -Oil  
& gas and geothermal statutes allow for \$2,500, and/or six month jail  
sentence.

313 CHAIR COHEN: Introduces proposed matrix (Exhibit F).

330 SEN. HILL: Can you impose a greater fine with civil penalties? -Is  
this because you have to work through the District Attorney's offices?

334 OLMSTEAD: Yes. -The amount of the criminal penalty is one issue,  
but the overriding issue is the difficulty of imposing a criminal  
penalty. -Civil penalties would be easier to apply, and would thus be  
more effective.

345 SEN. HILL: The proposed amounts exceed those allowed at the  
criminal level. Why?

348 OLMSTEAD: The amounts in the draft matrix are roughly commensurate  
with those of other states and agencies, and with what we think will be  
an appropriate deterrent. -The higher numbers are only for repeated  
offenses.

373 SWENSON: Line 8 of section 1 of SB 98 states that officers of a  
corporation may be held liable. -Was it your intent to limit liability  
to officers? -What about owners or others in control?

384 OLMSTEAD: Our intent was to use officers because they are in  
control of the activities of the company.

389 CHAIR COHEN: Are you sure of that? Does this language really get  
to the people you want to get?

392 OLMSTEAD: I'm not sure that the language, as written, does that.  
-Perhaps we need to amend the bill.

399 CHAIR COHEN: We will review this to see if it actually covers the  
people you are concerned about. -Are there other statutes that allow  
civil penalties, but have more explicit definitions?

416 SWENSON: Yes.

419 CHAIR COHEN: This bill has a subsequent referral to the Committee  
on Ways & Means, but we will probably want to amend it so that it  
complies with SB 101.

TAPE 58, SIDE B

008 TOM BARROWS, NORTHWEST MINING ASSOCIATION: We support DOGAMI having  
authority to impose civil penalties. -\$50,000 per day is too high.  
\$25,000 is enough of a deterrent.



016 SEN. SHOEMAKER: Expresses concern about officers' liability to same extent as their corporation. -Is guilty intent necessary to hold a corporation liable? I suspect that a violation, regardless of intent, is enough. -I question whether that is enough to hold an individual liable. I don't know if this is customary in civil penalties. -There is a difference between individual and corporate intent.

027 CHAIR COHEN: We need to know at what point they go to the officers.

031 SEN. SHOEMAKER: I think those standards need to be spelled out, if we are giving authority to impose civil penalties on an individual, rather than on a corporation.

034 CHAIR COHEN: That is a good idea.

SB 93, ESTABLISHES PROCEDURE FOR IMPOSITION OF CIVIL PENALTY, PUBLIC HEARING

038 MICHAEL GRAINEY, DEPARTMENT OF ENERGY: Submits and reviews written testimony (Exhibit G). -Reviews intended purpose of bill.

086 SWENSON: In many ways, this bill differs from the procedure established by SB 101. -Dave Heynderickx believes that we should amend this bill to adhere to the provisions of SB 101. -SB 93 uses the disputed language about judgments. Perhaps this needs to be deleted. -SB 93 provides, in line 20 of page 1, that a prima facie case will be made even if there is no request for hearing. That is above anything required by SB 101.

102 CHAIR COHEN: We have three likely amendments?

108 GRAINEY: We have no problems with any of those changes.

109 SEN. SHOEMAKER: I see that this bill delegates the adoption of a penalty schedule to the Director. I do not see a maximum amount. Is that appropriate delegation of authority?

113 GRAINEY: ORS 469.92 gives us a maximum amount which we can levy. That amount is \$25,000 a day for violation.

SB 179, AUTHORIZES OCCUPATIONAL THERAPY LICENSING BOARD TO IMPOSE CIVIL PENALTIES, PUBLIC HEARING

129 CHARLOTTE MALONEY, OCCUPATIONAL THERAPY LICENSING BOARD: Submits and reviews written testimony (Exhibit H).

177 CHAIR COHEN: Does this bill need technical amendments so that it adheres to SB 101?

180 SWENSON: Yes. We need to consider the same areas that we have discussed with the other bills. -SB 179 only provides for notice by registered or certified mail. -The previous bill, SB 93, set out a number of criteria to be considered before imposing penalty, and included the criteria in the formal notice. This bill also includes such criteria, but doesn't put them in the notice.

194 CHAIR COHEN: Many of the other bills are much more complicated. I'm not really concerned about it.

202 SWENSON: Reviews additional areas for amendment. as proposed by Dave Heynderickx.

HB 2221, ALLOWS OREGON LIQUOR CONTROL COMMISSION TO IMPOSE CIVIL PENALTY  
IN LIEU OF LICENSE SUSPENSION, PUBLIC HEARING & WORK SESSION

209 CHAIR COHEN: Reviews intended purpose of bill.

216 MIKE REED, OREGON LIQUOR CONTROL COMMISSION: Submits and reviews  
written testimony (Exhibit I). -Distilled spirits licenses are found in  
ORS 472. A provision in that statute says that we can accept a fine  
from any licensee licensed pursuant to that chapter. -Beer and wine  
licenses are in a different chapter, and there is no equivalent  
provision for acceptance of fines. Rather, there is a specific  
provision which says that we can accept fines from certain types of  
licensees, but not from others. We issue 22 kinds of license for beer  
and wine; we can impose fines on about half of them. -HB 2221 would  
allow us to treat all licensees equally.

240 CHAIR COHEN: OLCC is probably the oldest penalty scheme on the  
books.

250 SWENSON: HB 2221 does not contain procedure for collections. -SB  
101's procedures affect this provision and other provisions relating to  
the OLCC.

258 REED: We are already covered by APA. SB 101 will not change our  
practice at all.

265 SEN. HILL: Moves HB 2221 to the floor with a "do pass"  
recommendation.

270 MOTION PASSES UNANIMOUSLY, SENATORS BROCKMAN AND BUNN EXCUSED.

SB 129, REQUIRES CERTIFICATION OF CERTAIN PLUMBING PRODUCTS UNDER  
BUILDING CODES AGENCY RULES, PUBLIC HEARING

277 SWENSON: This bill has a subsequent referral to the Committee on  
Ways & Means.

280 GARY WICKS, OREGON BUILDING CODES AGENCY: Submits and reviews  
written testimony (Exhibits J & K). -Sen. Springer had concerns about  
the costs of installing and removing unapproved plumbing products.  
Those are concerns that we want to address. -We don't think that there  
will be a fiscal impact, so we ask that you reconsider the subsequent  
referral to the Committee on Ways & Means.

362 SWENSON: This bill's provisions relating to civil penalties do  
differ from those of SB 101. -We would have to make the same kind of  
amendments as in the other bills. -The bill does not provide for the  
contents of the formal notice.

382 WICKS: We would have no problems with changing our procedures to  
reflect SB 101.

401 PATRICK HIGGINS, P.J. HIGGINS & ASSOCIATES: Concerned with section  
3, which deals with labeling guidelines for certification. -We want to  
know what kind of penalties would be assessed if labeling was done  
improperly.

TAPE 59, SIDE A

002 CHAIR COHEN: I don't see anything in the civil penalty sections  
that deals with that. -You would have to talk to the State Plumbing

Board and the Building Codes Administrator about the criteria for that.

SB 492, REQUIRES MAIL AGENTS TO VERIFY SPECIFIED INFORMATION ABOUT TENANTS, PUBLIC HEARING

046 TIMOTHY WOOD, ASSISTANT ATTORNEY GENERAL: Submits written testimony and

proposed amendments (Exhibit L). -We are following the wishes of the Senate Committee on Business & Consumer Affairs to have these amendments done through the Judiciary Committee. -We are requesting a referral to the Committee on Ways & Means. -Reviews intended purpose of bill.

SB 521, RELATING TO CIVIL PENALTIES FOR VIOLATION OF ELECTION CONTRIBUTION REPORTING REQUIREMENTS, PUBLIC HEARING

097 SUE PROPHET, ELECTIONS DIVISION: Reviews intended purpose of bill. -We would like to propose an amendment on page 2 of the bill, in section 6. "In the case of failure to file a statement or certificate required to be filed under ORS 260 .058, 260.156, a civil penalty may be imposed under this section not to exceed \$-- or \$10,000." -We want to include the dollar amount, not the percentage, for failure to file a report.

116 CHAIR COHEN: You will have these amendments prepared for our consideration?

118 PROPHET: Yes. -The maximum fine of \$10,000 applies to each report; there are three reports in each election cycle, so the maximum fine is really \$30,000.

128 SEN. SHIRLEY GOLD: You should look at both the original and engrossed versions of SB 186 and SB 521. -The Committee on Redistricting had concerns about small PACs, and whether the percentage or maximum fine of \$10,000 was the least amount.

159 SEN. BUNN: The amendment specifies 5% of contributions or expenditures, whichever is greater, but the amount is not to exceed \$10,000. -Reviews need for amendments.

172 GOLD: I would like to find a different way to address these concerns.

177 CHAIR COHEN: I suggest that you work with Senator Bunn and the Elections Division. I don't want to heavily rework this bill. -We are here to look at civil penalty procedures only.

190 GOLD: The effort is to establish equity in civil penalties. -For other agencies, there is a rules hearing procedure that deals with equity under a certain maximum penalty.

199 SWENSON: This bill is included under SB 101, but does not address certain procedures which we have already discussed.

205 CHAIR COHEN: Adjourns hearing at 3:17 p.m.

Reviewed by: Reviewed by:

Bill Taylor Ingrid Swenson Counsel Counsel

Submitted by:

Kate Wrightson Assistant

EXHIBIT LOG:

A - Amendments to SB 382 - Staff - 1 page B - Hand-engrossed  
version of SB 382 - Staff - 8 pages C - Testimony on SB 101 - Jane  
Edwards - 1 page D - Testimony on SB 228 - Bob Garabrant - 4 pages  
E - Testimony on SB 98 - Dennis Olmstead - 2 pages  
F - Testimony on SB 98 - Staff - 1 page G - Testimony on SB  
93 - Michael Grainey - 6 pages H- Testimony on SB 179 - Charlotte  
Maloney - 4 pages I - Testimony on HB 2221 - Mike Reed - 2 pages  
J - Testimony on SB 129 - Gary Wicks - 3 pages K - Testimony  
on SB 129 - Gary Wicks - 2 pages L - Testimony on SB 492 - Timothy  
Wood - 4 pages