

## SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2640

By JOINT COMMITTEE ON WAYS AND MEANS

June 24

1 On page 1 of the printed B-engrossed bill, line 2, delete “appropriating money;”.

2 In line 16, delete “10” and insert “9”.

3 On page 3, delete lines 15 through 20 and insert:

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6 **ESTIMATE OF FINANCIAL IMPACT: The measure would require one-time state adminis-**  
7 **trative expenditures of \$8.7 to \$12.5 million to evaluate claims received to date for adherence**  
8 **to measure requirements.**

9 **In the short term, the measure would require state administrative expenditures of \$1**  
10 **million to \$2 million per biennium to evaluate future claims. In the long term, state admin-**  
11 **istrative costs may be reduced as the measure limits the scope of potential future claims.**  
12 **The amount of those potential reductions cannot be determined.**

13 **Potential state litigation costs cannot be determined.**

14 **The measure authorizes compensation to landowners. The amount of state expenditures**  
15 **to pay claims for compensation cannot be determined.**

16 **The measure authorizes establishing a claims review fee for new claims not to exceed the**  
17 **actual and reasonable cost of reviewing a claim. The impact on state revenues cannot be**  
18 **determined.**

19 **The measure clarifies ongoing claims review processes and is expected to reduce local**  
20 **government claim processing costs from current levels. The amount of these potential re-**  
21 **ductions cannot be determined.**

22 **The measure authorizes compensation to landowners. The amount of local government**  
23 **expenditures to pay claims for compensation cannot be determined.**

24 **The effect of the measure on local government revenues cannot be determined.**

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27 Delete lines 25 through 30 and insert:

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30 **ESTIMATE OF FINANCIAL IMPACT: This measure increases state revenue by an estimated**  
31 **\$152.7 million for the 2007-2009 budget period. Revenue is estimated to increase \$233.2 million**  
32 **in the following two-year period. These estimates account for a projected decline in the sale**  
33 **of tobacco products because of higher prices. These estimates would be reduced if further**  
34 **restrictions on smoking become law. The additional state revenue generated by this measure**  
35 **would be available to allocate to programs that provide health care for children, low-income**

1 **adults and other medically vulnerable Oregonians, and to tobacco prevention programs.**

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4 On page 6, line 5, delete “10” and insert “9”.

5 In line 20, delete “10” and insert “9”.

6 Delete lines 24 through 31.

7 In line 35, delete “11” and insert “10”.

8 On page 8, delete lines 18 through 22 and insert:

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11 **ESTIMATE OF FINANCIAL IMPACT: The direct financial impact of this measure to state**  
12 **and local governments is indeterminate due to the inability to accurately predict the number**  
13 **of civil forfeitures that may occur. If the frequency of civil forfeitures increases, then the**  
14 **amount of money going to the state and local jurisdictions will increase correspondingly. Any**  
15 **assets forfeited under this measure are distributed as follows: to the satisfaction of any**  
16 **foreclosed liens, security interests and contracts in the order of their priority; to the state**  
17 **or any of its political subdivisions for actual and reasonable expenses; and to the state or**  
18 **any of its political subdivisions for drug treatment programs. This measure will increase the**  
19 **revenue to the state and its political subdivisions, but the extent of the increase is unknown.**

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22 In line 30, delete “12” and insert “11”.

23 On page 9, delete line 44.

24 On page 10, delete lines 1 and 2 and insert:

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27 **ESTIMATE OF FINANCIAL IMPACT: There is no direct financial effect on state or local**  
28 **government expenditures or revenue.**

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31 In line 10, delete “13” and insert “12”.

32 On page 11, delete lines 36 through 40 and insert:

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35 **ESTIMATE OF FINANCIAL IMPACT: There is no direct financial effect on state or local**  
36 **government expenditures or revenue.**

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39 On page 12, line 3, delete “14” and insert “13”.

40 On page 13, delete lines 30 through 34 and insert:

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43 **ESTIMATE OF FINANCIAL IMPACT: There is no direct financial effect on state or local**  
44 **government expenditures or revenue.**

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In line 42, delete "15" and insert "14".

On page 15, delete lines 32 through 36 and insert:

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**ESTIMATE OF FINANCIAL IMPACT: The direct financial impact to state and local governments is indeterminate because the impact depends on how often a victim would choose to bring an enforcement action to protect rights guaranteed under section 42, Article I of the Oregon Constitution, but denied by the court, district attorney or other public agency. These additional challenges could arise before a criminal case is filed, after a case is filed, and after the entry of a final judgment in a criminal case. Actions could be pursued in cases involving person and property crimes in violation, misdemeanor and felony cases, and the victim could file an enforcement action more than one time in a single case. Some cases involve multiple victims, each of whom could bring an individual enforcement action. The measure authorizes the legislature to enact laws providing detailed procedures for claims by victims, including the establishment of reasonable limitations on the time allowed victims to assert their rights and prescribing procedures for appeal. Legislation providing such procedures and limitations could change the direct costs of this measure. Direct costs may also be impacted by the degree of change in the current practice of restitution orders and payment, how many new victims are identified by the court, and the number of challenges that are appealed to a higher court.**

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In line 44, delete "16" and insert "15".

On page 17, delete lines 16 through 19.

Delete lines 36 through 40 and insert:

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**ESTIMATE OF FINANCIAL IMPACT: The direct financial impact to state and local governments is indeterminate because of the uncertainty of how many victims choose to bring an enforcement action to protect rights guaranteed under section 43, Article I of the Oregon Constitution, but denied by the court, district attorney or other public agency. The cost of this measure could increase the number of pretrial release hearings and increase the number of criminal defendants held and the length of incarceration before, during or after trials. Current provisions of the constitution establish a victim’s right to be reasonably protected from the defendant during the criminal justice process, including pretrial detention of a criminal defendant. Current constitutional provisions require that there shall be no bail for a defendant accused of a violent felony where the defendant is a danger to the victim or others. Few of these criminal defendants awaiting trial are currently released, so the number of cases affected by this measure may be minimal. The measure authorizes the legislature to enact laws providing detailed procedures for claims by victims, including the establishment of reasonable limitations on the time allowed victims to assert their rights and prescribing procedures for appeal. Legislation providing such procedures and limitations could change the direct costs of this measure.**

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2 On page 18, line 3, delete "17" and insert "16".

3 In line 9, delete "18" and insert "17".

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