

## HOUSE COMMITTEE ON JUDICIARY

January 11, 2007 Hearing Room 357

8:30 A.M. Tapes 1 - 3

**MEMBERS PRESENT:**

- Rep. Greg Macpherson, Chair
- Rep. Jeff Barker, Vice-Chair
- Rep. Gene Whisnant, Vice-Chair
- Rep. Suzanne Bonamici
- Rep. Kevin Cameron
- Rep. Linda Flores
- Rep. Betty Komp
- Rep. Wayne Krieger
- Rep. Tobias Read

**STAFF PRESENT:**

- Bill Taylor, Counsel
- Matt Kalmanson, Counsel
- Sara Campbell, Committee Assistant

**MEASURES OR ISSUES HEARD:**

- Organizational Meeting
- Introduction of Committee Members
- Introduction of Committee Staff
- Adoption of Committee Rules
- Informational Meeting
- Statutory Interpretation
- Constitutional Law

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

| TAPE #<br>AND<br>SIDE | COUNTER<br>NUMBER | BRIEF DESCRIPTION OF SUBJECT MATTER<br>OR CHANGE IN SPEAKER   |
|-----------------------|-------------------|---|
| 1A                    | 004               | Chair Greg Macpherson calls the meeting to order at 8:31 a.m. |

### ORGANIZATIONAL MEETING – INTRODUCTION OF COMMITTEE MEMBERS

|    |     |                       |
|----|-----|-----------------------|
|    | 034 | Rep. Gene Whisnant    |
|    | 047 | Rep. Jeff Barker      |
|    | 055 | Rep. Betty Komp       |
|    | 064 | Rep. Wayne Krieger    |
|    | 073 | Rep. Linda Flores     |
|    | 083 | Rep. Suzanne Bonamici |
| 1A | 097 | Rep. Tobias Read      |
|    | 105 | Chair Greg Macpherson |

### ORGANIZATIONAL MEETING – INTRODUCTION OF COMMITTEE STAFF

|  |     |   |
|--|-----|---|
|  | 109 | Bill Taylor, Counsel ( <b>EXHIBIT A</b> ) |
|  | 126 | Matt Kalmanson, Counsel                   |
|  | 130 | Taylor                                    |

|     |                                    |
|-----|------------------------------------|
| 142 | Miranda Plummer, Intern            |
| 145 | Taylor                             |
| 148 | Kate Tosswill, Legislative Counsel |
| 161 | Taylor                             |
| 163 | Patsy Wood, Office Coordinator     |
| 171 | Chair Macpherson                   |

#### **ORGANIZATIONAL MEETING - ADOPTION OF COMMITTEE RULES**

|     |   |
|-----|---|
| 175 | <b>MOTION: Chair Macpherson Moves to ADOPT the proposed Committee Rules dated 01/11/07.</b> |
|     | <b>VOTE: 8-0-1</b>  |
|     | <b>AYE: In a roll call vote, all members present vote Aye.</b>                              |
|     | <b>EXCUSED: 1 - Cameron</b>   |
| 180 | <b>Chair Macpherson The motion CARRIES.</b>   |

#### **INFORMATIONAL MEETING – STATUTORY INTERPRETATION**

|    |     |   |
|----|-----|---|
|    | 185 | Chair Macpherson                                  |
|    | 198 | Chief Judge David Brewer, Oregon Court of Appeals |
|    |     | <b>(EXHIBIT B)</b>                                |
|    | 311 | Judge Jack Landau, Oregon Court of Appeals        |
| 2A | 001 | Judge Landau                                      |
|    | 108 | Chief Judge Brewer                                |
|    | 109 | Judge Landau                                      |
|    | 168 | Chair Macpherson                                  |
|    | 173 | Judge Landau                                      |
|    | 187 | Rep. Flores                                       |
|    | 191 | Judge Landau                                      |
|    | 204 | Chief Judge Brewer                                |
|    | 235 | Judge Landau                                      |
|    | 323 | Chief Judge Brewer                                |
|    | 328 | Judge Landau                                      |
|    | 357 | Chief Judge Brewer                                |
|    | 359 | Judge Landau                                      |
| 1B | 006 | Rep. Flores                                       |
|    | 012 | Judge Landau                                      |
| 1B | 048 | Chief Macpherson                                  |
|    | 056 | Judge Landau                                      |
|    | 060 | Chief Judge Brewer                                |
|    | 086 | Justice Virginia Linder, Oregon Supreme Court     |
|    | 230 | Chief Judge Brewer                                |
|    | 235 | Rep. Bonamici                                     |
|    | 242 | Justice Linder                                    |
|    | 269 | Judge Landau                                      |
|    | 297 | Chief Judge Brewer                                |
|    | 315 | Rep. Krieger                                      |
|    | 322 | Chief Judge Brewer                                |

#### **INFORMATIONAL MEETING – CONSTITUTIONAL LAW**

|     |  |
|-----|--|
| 354 | Chair Macpherson                             |
| 364 | Judge David Schuman, Oregon Court of Appeals |

|    |     |   |
|----|-----|---|
| 2B | 001 | Judge Schuman                                       |
|    | 182 | Chair Macpherson                                    |
|    | 191 | Judge Schuman                                       |
|    | 200 | Justice Rives Kistler, Oregon Supreme Court         |
|    | 263 | Judge Schuman                                       |
|    | 278 | Justice Kistler                                     |
|    | 288 | Rep. Flores   |
|    | 296 | Justice Kistler                                     |
| 3A | 001 | Justice Kistler                                     |
|    | 061 | Judge Schuman                                       |
|    | 067 | Justice Kistler                                     |
|    | 118 | Judge Schuman                                       |
|    | 129 | Justice Kistler                                     |
|    | 185 | Judge Schuman                                       |
|    | 194 | Chair Macpherson                                    |
|    | 202 | Chair Macpherson adjourns the meeting at 10:37 a.m. |

## **EXHIBIT SUMMARY**

- A. Adoption of Committee Rules, Staff, 2 pp**
- B. Statutory Construction, Principles of Statutory Construction, Judge David Brewer, 3 pp**