

HOUSE COMMITTEE ON JUDICIARY

April 24, 2007 Hearing Room 357
7:00 AM Tapes 147-148

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

VISITING MEMBERS: Rep. Paul Holvey

STAFF PRESENT: Bill Taylor, Counsel
Sara Campbell, Committee Assistant

Measures or Issues Heard: HB 2342 Work Session
HB 2895 Work Session
HB 3026 Work Session
HB 3314 Work Session
HB 3182 Work Session

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

TAPE #	COUNTER	BRIEF DESCRIPTION OF SUBJECT MATTER
AND SIDE	NUMBER	OR CHANGE IN SPEAKER
147A	002	Chair Macpherson calls the meeting into order at 7:04 a.m.

HB 2342- WORK SESSION

	011	Bill Taylor, Counsel (EXHIBIT A & B)
	022	Chair Macpherson
	026	Ann Christian, Oregon Criminal Defense Lawyers Association
	040	Chair Macpherson
	055	Christian
	060	Chair Macpherson
	068	Kevin Neely, District Attorney's Association
	083	Chair Macpherson
147A	090	Neely
	115	Rep. Bonamici
	121	Christian
	152	Chair Macpherson
	164	Neely
	178	Rep. Krieger
	183	Christian
	191	Chair Macpherson
	194	Rep. Barker
	195	Chair Macpherson
	200	Rep. Komp
	206	Chair Macpherson
		Rep. Komp
		MOTION: Moves to adopt HB 2342 -1 amendments dated 3/2/07.
		Chair Macpherson
		Hearing no objection, declares the motion CARRIED.
		Rep. Barker
		MOTION: Moves HB 2342 to the floor with a DO PASS AS
		AMENDED recommendation.
		VOTE: 8-0-1
		AYE: 8 - Barker, Bonamici, Cameron, Komp, Krieger,
		Read, Whisnant, Macpherson
		EXCUSED: 1 - Flores
		Chair Macpherson
		The motion CARRIES.
		REP. KOMP will lead discussion on the floor.

HB 2895- WORK SESSION

223	Bill Taylor, Counsel (EXHIBIT C)
233	Rep. Jeff Barker, House District 28
258	Rep. Krieger
260	Rep. Barker
274	Chair Macpherson
302	Rep. Barker
307	Chair Macpherson
312	Rep. Barker
317	Rep. Cameron
329	Taylor
333	Rep. Cameron
338	Chair Macpherson

147A	343	Jim Anderson, Oregon Chapter of the American College of Emergency Physicians
	358	Rep. Krieger
	364	Rep. Bonamici
	370	Chair Macpherson
	371	Rep. Barker
	372	Chair Macpherson
	376	Rep. Barker
	377	Chair Macpherson

Rep. Barker
MOTION: Moves to adopt HB 2895 -5 amendments dated 4/20/07.
Chair Macpherson
Hearing no objection, declares the motion CARRIED.
Rep. Barker
MOTION: Moves HB 2895 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 9-0-0
Chair Macpherson
Hearing no objection, declares the motion CARRIED.
REP. BARKER will lead discussion on the floor.

HB 3026- WORK SESSION

148A	007	Bill Taylor, Counsel (EXHIBIT D)
	016	Chair Macpherson
	032	Jeff Stone, Oregon Association of Nurseries
	041	Chair Macpherson
	048	Taylor
	051	Rep. Flores
	057	Rep. Bonamici
	058	Chair Macpherson
	061	Stone
	062	Chair Macpherson
	068	Stone
	070	Rep. Bonamici
	079	Taylor
	082	Chair Macpherson
	084	Rep. Cameron
	085	Chair Macpherson
	088	Rep. Cameron
	090	Chair Macpherson

Rep. Cameron
MOTION: Moves to adopt HB 3023 -3 amendments dated 4/23/07.
Chair Macpherson
Hearing no objection, declares the motion CARRIED.
Rep. Cameron
MOTION: Moves HB 3026 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 9-0-0
Chair Macpherson
Hearing no objection, declares the motion CARRIED.
REP. OLSON will lead discussion on the floor.

HB 3314- WORK SESSION

148A	108	Bill Taylor, Counsel (EXHIBIT E)
	151	Rep. Bonamici
	154	Taylor
	163	Rep. Krieger
	180	Taylor
	185	Chair Macpherson
	202	Rep. Cameron
	218	Rep. Whisnant
	226	Chair Macpherson
	228	Rep. Whisnant
	240	Chair Macpherson
	244	Rep. Komp
	253	Rep. Barker
	259	Scott Bricker, Bicycle Transportation Alliance
	279	Chair Macpherson
	285	Rep. Flores
	296	Taylor
	302	Rep. Flores
	310	Taylor
	318	Rep. Flores
	321	Bricker
	338	Rep. Cameron
	347	Taylor
	356	Rep. Cameron
	357	Rep. Flores
	366	Taylor
	370	Rep. Flores
148A	379	Chair Macpherson

386 Rep. Barker
 387 Chair Macpherson
 405 Rep. Barker
 406 Chair Macpherson
 407 Rep. Barker
 411 Rep. Cameron
 416 Rep. Flores
 419 Rep. Whisnant
 422 Chair Macpherson

Rep. Barker

MOTION: Moves to adopt HB 3314 -3 amendments dated 4/23/07.

VOTE: 8-1-0

AYE: 8 - Barker, Bonamici, Cameron, Flores, Komp, Read, Whisnant, Macpherson

NAY: 1 - Krieger

Rep. Barker

MOTION: Moves HB 3314 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-4-0

AYE: 5 - Barker, Bonamici, Komp, Read, Macpherson

NAY: 4 - Cameron, Flores, Krieger, Whisnant

Chair Macpherson

The motion CARRIES.

REP. READ will lead discussion on the floor.

HB 3182- WORK SESSION

	439	Bill Taylor, Counsel (EXHIBIT F)
147B	010	Rep. Paul Holvey, House District 8 (EXHIBIT G)
	042	Chair Macpherson
	045	David Tattum, Consumer Business Services
	113	Rep. Cameron
	114	Chair Macpherson
	116	Rep. Cameron
	119	Tattum
	126	Rep. Cameron
	127	Tattum
	130	Holvey
	134	Rep. Cameron
	139	Tattum
	147	Rep. Cameron
147B	150	Tattum
	156	Rep. Holvey
	169	Rep. Cameron
	176	Rep. Holvey
	188	Rep. Komp
	202	Rep. Krieger
	210	Rep. Holvey
	231	Rep. Cameron
	240	Rep. Krieger
	242	Rep. Holvey
	254	Rep. Flores
	262	Chair Macpherson
	271	Peter Threlkel , Secretary of the State's Office
	356	Chair Macpherson
	370	Rep. Flores
	371	Threlkel
	382	Rep. Flores
148B	004	Threlkel
	012	Rep. Komp
	013	Chair Macpherson
	017	Rep. Komp
	018	Chair Macpherson
	023	Rep. Flores
	025	Chair Macpherson
	027	Rep. Flores
	033	Chair Macpherson
	034	Threlkel
	050	Rep. Cameron
	053	Chair Macpherson
	057	Rep. Komp
	058	Chair Macpherson

Rep. Komp

MOTION: Moves to adopt HB 3182 -1 amendments dated 4/19/07.

Chair Macpherson

Hearing no objection, declares the motion CARRIED.

Rep. Komp

MOTION: Moves HB 3182 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 8-1-0

AYE: 8 - Barker, Bonamici, Cameron, Flores, Komp, Krieger, Whisnant, Macpherson

148B

064

NAY: 1 - Read
Chair Macpherson
The motion CARRIES.
Chair Macpherson adjourns the meeting at 8:30 a.m.

EXHIBIT SUMMARY

- A. HB 2342, -1 amendments, Staff, 1p
- B. HB 2342, -2 amendments, Staff, 1p
- C. HB 2895, -5 amendments, Staff, 1p
- D. HB 3026, -3 amendments, Staff, 5pp
- E. HB 3314, -3 amendments, Staff, 4pp
- F. HB 3182, -1 amendments, Staff, 1p
- G. HB 3182, Written Testimony, Rep. Paul Holvey, 3pp

HOUSE COMMITTEE ON JUDICIARY

April 24, 2007 Hearing Room 357
8:00 AM Tapes 149-150

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
Jennifer Black, Committee Assistant

Measures or Issues Heard: HB 2415-Public Hearing
HB 3319-Public Hearing
HB 3233-Work Session
HB 2560-Work Session
HB 2349-Work Session
HB 2350-Work Session
HB 3313-Work Session

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TAPE # AND SIDE	COUNTER NUMBER	BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER
149A	004	Chair Macpherson calls the meeting into order at 8:29 AM
<u>HB 2415-PUBLIC HEARING</u>		
	014	Bill Taylor, Counsel (EXHIBIT A)
	017	Rep. Tom Butler, HD 60
	029	Andrew Willard, Oregon City Police Department
	066	Andrew Muyer
	093	Rep. Butler
	126	Rep. Bonamici
	140	Rep. Butler
	144	Rep. Barker
	158	Rep. Butler
	169	Muyer
	178	Chair Macpherson
	183	Kevin Starrett, Oregon Firearms Federation
	210	Donna Disch, State Fire Marshall's Office
	213	Anita Phillips, Department of State Police (EXHIBIT B)
	237	Disch
	246	Marie Severson, Oregon State Police
	257	Rod Harder, National Rifle Association

280	Paul Romain, Oregon Petroleum Association
308	Chair Macpherson
309	Rep. Cameron
317	Romain
319	Chair Macpherson

HB 3319-PUBLIC HEARING

	331	Matt Kalmanson, Counsel (EXHIBIT C)
	360	Chair Macpherson
	366	Kalmanson
	371	Randall Tosh, City of Salem (EXHIBIT D)
150A	041	Rep. Barker
	049	Tosh
	055	Rep. Bonamici
	059	Tosh
	073	Rep. Flores
	080	Tosh
	088	Chair Macpherson
	092	Joe Schweinhart, City of Salem
	097	Dan Gardner, Commissioner, Bureau of Labor and Industries (EXHIBIT E)
	145	Chair Macpherson
	153	Amy Joyce, Department of Transportation (EXHIBIT F)
	170	Rep. Cameron
	175	Tosh
	224	Rep. Bonamici
	233	Rep. Komp
	236	Rep. Cameron
	241	Chair Macpherson

The following prepared testimony is submitted for the record without public testimony:

Randall Edwards (**EXHIBIT G**)

HB 3233-WORK SESSION

250	Darian Stanford, Counsel (EXHIBIT H)
276	Heather Huhtanen, Attorney General's Sexual Assault Task Force
310	Chair Macpherson
318	Rep. Krieger
328	Huhtanen
338	Rep. Komp
341	Huhtanen
367	Rep. Komp
363	Ronelle Shankle, Department of Justice
380	Rep. Flores
388	Huhtanen
403	Rep. Bonamici
419	Ann Christian, Oregon Defense Lawyers Association

**MOTION: Rep. Barker moves to ADOPT HB 3233-3
amendments dated 04/23/07.**

VOTE: 9-0-0

Chair hearing no objection, declares the motion CARRIED.

**MOTION: Rep. Barker Moves HB 3233 to the floor with a
DO PASS recommendation and BE
REFERRED to the committee on Ways and
Means.**

VOTE: 9-0-0

Chair hearing no objection, declares the motion CARRIED.

149B 450
 457
 024

Rep. Komp
Chair Macpherson
Christian

HB 2560-WORK SESSION

046
058

Darian Stanford, Counsel
Chair Macpherson

**MOTION: Rep. Barker moves HB 2560 to the floor with a
DO PASS recommendation and BE REFERRED
to the committee on Ways and Means.**

VOTE: 8-0-1

EXCUSED: 1 - Whisnant

Chair hearing no objection, declares the motion CARRIED.

HB 2349-WORK SESSION

078
092

Darian Stanford, Counsel
Chair Macpherson

**MOTION: Rep. Barker moves HB 2349 to the floor with a
DO PASS recommendation and BE
REFERRED to the committee on Ways and
Means by prior reference.**

VOTE: 8-0-1

EXCUSED: 1 - Whisnant

Chair hearing no objection, declares the motion CARRIED.

HB 2350-WORK SESSION

108
121
127
135
137
150

Darian Stanford, Counsel
Rep. Bonamici
Joe O'Leary, Policy Advisory to Governor
Rep. Bonamici
O'Leary
Chair Macpherson

**MOTION: Rep. Barker moves HB 2350 to the floor with a
DO PASS recommendation and BE REFERRED
to the committee on Ways and Means by prior
reference.**

VOTE: 9-0-0

Chair hearing no objection, declares the motion CARRIED.

163
173
180
190

Rep. Bonamici
Rep. Barker
Chair Macpherson
Rep. Krieger

HB 2349-WORK SESSION

MOTION: Rep. Macpherson requests unanimous consent that the rules be **SUSPENDED** to allow **REP. WHISNANT** to **BE RECORDED** as voting **AYE** on the "**MOTION:** Rep. Barker moves **HB 2349** to the floor with a **DO PASS** recommendation and **BE REFERRED** to the committee on Ways and Means by prior reference.".

VOTE: 9-0-0

Chair hearing no objection, declares the motion **CARRIED**.

HB 2560-WORK SESSION

MOTION: Rep. Macpherson requests unanimous consent that the rules be **SUSPENDED** to allow **REP. WHISNANT** to **BE RECORDED** as voting **AYE** on the "**MOTION:** Rep. Barker moves **HB 2560** to the floor with a **DO PASS** recommendation and **BE REFERRED** to the committee on Ways and Means.

VOTE: 9-0-0

Chair hearing no objection, declares the motion **CARRIED**.

HB 3313-WORK SESSION

217

252

Matt Kalmanson, Counsel (**EXHIBIT I**)

Chair Macpherson

MOTION: Rep. Komp moves to **ADOPT HB 3313-3** amendments dated 04/20/07.

VOTE: 9-0-0

Chair hearing no objection, declares the motion **CARRIED**.

MOTION: Rep. Komp moves **HB 3313** to the floor with a **DO PASS AS AMENDED** recommendation.

VOTE: 9-0-0

Chair hearing no objection, declares the motion **CARRIED**.
REP. FLORES will lead discussion on the floor.

270

Rep. Flores

Chair Macpherson adjourns the meeting at 9:43 AM

EXHIBIT SUMMARY

- A. **HB 2415, -1 amendment, Staff, 1 p**
- B. **HB 2415, Written Testimony, Anita Philips, 1 p**
- C. **HB 3319, -1 amendment, Staff, 2 pp**
- D. **HB 3319, Written Testimony, Randall Tosh, 2 pp**
- E. **HB 3319, Written Testimony, Dan Gardner, 3 pp**
- F. **HB 3319, Written Testimony, Amy Joyce, 1 p**
- G. **HB 3319, Written Testimony, Randall Edwards, 4 pp**
- H. **HB 3233, -3 amendment, Staff, 18 pp**
- I. **HB 3313, -3 amendment, Staff, 3 pp**