

HOUSE COMMITTEE ON JUDICIARY

April 27, 2007 Hearing Room 357
7:00 AM Tapes 157-158

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

MEMBER EXCUSED: Rep. Jeff Barker

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

Measures or Issues Heard: HB 2331 Public Hearing
HB 2331 Work Session
HB 2327 Public Hearing
HB 2847 Work Session
HB 3407 Work Session
HB 3420 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
157A	002	Chair Macpherson calls the meeting into order at 7:04 a.m.
<u>HB 2331- PUBLIC HEARING</u>		
	010	Bill Taylor, Counsel (EXHIBIT A)
	020	Paul DeMuniz, Chief Justice (EXHIBIT B)
	044	Gerry Gaydos, Oregon State Bar
	053	Paul Snider, Association of Oregon Counties
	056	Rep. Krieger
	065	Rep. Bonamici
	070	Chair Macpherson
	072	Susan Grabe, Oregon State Bar
	084	Rep. Komp
157A	085	Grabe
	087	Rep. Krieger
	095	Rep. Komp
	111	Grabe
	120	Rep. Cameron
	130	Grabe
	136	Michael Mason, Oregon Law Center

160	Rep. Cameron
164	Michael Mason, Oregon Law Center
176	Rep. Bonamici
190	Michael Mason, Oregon Law Center
194	Chair Macpherson

HB 2331- WORK SESSION

200	Rep. Krieger
201	Chair Macpherson
204	Rep. Krieger
205	Chair Macpherson

Rep. Krieger

MOTION: Moves to adopt HB 2331 -3 amendments dated 4/26/07.

VOTE: 8-0-1

AYE: 8 – Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

EXCUSED: 1 - Barker

Chair Macpherson

Hearing no objection, declares the motion CARRIED.

Rep. Krieger

MOTION: Moves HB 2331 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 8-0-1

AYE: 8 – Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

EXCUSED: 1 - Barker

Chair Macpherson

Hearing no objection, declares the motion CARRIED.

HB 2327- PUBLIC HEARING

226	Chair Macpherson
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HB 2847 & 3407 WORK SESSION

157A	235	Bill Taylor, Counsel (EXHIBIT C)
	311	Rep. Flores
	314	Taylor
	319	Rep. Flores
	320	Taylor
	324	Brian DeLashmutt, Oregon Council of Police Associations
	335	Rep. Flores
	340	DeLashmutt
	362	Rep. Krieger
	367	DeLashmutt
	376	Rep. Krieger
	386	DeLashmutt
	396	Paul Snider, Association of Oregon Counties
158A	016	Chair Macpherson
	037	Tom Gallagher, Oregon Newspaper Publishers Association
	045	Snider

	055	Rep. Komp
	059	Chair Macpherson
	079	DeLashmutt
	092	Snider
	100	Chair Macpherson
	112	Rep. Bonamici
	113	Chair Macpherson
	115	Kevin Neely, Oregon District Attorney's Association
	132	Snider
	139	Neely
	147	Chair Macpherson
	150	Neely
	179	Rep. Bonamici
	183	Neely
	193	DeLashmutt
	202	Chair Macpherson
	208	Craig Chism
	232	Chair Macpherson
	244	Rep. Cameron
	258	Rep. Flores
	263	Taylor
	267	Rep. Whisnant
158A	272	Rep. Bonamici
	277	Chair Macpherson
	284	Rep. Cameron
	285	Chair Macpherson
	290	Rep. Cameron
	292	Chair Macpherson
		Rep. Cameron
		MOTION: Moves to adopt HB 3407 -1 amendments dated 4/26/07.
		Chair Macpherson
		Hearing no objection, declares the motion CARRIED.
		Rep. Cameron
		MOTION: Moves HB 3407 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1
		AYE: 8 - Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
		EXCUSED: 1 - Barker
		Chair Macpherson
		Hearing no objection, declares the motion CARRIED.
		REP. CAMERON will lead discussion on the floor.
 <u>HB 3420- WORK SESSION</u>		
	306	Bill Taylor, Counsel (EXHIBIT D)
	332	Chuck Hibner, Secretary of State's Office
	415	Chair Macpherson
	421	Hibner
157B	007	Taylor

012	Phil Lemon, Oregon Youth Authority, Deputy Youth Director
028	Chair Macpherson
029	Taylor
030	Hibner
032	Taylor
033	Hibner
039	Paul Snider, Association of Oregon Counties
050	Chair Macpherson
058	Rep. Flores
060	Chair Macpherson
076	Taylor
077	Rep. Flores
078	Chair Macpherson

Rep. Flores

MOTION: Moves to ADOPT HB 3420-2 amendments dated 4/27/07 and that the measure be FURTHER AMENDED by adding the Hand Engrossed version.

Chair Macpherson

Hearing no objection, declares the motion CARRIED.

Rep. Flores

MOTION: Moves HB 3420 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

VOTE: 8-0-1

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

EXCUSED: 1 - Barker

Chair Macpherson

The motion CARRIES.

REP. BARKER will lead discussion on the floor.

157B 084 Chair Macpherson adjourns the meeting at 8:08 a.m.

EXHIBIT SUMMARY

- A. HB 2331, -3 amendments, Staff, 20pp
- B. HB 2331, Written Testimony, Paul DeMuniz, 2pp
- C. HB 3407, -1 amendments, Staff, 18pp
- D. HB 3420, -2 amendments, Staff, 1p

HOUSE COMMITTEE ON JUDICIARY

April 27, 2007 Hearing Room 357
8:00 AM Tapes 159-162

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

MEMBER EXCUSED: Rep. Jeff Barker, Vice-Chair

STAFF PRESENT: Matt Kalmanson, Counsel
Darian Stanford, Counsel
Bill Taylor, Counsel
Jennifer Black, Committee Assistant

MEASURES OR ISSUES HEARD: HB 3336-Work Session
HB 2144-Work Session
HB 2152-Work Session
HB 2179-Work Session
HB 2303-Work Session
HB 3318-Public Hearing
HB 3515-Work Session
HB 2843-Work Session

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TAPE #	COUNTER	BRIEF DESCRIPTION OF SUBJECT MATTER
AND SIDE	NUMBER	OR CHANGE IN SPEAKER
159A	002	Chair Macpherson calls the meeting into order at 8:16 a.m.
<u>HB 3336-WORK SESSION</u>		
	020	Rep. Sarah Gelser, HD 16 (EXHIBIT A)
	042	Mary Williams
	059	Gelser
	103	Chair Macpherson
	105	Rep. Cameron
	107	Williams
	111	Chair Macpherson
		MOTION: Rep. Komp moves to ADOPT HB 3336-6 amendments dated 04/27/07.
159A		VOTE: 8-0-1
		EXCUSED: 1 - Barker
		Chair hearing no objection, declares the motion CARRIED.
		MOTION: Rep. Komp moves HB 3336 to the floor with a

DO PASS AS AMENDED recommendation.

VOTE: 8-0-1

EXCUSED: 1 - Barker

Chair hearing no objection, declares the motion CARRIED.

REP. GELSER will lead discussion on the floor.

HB 2144-WORK SESSION

145	Darian Stanford, Counsel
157	Rep. Bonamici
162	Rep. Whisnant
173	Chair Macpherson
181	Rep. Krieger
196	Phil Schradle
223	Rep. Whisnant
227	Rep. Bonamici
232	Rep. Cameron
252	Schradle
260	Rep. Komp
274	Chair Macpherson

HB 2152-WORK SESSION

	284	Darian Stanford, Counsel (EXHIBIT B)
	332	Rep. Read
	336	Stanford
	344	Rep. Whisnant
	351	Rep. Krieger
	373	Rep. Bonamici
160A	021	Rep. Krieger
	026	Phil Schradle
	049	Lorna Youngs
	058	Rep. Cameron
	071	Rep. Krieger
	079	Rep. Komp
	086	Schradle
	091	Rep. Komp
160A	101	Rep. Bonamici
	107	Schradle
	115	Chair Macpherson
	123	Rep. Flores
	128	Rep. Bonamici
	130	Rep. Krieger
	131	Chair Macpherson

HB 2179-WORK SESSION

134	Darian Stanford, Counsel (EXHIBIT C, D)
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HB 2303-WORK SESSION

193	Darian Stanford, Counsel (EXHIBIT E, F)
232	Chair Macpherson
244	Rep. Bonamici

	250	Chair Macpherson
	256	Rep. Krieger
	258	Chair Macpherson
	260	Rep. Andy Olson
	266	Rep. Whisnant
	271	Chair Macpherson
	275	Rep. Whisnant
	281	Rep. Krieger
	299	Chair Macpherson
	310	Rep. Cameron
	324	Chair Macpherson
	335	Rep. Cameron
	338	Rep. Olson
	358	Rep. Bonamici
	364	Stanford
	380	Chair Macpherson
	386	Rep. Flores
	403	Chair Macpherson
	407	Michael Slaussen
159B	003	Rep. Flores
	005	Stanford
	008	Rep. Cameron
	016	Rep. Krieger
159B	020	Rep. Komp
	023	Chair Macpherson
	036	Rep. Cameron

MOTION: Rep. Krieger moves to ADOPT HB 2303-3 amendments dated 04/17/07.

VOTE: 8-0-1

EXCUSED: 1 - Barker

Chair hearing no objection, declares the motion CARRIED.

MOTION: Rep. Krieger moves HB 2303 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 8-0-1

EXCUSED: 1 - Baker

Chair hearing no objection, declares the motion CARRIED.

HB 3318-PUBLIC HEARING

063	Darian Stanford, Counsel (EXHIBIT G)
084	Michael Silver (EXHIBIT H)
164	Gregory Marks, Portland State University (EXHIBIT I)
234	Rep. Whisnant
238	Michael Anderson (EXHIBIT J)
317	Mike Collins (EXHIBIT K, L)
344	Rep. Whisnant
347	Silver
352	Rep. Whisnant

	356	Silver
	360	Rep. Flores
	375	Silver
160B	003	Marks
	011	Rep. Flores
	017	Silver
	022	Marks
	026	Rep. Cameron
	033	Collins
	036	Rep. Cameron
	038	Collins
	043	Rep. Cameron
	046	Collins
	047	Rep. Flores
	056	Rep. Bonamici
160B	060	Silver
	069	Chair Macpherson
	076	Jay Kenton, Oregon University System
	119	Jack Rogers, Oregon State University
	191	Rep. Flores
	197	Kenton
	216	Rep. Flores
	226	Kenton
	237	Rep. Flores
	242	Rep. Komp
	250	Stanford
	253	Rep. Komp
	259	Stanford
	264	Rep. Komp
	273	Rep. Bonamici
	287	Rep. Komp
	288	Stanford
	296	Rep. Komp
	301	Rep. Bonamici
	306	Rep. Cameron
	341	Rep. Flores
	349	Rogers
	395	Rep. Flores
	398	Rep. Bonamici
	407	Kenton
	422	Chair Macpherson
	432	Eriks Gabliks, Department of Public Safety Standards and Training (EXHIBIT M)
161A	020	Rep. Read
	023	Gabliks
	033	Rep. Flores
	042	Gabliks
	044	Rep. Whisnant
	047	Gabliks
	052	Rep. Whisnant

	054	Gabliks
	061	Rep. Whisnant
	067	Gabliks
	073	Chair Macpherson
161A	079	Mike Hanson (EXHIBIT N)
	113	Chair Macpherson
	115	Rep. Cameron
	118	Hanson
	128	Rep. Flores
	133	Hanson
	142	Chair Macpherson
	149	Rep. Whisnant
	152	Rep. Flores

HB 3515-WORK SESSION

172	Darian Stanford, Counsel (EXHIBIT O)
219	Chair Macpherson

MOTION: Rep. Komp moves to ADOPT HB 3515-4 amendments dated 04/20/07.

VOTE: 8-0-1

EXCUSED: 1 - Barker

Chair hearing no objection, declares the motion CARRIED.

235	Rep. Bonamici
240	Stanford
257	Rep. Cameron
260	Stanford
280	Rep. Cameron
290	Rep. Krieger
296	Stanford
309	Rep. Bonamici
315	Stanford
317	Josh Nasby, Legislative Counsel
335	Rep. Flores
339	Chair Macpherson

MOTION: Rep. Komp moves HB 3515 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

VOTE: 8-0-1

EXCUSED: 1 - Baker

Chair hearing no objection, declares the motion CARRIED.

MACPHERSON will lead discussion on the floor.

360	Chair Macpherson
375	Rep. Bonamici

HB 2843-WORK SESSION

162A	012	Darian Stanford, Counsel (EXHIBIT P, Q, R)
	057	Chair Macpherson
	064	Rep. Andy Olson
	086	Mara , Legislative Assistant to Sen. Kate Brown

	097	Michael Slaussen
	185	Co-Chair Macpherson
	187	Rep. Bonamici
	193	Rep. Olson
	196	Rep. Bonamici
	199	Slaussen
	206	Rep. Bonamici
	210	Rep. Komp
	214	Slaussen
	216	Rep. Komp
	217	Co-Chair Macpherson
	225	Rep. Bonamici
	232	Andrea Meyer, American Civil Liberties Union of Oregon
	282	Rep. Flores
	289	Meyer
	307	Ted Hughes, Motion Picture Association of America (EXHIBIT S)
	355	Meyer
	362	Stanford
	374	Chair Macpherson
	378	Stanford
161B	074	Rep. Bonamici
	079	Stanford
	094	Chair Macpherson
	101	Rep. Bonamici
	104	Stanford
	117	Chair Macpherson
		Krieger moves -1 into HB 2843.
	125	Rep. Bonamici
	129	Rep. Flores
		MOTION: Rep. Krieger moves to ADOPT HB 2843-3 amendments dated 04/26/07.
		VOTE: 8-0-1
		EXCUSED: 1 - Barker
		Chair hearing no objection, declares the motion CARRIED.
161B		MOTION: Rep. Krieger moves HB 2843 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 - Barker
		Chair hearing no objection, declares the motion CARRIED.
	139	Rep. Cameron
	141	Chair Macpherson
		The following prepared testimony is submitted for the record without public testimony:
		Jim Loening (EXHIBIT T)
		Jim Loening (EXHIBIT U)
		Jim Loening (EXHIBIT V)

Jim Loening (**EXHIBIT W**)

Jim Loening (**EXHIBIT X**)

Chair Macpherson adjourns the meeting at 11:12 AM

EXHIBIT SUMMARY

- A. **HB 3336, -6 amendment, Staff, 3 pp**
- B. **HB 2152, Written Testimony, Staff, 5 pp**
- C. **HB 2179, -1 amendment, Staff, 1 p**
- D. **HB 2179, -2 amendment, Staff, 1 p**
- E. **HB 2303, -1 amendment, Staff, 1 p**
- F. **HB 2303, -3 amendment, Staff, 2 pp**
- G. **HB 3318, -1 amendment, Staff, 1 p**
- H. **HB 3318, Written Testimony, Mike Silver, 3 pp**
- I. **HB 3318, Written Testimony, Gregory Marks, 4 pp**
- J. **HB 3318, Written Testimony, Michael Anderson, 3 pp**
- K. **HB 3318, Written Testimony, Mike Collins, 6 pp**
- L. **HB 3318, Written Testimony of Zach Hermens, Mike Collins, 2 pp**
- M. **HB 3318, Written Testimony, Eriks Gabliks, 2 pp**
- N. **HB 3318, Written Testimony, Mike Hanson, 1 p**
- O. **HB 3515, -4 amendment, Staff, 12 pp**
- P. **HB 2843, -1 amendment, Staff, 1 p**
- Q. **HB 2843, -4 amendment, Staff, 24 pp**
- R. **HB 2843, -3 amendment, Staff, 2 pp**
- S. **HB 2843, Written Testimony, Ted Hughes, 2 pp**
- T. **HB 2144, Written Testimony, Jim Loenning, 2 pp**
- U. **HB 2152, Written Testimony, Jim Loenning, 2 pp**
- V. **HB 2179, Written Testimony, Jim Loenning, 2 pp**
- W. **HB 2843, Written Testimony, Jim Loenning, 2 pp**
- X. **HB 3515, Written Testimony, Jim Loenning, 2 pp**