# **HOUSE COMMITTEE ON JUDICIARY**

April 30, 2007 Hearing Room 357 8:00 AM Tapes 162-165

MEMBERS PRESENT:	<b>Rep. Greg Macpherson, Chair</b>
	Rep. Jeff Barker
	Rep. Gene Whisnant
	Rep. Suzanne Bonamici
	Rep. Kevin Cameron
	Rep. Linda Flores
	Rep. Betty Komp
	Rep. Wayne Krieger
	Rep. Tobias Read
STAFF PRESENT:	Matt Kalmanson, Counsel
	Darian Stanford, Counsel
	Bill Taylor, Counsel
	Sara Campbell, Committee Assistant
<b>Measures or Issues Heard:</b>	HB 3547 Public Hearing
	HJR 56 Public Hearing
	HB 3547 Work Session

Measures or Issues Heard: HB 3547 Public	Hearing
HJR 56 Public Hearin	g
HB 3547 Work Session	n
HJR 56 Work Session	
HB 2909 Work Session	n
HB 3129 Work Session	n
HB 3241 Work Session	n
HB 3279 Work Session	n
HB 2740 Work Session	n
HB 2144 Work Session	n
HB 2152 Work Session	n
HB 2179 Work Session	n
HB 2327 Work Session	n
HB 3251 Work Session	n
HB 3369 Work Session	n
HB 3318 Work Session	n
HB 2766 Work Session	n

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TAPE #	COUNTER	BRIEF DESCRIPTION OF SUBJECT MATTER
AND SIDE	NUMBER	OR CHANGE IN SPEAKER
162A	002	Chair Macpherson calls the meeting into order at 8:08 a.m.
<u>НВ 3547 &amp; Н.</u>	IR 56- PUBLIC HEAR	ang
	010	Matt Kalmanson, Counsel
162A	032	Rep. Kevin Cameron, House District 19
	079	Scott Winkle, League of Oregon Cities
	111	Mayor Rob Drake, City of Beaverton (EXHIBIT A)
	153	Jayne Dahl, Chamber of Commerce
	187	T.J. Sullivan, City Council Salem, Oregon (EXHIBIT B & C)

	212	Rep. Bonamici
	231	Drake
	252	Rep. Bonamici
	256	Winkle
	273	Julia Allison, Citizen (EXHIBIT D & E)
	367	Darlene Lunden, Citizen
163A	060	John Kinman, American Association for Nude Recreation (EXHIBIT F & G)
	110	Sharon Bower, Willanettans
	132	Rep. Cameron
	141	Kinman
	160	Greg Chaimov, ACLU (EXHIBIT H)
	194	Andrea Meyer, ACLU
	239	Rep. Bonamici
	255	Chaimov
	284	Meyer
	298	Rep. Bonamici
	304	Chaimov
	305	Chair Macpherson
	200	
<u>HB 3547 &amp;</u>	HJR 56- WORK SES	
	306	Chair Macpherson
	338	Rep. Cameron
	348	Rep. Barker
	349	Rep. Bonamici
	367	Rep. Whisnant
	373	Rep. Komp
	380	Rep. Krieger
	384	Chair Macpherson
	403	Rep. Cameron
		MOTION: Rep. Cameron moves HJR 56 and HB 3547 to the
		floor with a DO PASS recommendation and BE REFERRED
		to the committee on Elections, Ethics and Rules by prior
		reference.
163A	410	Chair Macpherson
	414	Rep. Komp
	417	Chair Macpherson
162B	015	Rep. Whisnant
		MOTION: Chair Macpherson moves to AMEND the motion
		by substituting "Do Pass" for "Without
		recommendation and BE REFERRED to the
		committee on Elections, Ethics and Rules by
		prior reference".
		VOTE: 5-4-0 AYE: 5 - Barker, Bonamici, Komp, Read,
		Macpherson
		NAY: 4 - Cameron, Flores, Krieger, Whisnant
		Chair Macpherson declares the motion CARRIED.
	016	Chair Macpherson
	025	Rep. Flores
	025	10p. 1 10105

	029 037 039 044	Rep. Barker Rep. Bonamici Rep. Cameron Chair Macpherson <b>MOTION: Rep. Cameron moves HJR 56 and HB 3547 to the</b>
		committee on Elections, Ethics and Rules WITHOUT recommendation. VOTE: 8-1-0
		AYE: 8 - Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson NAY: 1 - Barker
		Chair Macpherson declares the motion CARRIED.
HB 29	909- WORK SESSION	
	059	Matt Kalmanson, Counsel (EXHIBIT I, J, K, L, M, N, O)
	095	Rep. Whisnant
	096	Kalmanson
	103	Rep. Komp
	104	Kalmanson
	116	Rep. Whisnant
	127	Rep. Bonamici
		Rep. Bonamici
		MOTION: Moves to ADOPT HB 2909-5 amendments dated 4/09/07.
	137	Chair Macpherson
	138	Rep. Whisnant
	142	Chair Macpherson
	144	Rep. Bonamici
162B	148	Rep. Krieger
	155	Chair Macpherson
	170	Rep. Bonamici
	178	Rep. Komp
	188	Rep. Cameron
	194	Chair Macpherson
	199	Kalmanson
	208	Rep. Cameron
	209	Rep. Bonamici
	211	Kalmanson
	226	Rep. Whisnant
	235	Chair Macpherson
	253	Rep. Krieger
	260	Rep. Flores
	269	Chair Macpherson
	277	Rep. Bonamici
	283	Rep. Flores
	288	Rep. Komp
	290	Rep. Bonamici
	292	Kalmanson
	334	Rep. Krieger
	336	Kalmanson

365	Rep. Flores
366	Chair Macpherson
	Rep. Komp
	MOTION: Moves to AMEND the motion ADOPT HB 2909-5 amendments dated 4/09/07 by substituting "the -8 amendments dated 4/23/07 and insert the -5 amendments".
	VOTE: 3-6-0
	AYE: 3 - Komp, Read, Macpherson
	NAY: 6 - Barker, Bonamici, Cameron, Flores,
	Krieger, Whisnant
	Chair Macpherson The motion FAILS.
348	Chair Macpherson
365	Rep. Flores
366	Chair Macpherson
500	Rep. Bonamici
	MOTION: Moves to ADOPT HB 2909-5 amendments dated
	4/09/07.
	<b>VOTE: 4-5-0</b>
	AYE: 4 - Barker, Bonamici, Read, Macpherson
	NAY: 5 - Cameron, Flores, Komp, Krieger,
	Whisnant
	Chair Macpherson The motion FAILS.
001	Rep. Whisnant
001	Rep. Whisnant
	MOTION: Moves to ADOPT HB 2909-10 amendments dated
	4/27/07.
002	Rep. Bonamici
005	Kalmanson
008	Rep. Flores
010	Chair Macpherson
019	Rep. Bonamici
020	Rep. Read
022	Chair Macpherson
026	Rep. Komp
028	Kalmanson
038	Rep. Bonamici
039 040	Chair Macpherson Kalmanson
040	
044 047	Rep. Bonamici Chair Macpherson
054	Rep. Read
001	Rep. Read
	MOTION: Moves to amend ADOPT HB 2909 -10
	amendments dated 4/27/07.
	<b>VOTE: 4-5-0</b>
	AYE:4 - Bonamici, Komp, Read, MacphersonNAY:5 - Barker, Cameron, Flores, Krieger,

163B

		Whisnant Chair Macpherson The motion FAILS.
	055	Chair Macpherson
	065	Rep. Barker
	068	Chair Macpherson
	085	Rep. Whisnant
	086	Chair Macpherson
		Chair Macpherson
		MOTION: Moves to ADOPT HB 2909-10 amendments dated 4/27/07.
		<b>VOTE: 4-5-0</b>
		AYE: 4 - Cameron, Flores, Krieger, Whisnant
		NAY: 5 - Barker, Bonamici, Komp, Read,
		Macpherson
163B		Chair Macpherson
	000	The motion FAILS.
	088	Chair Macpherson
	091	Rep. Whisnant
	093	Chair Macpherson
	106	Rep. Krieger
	109	Chair Macpherson
	110	Rep. Whisnant
	111	Rep. Cameron
	115	Chair Macpherson
		Chair Macpherson
		MOTION: Moves to ADOPT HB 2909-9 amendments dated 4/27/07.
		VOTE: 5-3-1
		AYE: 5 - Barker, Bonamici, Komp, Read,
		Macpherson National States and St
		NAY: 3 - Cameron, Krieger, Whisnant EXCUSED: 1 - Flores
		Chair Macpherson The motion CARRIES.
	118	Chair Macpherson
	119	Rep. Komp
	120	Chair Macpherson
	120	Rep. Komp
		MOTION: Moves to ADOPT HB 2909-3 amendments dated
		3/29/07.
		VOTE: 8-0-1 AVE: 8 Barker Banamiai Camaran Kamp
		AYE: 8 - Barker, Bonamici, Cameron, Komp, Krieger Bood Whispont Meanhorson
		Krieger, Read, Whisnant, Macpherson EXCUSED: 1 - Flores
		Chair Macpherson
		The motion CARRIES.
	136	Rep. Bonamici
	148	Rep. Barker
	154	Rep. Komp
	158	Rep. Barker
		*

160	Chair Macpherson
162	Rep. Bonamici
170	Chair Macpherson
172	Rep. Bonamici
	Rep. Bonamici
	MOTION: Moves HB 2909 to the floor with a DO PASS AS AMENDED recommendation.
163B	<b>VOTE: 4-4-1</b>
	AYE: 4 - Barker, Bonamici, Read, Macpherson
	NAY: 4 - Cameron, Komp, Krieger, Whisnant
	EXCUSED: 1 - Flores
	Chair Macpherson The metion EAU S
191	The motion FAILS. Rep. Barker
191	Rep. Barker
	•
	MOTION: Moves HB 2909 to the Committee on Elections, Ethics and Rules with a DO PASS AS
	AMENDED recommendation.
	VOTE: 6-2-1 AYE: 6 - Barker, Bonamici, Komp, Krieger, Read,
	Macpherson
	NAY: 2 - Cameron, Whisnant
	EXCUSED: 1 - Flores
	Chair Macpherson
	The motion CARRIES.
210	Rep. Whisnant
215	Chair Macpherson
HB 3129-WORK SESSION	
220	Rep. Jeff Barker, House District 28
241	Chair Macpherson
242	Rep. Barker (EXHIBIT P)
245	Chair Macpherson
259	Rep. Barker
	Rep. Barker
	MOTION: Moves to ADOPT HB 3129-2 amendments dated 4/17/07.
	VOTE: 8-0-1
	AYE: 8 - Barker, Bonamici, Cameron, Komp,
	Krieger, Read, Whisnant, Macpherson
	EXCUSED: 1 - Flores
	Chair Macpherson
260	The motion CARRIES.
260	Chair Macpherson Rep. Barker
202	Rep. Barker <b>Rep. Barker</b>
	•
	MOTION: Moves HB 3129 to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Revenue with a DO PASS AS AMENDED recommendation.

**VOTE: 8-0-1** 

# AYE:8 - Barker, Bonamici, Cameron, Komp,Krieger, Read, Whisnant, MacphersonEXCUSED:1 - FloresChair MacphersonThe motion CARRIES.

<u>HB 3241- WO</u>	RK SESSION	
163B	306	Matt Kalmanson, Counsel
	320	Chair Macpherson
	323	Rep. Krieger
		Rep. Krieger
		MOTION: Moves HB 3241 to the floor with a DO PASS
	328	recommendation. Rep. Cameron
	328	Chair Macpherson
	352	Rep. Bonamici
	357	Kalmanson
	369	Rep. Bonamici
	373	Kalmanson
	382	Rep. Bonamici
	385	Kalmanson
	391	Chair Macpherson
	400	Rep. Flores
	400	Chair Macpherson
	408	Rep. Krieger
	420	Chair Macpherson
		MOTION: Moves to AMEND the motion to move HB 3241 to the floor with a DO PASS recommendation and be REFERRED to the committee on Elections, Ethics and Rules".
164A	002	VOTE: 4-4-1AYE:4 - Bonamici, Komp, Read, MacphersonNAY:4 - Barker, Cameron, Flores, WhisnantEXCUSED:1 - KriegerChair MacphersonThe motion FAILS.Chair MacphersonRep. Macpherson
164A		<ul> <li>MOTION: Moves HB 3241 to the floor with a DO PASS recommendation.</li> <li>VOTE: 5-3-1</li> <li>AYE: 5 - Barker, Cameron, Flores, Read, Whisnant NAY: 3 - Bonamici, Komp, Macpherson</li> <li>EXCUSED: 1 - Krieger</li> <li>Chair Macpherson</li> <li>The motion CARRIES.</li> </ul>
		<b>REP. CAMERON</b> will lead discussion on the floor.
<u>HB 3279- WO</u>	RK SESSION 020	Matt Kalmanson, Counsel (EXHIBIT Q, R, S)

	055	Rep. Larry Galizio, House District 35
	088	Rep. Bonamici
	126	Chuck Bennett, Board of School Administrators
	163	Jim Green, Board of School Administrators
	174	Rep. Bonamici
	187	Rep. Galizio
	220	Rep. Komp
	222	Kalmanson
	223	Rep. Flores
	235	Rep. Galizio
	244	Green
	280	Rep. Flores
	282	Rep. Bonamici
	283	Chair Macpherson
	284	Rep. Bonamici
	287	Chair Macpherson
	291	Rep. Whisnant
	333	Rep. Cameron
	355	Rep. Barker
	367	Rep. Komp
165A	003	Chair Macpherson
		Rep. Bonamici
		MOTION: Moves to ADOPT HB 3279-4 amendments dated 4/27/07.
		4/2//0/. VOTE: 8-0-1
		AYE: 8 - Barker, Bonamici, Cameron, Flores, Komp,
		Read, Whisnant, Macpherson
		EXCUSED: 1 - Krieger
		Chair Macpherson
		The motion CARRIES.
		Rep. Bonamici
		MOTION: Moves HB 3279 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-2-1
		AYE: 6 - Barker, Bonamici, Flores, Komp, Read,
		Macpherson
		NAY: 2 - Cameron, Whisnant
		EXCUSED: 1 - Krieger
165A		Chair Macpherson
		The motion CARRIES.
		<b>REP. GALIZIO will lead discussion on the floor.</b>
HB 2740- WC	ORK SESSION	
	016	Darian Stanford, Counsel (EXHIBIT T & U)
	043	Rep. Barker
	050	Chair Macpherson
	054	Rep. Bonamici
	058	Stanford
	066	Rep. Barker
		Rep. Barker

		MOTION: Moves to ADOPT HB 2740-1 amendments dated 3/28/07.
		VOTE: 8-0-1
		AYE: 8 - Barker, Bonamici, Cameron, Flores, Komp,
		Read, Whisnant, Macpherson
		EXCUSED: 1 - Krieger
		Chair Macpherson
		The motion CARRIES.
	067	Chair Macpherson
	069	Rep. Barker
		Rep. Barker
		MOTION: Moves HB 2740 to BE REFERRED to the committee on Ways and Means by prior reference with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1
		AYE: 8 - Barker, Bonamici, Cameron, Flores, Komp,
		Read, Whisnant, Macpherson EXCUSED: 1 - Krieger
		EXCUSED: 1 - Krieger Chair Macpherson
		The motion CARRIES.
	070	Chair Macpherson
<u>HB 2144-</u>	WORK SESSION	
	090	Darian Stanford, Counsel
	103	Chair Macpherson
	109	Rep. Cameron
	120	Stanford
	131	Rep. Flores
165A	134	Stanford
	148	Rep. Flores
	155	Rep. Bonamici
	166	Rep. Cameron
	180	Rep. Flores
	182	Chair Macpherson
HR 2152	WORK SESSION	
<u>IID 2132-</u>	<u>190</u>	Darian Stanford, Counsel
	220	Chair Macpherson
	227	Rep. Barker
	236	Rep. Flores
	252	Rep. Barker
	254	Rep. Flores
	256	Rep. Bonamici
	322	Rep. Komp
	350	Chair Macpherson
	351	Rep. Whisnant
	354	Rep. Flores
	361	Rep. Barker

Chair Macpherson **Rep. Barker** 

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	loves HB 2152 to the floor with a DO PASS ecommendation.	
<b>VOTE: 5-3-1</b>		
AYE:	5 - Barker, Cameron, Komp, Whisnant,	
Macpherson	-	
NAY:	3 - Bonamici, Flores, Read	
EXCUSED:	1 - Krieger	
Chair Macpherson		
The motion CARRIES.		
REP. BARKER will lead discussion on the floor.		

## HB 2179- WORK SESSION

080	Darian Stanford, Counsel (EXHIBITS V & W)
423	Chair Macpherson
002	Stanford
006	Rep. Cameron
011	Rep. Bonamici
013	Rep. Whisnant
015	Stanford
046	Harry Gilmore, Department of Human Services
065	Rep. Whisnant
066	Gilmore
069	Chair Macpherson
071	Rep. Whisnant
073	Gilmore
077	Stanford
078	Gilmore
082	Stanford
084	Chair Macpherson
087	Stanford
093	Rep. Cameron
	Rep. Cameron
	MOTION: Moves to ADOPT HB 2179 -1 amendments dated 1/23/07.
	Chair Macpherson
	Hearing no objection, declares the motion CARRIED.
	Rep. Cameron
	MOTION: Moves to ADOPT HB 2179 -2 amendments dated 3/22/07.
	Chair Macpherson
	Hearing no objection, declares the motion CARRIED.
	Rep. Cameron
096	Chair Macpherson
	Rep. Cameron
	MOTION: Moves HB 2179 to the floor with a DO PASS AS AMENDED recommendation.
	VOTE: 8-0-1
	AYE: 8 - Barker, Bonamici, Cameron, Flores, Komp, Read, Whisnant, Macpherson EXCUSED: 1 – Krieger
	423 002 006 011 013 015 046 065 066 069 071 073 077 078 082 084 087

### Chair Macpherson The motion CARRIES. REP. CAMERON will lead discussion on the floor.

HB 2327- WORK SESSION	
111	Bill Taylor, Counsel (EXHIBIT X)
130	Rep. Jeff Barker, House District 28
162	Rep. Whisnant
165	Taylor
170	Rep. Whisnant
173	Taylor
183	Rep. Whisnant
195	Taylor
201	Chair Macpherson
211	Rep. Bonamici
218	Taylor
230	Chair Macpherson
241	Rep. Flores
245	Taylor
272	Rep. Flores
273	Chair Macpherson
274	Rep. Barker
275	Chair Macpherson
276	Rep. Barker
	MOTION: Moves to ADOPT HB 2327-3 amendments dated 04/30/07.
281	VOTE: 8-0-1 EXCUSED: 1 - Krieger Chair Macpherson hearing no objection, declares the motion
	CARRIED.
285	Rep. Barker MOTION: Moves HB 2327 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
	VOTE: 8-0-1
	EXCUSED: 1 - Kreiger
290	Chair Macpherson hearing no objection, declares the motion CARRIED.
HB 3251 & 3369- WORK SESSION	
164B 300	Rep. Nancy Nathanson, House District 13 (EXHIBIT Y)
333	Paul Snider, Association of Oregon Counties
341	Rep. Whisnant
348	Rep. Cameron
350	Chair Macpherson
352	Rep. Bonamici
	Rep. Bonamici
	MOTION: Moves to ADOPT HB 3369-1 amendments dated 4/26/07.
354	Chair Macpherson

	355	Rep. Bonamici <b>Rep. Bonamici</b>
		MOTION: Moves HB 3369 to the floor with a DO PASS AS
1 <i>64</i> D		AMENDED recommendation.
164B		VOTE: 7-1-1 AYE: 7 - Barker, Bonamici, Cameron, Flores, Komp,
		Read, Macpherson
		NAY: 1 - Whisnant
		EXCUSED: 1 - Krieger
		Chair Macpherson
		The motion CARRIES.
		<b>REP. NATHANSON will lead discussion on the floor.</b>
	364	Rep. Flores
	370	Rep. Nathanson
	002	Chair Macpherson
165B	010	Rep. Barker
		Rep. Barker
		MOTION: Moves HB 3251 to the full committee Ways and Means with a DO PASS recommendation by prior reference.
		VOTE: 7-1-1
		AYE: 7 - Barker, Bonamici, Cameron, Flores, Komp,
		Read, Macpherson
		NAY: 1 - Whisnant
		EXCUSED: 1 - Krieger
		Chair Macpherson
		The motion CARRIES.
	011	Chair Macpherson
HB 3318- W	ORK SESSION	
	016	Bill Taylor, Counsel (EXHIBIT Z)
	030	Rep. Bonamici
	037	Chair Macpherson
	046	Rep. Cameron
	060	Rep. Bonamici
	061	Rep. Whisnant
	063	Chair Macpherson
	070	Rep. Flores
	078	Rep. Whisnant
	0,0	Rep. Whisnant
		MOTION: Moves to ADOPT HB 3318-1 amendments dated
		4/12/07.
		VOTE: 8-0-0
		EXCUSED: 1 - Krieger
		Chair Macpherson
	004	Hearing no objection, declares the motion CARRIED.
165D	084	Chair Macpherson Bon Whignort
165B	085	Rep. Whisnant
		Rep. Whisnant
		MOTION: Moves HB 3318 to the floor with a DO PASS AS AMENDED recommendation and BE

	REFERRED to the committee on Ways and Means by prior reference. VOTE: 7-1-1 AYE: 7 - Barker, Cameron, Flores, Komp, Read, Whisnant, Macpherson NAY: 1 - Bonamici EXCUSED: 1 - Krieger Chair Macpherson The motion CARRIES.
087	Chair Macpherson
090	Rep. Bonamici
096	Rep. Barker
102	Chair Macpherson
124	Rep. Barker
HB 2766- WORK SESSION	
134	Chair Macpherson
139	Rep. Barker
145	Rep. Cameron
146	Rep. Komp
149	Rep. Bonamici
151	Chair Macpherson
165	Rep. Cameron
175	Rep. Read
180	Rep. Komp
183	Rep. Barker
190	Rep. Bonamici
194	Rep. Barker
195	Chair Macpherson
	Rep. Barker MOTION: Moves HB 2766 to the floor with a DO PASS
	recommendation.
	VOTE: 6-2-1
	AYE: 6 - Barker, Cameron, Flores, Komp, Read,
	Whisnant
	NAY: 2 - Bonamici, Macpherson
165B	EXCUSED: 1 - Krieger
103D	Chair Macpherson The motion CARRIES.
	REP. BARKER will lead discussion on the floor.
202	Chair Macpherson adjourns the meeting at 11:32 a.m.

### **EXHIBIT SUMMARY**

- A. HJR 56, Written Testimony, Rob Drake, 2p
- B. HB 3547, Written Testimony, T.J. Sullivan, 1p
- C. HJR 56, Written Testimony, T.J. Sullivan, 1p
- D. HB 3547, Written Testimony, Julia Allison, 2pp
- E. HJR 56, Written Testimony, Julia Allison, 2pp

- F. HB 3547, Informational Packet, John Kinman, 19pp
- G. HJR 56, Informational Packet, John Kinman, 6pp
- H. HJR 56, Written Testimony, Greg Chaimov, 2pp
- I. HB 2909, -2 amendments, Staff, 2pp
- J. HB 2909, -3 amendments, Staff, 2pp
- K. HB 2909, -5 amendments, Staff, 6pp
- L. HB 2909, -7 amendments, Staff, 6pp
- M. HB 2909, -8 amendments, Staff, 6pp
- N. HB 2909, -9 amendments, Staff, 6pp
- O. HB 2909, -10 amendments, Staff, 2pp
- P. HB 3129, -2 amendments, Staff, 1p
- Q. HB 3279, -2 amendments, Staff, 2pp
- R. HB 3279, -3 amendments, Staff, 2pp
- S. HB 3279, -4 amendments, Staff, 2pp
- T. HB 2740, -1 amendments, Staff, 3pp
- U. HB 2740, -2 amendments, Staff, 2pp
- V. HB 2179, -1 amendments, Staff, 1p
- W. HB 2179, -2 amendments, Staff, 1p
- X. HB 2327, -3 amendments, Staff, 20pp
- Y. HB 3369, -1 amendments, Staff, 1p
- Z. HB 3318, -1 amendments, Staff, 1p