

## SENATE COMMITTEE ON JUDICIARY

May 30, 2007 Hearing Room 343  
1:00 PM Tapes 148 - 149

**MEMBERS PRESENT:**        **Sen. Ginny Burdick, Chair**  
                                  **Sen. Roger Beyer, Vice-Chair**  
                                  **Sen. Jeff Kruse**  
                                  **Sen. Floyd Prozanski**  
                                  **Sen. Vicki Walker**

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

**MEASURES OR ISSUES HEARD:**        **HB 2333A-Work Session**  
  **HB 2508A-Work Session**  
  **HB 3379A-Work Session**  
  **HB 2872A-Public Hearing**  
  **HB 2127A-Work Session**  
  **HB 3442A-Work Session**  
  **HB 3279A-Work Session**  
  **HB 2651A-Work Session**  
  **HB 2340-Public Hearing and Work Session**  
  **HB 2553A-Public Hearing and Work Session**  
  **HB 2872A-Public Hearing and Work Session**  
  **HB 2252A-Work Session**  
  **HB 2568A-Public Hearing and Work Session**  
  **HB 2676A-Public Hearing and Work Session**  
  **HB 2181A-Public Hearing and Work Session**  
  **HB 2179A-Public Hearing and Work Session**  
  **HB 2417-Work Session**  
  **HB 2637A-Work Session**  
  **HB 3086-Work Session**

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

<b>TAPE #</b>	<b>COUNTER</b>	<b>BRIEF DESCRIPTION OF SUBJECT MATTER</b>
<b>AND SIDE</b>	<b>NUMBER</b>	<b>OR CHANGE IN SPEAKER</b>
148A	003	Chair Burdick calls the meeting to order at 1:02 PM
<b><u>HB 2333A-WORK SESSION</u></b>		
	008	Darian Stanford, Counsel ( <b>EXHIBIT A</b> )
	042	Chair Macpherson
	045	Rep. Wayne Krieger, HD 1
148A		<b>MOTION: Sen. Beyer moves to ADOPT HB 2333A-5 amendments dated 05/25/07.</b>
		<b>VOTE: 5-0-0</b>
		<b>Chair hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Sen. Beyer moves HB 2333A to the floor with a</b>

**DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-0**

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

**HB 2508A-WORK SESSION**

074

Darian Stanford, Counsel

**MOTION: Sen. Prozanski moves HB 2508A to the floor with  
a DO PASS recommendation.**

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. PROZANSKI will lead discussion on the floor.**

**HB 3379A-WORK SESSION**

102

Darian Stanford, Counsel

**MOTION: Sen. Beyer moves HB 3379A to the floor with a  
DO PASS recommendation.**

**VOTE: 5-0-0**

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

120

Sen. Prozanski

**HB 2872A-PUBLIC HEARING**

138

Darian Stanford, Counsel (EXHIBIT B)

**HB 2127A-WORK SESSION**

164

Darian Stanford, Counsel

**MOTION: Sen. Beyer moves HB 2127A to the floor with a  
DO PASS recommendation.**

**VOTE: 5-0-0**

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

**HB 3442A-WORK SESSION**

191

Ellen Osoinach, Counsel (EXHIBIT C)

**MOTION: Sen. Beyer moves to ADOPT HB 3442 A-4  
amendments dated 05/25/07.**

148A

**VOTE: 5-0-0**

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

200

**MOTION: Sen. Beyer moves HB 3442 A to the floor with a  
DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-0**

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

**HB 3279A-WORK SESSION**

219

Matt Kalmanson, Counsel (EXHIBIT D)

**MOTION: Sen. Beyer moves to ADOPT HB 3279A-6  
amendments dated 05/30/07.**

**VOTE: 5-0-0**

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

**MOTION: Sen. Prozanski moves HB 3279A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. BURDICK will lead discussion on the floor.**

**HB 2651A-WORK SESSION**

279

Darian Stanford, Counsel (EXHIBIT E, F, G, H)

341

Chair Burdick

**MOTION: Sen. Beyer moves to ADOPT HB 2651A-8 amendments dated 05/29/07.**

**VOTE: 5-0-0**

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

**MOTION: Sen. Beyer moves HB 2651A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-0**

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

**SEN. BURDICK will lead discussion on the floor.**

**HB 2340A-PUBLIC HEARING**

373

Darian Stanford, Counsel (EXHIBIT I, J)

149A

022

Sen. Walker

033

Mark McDonnell, Multnomah County District Attorney

**(EXHIBIT K)**

035

David Schmierbach (EXHIBIT L)

059

McDonnell

086

Chair Burdick

093

Sen. Walker

096

McDonnell

149A

103

Sen. Walker

109

Amy Elkanich, Oregon Criminal Defense Lawyers Association

133

Chair Burdick

**HB 2340-WORK SESSION**

**MOTION: Sen. Beyer moves to ADOPT HB 2340-3 amendments dated 05/30/07.**

**VOTE: 5-0-0**

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

**MOTION: Sen. Beyer moves HB 2340 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 4-1-0**

**AYE: 4 - Beyer, Kruse, Prozanski, Burdick**

**NAY: 1 - Walker**

**Chair: the motion CARRIES.**

**SEN. BURDICK will lead discussion on the floor.**

**HB 2553A-PUBLIC HEARING**

163

Bill Taylor, Counsel

170

Rep. Wayne Krieger, HD 1

214

Chair Burdick

**HB 2553A-WORK SESSION**

**MOTION: Sen. Beyer moves HB 2553A to the floor with a DO PASS recommendation.**

**VOTE: 5-0-0**

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

**HB 2872A-PUBLIC HEARING**

227

Darian Stanford, Counsel (**EXHIBIT M**)

241

Rep. Greg Macpherson, HD 38

332

Chair Burdick

337

Rep. Macpherson

360

Sen. Prozanski

408

Chair Burdick

215

Troy Costales, Oregon Department of Transportation (**EXHIBIT N, O**)

148B

010

Chair Burdick

016

Amy Elkanich, Oregon Criminal Defense Lawyers Association

025

Sen. Walker

148B

033

Elkanich

041

Andrea Meyer, American Civil Liberties Union of Oregon

044

Sen. Prozanski

052

Elkanich

062

Chair Burdick

**HB 2872A-WORK SESSION**

**MOTION: Sen. Walker moves to ADOPT HB 2872A-4 amendments dated 05/25/07.**

**VOTE: 4-0-1**

**EXCUSED: 1 - Kruse**

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

**MOTION: Sen. Walker moves HB 2872A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 3-1-1**

**AYE: 3 - Kruse, Prozanski, Walker**

**NAY: 1 - Beyer**

**EXCUSED: 1 - Burdick**

**Chair: the motion CARRIES.**

**SEN. PROZANSKI will lead discussion on the floor.**

074

Sen. Walker

088

Sen. Beyer

**HB 2252A-WORK SESSION**

106  
126

Darian Stanford, Counsel (**EXHIBIT P**)  
Salvador, Department of Human Services  
**MOTION: Sen. Beyer moves to ADOPT HB 2252A-5  
amendments dated 05/29/07.**  
**VOTE: 4-0-1**  
**EXCUSED: 1 - Kruse**  
**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves HB 2252A to the floor with a  
DO PASS AS AMENDED recommendation.**  
**VOTE: 4-0-1**  
**EXCUSED: 1 - Kruse**  
**Chair hearing no objection, declares the motion CARRIED.**  
**SEN. WALKER will lead discussion on the floor.**

**HB 2568A-PUBLIC HEARING**

	148	Matt Kalmanson, Counsel ( <b>EXHIBIT Q</b> )
	167	Rep. Larry Galizio, HD 35
	219	Sen. Walker
148B	221	Rep. Galizio
	230	Chair Burdick
	234	David Barrows, Progressive Auto Insurance
	264	Chair Burdick
	266	Barrows
	274	Andrea Meyer, American Civil Liberties Union of Oregon

**HB 2568A-WORK SESSION**

**MOTION: Sen. Beyer moves to ADOPT HB 2568A-4  
amendments dated 05/25/07.**  
**VOTE: 3-0-2**  
**EXCUSED: 2 - Kruse, Walker**  
**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves HB 2568A to the floor with a  
DO PASS AS AMENDED recommendation.**  
**VOTE: 3-0-2**  
**EXCUSED: 2 - Walker, Kruse**  
**Chair hearing no objection, declares the motion CARRIED.**  
**SEN. BURDICK will lead discussion on the floor.**

**HB 2676A-PUBLIC HEARING**

	303	Matt Kalmanson, Counsel
	311	Jim Green ( <b>EXHIBIT R</b> )
	335	Chair Burdick
	337	Green

**HB 2676A-WORK SESSION**

**MOTION: Sen. Beyer moves HB 2676A to the floor with a  
DO PASS recommendation.**  
**VOTE: 3-0-2**  
**EXCUSED: 2 - Kruse, Walker**  
**Chair hearing no objection, declares the motion CARRIED.**

**SEN. PROZANSKI will lead discussion on the floor.**

**HB 2181A-PUBLIC HEARING**

382

395

Bill Taylor, Counsel

Kevin George, Department of Human Services (**EXHIBIT S**)

**HB 2181A-WORK SESSION**

149B

012

**MOTION: Sen. Beyer moves HB 2181A to the floor with a DO PASS recommendation.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Kruse, Walker**

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

**KRUSE will lead discussion on the floor.**

149B

**HB 2179A-PUBLIC HEARING**

024

049

073

Darian Stanford, Counsel

Harry Gilmore, Department of Human Services (**EXHIBIT T**)

Chair Burdick

**HB 2179A-WORK SESSION**

**MOTION: Sen. Beyer moves HB 2179A to the floor with a DO PASS recommendation.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Kruse, Walker**

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

**SEN. KRUSE will lead discussion on the floor.**

**HB 2417-WORK SESSION**

**MOTION: Sen. Beyer moves HB 2417 to the full committee on Rules without RECOMMENDATION to passage.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Kruse, Walker**

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

**HB 2637A-WORK SESSION**

**MOTION: Sen. Beyer moves HB 2637A to the full committee on Rules without RECOMMENDATION to passage.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Kruse, Walker**

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

**HB 3086-WORK SESSION**

**MOTION: Sen. Beyer moves HB 3086 to the full committee on Rules without RECOMMENDATION to passage.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Kruse, Walker**

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

**Chair Burdick adjourns the meeting at 2:32PM**

## **EXHIBIT SUMMARY**

- A. **HB 2333A, -5 Amendment, Staff, 4 pp**
- B. **HB 2872A, -4 Amendment, Staff, 1 p**
- C. **HB 3442A, -4 Amendment, Staff, 1 p**
- D. **HB 3279A, -6 Amendment, Staff, 2 pp**
- E. **HB 2651A, -3 Amendment, Staff, 1 p**
- F. **HB 2651A, -5 Amendment, Staff, 4 pp**
- G. **HB 2651A, -7 Amendment, Staff, 11 pp**
- H. **HB 2651A, -8 Amendment, Staff, 12 pp**
- I. **HB 2340, -2 Amendment, Staff, 2 pp**
- J. **HB 2340, -3 Amendment, Staff, 16 pp**
- K. **HB 2340, Written Testimony, Mark McDonnell, 3 pp**
- L. **HB 2340, Written Testimony, David Schmierbach, 2 pp**
- M. **HB 2872A, -4 Amendment, Staff, 1 p**
- N. **HB 2872A, Written Testimony, Troy Costales, 1 p**
- O. **HB 2872A, Fact Sheet, Troy Costales, 3 pp**
- P. **HB 2252A, -5 Amendment, Staff, 3 pp**
- Q. **HB 2568A, -4 Amendment, Staff, 1 p**
- R. **HB 2676A, Written Testimony of Joe Krumm, Jim Green, 1 p**
- S. **HB 2181A, Written Testimony, Kevin George, 2 pp**
- T. **HB 2179A, Written Testimony, Harry Gilmore, 2 pp**