

## SENATE COMMITTEE ON JUDICIARY

May 9, 2005  
1:00 P.M.

Hearing Room 343  
Tapes 130

**MEMBERS PRESENT:** Sen. Ginny Burdick, Chair  
Sen. Charles Starr, Vice-Chair  
Sen. Roger Beyer  
Sen. Floyd Prozanski  
Sen. Charlie Ringo  
Sen. Vicki Walker  
Sen. Doug Whitsett

**STAFF PRESENT:** William E. Taylor, Counsel  
Joe O'Leary, Counsel  
Dale Penn, Committee Assistant

**MEASURES/ISSUES HEARD:**  
SB 806 – Work Session  
SB 948 – Work Session  
SB 881 – Work Session  
SB 1045 – Public Hearing and Work Session  
SB 1011 – Work Session

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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TAPE/#	Speaker	Comments
<b>TAPE 130, A</b>		
003	Chair Burdick	Calls the meeting to order at 1:15 p.m. and opens a work session on SB 806.
<b>SB 806 – WORK SESSION</b>		
011	William E. Taylor	Counsel. Describes SB 806 relating to expanding the definition of a public body under the Oregon Tort Claims Act to include private, nonprofit organizations that provide transportation services. Introduces and discusses the -1 and -2 amendment <b>(EXHIBITS A &amp; B)</b> .
032	Phil Donovan	Community Action Agency of Oregon. Testifies in support of the -2 amendment.
043	Doug Bartlett	Executive Director, Community Action Agency of Yamhill County. Testifies in support of the -2 amendment.
<b>078</b>	<b>Sen. Starr</b>	<b>MOTION: Moves to ADOPT SB 806-2 amendments dated 4/8/05.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Ringo</b>
<b>080</b>	<b>Chair Burdick</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>082</b>	<b>Sen. Starr</b>	<b>MOTION: Moves SB 806 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Ringo</b>

085 Chair Burdick

091 Chair Burdick

092 Chair Burdick

**SB 948 – WORK SESSION**

093 Chair Burdick

096 Chair Burdick

**SB 881 – WORK SESSION**

097 Sen. Starr

098 Chair Burdick

101 Sen. Starr

113 Chair Burdick

117 Sen. Starr

118 Chair Burdick

123 Sen. Starr

126 Chair Burdick

134 Chair Burdick

**SB 1045 – PUBLIC HEARING**

137 Joe O’Leary

155 Michael Mason

184 Chair Burdick

185 Mason

194 Chair Burdick

**SB 1045 – WORK SESSION**

199 Sen. Starr

**Hearing no objection, declares the motion CARRIED.**

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

Calls the meeting to ease at 1:21 p.m.

Calls the meeting to order at 1:22 p.m. and opens a work session on SB 948.

Moves the bill to Wednesday, May 11, 2005.

Closes the work session on SB 948 and opens a work session on SB 881.

**MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote for SB 881.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Ringo**

**Hearing no objection, declares the motion CARRIED.**

**MOTION: Moves to RECONSIDER the vote by which SB 881 was sent to the floor DO PASS AS AMENDED.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Ringo**

**Hearing no objection, declares the motion CARRIED.**

**MOTION: Moves that the SUBSEQUENT REFERRAL to the committee on Ways and Means for SB 881 BE RESCINDED.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Ringo**

**Hearing no objection, declares the motion CARRIED.**

**MOTION: Moves SB 881 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Ringo**

**Hearing no objection, declares the motion CARRIED.**

**SEN. MONNES ANDERSON will lead discussion on the floor.**

Closes the work session on SB 881 and opens a public hearing on SB 1045.

Counsel. Describes SB 1045 relating to extending the duration of temporary provisions allowing memorandum of understanding between the twenty-second judicial district and the Confederated Tribes of Warm Springs regarding adjudication and disposition of juveniles.

Confederated Tribes of the Warm Springs Reservation of Oregon. Submits testimony and testifies in support of SB 1045 (EXHIBIT C).

Asks why the sunset clause is being extended.

Replies with information on the need for the extension of the sunset clause.

Closes the public hearing and opens a work session on SB 1045.

**MOTION: Moves SB 1045 to the floor with a DO PASS recommendation.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Ringo**

201	Chair Burdick	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. WALKER will lead discussion on the floor.</b>
209	Chair Burdick	Closes the work session on SB 1045 and opens a work session on SB 1011.
<b><u>SB 1011 – WORK SESSION</u></b>		
213	Joe O’Leary	Counsel. Describes SB 1011 relating to providing a statute of limitations for the injury or death resulting from the use of medication that is intended to inhibit the enzyme known as cyclooxygenase-2. Introduces the -1 amendment ( <b>EXHIBIT D</b> ).
220	Brad Higby	Testifies in support of SB 1011.
268	Jim Gardner	PhRMA. Testifies in opposition to SB 1011. Stresses that the -1 amendment does not alter their opposition to the bill.
293	Sen. Ringo	<b>MOTION: Moves to ADOPT SB 1011-1 amendments dated 5/3/05.</b>
		<b>VOTE: 7-0-0</b>
297	Chair Burdick	<b>Hearing no objection, declares the motion CARRIED.</b>
298	Sen. Ringo	<b>MOTION: Moves SB 1011 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-3-0</b>
		<b>AYE: 4 - Prozanski, Ringo, Walker, Burdick</b>
		<b>NAY: 3 - Beyer, Starr C., Whitsett</b>
312	Chair Burdick	<b>The motion CARRIES.</b>
		<b>SEN. RINGO will lead discussion on the floor.</b>
315	Chair Burdick	Puts over SB 1034 until further notice and closes the meeting at 1:36 p.m.

## **EXHIBIT SUMMARY**

- A. SB 806, -1 amendment, staff, 1 p
- B. SB 806, -2 amendment, staff, 1 p
- C. SB 1045, written testimony, Michael Mason, 4 pp
- D. SB 1011, -1 amendment, staff, 1 p