

## SENATE COMMITTEE ON JUDICIARY

February 08, 2008  
1:00 PM

Hearing Room B  
Tape 3 - 4

**MEMBERS PRESENT:** Sen. Floyd Prozanski, Chair  
Sen. Doug Whitsett, Vice-Chair  
Sen. Fred Girod  
Sen. Vicki Walker

**MEMBER EXCUSED:** Sen. Ginny Burdick

**STAFF PRESENT:** Bill Taylor, Counsel  
Graham Coslett, Committee Assistant

**MEASURES/ISSUES HEARD:** SB 1095 – Public Hearing  
SB 1094 – Public Hearing  
SB 1072 – Public Hearing and Work Session  
SB 1086 – Public Hearing and Work Session  
SB 1088 – Public Hearing and Work Session

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

<b>TAPE # AND SIDE</b>	<b>COUNTER NUMBER</b>	<b>BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER</b>
5A	003	Chair Prozanski calls the meeting to order at 1:27 p.m.
<b><u>SB 1086 – PUBLIC HEARING</u></b>	022	<b>MOTION: Sen. Whitsett moves incorporation of 2/5/08 meeting testimony. (EXHIBIT A)</b>
	024	<b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Sen. Burdick</b> <b>Chair Prozanski hearing no objection, declares the motion CARRIED.</b>
	032	Mary Botkin, American Federation of State, County and Municipal Employees
	033	Chair Prozanski
<b><u>SB 1086 – WORK SESSION</u></b>	045	Bill Taylor, Counsel
	050	<b>MOTION: Sen. Whitsett moves to ADOPT SB 1086-3 amendments dated 2/6/08. (EXHIBIT B)</b>
	053	<b>VOTE: 4-0-1</b> <b>EXCUSED: 1 – Sen. Burdick</b> <b>Chair Prozanski hearing no objection, declares the motion CARRIED.</b>
5A	055	<b>MOTION: Sen. Whitsett moves SB 1086 to the floor with a DO PASS AS AMENDED recommendation.</b>
	057	<b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Sen. Burdick</b> <b>Chair Prozanski hearing no objection, declares the motion</b>

**SB 1088 – PUBLIC HEARING**

065

066

070

**SB 1088 – WORK SESSION**

076

077

078

080

**SB 1095 – PUBLIC HEARING**

088

094

096

117

118

182

184

189

206

207

211

239

5A

245

246

249

254

256

258

262

263

266

284

286

306

308

**CARRIED.**

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

**MOTION:** Sen. Whitsett moves incorporation of 2/5/08 meeting testimony. (EXHIBIT A)

**VOTE:** 4-0-1

**EXCUSED:** 1 - Sen. Burdick

**Chair Prozanski** hearing no objection, declares the motion

**CARRIED.**

Bill Taylor, Counsel

**MOTION:** Sen. Whitsett moves to ADOPT SB 1088-1 amendments dated 2/5/08.

**VOTE:** 4-0-1

**EXCUSED:** 1 - Sen. Burdick

**Chair Prozanski** hearing no objection, declares the motion

**CARRIED.**

**MOTION:** Sen. Whitsett moves SB 1088 to the floor with a **DO PASS AS AMENDED** recommendation.

**VOTE:** 4-0-1

**EXCUSED:** 1 - Sen. Burdick

**Chair Prozanski** hearing no objection, declares the motion

**CARRIED.**

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

Sen. Doug Whitsett

Chair Prozanski

Sen. Whitsett

Chair Prozanski

Katie Suver, Marion County District Attorneys' office & Oregon District Attorneys Association

Chair Prozanski

Sen. Walker

Suver

Chair Prozanski

Sen. Girod

Suver

Chair Prozanski

Suver

Chair Prozanski

Suver

Chair Prozanski

Suver

Chair Prozanski

Suver

Chair Prozanski

Russ Isham, Marion County Sheriff

Chair Prozanski

Sen. Whitsett

Chair Prozanski

Mike Ryan, Blue Ribbon Methamphetamine Task Force

	348	Chair Prozanski
	349	Sen. Girod
	358	Chair Prozanski
	365	Suver
	369	Chair Prozanski
	376	Ann Christian, Oregon Criminal Defense Lawyers' Association
6A	003	Christian continues
	008	Chair Prozanski
	010	Steve Doell, Crime Victims United of Oregon
	028	Chair Prozanski
	058	Christian
	060	Chair Prozanski
	074	Christian
	076	Chair Prozanski
	087	Paul Snider, Association of Oregon Counties
	111	Chair Prozanski

**SB 1094 – PUBLIC HEARING**

	135	Bill Taylor, Counsel
	144	Chair Prozanski
	152	Sen. Whitsett
	191	Chair Prozanski
	198	Ann Christian, Oregon Criminal Defense Lawyers' Association
	262	Sen. Whitsett
	288	Chair Prozanski
	291	Tom McClellan, Interim Driver and Motor Services Administrator, Department of Transportation ( <b>EXHIBIT C</b> )
6A	435	Sen. Whitsett
5B	003	McClellan
	006	Sen. Whitsett
	008	John Powell, Oregon State Sheriffs' Association
	040	Chair Prozanski
	054	Taylor
	056	Sen. Whitsett
	058	Chair Prozanski
	064	Brian Galesh (sp?), Oregon Council of Police Associations & Oregon State Police Officers' Association
	074	Chair Prozanski

**SB 1072 – PUBLIC HEARING**

087	<b>MOTION: Sen. Whitsett moves incorporation of 2/5/08 meeting testimony. (EXHIBIT A)</b>
089	<b>VOTE: 3-0-2</b>
	<b>EXCUSED: 2 - Sen. Burdick, Sen. Walker</b>
	<b>Chair Prozanski hearing no objection, declares the motion CARRIED.</b>

094	Bill Taylor, Counsel
110	Chair Prozanski
117	Ann Christian Oregon Criminal Defense Lawyers' Association

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

	John Powell, Oregon State Sheriffs Association ( <b>EXHIBIT D</b> )
129	Chair Prozanski

## **SB 1072 – WORK SESSION**

	132	<b>MOTION:</b> Sen. Whitsett moves to ADOPT SB 1072-2 amendments dated 2/6/08. (EXHIBIT E)
	135	<b>VOTE:</b> 3-0-2 <b>EXCUSED:</b> 2 - Sen. Burdick, Sen. Walker Chair Prozanski hearing no objection, declares the motion CARRIED.
	153	<b>MOTION:</b> Sen. Whitsett moves to SUSPEND the rules for the purpose of adopting the SB 1072-3* conceptual amendments dated 2/8/08. (EXHIBIT F)
	156	<b>VOTE:</b> 3-0-2 <b>EXCUSED:</b> 2 - Sen. Burdick, Sen. Walker Chair Prozanski hearing no objection, declares the motion CARRIED.
	164	<b>MOTION:</b> Sen. Whitsett moves to ADOPT SB 1072-3* amendments dated 2/8/08.
	167	<b>VOTE:</b> 3-0-2 <b>EXCUSED:</b> 2 - Sen. Burdick, Sen. Walker Chair Prozanski hearing no objection, declares the motion CARRIED.
5B	169	<b>MOTION:</b> Sen. Whitsett moves SB 1072 to the floor with a DO PASS AS AMENDED recommendation.
	172	<b>VOTE:</b> 3-0-2 <b>EXCUSED:</b> 2 - Sen. Burdick, Sen. Walker Chair Prozanski hearing no objection, declares the motion CARRIED. <b>SEN. COURTNEY</b> will lead discussion on the floor.
	176	Bill Taylor, Counsel
	188	Chair Prozanski adjourns the meeting at 2:41 p.m.

## **EXHIBIT SUMMARY**

- A. Senate Committee on Judiciary 2/5/08 meeting testimony, staff, 42 pp
- B. SB 1086-3 amendments, staff, 2 pp
- C. SB 1094, written testimony, Tom McClellan, 3 pp
- D. SB 1072, written testimony of John Powell, staff, 1 p
- E. SB 1072-2 amendments, staff, 1 p
- F. SB 1072-3\* amendments, staff, 1 p