

HOUSE COMMITTEE ON JUDICIARY

**February 09, 2009
1:00 P.M.**

Hearing Room 357

MEMBERS PRESENT: **Rep. Jeff Barker, Chair**
 Rep. Judy Stiegler, Vice-Chair
 Rep. Gene Whisnant, Vice-Chair
 Rep. Brent Barton
 Rep. Kevin Cameron
 Rep. Chris Garrett
 Rep. Wayne Krieger
 Rep. Andy Olson
 Rep. Chip Shields
 Rep. Jefferson Smith

STAFF PRESENT: **Shannon Sivell, Committee Administrator**
 Jennifer Ranstrom-Smith, Committee Assistant

MEASURES/ISSUES HEARD: **HB 2170 - Work Session**
 HB 2237 - Public Hearing
 HB 2238 - Public Hearing and Work Session
 HB 2239 - Public Hearing and Work Session
 HB 2052 - Work Session

This recording log is in compliance with Senate and House Rules. For complete contents, refer to the digital audio recording.

HJUD

2/9/2009 1:09:09 PM

1:09:13 PM Meeting Called to Order
1:09:24 PM HB 2170 - Work Session
1:09:28 PM Shannon Sivell, Committee Counsel
1:11:05 PM Chair Barker
1:11:24 PM MOTION: Vice-Chair Whisnant moves reconsideration of HB 2170
1:11:30 PM Chair Barker
1:11:51 PM MOTION: Vice-Chair Whisnant moves HB 2170 DO PASS
1:11:58 PM Chair Barker
1:12:14 PM Rep. Shields
1:12:27 PM Chair Barker
1:12:32 PM Sivell
1:12:51 PM Chair Barker
1:12:57 PM VOTE: 10-0-1
1:12:57 PM Ayes: Barton, Cameron, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker; Excused: Garrett
1:13:22 PM Chair Barker
1:13:31 PM CARRIER: CHAIR BARKER will lead discussion on the floor
1:13:36 PM HB 2237 - Public Hearing
1:13:46 PM Shannon Sivell, Committee Counsel
1:14:16 PM Chair Barker
1:14:49 PM Danielle Romain, Oregon Beer and Wine Distributors Association
1:15:33 PM {Exhibit} 1: Hayes
1:15:33 PM Chuck Hayes, Governor's Advisory Committee on DUII
1:22:14 PM Chair Barker
1:22:15 PM Rep. Smith J.
1:23:11 PM Hayes
1:24:57 PM Rep. Smith J.
1:25:22 PM Hayes
1:26:28 PM Chair Barker
1:26:30 PM Rep. Barton
1:27:10 PM Hayes
1:27:59 PM Tim Walker, Legislative Fiscal Office
1:28:10 PM Rep. Shields
1:28:15 PM Walker
1:28:55 PM Rep. Krieger
1:29:14 PM Walker
1:30:04 PM Chair Barker
1:30:32 PM Walker
1:30:47 PM Chair Barker

1:31:49 PM Amy Queen, Oregon District Attorneys Association
1:32:35 PM Chair Barker
1:32:41 PM Michael Iwai, Oregon State Police
1:32:41 PM {Exhibit} 2: Iwai
1:34:19 PM Ron Noble, Oregon Associations of Chief of Police
1:37:51 PM Chair Barker
1:37:55 PM Rep. Shields
1:38:10 PM Iwai
1:38:27 PM Rep. Smith J.
1:38:48 PM Iwai
1:38:53 PM Rep. Smith J.
1:39:30 PM Iwai
1:39:33 PM Rep. Smith J.
1:39:36 PM Chair Barker
1:39:45 PM Paul Cosgrove, Distilled Spirits Council of the United States
1:39:55 PM {Exhibit} 3: Cosgrove
1:41:16 PM Chair Barker
1:41:21 PM Rep. Olson
1:42:03 PM Hayes
1:43:41 PM Rep. Olson
1:43:53 PM Hayes
1:44:44 PM Chair Barker
1:45:03 PM Hayes
1:45:29 PM Chair Barker
1:45:31 PM Rep. Shields
1:46:02 PM Chair Barker
1:46:20 PM Rep. Cameron
1:46:40 PM Sivell
1:46:45 PM Rep. Cameron
1:46:57 PM Sivell
1:46:59 PM Rep. Cameron
1:47:25 PM Hayes
1:48:19 PM Rep. Cameron
1:48:53 PM Hayes
1:49:33 PM Chair Barker
1:49:36 PM Rep. Smith J.
1:50:02 PM Hayes
1:50:21 PM Chair Barker
1:50:21 PM The following written testimony is submitted for the record without public testimony:
1:50:21 PM {Exhibit} 4: Vinita Howard, Governor's Advisory Committee on DUII
1:50:22 PM {Exhibit} 5: Anne Pratt, Governor's Advisory Committee on DUII
1:50:38 PM Gail Meyer, Oregon Criminal Defense Lawyers Association
1:51:26 PM Hugh Duvall, Oregon Criminal Defense Lawyers Association
1:57:13 PM Chair Barker
1:57:28 PM Duvall

1:57:35 PM Chair Barker
1:57:39 PM Vice-Chair Stiegler
1:57:49 PM Duvall
1:58:03 PM Chair Barker
1:58:22 PM HB 2238 - Public Hearing
1:58:29 PM Shannon Sivell, Committee Counsel
1:58:46 PM Chair Barker
1:59:39 PM {Exhibit} 6: Hayes
1:59:39 PM Chuck Hayes, Governor's Advisory Committee on DUII
2:01:38 PM Chair Barker
2:01:42 PM Hayes
2:02:03 PM Chair Barker
2:02:15 PM Ron Noble, Oregon Association of Chief of Police
2:03:37 PM Rep. Krieger
2:03:52 PM Noble
2:04:28 PM Amy Queen, Oregon District Attorneys Association
2:04:46 PM Chair Barker
2:05:14 PM Queen
2:05:24 PM Chair Barker
2:05:42 PM Gail Meyer, Oregon Criminal Defense Lawyers Association
2:06:06 PM Hugh Duvall, Oregon Criminal Defense Lawyers Association
2:10:19 PM Chair Barker
2:10:20 PM Rep. Cameron
2:10:49 PM Duvall
2:10:58 PM Rep. Cameron
2:11:31 PM Duvall
2:12:27 PM Rep. Cameron
2:13:09 PM Duvall
2:13:13 PM Rep. Barton
2:13:21 PM Chair Barker
2:13:23 PM Rep. Barton
2:13:52 PM Sivell
2:14:05 PM Chair Barker
2:14:07 PM Vice-Chair Stiegler
2:14:27 PM Duvall
2:14:35 PM Rep. Smith J.
2:15:26 PM Meyer
2:15:43 PM Chair Barker
2:16:01 PM Duvall
2:16:22 PM Chair Barker
2:16:30 PM The following written testimony is submitted for the record without public testimony:
2:16:30 PM {Exhibit} 9: Mothers Against Drunk Driving
2:16:30 PM {Exhibit} 7: Vinita Howard, Governor's Advisory Committee on DUII
2:16:30 PM {Exhibit} 8: Anne Pratt, Governor's Advisory Committee on DUII
2:16:41 PM HB 2238 - Work Session

2:16:52 PM MOTION: Rep. Olson moves HB 2238 DO PASS
2:17:03 PM Chair Barker
2:17:08 PM Rep. Shields
2:18:21 PM Chair Barker
2:18:46 PM Rep. Krieger
2:19:58 PM Chair Barker
2:20:01 PM Rep. Garrett
2:20:21 PM Rep. Cameron
2:21:21 PM Vice-Chair Stiegler
2:21:48 PM Chair Barker
2:21:50 PM VOTE: 8-2-0
2:21:50 PM Ayes: Barton, Cameron, Krieger, Olson, Smith, Stiegler, Whisnant, Barker; Nays: Garrett, Shields
2:22:14 PM Chair Barker
2:22:18 PM CARRIER: REP. OLSON will lead the discussion on the floor
2:22:22 PM HB 2239 - Public Hearing
2:22:25 PM Shannon Sivell, Committee Counsel
2:23:01 PM Chair Barker
2:23:21 PM {Exhibit} 10: Hayes
2:23:21 PM Chuck Hayes, Governor's Advisory Committee on DUII
2:25:45 PM Rep. Garrett
2:26:10 PM Hayes
2:26:42 PM Rep. Garrett
2:27:08 PM Hayes
2:27:38 PM Chair Barker
2:27:41 PM Sivell
2:28:09 PM Chair Barker
2:28:15 PM Amy Queen, Oregon District Attorneys Association
2:29:07 PM Chair Barker
2:29:11 PM Ann Pratt, Governor's Advisory Committee on DUII
2:34:30 PM Chair Barker
2:34:59 PM Ron Noble, Oregon Associations of Chiefs of Police
2:35:40 PM Michael Iwai, Oregon State Police
2:35:40 PM {Exhibit} 11: Iwai
2:38:56 PM Chair Barker
2:39:09 PM Iwai
2:39:19 PM Rep. Cameron
2:39:30 PM Chair Barker
2:39:49 PM Gail Meyer, Oregon Criminal Defense Lawyers Association
2:40:43 PM Hugh Duvall, Oregon Criminal Defense Lawyers Association
2:43:49 PM Chair Barker
2:43:56 PM Vice-Chair Stiegler
2:44:15 PM Duvall
2:44:19 PM Vice-Chair Stiegler
2:44:23 PM Duvall
2:44:45 PM Vice-Chair Stiegler

2:44:56 PM Duvall
2:45:02 PM Chair Barker
2:45:06 PM Sivell
2:45:38 PM Chair Barker
2:45:45 PM Rep. Cameron
2:45:58 PM Chair Barker
2:46:05 PM Rep. Smith J.
2:46:27 PM Sivell
2:46:51 PM Rep. Smith J.
2:46:55 PM Chair Barker
2:46:59 PM Rep. Smith J.
2:46:59 PM Chair Barker
2:47:21 PM The following written testimony is submitted for the record without public testimony
2:47:21 PM {Exhibit} 12: Vinita Howard, Governor's Advisory Committee on DUII
2:47:31 PM HB 2239 - Work Session
2:47:43 PM Vice-Chair Stiegler
2:48:18 PM Rep. Shields
2:48:47 PM Sivell
2:48:58 PM Chair Barker
2:49:22 PM MOTION: Rep. Shields moves HB 2239 DO PASS and REFER to Ways and Means
2:49:23 PM Chair Barker
2:49:34 PM VOTE: 10-0-0
2:49:34 PM Ayes: Barton, Cameron, Garrett, Kreiger, Olson, Shields, Smith, Stiegler, Whisnant, Barker
2:49:58 PM Chair Barker
2:50:00 PM MOTION: Chair Barker moves that the RULES BE SUSPENDED to allow Rep. Garrett to VOTE: AYE on HB 2170
2:50:06 PM VOTE: 10-0-0
2:50:06 PM Ayes: Barton, Cameron, Garrett, Kreiger, Olson, Shields, Smith, Stiegler, Whisnant, Barker
2:50:27 PM HB 2052 - Work Session
2:50:29 PM Shannon Sivell, Committee Counsel
2:50:35 PM Chair Barker
2:50:52 PM MOTION: Vice-Chair Stiegler moves HB 2052 WITHOUT RECOMMENDATION and REFER to Human Services
2:50:53 PM Chair Barker
2:50:57 PM Rep. Cameron
2:51:08 PM Sivell
2:51:12 PM Chair Barker
2:51:17 PM VOTE: 10-0-0
2:51:17 PM Ayes: Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith, Stiegler, Whisnant, Barker
2:51:35 PM Chair Barker

2:51:45 PM Meeting Adjourned

HJUD

2/9/2009 1:09:09 PM

- 1:15:33 PM** {Exhibit} 1: HB 2237, written testimony, Chuck Hayes, 3 pp
 - 1:32:41 PM** {Exhibit} 2: HB 2237, written testimony, Michael Iwai, 1 p
 - 1:39:55 PM** {Exhibit} 3: HB 2237, written testimony, Paul Cosgrove, 1 p
 - 1:50:21 PM** {Exhibit} 4: HB 2237, written testimony, Vinita Howard, 2 pp
 - 1:50:22 PM** {Exhibit} 5: HB 2237, written testimony, Anne Pratt, 1 p
 - 1:59:39 PM** {Exhibit} 6: HB 2238, written testimony, Chuck Hayes, 2 pp
 - 2:16:30 PM** {Exhibit} 7: HB 2238, written testimony, Vinita Howard, 3 pp
 - 2:16:30 PM** {Exhibit} 8: HB 2238, written testimony, Anne Pratt, 1 p
 - 2:16:30 PM** {Exhibit} 9: HB 2238, written testimony, Mothers Against Drunk Driving, 1 p
 - 2:23:21 PM** {Exhibit} 10: HB 2239, written testimony, Chuck Hayes, 2 pp
 - 2:35:40 PM** {Exhibit} 11: HB 2239, written testimony, Michael Iwai, 1 p
 - 2:47:21 PM** {Exhibit} 12: HB 2239, written testimony, Vinita Howard, 1 p
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