

HOUSE COMMITTEE ON JUDICIARY

March 11, 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
Anna Braun, Committee Administrator
Bill Taylor, Committee Administrator
Diane Beyer, Committee Assistant

MEASURES/ISSUES HEARD: HB 2344 – Work Session
HB 2584 – Public Hearing
HB 2585 – Public Hearing
HB 2163 – Work Session

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

HJUD

3/11/2009 1:15:13 PM

- 1:15:17 PM** Meeting Called to Order
- 1:15:22 PM** Chair Barker
- 1:15:23 PM** HB 2344 - Work Session
- 1:15:25 PM** Shannon Sivell, Committee Counsel
- 1:15:40 PM** Chair Barker
- 1:15:43 PM** MOTION: Vice-Chair Whisnant moves HB 2344 DO PASS
- 1:15:49 PM** Chair Barker
- 1:15:56 PM** Rep. Barton
- 1:16:13 PM** {Exhibit} 1: Barton
- 1:16:30 PM** VOTE: 8-2-0
- 1:16:51 PM** Ayes: Barker, Cameron, Krieger, Olson, Shields, Smith, Stiegler, Whisnant; Nays: Barton, Garrett
- 1:16:56 PM** CARRIER: REP. GELSER will lead discussion on the floor
- 1:17:20 PM** HB 2584 - Public Hearing
- 1:17:25 PM** Anna Braun, Committee Counsel
- 1:17:50 PM** Chair Barker
- 1:18:28 PM** Phil Donovan, Citizen
- 1:20:29 PM** Tina Beatty-Walters, Attorney, Stoll Stoll Berne Lokting & Shlachter P.C.
- 1:20:30 PM** {Exhibit} 2: Beatty-Walters
- 1:32:30 PM** Chair Barker
- 1:32:37 PM** Vice-Chair Whisnant
- 1:32:51 PM** Chair Barker
- 1:32:52 PM** Vice-Chair Whisnant
- 1:33:39 PM** Beatty-Walters
- 1:36:06 PM** Donovan
- 1:36:14 PM** Vice-Chair Whisnant
- 1:37:27 PM** Beatty-Walters
- 1:38:11 PM** Vice-Chair Whisnant
- 1:38:29 PM** Beatty-Walters
- 1:39:24 PM** Vice-Chair Whisnant
- 1:39:55 PM** Chair Barker
- 1:39:57 PM** Vice-Chair Stiegler
- 1:40:08 PM** Beatty-Walters
- 1:40:11 PM** Vice-Chair Stiegler
- 1:40:29 PM** Beatty-Walters
- 1:40:34 PM** Donovan
- 1:41:00 PM** Chair Barker
- 1:41:04 PM** Rep. Cameron

1:41:14 PM Beatty-Walters
1:41:41 PM Donovan
1:42:25 PM Rep. Olson
1:42:47 PM Beatty-Walters
1:43:35 PM Chair Barker
1:43:37 PM Rep. Smith J.
1:44:03 PM Beatty-Walters
1:44:25 PM Chair Barker
1:44:28 PM Rep. Shields
1:45:59 PM Beatty-Walters
1:46:01 PM Rep. Shields
1:46:05 PM Beatty-Walters
1:46:06 PM Rep. Shields
1:46:10 PM Chair Barker
1:47:18 PM Andy Aubertine, Partner, Aubertine Draper Rose, LLP
1:47:19 PM {Exhibit} 3: Aubertine
1:57:44 PM Chair Barker
1:57:46 PM Rep. Garrett
1:58:15 PM Aubertine
2:00:50 PM Chair Barker
2:00:53 PM Rep. Olson
2:01:10 PM Aubertine
2:02:09 PM Chair Barker
2:02:10 PM Rep. Smith J.
2:02:36 PM Aubertine
2:02:38 PM Rep. Smith J.
2:02:49 PM Aubertine
2:03:12 PM Chair Barker
2:03:37 PM Jim Gardner, Microsoft and Pharmaceutical Research and
Manufacturers of America
2:03:38 PM {Exhibit} 4: Gardner
2:10:05 PM Chair Barker
2:10:07 PM Rep. Smith J.
2:10:14 PM Gardner
2:10:35 PM Rep. Smith J.
2:10:45 PM Gardner
2:10:56 PM Chair Barker
2:11:26 PM Gardner
2:11:37 PM Chair Barker
2:11:39 PM Rep. Shields
2:11:53 PM Gardner
2:12:15 PM Rep. Shields
2:12:20 PM Gardner
2:12:42 PM Chair Barker
2:12:43 PM Vice-Chair Stiegler
2:12:51 PM Gardner

2:13:13 PM Vice-Chair Stiegler
2:13:48 PM Gardner
2:14:16 PM Vice-Chair Stiegler
2:14:39 PM Gardner
2:15:29 PM Vice-Chair Stiegler
2:15:47 PM Gardner
2:15:52 PM Chair Barker
2:15:53 PM Rep. Barton
2:16:59 PM Chair Barker
2:17:02 PM Rep. Shields
2:17:22 PM Tom Holt, Oregon Liability Reform Coalition
2:19:35 PM Rep. Garrett
2:19:41 PM Holt
2:20:03 PM Gardner
2:20:33 PM Rep. Barton
2:20:51 PM Gardner
2:21:16 PM Chair Barker
2:21:41 PM Gardner
2:22:35 PM Rep. Garrett
2:23:04 PM Gardner
2:24:00 PM Vice-Chair Stiegler
2:24:22 PM Gardner
2:25:05 PM Vice-Chair Stiegler
2:25:13 PM Gardner
2:25:20 PM Vice-Chair Stiegler
2:25:40 PM Gardner
2:26:01 PM Vice-Chair Whisnant
2:27:00 PM Gardner
2:27:34 PM Chair Barker
2:27:37 PM Rep. Smith J.
2:27:48 PM Gardner
2:27:51 PM Rep. Smith J.
2:28:07 PM Gardner
2:28:28 PM Rep. Smith J.
2:29:20 PM Gardner
2:29:40 PM Chair Barker
2:30:06 PM HB 2585 - Public Hearing
2:30:10 PM Anna Braun, Committee Counsel
2:30:41 PM Chair Barker
2:31:14 PM Jason Reynolds, Executive Director, Consumer Justice Alliance
2:31:15 PM {Exhibit} 5: Reynolds
2:32:50 PM Robert Stoll, Retired Attorney, Portland, Oregon
2:32:51 PM {Exhibit} 6: Stoll
2:36:28 PM Ed Whitelaw, Professor, University of Oregon
2:36:29 PM {Exhibit} 7: Whitelaw
2:38:47 PM Chair Barker

2:39:29 PM Stoll
2:41:52 PM Chair Barker
2:42:15 PM Whitelaw
2:43:32 PM Chair Barker
2:43:51 PM Rep. Krieger
2:44:08 PM Stoll
2:44:20 PM Rep. Krieger
2:44:22 PM Stoll
2:44:38 PM Chair Barker
2:44:43 PM Stoll
2:44:49 PM Chair Barker
2:45:14 PM Stoll
2:46:06 PM Chair Barker
2:46:06 PM Rep. Barton
2:46:42 PM Stoll
2:46:55 PM Rep. Barton
2:46:59 PM Chair Barker
2:47:18 PM Paul Cosgrove, Oregon Financial Services Association
2:51:34 PM Chair Barker
2:51:35 PM Rep. Barton
2:52:42 PM Cosgrove
2:53:56 PM Rep. Barton
2:54:13 PM Cosgrove
2:54:49 PM Chair Barker
2:54:56 PM Cosgrove
2:55:23 PM Rep. Garrett
2:55:35 PM Cosgrove
2:55:57 PM Rep. Barton
2:56:20 PM Cosgrove
2:56:56 PM Rep. Barton
2:57:03 PM Cosgrove
2:57:22 PM Chair Barker
2:57:27 PM Tom Holt, Oregon Liability Reform Coalition
2:59:01 PM Jim Gardner, Pharmaceutical Research and Manufacturers of
America
3:00:04 PM Chair Barker
3:00:21 PM Gardner
3:00:26 PM Chair Barker
3:00:42 PM HB 2163 - Work Session
3:00:43 PM Bill Taylor, Committee Counsel
3:01:19 PM Chair Barker
3:01:19 PM MOTION: Vice-Chair Whisnant moves -1 amendment
3:01:24 PM Chair Barker
3:01:29 PM Rep. Cameron
3:01:36 PM Taylor
3:01:39 PM Chair Barker

3:01:40 PM VOTE: 8-0-2

3:01:41 PM Ayes: Barker, Barton, Cameron, Garrett, Krieger, Olson, Smith, Whisnant; Excused: Shields, Stiegler

3:01:44 PM MOTION: Vice-Chair Whisnant moves HB 2163 DO PASS as AMENDED

3:02:02 PM VOTE: 8-0-2

3:02:25 PM Ayes: Barker, Barton, Cameron, Garrett, Krieger, Olson, Smith, Whisnant; Excused: Shields, Stiegler

3:02:28 PM CARRIER: Rep. Whisnant will lead discussion on the floor

3:02:38 PM Meeting Adjourned

HJUD

3/11/2009 1:15:13 PM

- 1:16:13 PM** {Exhibit} 1: HB 2344, -5 amendment, staff, 5 pp
1:20:30 PM {Exhibit} 2: HB 2584, written testimony, Christina Beatty-Walters, 38 pp
1:47:19 PM {Exhibit} 3: HB 2584, written testimony, Andrew Aubertine, 9 pp
2:03:38 PM {Exhibit} 4: HB 2584, written testimony, Jim Gardner, 2 pp
2:31:15 PM {Exhibit} 5: HB 2585, written testimony, Jason Reynolds, 1p
2:32:51 PM {Exhibit} 6: HB 2585, written testimony, Robert Stoll, 2 pp
2:36:29 PM {Exhibit} 7: HB 2585 written testimony, Ed Whitelaw and Bryce Ward, 2 pp
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