

## **SENATE COMMITTEE ON JUDICIARY**

**April 6, 2009  
8:30 A.M.**

**Hearing Room 343**

**MEMBERS PRESENT:**       **Sen. Floyd Prozanski, Chair**  
                                     **Sen. Brian Boquist, Vice-Chair**  
                                     **Sen. Suzanne Bonamici**  
                                     **Sen. Jackie Dingfelder**  
                                     **Sen. Doug Whitsett**

**STAFF PRESENT:**         **Bill Taylor, Counsel**  
                                     **Courtney Johnston, Committee Assistant**

**MEASURES/ISSUES HEARD:** **SB 758 – Public Hearing**  
                                     **SB 670 – Public Hearing**  
                                     **SB 720 – Public Hearing**  
                                     **SB 87 – Work Session**  
                                     **SJM 12 – Work Session**  
                                     **SB 310 – Work Session**  
                                     **SB 389 – Work Session**  
                                     **HB 2275A – Work Session**

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

**SJUD**

**4/6/2009 8:37:08 AM**

**8:37:12 AM** Meeting Called to Order  
**8:37:18 AM** Chair Prozanski  
**8:38:13 AM** SB 758 - Public Hearing  
**8:38:17 AM** Bill Taylor, Committee Counsel  
**8:38:32 AM** Chair Prozanski  
**8:39:27 AM** Senator Frank Morse, Senate District 8  
**8:41:03 AM** Chair Prozanski  
**8:41:08 AM** Judy Shiprack, County Commissioner, Multnomah County, Oregon  
**8:41:39 AM** {Exhibit} 1: Shiprack  
**8:43:43 AM** Chair Prozanski  
**8:43:46 AM** Paul DeMuniz, Chief Justice, Oregon Supreme Court  
**8:46:25 AM** Chair Prozanski  
**8:46:31 AM** Sen. Morse  
**8:47:05 AM** Chair Prozanski  
**8:47:38 AM** Linda Modrell, County Commissioner, Benton County, Oregon  
**8:49:22 AM** Chair Prozanski  
**8:49:34 AM** Modrell  
**8:50:00 AM** Chair Prozanski  
**8:50:04 AM** Paul Snider, Association of Oregon Counties  
**8:51:29 AM** Chair Prozanski  
**8:51:31 AM** Sen. Whitsett  
**8:52:54 AM** Chair Prozanski  
**8:53:34 AM** The following written testimony is submitted for the record without public testimony:  
**8:53:34 AM** {Exhibit} 2: Oregon State Bar  
**8:53:35 AM** SB 670 - Public Hearing  
**8:53:40 AM** Bill Taylor, Committee Counsel  
**8:53:56 AM** {Exhibit} 3: Taylor  
**8:54:02 AM** Chair Prozanski  
**8:54:26 AM** Senator Jackie Winters, Senate District 10  
**8:56:55 AM** John McCulley, Legislative Representative, Oregon Speech Language Hearing Association/Occupational Therapy Association of Oregon  
**8:56:58 AM** {Exhibit} 4: McCulley  
**8:58:10 AM** Chair Prozanski  
**8:58:30 AM** McCulley  
**8:58:31 AM** Chair Prozanski  
**8:58:34 AM** Diana Godwin, Attorney, Oregon Physical Therapists in Private Practice

9:01:27 AM {Exhibit} 5: Godwin  
9:01:29 AM Chair Prozanski  
9:01:42 AM Godwin  
9:01:43 AM Chair Prozanski  
9:01:50 AM Godwin  
9:01:52 AM Chair Prozanski  
9:01:58 AM Godwin  
9:02:02 AM Chair Prozanski  
9:02:03 AM Sen. Winters  
9:02:14 AM Chair Prozanski  
9:02:27 AM Sen. Bonamici  
9:02:56 AM Taylor  
9:03:26 AM McCulley  
9:04:04 AM Sen. Bonamici  
9:04:13 AM McCulley  
9:04:21 AM Chair Prozanski  
9:04:35 AM Marshall Coba, Legislative Representative, Oregon Society of  
Physician Assistants  
9:05:16 AM Chair Prozanski  
9:05:28 AM Taylor  
9:05:30 AM Chair Prozanski  
9:05:34 AM The following testimony is submitted for the record without public  
testimony:  
9:05:34 AM {Exhibit} 6: Felicia Holgate, Director, Oregon Occupational Therapy  
Licensing Board  
9:05:35 AM SB 720 - Public Hearing  
9:05:42 AM Bill Taylor, Committee Counsel  
9:05:58 AM {Exhibit} 7: Taylor  
9:06:20 AM Chair Prozanski  
9:06:42 AM Senator Chris Telfer, Senate District 27  
9:07:39 AM Chair Prozanski  
9:07:46 AM Jennifer Rago, citizen, Bend, Oregon  
9:08:00 AM {Exhibit} 8: Jennifer Rago  
9:10:06 AM Chair Prozanski  
9:10:09 AM Jeff Rago, citizen, Bend, Oregon  
9:10:21 AM {Exhibit} 9: Jeff Rago  
9:12:21 AM Chair Prozanski  
9:13:40 AM Sen. Telfer  
9:14:03 AM Chair Prozanski  
9:14:07 AM Sen. Bonamici  
9:14:43 AM Jeff Rago  
9:15:34 AM Sen. Bonamici  
9:15:40 AM Chair Prozanski  
9:16:31 AM Jennifer Rago  
9:16:32 AM Chair Prozanski  
9:17:25 AM Sen. Telfer

9:17:55 AM Chair Prozanski  
9:18:01 AM Jeff Rago  
9:19:00 AM Chair Prozanski  
9:19:56 AM Charlotte Phillips, citizen, Tillamook, Oregon  
9:20:09 AM {Exhibit} 10: Phillips  
9:21:27 AM Chair Prozanski  
9:21:47 AM Sybil Hebb, Representative, Oregon Law Center  
9:21:52 AM Chair Prozanski  
9:22:30 AM Hebb  
9:25:01 AM Chair Prozanski  
9:25:25 AM Hebb  
9:26:07 AM Chair Prozanski  
9:26:14 AM Sen. Bonamici  
9:26:38 AM Hebb  
9:28:22 AM Sen. Bonamici  
9:28:32 AM Hebb  
9:28:33 AM Chair Prozanski  
9:29:22 AM Sen. Telfer  
9:29:46 AM Chair Prozanski  
9:30:14 AM Taylor  
9:30:19 AM SB 87 - Work Session  
9:30:30 AM Bill Taylor, Committee Counsel  
9:33:04 AM {Exhibit} 11: Taylor  
9:33:43 AM Chair Prozanski  
9:33:56 AM Taylor  
9:34:00 AM Chair Prozanski  
9:34:06 AM Taylor  
9:34:08 AM MOTION: Vice-Chair Boquist moves TO RECONSIDER the vote by  
which -2 and -4 amendments WERE ADOPTED  
9:34:17 AM Chair Prozanski  
9:34:32 AM VOTE: 5-0-0  
9:34:32 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
9:34:35 AM Chair Prozanski  
9:34:41 AM Taylor  
9:34:42 AM Chair Prozanski  
9:34:50 AM Taylor  
9:34:53 AM Chair Prozanski  
9:35:01 AM MOTION: Vice-Chair Boquist moves -2 and -4 amendments BE  
RESCINDED and moves -5 amendments  
9:35:13 AM Chair Prozanski  
9:35:28 AM VOTE: 5-0-0  
9:35:28 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
9:35:31 AM MOTION: Vice-Chair Boquist moves SB 87 DO PASS as  
AMENDED  
9:35:41 AM Chair Prozanski  
9:35:51 AM VOTE: 5-0-0

9:35:51 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
9:35:54 AM Chair Prozanski  
9:35:56 AM Sen. Bonamici  
9:35:58 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor  
9:36:02 AM Chair Prozanski  
9:36:22 AM Taylor  
9:36:28 AM SJM 12 - Work Session  
9:36:32 AM Bill Taylor, Committee Counsel  
9:36:52 AM Chair Prozanski  
9:36:55 AM MOTION: Vice-Chair Boquist moves SJM 12 BE ADOPTED  
9:37:02 AM Chair Prozanski  
9:37:10 AM VOTE: 5-0-0  
9:37:10 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
9:37:14 AM CARRIER: SEN. BONAMICI will lead discussion on the floor  
9:37:17 AM Sen. Bonamici  
9:37:18 AM Chair Prozanski  
9:37:27 AM SB 310 - Work Session  
9:37:32 AM Bill Taylor, Committee Counsel  
9:37:49 AM {Exhibit} 12: Taylor  
9:38:13 AM Chair Prozanski  
9:38:43 AM Taylor  
9:38:46 AM Chair Prozanski  
9:38:51 AM Taylor  
9:39:04 AM Chair Prozanski  
9:39:08 AM Vice-Chair Boquist  
9:39:11 AM Chair Prozanski  
9:39:12 AM Andrea Meyer, Legislative Director, American Civil Liberties Union  
of Oregon  
9:43:19 AM Chair Prozanski  
9:43:21 AM Sen. Dingfelder  
9:43:30 AM Chair Prozanski  
9:43:36 AM Sen. Dingfelder  
9:43:44 AM Meyer  
9:43:59 AM Chair Prozanski  
9:44:33 AM Adam Walsh, Legislative Analyst, City of Eugene  
9:44:45 AM Chair Prozanski  
9:44:49 AM Walsh  
9:45:15 AM Chair Prozanski  
9:45:18 AM Vice-Chair Boquist  
9:45:20 AM Taylor  
9:45:25 AM Chair Prozanski  
9:45:47 AM Vice-Chair Boquist  
9:45:55 AM Meyer  
9:46:03 AM Chair Prozanski  
9:46:28 AM MOTION: Vice-Chair Boquist moves -2 amendments  
9:46:30 AM Chair Prozanski

9:46:37 AM VOTE: 5-0-0  
9:46:37 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
9:46:40 AM Chair Prozanski  
9:46:50 AM Taylor  
9:46:57 AM Chair Prozanski  
9:47:17 AM Taylor  
9:47:24 AM Chair Prozanski  
9:48:02 AM SB 389 - Work Session  
9:48:06 AM Bill Taylor, Committee Counsel  
9:48:31 AM {Exhibit} 13: Taylor  
9:49:05 AM Chair Prozanski  
9:49:10 AM Taylor  
9:49:12 AM Chair Prozanski  
9:49:13 AM Taylor  
9:49:17 AM Chair Prozanski  
9:49:25 AM Taylor  
9:51:00 AM Chair Prozanski  
9:51:02 AM Sen. Bonamici  
9:51:26 AM Taylor  
9:51:54 AM Chair Prozanski  
9:53:09 AM HB 2275A - Work Session  
9:53:15 AM Bill Taylor, Committee Counsel  
9:53:48 AM {Exhibit} 14: Taylor  
9:54:01 AM {Exhibit} 15: Taylor  
9:54:10 AM Chair Prozanski  
9:54:20 AM Taylor  
9:54:21 AM Chair Prozanski  
9:54:32 AM Taylor  
9:54:35 AM Chair Prozanski  
9:55:01 AM MOTION: Vice-Chair Boquist moves -2A amendments  
9:55:04 AM Chair Prozanski  
9:55:12 AM VOTE: 5-0-0  
9:55:12 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
9:55:14 AM Chair Prozanski  
9:55:29 AM Vice-Chair Boquist  
9:55:32 AM Taylor  
9:55:34 AM Chair Prozanski  
9:58:16 AM Sen. Dingfelder  
9:58:24 AM Chair Prozanski  
9:58:49 AM Taylor  
9:59:12 AM Sen. Bonamici  
9:59:14 AM Chair Prozanski  
9:59:27 AM Sen. Whitsett  
9:59:32 AM Chair Prozanski  
9:59:49 AM Sen. Whitsett  
9:59:53 AM Chair Prozanski

**10:00:27 AM Meeting Adjourned**

---

**SJUD**

**4/6/2009 8:37:08 AM**

- 8:41:39 AM** {Exhibit} 1: SB 758, written testimony, Judy Shiprack, 1 p
  - 8:53:34 AM** {Exhibit} 2: SB 758, written testimony, Oregon State Bar, 1 p
  - 8:53:56 AM** {Exhibit} 3: SB 670, -1 amendments, staff, 1 p
  - 8:56:58 AM** {Exhibit} 4: SB 670, written testimony, John McCulley, 1 p
  - 9:01:27 AM** {Exhibit} 5: SB 670, written testimony, Diana Godwin, 2 pp
  - 9:05:34 AM** {Exhibit} 6: SB 670, written testimony, Felicia Holgate, 1 p
  - 9:05:58 AM** {Exhibit} 7: SB 720, -1 amendments, staff, 1 p
  - 9:08:00 AM** {Exhibit} 8: SB 720, written testimony, Jennifer Rago, 1 p
  - 9:10:21 AM** {Exhibit} 9: SB 720, written testimony, Jeff Rago, 1 p
  - 9:20:09 AM** {Exhibit} 10: SB 720, written testimony, Charlotte Phillips, 1 p
  - 9:33:04 AM** {Exhibit} 11: SB 87, -5 amendments, staff, 18 pp
  - 9:37:49 AM** {Exhibit} 12: SB 310, -2 amendments, staff, 3 pp
  - 9:48:31 AM** {Exhibit} 13: SB 389, -1 amendments, staff, 1 p
  - 9:53:48 AM** {Exhibit} 14: HB 2275A, -A2 amendments, staff 7 pp
  - 9:54:01 AM** {Exhibit} 15: HB 2275A, New York Times Article 3/29/09, staff, 3 pp
-