

## **SENATE COMMITTEE ON JUDICIARY**

**April 24, 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  
Anna Braun, Counsel  
Courtney Johnston, Committee Assistant

**MEASURES/ISSUES HEARD:** SB 846 – Public Hearing  
SB 974 – Public Hearing  
SB 846 – Public Hearing  
SB 877 – Public Hearing  
SB 126 – Work Session  
SB 687 – Work Session  
SB 295 and SB 809 – Public Hearing

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

**SJUD**

**4/24/2009 8:37:34 AM**

**8:37:38 AM** Meeting Called to Order  
**8:37:43 AM** Chair Prozanski  
**8:38:06 AM** SB 846 - Public Hearing  
**8:38:13 AM** Bill Taylor, Committee Counsel  
**8:38:51 AM** Chair Prozanski  
**8:39:26 AM** Senator Alan Bates, Senate District 3  
**8:41:03 AM** {Exhibit} 1: Sen. Bates  
**8:51:45 AM** Chair Prozanski  
**8:52:01 AM** Sen. Bates  
**8:52:03 AM** Chair Prozanski  
**8:52:06 AM** SB 974 - Public Hearing  
**8:52:25 AM** Anna Braun, Committee Counsel  
**8:52:42 AM** Senator Laurie Monnes Anderson, Senate District 25  
**8:52:53 AM** {Exhibit} 2: Sen. Monnes Anderson  
**8:54:39 AM** Chair Prozanski  
**8:54:49 AM** Sen. Monnes Anderson  
**8:57:52 AM** Chair Prozanski  
**8:57:55 AM** Sen. Dingfelder  
**8:58:20 AM** {Exhibit} 3: Sen. Dingfelder  
**8:58:20 AM** {Exhibit} 4: Sen. Dingfelder  
**8:58:21 AM** Sen. Monnes Anderson  
**8:58:48 AM** Chair Prozanski  
**8:58:52 AM** Sen. Monnes Anderson  
**8:58:56 AM** Chair Prozanski  
**8:59:42 AM** Dr. Mel Kohn, Acting Director, Public Health Division, Oregon  
Department of Human Services  
**9:00:31 AM** {Exhibit} 5: Kohn  
**9:01:18 AM** Chair Prozanski  
**9:01:41 AM** Riad Taha, Hookah Lounge owner, Washington County, Oregon  
**9:05:51 AM** Chair Prozanski  
**9:06:00 AM** Shade Masin, Nara Hookah Lounge, Gresham, Oregon  
**9:09:23 AM** Chair Prozanski  
**9:09:28 AM** Vice-Chair Boquist  
**9:09:35 AM** Masin  
**9:09:36 AM** Vice-Chair Boquist  
**9:09:42 AM** Kohn  
**9:09:46 AM** Vice-Chair Boquist  
**9:09:55 AM** Kohn  
**9:10:20 AM** Vice-Chair Boquist

**9:10:26 AM** Chair Prozanski  
**9:10:28 AM** Sen. Whitsett  
**9:10:43 AM** Taha  
**9:10:46 AM** Chair Prozanski  
**9:10:48 AM** Masin  
**9:10:56 AM** Chair Prozanski  
**9:11:14 AM** Phil Donovan, American Heart Association  
**9:11:51 AM** Chair Prozanski  
**9:12:02 AM** Braun  
**9:12:05 AM** Chair Prozanski  
**9:12:05 AM** Taylor  
**9:12:08 AM** SB 846 - Public Hearing  
**9:12:19 AM** Chair Prozanski  
**9:12:55 AM** Gail Meyer, Legislative Representative, Oregon Criminal Defense Lawyers Association  
**9:13:38 AM** Megan Caughey, Vice-President, Mental Health America of Oregon  
**9:15:50 AM** Chair Prozanski  
**9:15:52 AM** Bob Joondeph, Director, Disability Rights Oregon  
**9:17:04 AM** Chair Prozanski  
**9:17:34 AM** Len Ray, Administrator, Adult Mental Health Services, Addictions and Mental Health Division, Oregon Department of Human Services  
**9:17:44 AM** {Exhibit} 6: Ray  
**9:19:38 AM** Mary Claire Buckley, Executive Director, Psychiatric Security Review Board  
**9:20:53 AM** Kevin Neely, Oregon District Attorneys Association  
**9:21:34 AM** Chair Prozanski  
**9:21:37 AM** Sen. Whitsett  
**9:22:03 AM** Ray  
**9:22:38 AM** Sen. Whitsett  
**9:22:54 AM** Ray  
**9:23:02 AM** Sen. Whitsett  
**9:23:12 AM** Ray  
**9:23:43 AM** Sen. Whitsett  
**9:23:51 AM** Ray  
**9:23:54 AM** Chair Prozanski  
**9:24:08 AM** The following written testimony is submitted for the record without public testimony:  
**9:24:08 AM** {Exhibit} 7: Chris Bouneff, Executive Director, National Alliance on Mental Illness Oregon  
**9:24:09 AM** SB 877 - Public Hearing  
**9:24:22 AM** Anna Braun, Committee Counsel  
**9:24:33 AM** Chair Prozanski  
**9:25:03 AM** David Moskowitz, Columbia Riverkeeper/Native Fish Society/Oregon Water Trails Association/Pacific Rivers Council/Trout Unlimited/Tualatin Riverkeepers/Water Watch of

Oregon/Willamette Riverkeeper

**9:26:45 AM** Thane Tienson, Attorney, Portland, Oregon

**9:29:57 AM** {Exhibit} 8: Tienson

**9:30:01 AM** Chair Prozanski

**9:30:04 AM** Tienson

**9:30:35 AM** Chair Prozanski

**9:30:37 AM** Sen. Whitsett

**9:31:18 AM** Chair Prozanski

**9:31:36 AM** Sen. Dingfelder

**9:32:03 AM** Tienson

**9:32:41 AM** Chair Prozanski

**9:32:42 AM** Sen. Bonamici

**9:32:48 AM** Tienson

**9:33:18 AM** Sen. Bonamici

**9:33:22 AM** Tienson

**9:33:25 AM** Chair Prozanski

**9:33:42 AM** SB 126 - Work Session

**9:33:47 AM** Anna Braun, Committee Counsel

**9:33:51 AM** {Exhibit} 9: Braun

**9:34:47 AM** Chair Prozanski

**9:35:02 AM** MOTION: Vice-Chair Boquist moves -2 amendments

**9:35:03 AM** Chair Prozanski

**9:35:07 AM** VOTE: 5-0-0

**9:35:07 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**9:35:09 AM** MOTION: Vice-Chair Boquist moves SB 126 DO PASS as  
AMENDED and REFER to Ways and Means

**9:35:22 AM** Chair Prozanski

**9:35:40 AM** Vice-Chair Boquist

**9:35:54 AM** Chair Prozanski

**9:36:09 AM** Vice-Chair Boquist

**9:36:20 AM** Chair Prozanski

**9:36:25 AM** VOTE: 5-0-0

**9:36:25 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**9:36:37 AM** SB 687 - Work Session

**9:36:41 AM** Anna Braun, Committee Counsel

**9:36:52 AM** {Exhibit} 10: Braun

**9:37:20 AM** Chair Prozanski

**9:37:21 AM** MOTION: Vice-Chair Boquist moves -3 amendments

**9:37:23 AM** Chair Prozanski

**9:37:28 AM** VOTE: 5-0-0

**9:37:28 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**9:37:34 AM** MOTION: Vice-Chair Boquist moves SB 687 DO PASS as  
AMENDED

**9:37:41 AM** Chair Prozanski

**9:37:48 AM** Sen. Whitsett

**9:38:21 AM** Braun

**9:38:36 AM** Chair Prozanski  
**9:39:22 AM** VOTE: 5-0-0  
**9:39:22 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
**9:39:28 AM** CARRIER: SEN. BONAMICI will lead discussion on the floor  
**9:39:35 AM** Chair Prozanski  
**9:40:11 AM** SB 295 and SB 809 - Public Hearing  
**9:40:19 AM** Bill Taylor, Committee Counsel  
**9:41:29 AM** {Exhibit} 11: Taylor  
**9:41:31 AM** {Exhibit} 12: Taylor  
**9:41:36 AM** {Exhibit} 13: Taylor  
**9:43:30 AM** {Exhibit} 14: Taylor  
**9:44:08 AM** Chair Prozanski  
**9:44:51 AM** Ronelle Shankle, Legislative Liaison, Office of the Attorney  
General, Oregon Department of Justice  
**9:44:58 AM** Doug Harclerod, Retired Lane County District Attorney, Oregon  
Anti-Crime Alliance  
**9:50:53 AM** Joshua Marquis, Clatsop County District Attorney, Oregon District  
Attorneys Association  
**9:54:17 AM** Chair Prozanski  
**9:54:25 AM** Marquis  
**9:55:49 AM** Shankle  
**9:56:51 AM** Chair Prozanski  
**9:56:54 AM** Vice-Chair Boquist  
**9:57:07 AM** Harclerod  
**9:57:08 AM** Chair Prozanski  
**9:57:28 AM** Matthew Rubenstein, Attorney, Oregon Capitol Resource Center  
**10:02:04 AM** Richard Wolf, Criminal Defense Attorney, Portland, Oregon  
**10:07:13 AM** Kathy Berger, Criminal Defense Attorney, Portland, Oregon  
**10:07:23 AM** Chair Prozanski  
**10:07:28 AM** Taylor  
**10:07:34 AM** Rubenstein  
**10:07:41 AM** Taylor  
**10:07:44 AM** Rubenstein  
**10:07:47 AM** Chair Prozanski  
**10:08:01 AM** Paul Snider, Association of Oregon Counties  
**10:09:08 AM** Chair Prozanski  
**10:11:34 AM** Taylor  
**10:11:39 AM** Chair Prozanski  
**10:11:48 AM** Sen. Dingfelder  
**10:11:56 AM** Chair Prozanski  
**10:13:35 AM** Meeting Adjourned

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**SJUD**

**4/24/2009 8:37:34 AM**

**8:41:03 AM** {Exhibit} 1: SB 846, written testimony, Sen. Alan Bates, 3 pp  
**8:52:53 AM** {Exhibit} 2: SB 974, written testimony, Sen. Laurie Monnes  
Anderson, 3 pp  
**8:58:20 AM** {Exhibit} 3: SB 974, -1 amendments, staff, 6 pp  
**8:58:20 AM** {Exhibit} 4: SB 974, -3 amendments, staff, 3 pp  
**9:00:31 AM** {Exhibit} 5: SB 974, written testimony, Dr. Mel Kohn, 15 pp  
**9:17:44 AM** {Exhibit} 6: SB 846, written testimony, Len Ray, 2 pp  
**9:24:08 AM** {Exhibit} 7: SB 846, written testimony, Chris Bouneff, 1 p  
**9:29:57 AM** {Exhibit} 8: SB 877, written testimony, Thane Tienson, 7 pp  
**9:33:51 AM** {Exhibit} 9: SB 126, -2 amendments, staff, 10 pp  
**9:36:52 AM** {Exhibit} 10: SB 687, -3 amendments, staff, 2 pp  
**9:41:29 AM** {Exhibit} 11: SB 295, -1 amendments, staff, 1 p  
**9:41:31 AM** {Exhibit} 12: SB 295, -4 amendments, staff, 1 p  
**9:41:36 AM** {Exhibit} 13: SB 295, -2 amendments, staff, 3 pp  
**9:43:30 AM** {Exhibit} 14: SB 295, -3 amendments, staff, 2 pp

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