

SENATE COMMITTEE ON JUDICIARY

**May 19, 2009
8:00 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: **Lisa Nuss, Committee Counsel
Diane Beyer, Committee Assistant**

MEASURES/ISSUES HEARD: **HB 3255 – Public Hearing and Work Session
HB 2839 A – Public Hearing and Work Session
HB 2333 – Public Hearing and Work Session
HB 2560 – Public Hearing and Work Session
HB 2759 – Public Hearing
HB 2313 A – Public Hearing and Work Session
HB 3077 A – Public Hearing and Work Session
HB 2264 A – Public Hearing and Work Session
HB 2623 A – Work Session
HB 2498 – Work Session
HB 3348 – Public Hearing and Work Session**

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

SJUD

5/19/2009 8:15:18 AM

8:15:24 AM Meeting Called to Order
8:15:43 AM HB 3255 - Public Hearing
8:15:46 AM Lisa Nuss, Committee Counsel
8:16:08 AM Chair Prozanski
8:16:29 AM Rep. Tim Freeman, House District 2
8:17:47 AM Chair Prozanski
8:17:58 AM Shawn Baird, Paramedic, Woodburn Ambulance Service,
President, Oregon State Ambulance Association
8:17:59 AM {Exhibit} 1: Baird
8:19:07 AM Chair Prozanski
8:19:10 AM Paul Evans, Governor's Office
8:19:25 AM Chair Prozanski
8:19:37 AM HB 3255 - Work Session
8:19:39 AM MOTION: Vice-Chair Boquist moves HB 3255 DO PASS
8:19:42 AM Chair Prozanski
8:19:47 AM VOTE: 5-0-0
8:19:49 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
8:19:54 AM CARRIER: SEN. BOQUIST will lead discussion on the floor
8:20:02 AM HB 2839 A - Public Hearing
8:20:14 AM Lisa Nuss, Committee Counsel
8:20:15 AM {Exhibit} 2: Nuss
8:21:45 AM Chair Prozanski
8:22:06 AM Sen. Vicki Walker, Senate District 7
8:23:43 AM Chair Prozanski
8:23:48 AM Maura Roche, Basic Rights Oregon
8:27:55 AM Chair Prozanski
8:28:10 AM Vice-Chair Boquist
8:29:28 AM Roche
8:30:01 AM Vice-Chair Boquist
8:30:33 AM Beth Allen, Attorney, Allen Law, LLC
8:30:34 AM {Exhibit} 3: Allen
8:31:13 AM Vice-Chair Boquist
8:31:18 AM Chair Prozanski
8:31:30 AM Roche
8:31:38 AM Chair Prozanski
8:31:52 AM Rep. Tina Kotek, House District 44
8:32:33 AM Chair Prozanski
8:32:34 AM The following written testimony is submitted for the record without
public testimony:

8:32:35 AM {Exhibit} 4: Paul Weiss, resident, Florence, OR
8:32:36 AM {Exhibit} 5: Dana Singer, resident, Eugene, OR
8:32:37 AM {Exhibit} 6: Mark Clift, Certified Public Accountant and Managing Partner, McDonald Jacobs, PC
8:32:54 AM HB 2839 A - Work Session
8:33:01 AM MOTION: Vice-Chair Boquist moves A4 amendments
8:33:03 AM Chair Prozanski
8:33:10 AM VOTE: 5-0-0
8:33:11 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
8:33:30 AM HB 2333 - Public Hearing
8:33:39 AM Lisa Nuss, Committee Counsel
8:33:52 AM Chair Prozanski
8:34:17 AM Brad Berry, District Attorney, Yamhill County and Chair of Oregon District Attorney's Association Legislative Committee
8:35:44 AM Chair Prozanski
8:35:53 AM HB 2333 - Work Session
8:35:56 AM MOTION: Vice-Chair Boquist moves HB 2333 DO PASS
8:36:05 AM VOTE: 5-0-0
8:36:06 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
8:36:11 AM CARRIER: SEN. BONAMICI will lead discussion on the floor
8:36:22 AM HB 2560 - Public Hearing
8:36:32 AM Lisa Nuss, Committee Counsel
8:36:52 AM Chair Prozanski
8:37:13 AM Georgette Brown, Oregon Association of County Clerks
8:37:14 AM {Exhibit} 7: Brown
8:37:40 AM Chair Prozanski
8:37:48 AM Jan Coleman, Oregon Association of County Clerks
8:38:25 AM HB 2560 - Work Session
8:38:30 AM MOTION: Vice-Chair Boquist moves HB 2560 DO PASS
8:38:33 AM Chair Prozanski
8:38:39 AM Vice-Chair Boquist
8:38:43 AM Sen. Dingfelder
8:38:45 AM VOTE: 5-0-0
8:38:46 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
8:38:48 AM CARRIER: SEN. DINGFELDER will lead discussion on the floor
8:38:57 AM HB 2759 - Public Hearing
8:39:06 AM Lisa Nuss, Committee Counsel
8:39:07 AM {Exhibit} 8: Nuss
8:39:39 AM Chair Prozanski
8:39:47 AM Jan Coleman, Oregon Association of County Clerks
8:40:54 AM Chair Prozanski
8:41:01 AM Alan Brickley, Counsel, First American Title Insurance Company
8:41:02 AM {Exhibit} 9: Brickley
8:43:17 AM Chair Prozanski
8:43:19 AM Brickley
8:43:42 AM Chair Prozanski

8:43:51 AM Brickley
8:43:58 AM Chair Prozanski
8:44:04 AM Sen. Bonamici
8:44:11 AM Brickley
8:44:23 AM Chair Prozanski
8:44:52 AM Sen. Whitsett
8:45:00 AM Chair Prozanski
8:45:30 AM Vice-Chair Boquist
8:45:50 AM Coleman
8:46:05 AM Chair Prozanski
8:46:28 AM HB 2313 A - Public Hearing
8:46:37 AM Lisa Nuss, Committee Counsel
8:47:00 AM Chair Prozanski
8:47:16 AM Scott McKeown, Real Estate Legislative Sub-Committee, Real Estate and Land Use Section, Oregon State Bar
8:47:17 AM {Exhibit} 10: McKeown
8:49:14 AM Chair Prozanski
8:49:16 AM Vice-Chair Boquist
8:49:40 AM McKeown
8:50:35 AM Chair Prozanski
8:50:52 AM HB 2313 A - Work Session
8:50:56 AM MOTION: Vice-Chair Boquist moves SB 2313 A DO PASS
8:51:06 AM VOTE: 5-0-0
8:51:08 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
8:51:09 AM CARRIER: SEN. WHITSETT will lead discussion on the floor
8:51:18 AM HB 3077 A - Public Hearing
8:51:28 AM Lisa Nuss, Committee Counsel
8:51:29 AM {Exhibit} 11: Nuss
8:51:30 AM {Exhibit} 12: Nuss
8:52:31 AM Chair Prozanski
8:52:44 AM Lane Shetterly, Chair, Oregon Law Commission
8:52:45 AM {Exhibit} 13: Shetterly
8:52:45 AM {Exhibit} 14: Shetterly
8:52:46 AM {Exhibit} 15: Shetterly
8:55:27 AM Chair Prozanski
8:55:29 AM Nuss
8:55:37 AM Chair Prozanski
8:55:38 AM Shetterly
8:55:48 AM Vice-Chair Boquist
8:55:51 AM Shetterly
8:55:56 AM Sen. Bonamici
8:56:02 AM Nuss
8:56:15 AM Chair Prozanski
8:56:20 AM Wendy Johnson, Deputy Director and General Counsel, Oregon Law Commission
8:56:21 AM {Exhibit} 16: Johnson

8:57:30 AM Bernard Vail, Oregon Law Commission
8:57:42 AM Chair Prozanski
8:57:46 AM Vice-Chair Boquist
8:57:57 AM Shetterly
8:59:33 AM Sen. Boquist
8:59:58 AM Shetterly
9:00:05 AM Chair Prozanski
9:00:08 AM Sen. Dingfelder
9:00:18 AM Vail
9:00:28 AM Sen. Dingfelder
9:00:38 AM Vail
9:01:54 AM Sen. Whitsett
9:02:12 AM Shetterly
9:03:07 AM Sen. Whitsett
9:03:10 AM Shetterly
9:03:24 AM Sen. Whitsett
9:03:40 AM Shetterly
9:03:59 AM Sen. Whitsett
9:04:07 AM Shetterly
9:04:38 AM Sen. Whitsett
9:04:40 AM Chair Prozanski
9:04:41 AM Vice-Chair Boquist
9:05:14 AM Vail
9:06:18 AM Shetterly
9:06:34 AM Chair Prozanski
9:06:44 AM Sen. Whitsett
9:07:29 AM Vail
9:08:14 AM Sen. Whitsett
9:08:16 AM Chair Prozanski
9:08:55 AM HB 3077 A - Work Session
9:09:03 AM MOTION: Vice-Chair Boquist moves A5 amendments
9:09:09 AM VOTE: 5-0-0
9:09:10 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
9:09:23 AM HB 2264 A - Public Hearing
9:09:28 AM Lisa Nuss, Committee Counsel
9:10:05 AM Keith Dubanevich, Special Counsel, Department of Justice
9:10:06 AM {Exhibit} 17: Dubanevich
9:13:51 AM Chair Prozanski
9:13:54 AM Jim Gardner, Representative, Pharmaceutical Research and
Manufacturers of America
9:14:20 AM Chair Prozanski
9:14:21 AM Sen. Whitsett
9:14:33 AM Dubanevich
9:14:44 AM Sen. Whitsett
9:15:05 AM Dubanevich
9:16:12 AM Sen. Whitsett

9:16:20 AM Dubanevich
9:16:53 AM Sen. Whitsett
9:17:19 AM Dubanevich
9:18:04 AM Sen. Whitsett
9:18:20 AM Dubanevich
9:18:27 AM Chair Prozanski
9:18:30 AM Sen. Bonamici
9:18:47 AM Dubanevich
9:20:02 AM Chair Prozanski
9:20:05 AM Vice-Chair Boquist
9:20:17 AM Dubanevich
9:20:25 AM Vice-Chair Boquist
9:20:28 AM Dubanevich
9:20:52 AM Vice-Chair Boquist
9:21:08 AM Chair Prozanski
9:21:18 AM HB 2264 A - Work Session
9:21:22 AM MOTION: Sen. Dingfelder moves HB 2264 A DO PASS
9:21:28 AM Chair Prozanski
9:21:36 AM Sen. Whitsett
9:21:40 AM Chair Prozanski
9:21:43 AM VOTE: 3-2-0
9:21:44 AM Ayes: Bonamici, Dingfelder, Prozanski; Nays: Boquist, Whitsett
9:21:45 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
9:21:58 AM Vice-Chair Boquist
9:22:04 AM Chair Prozanski
9:22:37 AM HB 2623 A - Work Session
9:22:43 AM Lisa Nuss, Committee Counsel
9:22:44 AM {Exhibit} 18: Nuss
9:23:32 AM Sen. Dingfelder
9:23:53 AM Chair Prozanski
9:23:58 AM MOTION: Sen. Dingfelder moves HB 2623 A DO PASS as
AMENDED and REFER to the President's office to be re-referred
9:24:13 AM Chair Prozanski
9:24:49 AM Sen. Whitsett
9:24:59 AM Chair Prozanski
9:25:18 AM Sen. Bonamici
9:25:52 AM Chair Prozanski
9:26:26 AM Brad Berry, District Attorney, Yamhill County
9:27:14 AM Chair Prozanski
9:27:26 AM Vice-Chair Boquist
9:27:28 AM Chair Prozanski
9:28:46 AM VOTE: 5-0-0
9:28:47 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
9:29:07 AM HB 2498 - Work Session
9:29:13 AM Lisa Nuss, Committee Counsel
9:29:14 AM {Exhibit} 19: Nuss

9:30:46 AM Chair Prozanski
9:30:47 AM Vice-Chair Boquist
9:30:55 AM Nuss
9:31:04 AM Sen. Dingfelder
9:31:15 AM Nuss
9:31:26 AM Sen. Dingfelder
9:31:33 AM Nuss
9:31:48 AM MOTION: Vice-Chair Boquist moves -3 amendments
9:31:54 AM Chair Prozanski
9:32:01 AM Vice-Chair Boquist
9:32:14 AM Chair Prozanski
9:32:54 AM Vice-Chair Boquist
9:33:01 AM Chair Prozanski
9:33:22 AM VOTE: 5-0-0
9:33:23 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
9:33:28 AM MOTION: Sen. Boquist moves HB 2498 DO PASS as AMENDED
9:33:32 AM Chair Prozanski
9:33:38 AM VOTE: 5-0-0
9:33:39 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett
9:33:40 AM CARRIER: SEN. BOQUIST will lead discussion on the floor
9:33:51 AM HB 3348 - Public Hearing
9:34:01 AM Lisa Nuss, Committee Counsel
9:34:22 AM Chair Prozanski
9:35:09 AM Akin Blitz, Attorney and Trustee of Oregon Humane Society
9:38:52 AM Kevin Campbell, Executive Director, Oregon Association Chiefs of Police
9:38:53 AM {Exhibit} 20: Campbell
9:39:49 AM Sharon Harmon, Executive Director, Oregon Humane Society
9:39:50 AM {Exhibit} 21: Harmon
9:40:57 AM Bonnie Helser, Special Agent, Oregon Humane Society
9:41:13 AM {Exhibit} 22: Helser
9:42:21 AM Chair Prozanski
9:42:23 AM Sen. Whitsett
9:42:56 AM Harmon
9:43:17 AM Blitz
9:44:05 AM Nuss
9:44:07 AM Chair Prozanski
9:45:14 AM Blitz
9:45:17 AM Sen. Bonamici
9:45:40 AM Blitz
9:46:34 AM Sen. Bonamici
9:46:38 AM Blitz
9:46:57 AM Chair Prozanski
9:48:05 AM The following written testimony is submitted for the record without public testimony:
9:48:06 AM {Exhibit} 23: Todd Anderson, Sheriff, Tillamook County and

President, Oregon State Sheriff's Association
9:48:07 AM {Exhibit} 24: Brad Lohrey, Sheriff, Sherman County
9:48:08 AM {Exhibit} 25: Kent Barker, President, Oregon Association Chiefs of Police
9:48:10 AM Tom Buchholz, resident, Oregon City, OR
9:48:11 AM {Exhibit} 26: Buchholz
9:49:49 AM Chair Prozanski
9:50:03 AM Buchholz
9:50:09 AM Chair Prozanski
9:50:14 AM Buchholz
9:51:21 AM Chair Prozanski
9:51:42 AM HB 3348 - Work Session
9:51:46 AM MOTION: Vice-Chair Boquist moves HB 3348 DO PASS
9:52:02 AM Chair Prozanski
9:52:03 AM Sen. Whitsett
9:52:42 AM Chair Prozanski
9:52:46 AM Vice-Chair Boquist
9:53:28 AM Chair Prozanski
9:55:28 AM VOTE: 4-1-0
9:55:29 AM Ayes: Bonamici, Boquist, Dingfelder, Prozanski; Nay: Whitsett
9:55:30 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
9:55:44 AM Lisa Nuss, Committee Counsel
9:55:48 AM Chair Prozanski
9:55:55 AM Nuss
9:56:01 AM Chair Prozanski
9:56:29 AM Meeting Adjourned

SJUD

5/19/2009 8:15:18 AM

- 8:17:59 AM** {Exhibit} 1: HB 3255, written testimony, Shawn Baird, 1 p
 - 8:20:15 AM** {Exhibit} 2: HB 2839 A, -A4 amendments, staff, 1 p
 - 8:23:49 AM** {Exhibit} 3: HB 2839 A, written testimony, Beth Allen, 5 pp
 - 8:32:35 AM** {Exhibit} 4: HB 2839 A, written testimony, Paul Weiss, 2 pp
 - 8:32:36 AM** {Exhibit} 5: HB 2839 A, written testimony, Dana Singer, 1 p
 - 8:32:37 AM** {Exhibit} 6: HB 2839 A, written testimony, Mark Clift, 1 p
 - 8:37:14 AM** {Exhibit} 7: HB 2560, recording cover sheet, Georgette Brown, 1 p
 - 8:39:07 AM** {Exhibit} 8: HB 2759, -1 amendments, staff, 2 pp
 - 8:41:02 AM** {Exhibit} 9: HB 2759, written testimony, Alan Brickley, 2 pp
 - 8:47:17 AM** {Exhibit} 10: HB 2313 A, written testimony, Scott McKeown, 2 pp
 - 8:51:29 AM** {Exhibit} 11: HB 3077 A, -A3 amendments, staff, 18 pp
 - 8:51:30 AM** {Exhibit} 12: HB 3077 A, -A4 amendments, staff, 1 p
 - 8:52:45 AM** {Exhibit} 13: HB 3077 A, written testimony, Lane Shetterly on behalf of Penny Serrurier, 1 p
 - 8:52:45 AM** {Exhibit} 14: HB 3077 A, summary, Lane Shetterly, 1 p
 - 8:52:46 AM** {Exhibit} 15: HB 3077 A, -A5 amendments, staff, 17 pp
 - 8:56:21 AM** {Exhibit} 16: HB 3077 A, elective share, Wendy Johnson, 14 pp
 - 9:10:06 AM** {Exhibit} 17: HB 2264 A, written testimony, Keith Dubanevich, 3 pp
 - 9:22:44 AM** {Exhibit} 18: HB 2623 A, -A2 amendments, staff, 1 p
 - 9:29:14 AM** {Exhibit} 19: HB 2498, -3 amendments, staff, 1 p
 - 9:38:53 AM** {Exhibit} 20: HB 3348, written testimony, Kevin Campbell, 1 p
 - 9:39:50 AM** {Exhibit} 21: HB 3348, written testimony, Sharon Harmon, 1 p
 - 9:41:13 AM** {Exhibit} 22: HB 3348, written testimony, Bonnie Helser, 1 p
 - 9:48:06 AM** {Exhibit} 23: HB 3348, written testimony, Todd Anderson, 1 p
 - 9:48:07 AM** {Exhibit} 24: HB 3348, written testimony, Brad Lohrey, 1 p
 - 9:48:08 AM** {Exhibit} 25: HB 3348, written testimony, Kent Barker, 1 p
 - 9:48:11 AM** {Exhibit} 26: HB 3348, written testimony, Tom Buchholz, 14 pp
-