

SENATE COMMITTEE ON JUDICIARY

**May 20, 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: **Anna Braun, Counsel
Courtney Johnston, Committee Assistant**

MEASURES/ISSUES HEARD: **HB 2393 A – Public Hearing and Work Session
HB 2449 – Public Hearing and Work Session
HB 2139 A – Public Hearing and Work Session
HB 2686 – Public Hearing and Work Session
HB 2655 – Public Hearing and Work Session
HB 2349 A – Public Hearing and Work Session
HB 3021 A – Public Hearing
HB 3343 A – Public Hearing
HB 2870 A – Work Session**

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

SJUD

5/20/2009 8:13:26 AM

8:13:29 AM Meeting Called to Order
8:13:36 AM Chair Prozanski
8:14:27 AM HB 2393 A - Public Hearing
8:14:32 AM Anna Braun, Committee Counsel
8:14:49 AM Chair Prozanski
8:15:02 AM Brian Wallace, Chief Civil Deputy, Marion County Sheriff's Office
8:15:31 AM {Exhibit} 1: Wallace
8:17:27 AM Tami Wood, Captain, Linn County Sheriff's Office/President,
Oregon State Sheriff's Department Civil Command Council
8:17:38 AM {Exhibit} 2: Wood
8:18:50 AM Chair Prozanski
8:18:54 AM Vice-Chair Boquist
8:18:59 AM Braun
8:19:01 AM Vice-Chair Boquist
8:19:07 AM Wallace
8:19:13 AM Vice-Chair Boquist
8:19:13 AM Wallace
8:19:19 AM Vice-Chair Boquist
8:19:41 AM Wood
8:20:48 AM Vice-Chair Boquist
8:20:56 AM Wood
8:21:00 AM Vice-Chair Boquist
8:21:36 AM Wallace
8:22:28 AM Chair Prozanski
8:22:29 AM Sen. Whitsett
8:23:05 AM Wood
8:24:04 AM Sen. Whitsett
8:24:10 AM Chair Prozanski
8:24:19 AM Wood
8:24:26 AM Chair Prozanski
8:24:38 AM HB 2393 A - Work Session
8:24:43 AM MOTION: Vice-Chair Boquist moves HB 2393 A DO PASS and
REFER to Revenue by prior reference
8:24:54 AM Chair Prozanski
8:25:15 AM Vice-Chair Boquist
8:25:24 AM Chair Prozanski
8:25:27 AM Anna Braun, Committee Counsel
8:25:31 AM Vice-Chair Boquist
8:25:39 AM Chair Prozanski

8:25:41 AM Sen. Whitsett
8:25:49 AM Sen. Bonamici
8:26:24 AM Vice-Chair Boquist
8:26:29 AM Chair Prozanski
8:26:31 AM Sen. Dingfelder
8:26:36 AM VOTE: 5-0-0
8:26:36 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:26:55 AM HB 2449 - Public Hearing
8:27:04 AM Anna Braun, Committee Counsel
8:27:26 AM Representative Sara Gelser, House District 16
8:27:45 AM The following written testimony is submitted for the record without public testimony:
8:27:45 AM {Exhibit} 3: Stacey Ayers, Permanency and Safety for Children Program Manager, Children, Adults and Families Division, Oregon Department of Human Services
8:27:49 AM The following written testimony is submitted for the record without public testimony:
8:27:49 AM {Exhibit} 4: Cynthia Stinson, Director, Crime Victims' Services Division
8:29:00 AM Chair Prozanski
8:29:05 AM Sen. Whitsett
8:29:14 AM Rep. Gelser
8:29:53 AM Sen. Whitsett
8:30:08 AM Rep. Gelser
8:30:36 AM Sen. Whitsett
8:30:42 AM Chair Prozanski
8:30:53 AM HB 2449 - Work Session
8:30:56 AM MOTION: Vice-Chair Boquist moves HB 2449 DO PASS
8:31:00 AM Chair Prozanski
8:31:10 AM VOTE: 5-0-0
8:31:10 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:31:14 AM CARRIER: SEN. WHITSETT will lead discussion on the floor
8:31:20 AM HB 2139 A- Public Hearing
8:31:34 AM Anna Braun, Committee Counsel
8:32:01 AM Chair Prozanski
8:32:04 AM Mary Gear, Administrator, Office of Licensing and Quality of Care, Seniors and People with Disabilities Division, Oregon Department of Human Services
8:32:14 AM {Exhibit} 5: Gear
8:33:22 AM Lauren Rhoades, Oregon Health Care Association
8:33:37 AM Chair Prozanski
8:33:49 AM HB 2139 A - Work Session
8:33:53 AM MOTION: Vice-Chair Boquist moves HB 2139 A DO PASS
8:33:58 AM Chair Prozanski
8:34:04 AM Vice-Chair Boquist
8:34:21 AM Chair Prozanski

8:34:26 AM VOTE: 5-0-0
8:34:26 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:34:32 AM CARRIER: SEN. BOQUIST will lead discussion on the floor
8:34:47 AM HB 2686 - Public Hearing
8:34:54 AM Anna Braun, Committee Counsel
8:35:13 AM Dan Kennedy, Pharmacist, Oregon Health and Science
University/Oregon Society of Health-System Pharmacists/Oregon
State Pharmacy Association
8:35:28 AM {Exhibit} 6: Kennedy
8:36:10 AM Chair Prozanski
8:36:23 AM HB 2686 - Work Session
8:36:26 AM MOTION: Vice-Chair Boquist moves HB 2686 DO PASS
8:36:29 AM Chair Prozanski
8:36:37 AM VOTE: 5-0-0
8:36:37 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:36:42 AM CARRIER: SEN. WHITSETT will lead discussion on the floor
8:36:59 AM HB 2655 - Public Hearing
8:37:09 AM Anna Braun, Committee Counsel
8:37:23 AM Olivia Clark, Tri-Met
8:38:24 AM Chair Prozanski
8:38:30 AM Erik Van Hagen, Business Law, Portland, Oregon
8:38:32 AM Vice-Chair Boquist
8:38:36 AM Clark
8:38:44 AM Sen. Dingfelder
8:38:46 AM Vice-Chair Boquist
8:38:50 AM Sen. Dingfelder
8:38:53 AM Vice-Chair Boquist
8:38:58 AM Sen. Whitsett
8:39:11 AM Vice-Chair Boquist
8:39:15 AM Sen. Dingfelder
8:39:30 AM Clark
8:39:38 AM Vice-Chair Boquist
8:39:40 AM Chair Prozanski
8:39:53 AM HB 2655 - Work Session
8:39:56 AM MOTION: Vice-Chair Boquist moves HB 2655 DO PASS
8:40:00 AM Chair Prozanski
8:40:08 AM VOTE: 5-0-0
8:40:08 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:40:11 AM CARRIER: SEN. BOQUIST and SEN. DINGFELDER will lead
discussion on the floor
8:40:30 AM HB 2349 A - Public Hearing
8:40:40 AM Anna Braun, Committee Counsel
8:40:59 AM Chair Prozanski
8:41:43 AM Shelby Rihala, Government Affairs, Washington County
8:43:05 AM Laurie Steele, Treasurer, Marion County
8:44:57 AM Alex Cuyler, Intergovernmental Relations Manager, Lane County

8:46:05 AM Ann Hanus, Association of Oregon Counties
8:46:12 AM {Exhibit} 7: Hanus
8:46:29 AM Chair Prozanski
8:46:45 AM HB 2349 A - Work Session
8:46:49 AM MOTION: Vice-Chair Boquist moves HB 2349 A DO PASS
8:46:53 AM Chair Prozanski
8:47:01 AM VOTE: 5-0-0
8:47:01 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:47:06 AM CARRIER: SEN. BONAMICI will lead discussion on the floor
8:47:15 AM HB 3021 A - Public Hearing
8:47:24 AM Anna Braun, Committee Counsel
8:47:40 AM Chair Prozanski
8:48:02 AM Lane Shetterly, Chair, Oregon Law Commission
8:49:01 AM Greg Macpherson, member, Oregon Law Commission
8:49:08 AM Chair Prozanski
8:49:15 AM Sen. Dingfelder
8:49:16 AM Macpherson
8:49:22 AM Chair Prozanski
8:49:28 AM Macpherson
8:49:44 AM Chair Prozanski
8:49:51 AM Macpherson
8:53:38 AM Wendy Johnson, General Counsel/Deputy Director, Oregon Law
Commission
8:53:45 AM {Exhibit} 8: Johnson
8:57:20 AM {Exhibit} 9: Johnson
8:59:40 AM The following written testimony is submitted for the record without
public testimony:
8:59:40 AM {Exhibit} 10: Robert Cruickshank, volunteer, Pacific Northwest
Search and Rescue
8:59:47 AM {Exhibit} 11: Fran Sharp, Immediate Past President, Tacoma
Mountain Rescue
9:01:55 AM Chair Prozanski
9:02:01 AM Vice-Chair Boquist
9:02:06 AM {Exhibit} 12: Vice-Chair Boquist
9:02:08 AM {Exhibit} 13: Vice-Chair Boquist
9:02:09 AM {Exhibit} 14: Vice-Chair Boquist
9:02:33 AM Braun
9:03:02 AM Vice-Chair Boquist
9:03:11 AM Shetterly
9:03:16 AM Johnson
9:03:53 AM Chair Prozanski
9:04:04 AM Shetterly
9:04:14 AM Chair Prozanski
9:04:18 AM Braun
9:04:19 AM Chair Prozanski
9:04:31 AM Braun

9:04:34 AM Chair Prozanski
9:04:38 AM Braun
9:04:39 AM Shetterly
9:04:41 AM Chair Prozanski
9:04:47 AM Vice-Chair Boquist
9:05:37 AM Chair Prozanski
9:05:53 AM Johnson
9:05:55 AM Chair Prozanski
9:06:14 AM Johnson
9:07:10 AM Chris Davie, State Accident Insurance Fund Corporation
9:07:59 AM Vice-Chair Boquist
9:08:29 AM Davie
9:09:14 AM Vice-Chair Boquist
9:09:40 AM Chair Prozanski
9:09:54 AM Johnson
9:10:50 AM Chair Prozanski
9:10:54 AM Vice-Chair Boquist
9:10:57 AM Chair Prozanski
9:10:58 AM Sen. Bonamici
9:11:01 AM Sen. Whitsett
9:11:25 AM Davie
9:12:18 AM Sen. Whitsett
9:13:04 AM Johnson
9:14:04 AM Macpherson
9:14:41 AM Sen. Whitsett
9:14:59 AM Macpherson
9:15:40 AM Shetterly
9:16:48 AM Sen. Whitsett
9:17:29 AM Chair Prozanski
9:17:53 AM Shetterly
9:18:20 AM Chair Prozanski
9:19:19 AM Paul Evans, Policy Advisor, Military and Veterans Affairs, Governor
Kulongoski's Office
9:21:29 AM Chair Prozanski
9:21:31 AM Ken Murphy, Director, Oregon Emergency Management
9:23:35 AM Chair Prozanski
9:23:37 AM Vice-Chair Boquist
9:23:58 AM Murphy
9:24:30 AM Chair Prozanski
9:24:52 AM Ross Fleischman, Emergency Physician, Portland Mountain
Rescue
9:25:00 AM {Exhibit} 15: Fleischman
9:27:24 AM Chair Prozanski
9:27:26 AM Scott Bellows, Field Volunteer/Board of Directors board member,
Portland Mountain Rescue
9:30:39 AM Chair Prozanski

9:30:43 AM Bellows
9:32:11 AM Chair Prozanski
9:32:46 AM Paul Snider, Association of Oregon Counties
9:32:57 AM {Exhibit} 16: Snider
9:37:40 AM Chair Prozanski
9:38:26 AM Edward McGlone III, Senior Assistant County Counsel, Clackamas County
9:38:36 AM {Exhibit} 17: McGlone
9:43:10 AM Chair Prozanski
9:43:29 AM Alex Cuyler, Intergovernmental Relations Manager, Lane County
9:44:51 AM Chair Prozanski
9:44:54 AM Sen. Whitsett
9:45:19 AM Chair Prozanski
9:46:20 AM The following written testimony is submitted for the record without public testimony:
9:46:20 AM {Exhibit} 18: Grant Higginson, Medical Doctor/Administrator, Office of Community Health and Health Planning, Public Health Division, Oregon Department of Human Services
9:46:21 AM HB 3343 A - Public Hearing
9:46:28 AM Anna Braun, Committee Counsel
9:46:42 AM Chair Prozanski
9:47:34 AM Jeff Anderson, Secretary-Treasurer, United Food and Commercial Workers Local 555
9:49:56 AM Chair Prozanski
9:50:26 AM Rod Brown, Clerk, United Food and Commercial Workers
9:51:06 AM Chair Prozanski
9:51:13 AM Brown
9:51:20 AM Tom Erwin, Government Affairs Director, Oregon Liquor Control Commission
9:52:07 AM Chair Prozanski
9:52:09 AM Elizabeth Cushwa, United Food and Commercial Workers
9:52:50 AM Chair Prozanski
9:52:52 AM Vice-Chair Boquist
9:52:54 AM Chair Prozanski
9:53:06 AM Shawn Miller, Northwest Grocery Association
9:53:22 AM Mary Botkin, American Federation of State, County and Municipal Employees, Council 75
9:53:40 AM Chair Prozanski
9:53:52 AM The following written testimony is submitted for the record without public testimony:
9:53:52 AM {Exhibit} 19: Steve Konopa, Staff Director, United Food and Commercial Workers Local 555
9:53:54 AM HB 2870 A - Work Session
9:54:00 AM Anna Braun, Committee Counsel
9:54:21 AM MOTION: Vice-Chair Boquist moves HB 2870 A DO PASS
9:54:24 AM Chair Prozanski

9:54:32 AM Vice-Chair Boquist
9:54:55 AM Chair Prozanski
9:55:13 AM VOTE: 5-0-0
9:55:13 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:55:16 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
9:55:24 AM Chair Prozanski
9:55:49 AM Meeting Adjourned

SJUD

5/20/2009 8:13:26 AM

- 8:15:31 AM** {Exhibit} 1: HB 2393 A, written testimony, Brian Wallace, 5 pp
- 8:17:38 AM** {Exhibit} 2: HB 2393 A, written testimony, Tami Wood, 4 pp
- 8:27:45 AM** {Exhibit} 3: HB 2449, written testimony, Stacey Ayers, 1 p
- 8:27:49 AM** {Exhibit} 4: HB 2449, written testimony, Cynthia Stinson, 2 pp
- 8:32:14 AM** {Exhibit} 5: HB 2139 A, written testimony, Mary Gear, 2 pp
- 8:35:28 AM** {Exhibit} 6: HB 2686, written testimony, Dan Kennedy, 1 p
- 8:46:12 AM** {Exhibit} 7: HB 2394 A, written testimony, Ann Hanus, 1 p
- 8:53:45 AM** {Exhibit} 8: HB 3021 A, written testimony, Wendy Johnson, 15 pp
- 8:57:20 AM** {Exhibit} 9: HB 3021 A, -A4 amendments, staff, 1 p
- 8:59:40 AM** {Exhibit} 10: HB 3021 A, written testimony, Robert Cruickshank, 2 pp
- 8:59:47 AM** {Exhibit} 11: HB 3021 A, written testimony, Fran Sharp, 1 p
- 9:02:06 AM** {Exhibit} 12: HB 3021 A, -A5 amendments, staff, 2 pp
- 9:02:08 AM** {Exhibit} 13: HB 3021 A, -A8 amendments, staff, 3 pp
- 9:02:09 AM** {Exhibit} 14: HB 3021 A, -A9 amendments, staff, 2 pp
- 9:25:00 AM** {Exhibit} 15: HB 3021 A, written testimony, Ross Fleischman, 1 p
- 9:32:57 AM** {Exhibit} 16: HB 3021 A, written testimony, Paul Snider, 1 p
- 9:38:36 AM** {Exhibit} 17: HB 3021 A, written testimony, Edward McGlone III, 3 pp
- 9:46:20 AM** {Exhibit} 18: HB 3021 A, written testimony, Grant Higginson, 2 pp
- 9:53:52 AM** {Exhibit} 19: HB 3021 A, written testimony, Steve Konopa, 1 p
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