

## **SENATE COMMITTEE ON JUDICIARY**

**May 21, 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:**       **Shannon Sivell, Counsel  
Courtney Johnston, Committee Assistant**

**MEASURES/ISSUES HEARD:** **HB 2441 A – Public Hearing  
HB 3271 A – Public Hearing  
HB 2478 A – Public Hearing  
HB 2727 A – Public Hearing  
HB 2246 A – Public Hearing and Work Session  
HB 2426 A – Public Hearing and Work Session  
HB 2427 – Public Hearing and Work Session  
HB 2529 A – 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**

**5/21/2009 8:12:58 AM**

**8:13:01 AM** Meeting Called to Order  
**8:13:08 AM** Chair Prozanski  
**8:13:53 AM** HB 2441 A - Public Hearing  
**8:14:03 AM** Shannon Sivell, Committee Counsel  
**8:14:23 AM** Chair Prozanski  
**8:14:45 AM** Representative Sara Gelser, House District 16  
**8:20:46 AM** {Exhibit} 1: Rep. Gelser  
**8:21:07 AM** {Exhibit} 2: Rep. Gelser  
**8:21:30 AM** {Exhibit} 3: Rep. Gelser  
**8:22:08 AM** Chair Prozanski  
**8:22:13 AM** Vice-Chair Boquist  
**8:22:21 AM** Rep. Gelser  
**8:22:53 AM** Sen. Whitsett  
**8:23:09 AM** Rep. Gelser  
**8:23:33 AM** Sen. Whitsett  
**8:23:41 AM** Sen. Bonamici  
**8:24:09 AM** Rep. Gelser  
**8:24:29 AM** Chair Prozanski  
**8:24:41 AM** HB 3271 A - Public Hearing  
**8:24:53 AM** Shannon Sivell, Committee Counsel  
**8:25:09 AM** {Exhibit} 4: Sivell  
**8:25:10 AM** {Exhibit} 5: Sivell  
**8:25:35 AM** Representative Judy Stiegler, House District 54  
**8:28:41 AM** Chair Prozanski  
**8:29:43 AM** Rep. Stiegler  
**8:29:59 AM** Chair Prozanski  
**8:30:12 AM** HB 2478 A - Public Hearing  
**8:30:23 AM** Shannon Sivell, Committee Counsel  
**8:30:40 AM** Representative Scott Bruun, House District 37  
**8:32:40 AM** Chair Prozanski  
**8:32:43 AM** Sen. Whitsett  
**8:32:50 AM** Rep. Bruun  
**8:33:32 AM** Chair Prozanski  
**8:33:46 AM** HB 2727 A - Public Hearing  
**8:33:49 AM** Shannon Sivell, Committee Counsel  
**8:34:16 AM** Chair Prozanski  
**8:34:26 AM** Barker  
**8:34:36 AM** Representative Jeff Barker, House District 28  
**8:36:13 AM** Chair Prozanski

8:36:29 AM Rep. Barker  
8:37:46 AM Chair Prozanski  
8:38:13 AM Senator Ginny Burdick, Senate District 18  
8:38:22 AM Chair Prozanski  
8:38:36 AM Vice-Chair Boquist  
8:38:45 AM Rep. Barker  
8:39:35 AM Vice-Chair Boquist  
8:39:53 AM Rep. Barker  
8:39:57 AM Chair Prozanski  
8:40:00 AM Sen. Bonamici  
8:40:15 AM Rep. Barker  
8:41:12 AM Chair Prozanski  
8:41:25 AM HB 2246 A - Public Hearing  
8:41:31 AM Shannon Sivell, Committee Counsel  
8:41:42 AM Chair Prozanski  
8:41:47 AM Linda Ignowski, Regulatory Services Director, Oregon Liquor Control Commission  
8:41:56 AM {Exhibit} 6: Ignowski  
8:43:07 AM Chair Prozanski  
8:43:12 AM Vice-Chair Boquist  
8:43:37 AM Sivell  
8:43:57 AM Vice-Chair Boquist  
8:44:01 AM Chair Prozanski  
8:44:23 AM Ignowski  
8:44:26 AM Chair Prozanski  
8:44:34 AM Ignowski  
8:44:36 AM Chair Prozanski  
8:44:39 AM Sen. Bonamici  
8:44:45 AM Chair Prozanski  
8:45:03 AM Ignowski  
8:45:05 AM Chair Prozanski  
8:45:16 AM The following written testimony is submitted for the record without public testimony:  
8:45:16 AM {Exhibit} 7: Adam Walsh, Legislative Analyst, City of Eugene  
8:45:17 AM HB 2246 A - Work Session  
8:45:20 AM MOTION: Vice-Chair Boquist moves HB 2246 A DO PASS  
8:45:23 AM Chair Prozanski  
8:45:31 AM VOTE: 5-0-0  
8:45:31 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
8:45:36 AM CARRIER: SEN. DINGFELDER will lead discussion on the floor  
8:45:39 AM Sen. Dingfelder  
8:45:41 AM Chair Prozanski  
8:45:50 AM HB 2426 A - Public Hearing  
8:46:01 AM Shannon Sivell, Committee Counsel  
8:46:28 AM Chair Prozanski  
8:46:56 AM Chuck Hayes, Chair, Governor's Advisory Committee on Driving

Under the Influence of Intoxicants

- 8:47:03 AM** {Exhibit} 8: Hayes
- 8:47:07 AM** {Exhibit} 9: Hayes
- 8:49:15 AM** Chair Prozanski
- 8:49:29 AM** The following written testimony is submitted for the record without public testimony:
- 8:49:29 AM** {Exhibit} 10: Lois Harvick, Executive Director, Mothers Against Drunk Driving Oregon
- 8:49:29 AM** {Exhibit} 11: Anne Pratt, Member, Governor's Advisory Committee on Driving Under the Influence of Intoxicants/Crime Victims United/Mothers Against Drunk Driving
- 8:49:30 AM** HB 2426 A - Work Session
- 8:49:33 AM** MOTION: Vice-Chair Boquist moves -A2 amendments
- 8:49:36 AM** Chair Prozanski
- 8:50:12 AM** Sen. Bonamici
- 8:50:46 AM** Chair Prozanski
- 8:51:09 AM** Shannon Sivell, Committee Counsel
- 8:51:28 AM** Chair Prozanski
- 8:51:30 AM** VOTE: 5-0-0
- 8:51:30 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
- 8:51:42 AM** MOTION: Vice-Chair Boquist moves HB 2426 A DO PASS as AMENDED
- 8:51:47 AM** Chair Prozanski
- 8:51:56 AM** VOTE: 5-0-0
- 8:51:56 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
- 8:51:59 AM** CARRIER: SEN. WHITSETT will lead discussion on the floor
- 8:52:11 AM** HB 2427 - Public Hearing
- 8:52:20 AM** Shannon Sivell, Committee Counsel
- 8:52:28 AM** {Exhibit} 12: Sivell
- 8:52:37 AM** Chair Prozanski
- 8:53:16 AM** Anne Pratt, Member, Governor's Advisory Committee on Driving Under the Influence of Intoxicants/Crime Victims United/Mothers Against Drunk Driving
- 8:53:32 AM** {Exhibit} 13: Pratt
- 8:56:14 AM** Jodi Bureta, Marion County District Attorney, Oregon District Attorneys Association
- 8:57:41 AM** Michael Iwai, Senior Trooper, Oregon State Police
- 8:57:49 AM** {Exhibit} 14: Iwai
- 9:00:40 AM** Chair Prozanski
- 9:01:07 AM** Andrea Meyer, Legislative Director, American Civil Liberties Union of Oregon
- 9:01:51 AM** Chair Prozanski
- 9:02:01 AM** Meyer
- 9:02:03 AM** Chair Prozanski
- 9:02:11 AM** The following written testimony is submitted for the record without public testimony:

**9:02:11 AM** {Exhibit} 15: Lois Harvick, Executive Director, Mothers Against Drunk Driving

**9:02:11 AM** {Exhibit} 16: Chuck Hayes, Chair, Governor's Advisory Committee on Driving Under the Influence of Intoxicants

**9:02:11 AM** {Exhibit} 17: Adam Walsh, Legislative Analyst, City of Eugene

**9:02:12 AM** HB 2427 - Work Session

**9:02:15 AM** MOTION: Vice-Chair Boquist moves -1 amendments

**9:02:17 AM** Chair Prozanski

**9:02:38 AM** VOTE: 5-0-0

**9:02:38 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**9:02:40 AM** MOTION: Vice-Chair Boquist moves HB 2427 DO PASS as AMENDED

**9:02:45 AM** Chair Prozanski

**9:02:52 AM** Sen. Bonamici

**9:03:17 AM** VOTE: 5-0-0

**9:03:17 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**9:03:26 AM** CARRIER: SEN. BOQUIST will lead discussion on the floor

**9:03:40 AM** HB 2529 A - Public Hearing

**9:03:48 AM** Shannon Sivell, Committee Counsel

**9:04:07 AM** Chair Prozanski

**9:04:18 AM** Sharon Harmon, Executive Director, Oregon Humane Society

**9:04:23 AM** {Exhibit} 18: Harmon

**9:05:16 AM** Chair Prozanski

**9:05:19 AM** Sen. Bonamici

**9:05:43 AM** Sivell

**9:05:47 AM** Harmon

**9:05:54 AM** Chair Prozanski

**9:06:01 AM** Sen. Whitsett

**9:06:35 AM** Harmon

**9:07:01 AM** Chair Prozanski

**9:07:07 AM** HB 2529 A - Work Session

**9:07:12 AM** MOTION: Vice-Chair Boquist moves HB 2529 A DO PASS

**9:07:17 AM** Chair Prozanski

**9:07:25 AM** VOTE: 5-0-0

**9:07:25 AM** Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**9:07:27 AM** CARRIER: SEN. BONAMICI will lead discussion on the floor

**9:07:36 AM** HB 3271 A - Public Hearing

**9:07:41 AM** Chair Prozanski

**9:07:52 AM** Brian DeLashmutt, Oregon Council of Police Association

**9:09:08 AM** {Exhibit} 19: DeLashmutt

**9:09:10 AM** Chair Prozanski

**9:10:19 AM** HB 2441 A- Public Hearing

**9:10:27 AM** Bronson James, Chief Deputy Defender, Oregon's Office of Public Defense Services

**9:15:08 AM** Chair Prozanski

**9:15:17 AM** Sen. Bonamici

9:15:22 AM James  
9:16:08 AM Chair Prozanski  
9:16:17 AM James  
9:17:47 AM Chair Prozanski  
9:17:51 AM Sen. Whitsett  
9:18:07 AM James  
9:18:20 AM Chair Prozanski  
9:19:11 AM Sidney Stuller, citizen, King City, Oregon  
9:19:15 AM {Exhibit} 20: Stuller  
9:21:40 AM Chair Prozanski  
9:22:00 AM The following written testimony is submitted for the record without public testimony:  
9:22:00 AM {Exhibit} 21: Christine Herman, Executive Director, Attorney General's Sexual Assault Task Force  
9:22:00 AM {Exhibit} 22: Ronelle Shankle, Legislative Liaison, Office of the Attorney General, Oregon Department of Justice  
9:22:01 AM HB 2727 A - Public Hearing  
9:22:06 AM Chair Prozanski  
9:22:44 AM Senator Ginny Burdick, Senate District 18  
9:23:32 AM {Exhibit} 23: Sen. Burdick  
9:24:42 AM Randy Leonard, Portland City Commissioner, Portland City Council  
9:26:04 AM Chair Prozanski  
9:26:12 AM Robert Caldwell, Oregon Newspaper Publishers Association  
9:26:33 AM {Exhibit} 24: Caldwell  
9:30:17 AM Tim Gleason, citizen, Eugene, Oregon  
9:30:42 AM {Exhibit} 25: Gleason  
9:34:42 AM Chair Prozanski  
9:34:46 AM Vice-Chair Boquist  
9:34:57 AM Caldwell  
9:34:58 AM Vice-Chair Boquist  
9:35:37 AM Caldwell  
9:35:42 AM Chair Prozanski  
9:35:45 AM Vice-Chair Boquist  
9:36:12 AM Gleason  
9:36:55 AM Sen. Burdick  
9:37:43 AM Vice-Chair Boquist  
9:37:56 AM Shannon Sivell, Committee Counsel  
9:38:05 AM Vice-Chair Boquist  
9:38:06 AM Sivell  
9:38:14 AM Vice-Chair Boquist  
9:38:26 AM Sivell  
9:38:34 AM Sen. Bonamici  
9:39:06 AM Sen. Burdick  
9:39:41 AM Sen. Bonamici  
9:40:01 AM Caldwell  
9:40:52 AM Gleason

**9:41:41 AM** Chair Prozanski  
**9:41:42 AM** Vice-Chair Boquist  
**9:42:13 AM** Leonard  
**9:42:19 AM** Sen. Whitsett  
**9:43:11 AM** Chair Prozanski  
**9:43:42 AM** Kevin Starrett, Oregon Firearms Association  
**9:45:19 AM** {Exhibit} 26: Starrett  
**9:47:07 AM** Chair Prozanski  
**9:48:02 AM** Dawn Phillips, Policy Director, State Representative Kim Thatcher  
**9:51:07 AM** Chair Prozanski  
**9:51:12 AM** Phillips  
**9:51:26 AM** Chair Prozanski  
**9:51:36 AM** Rachael (Last name withheld from the record for privacy reasons),  
citizen, Oregon  
**9:54:07 AM** Dan Lucas, citizen, Beaverton, Oregon  
**9:57:41 AM** Chair Prozanski  
**9:58:53 AM** Starrett  
**9:59:14 AM** Chair Prozanski  
**9:59:42 AM** Rod Harder, Oregon Consultant, National Rifle Association  
**10:00:51 AM** John Powell, Oregon State Sheriffs' Association  
**10:01:46 AM** Andrea Meyer, Legislative Director, American Civil Liberties Union  
of Oregon  
**10:04:06 AM** Chair Prozanski  
**10:04:30 AM** Meyer  
**10:04:56 AM** Chair Prozanski  
**10:06:49 AM** Meeting Adjourned

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## SJUD

5/21/2009 8:12:58 AM

- 8:20:46 AM {Exhibit} 1: HB 2441 A, -A7 amendments, staff, 1 p
- 8:21:07 AM {Exhibit} 2: HB 2441 A, -A5 amendments, staff, 1 p
- 8:21:30 AM {Exhibit} 3: HB 2441 A, Legal Counsel Opinion, Rep. Sara Gelser, 4 pp
- 8:25:09 AM {Exhibit} 4: HB 3271 A, -A3 amendments, staff, 4 pp
- 8:25:10 AM {Exhibit} 5: HB 3271 A, -A5 amendments, staff, 22 pp
- 8:41:56 AM {Exhibit} 6: HB 2246 A, written testimony, Linda Ignowski, 1 p
- 8:45:16 AM {Exhibit} 7: HB 2246 A, written testimony, Adam Walsh, 1 p
- 8:47:03 AM {Exhibit} 8: HB 2426 A, written testimony, Chuck Hayes, 2 pp
- 8:47:07 AM {Exhibit} 9: HB 2426 A, -A2 amendments, staff, 1 p
- 8:49:29 AM {Exhibit} 10: HB 2426 A, written testimony, Lois Harvick, 1 p
- 8:49:29 AM {Exhibit} 11: HB 2426 A, written testimony, Anne Pratt, 1 p
- 8:52:28 AM {Exhibit} 12: HB 2427, -1 amendments, staff, 1 p
- 8:53:32 AM {Exhibit} 13: HB 2427, written testimony, Anne Pratt, 1 p
- 8:57:49 AM {Exhibit} 14: HB 2427, written testimony, Michael Iwai, 2 pp
- 9:02:11 AM {Exhibit} 15: HB 2427, written testimony, Lois Harvick, 1 p
- 9:02:11 AM {Exhibit} 16: HB 2427, written testimony, Chuck Hayes, 1 p
- 9:02:11 AM {Exhibit} 17: HB 2427, written testimony, Adam Walsh, 1 p
- 9:04:23 AM {Exhibit} 18: HB 2529 A, written testimony, Sharon Harmon, 1 p
- 9:09:08 AM {Exhibit} 19: HB 3271 A, written testimony, Brian DeLashmutt, 5 pp
- 9:19:15 AM {Exhibit} 20: HB 2441 A, written testimony, Sidney Stuller, 1 p
- 9:22:00 AM {Exhibit} 21: HB 2441 A, written testimony, Christine Herman, 2 pp
- 9:22:00 AM {Exhibit} 22: HB 2441 A, written testimony, Ronelle Shankle, 2 pp
- 9:23:32 AM {Exhibit} 23: HB 2727 A, written testimony, Sen. Ginny Burdick, 6 pp
- 9:26:33 AM {Exhibit} 24: HB 2727 A, written testimony, Robert Caldwell, 2 pp
- 9:30:42 AM {Exhibit} 25: HB 2727 A, written testimony, Tim Gleason, 2 pp
- 9:45:19 AM {Exhibit} 26: HB 2727 A, public records informational packet, Kevin Starrett, 6 pp
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