

## **SENATE COMMITTEE ON JUDICIARY**

**May 26, 2009  
8:00 A.M.**

**Hearing Room 343**

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

**STAFF PRESENT:**       **Bill Taylor, Committee Counsel  
Anna Braun, Committee Counsel  
Diane Beyer, Committee Assistant**

**MEASURES/ISSUES HEARD:** **HB 3157 A – Public Hearing and Work Session  
HB 2604 A – Public Hearing  
HB 2802 A – Public Hearing  
HB 2585 A – Public Hearing and Work Session  
HB 2434 A – Public Hearing  
HB 2306 A – Public Hearing and Work Session  
HB 2790 A – Public Hearing and Work Session  
HB 2335 A – Public Hearing  
HB 2285 A – Public Hearing  
HB 2441 A – Work Session  
HB 2874 A – Work Session**

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

**SJUD**

**5/26/2009 8:13:20 AM**

**8:13:25 AM** Meeting Called to Order  
**8:13:54 AM** HB 3157 A - Public Hearing  
**8:13:57 AM** Anna Braun, Committee Counsel  
**8:14:12 AM** Chair Prozanski  
**8:14:15 AM** Rep. Huffman, House District 59  
**8:15:15 AM** Chair Prozanski  
**8:15:29 AM** HB 3157 A - Work Session  
**8:15:33 AM** MOTION: Sen. Boquist moves HB 3157 A DO PASS  
**8:15:38 AM** Chair Prozanski  
**8:15:45 AM** VOTE: 5-0-0  
**8:15:46 AM** Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett  
**8:15:47 AM** CARRIER: SEN. WHITSETT will lead discussion on the floor  
**8:15:57 AM** HB 2604 A - Public Hearing  
**8:15:59 AM** Anna Braun, Committee Counsel  
**8:16:28 AM** Chair Prozanski  
**8:16:31 AM** Rep. Mitch Greenlick, House District 33  
**8:16:32 AM** {Exhibit} 1: Greenlick  
**8:19:45 AM** Chair Prozanski  
**8:19:47 AM** Sen. Bonamici  
**8:20:01 AM** Chair Prozanski  
**8:20:24 AM** Gwen Dayton, General Counsel, Hospital Association  
**8:21:45 AM** Chair Prozanski  
**8:22:00 AM** HB 2802 A - Public Hearing  
**8:22:06 AM** Anna Braun, Committee Counsel  
**8:22:44 AM** Rep. Andy Olson, House District 15  
**8:23:46 AM** Rep. Brent Barton, House District 51  
**8:26:46 AM** Chair Prozanski  
**8:26:48 AM** Sen. Whitsett  
**8:26:59 AM** Barton  
**8:27:20 AM** Chair Prozanski  
**8:27:21 AM** Sen. Dingfelder  
**8:27:41 AM** Barton  
**8:28:00 AM** Sen. Dingfelder  
**8:28:33 AM** Barton  
**8:29:09 AM** Chair Prozanski  
**8:29:12 AM** Vice-Chair Boquist  
**8:29:30 AM** Barton  
**8:29:33 AM** Vice-Chair Boquist  
**8:29:48 AM** Olson

**8:30:46 AM** Chair Prozanski  
**8:31:20 AM** Bryan Boehringer, Oregon Medical Association  
**8:31:24 AM** {Exhibit} 2: Boehringer  
**8:31:39 AM** Chair Prozanski  
**8:31:43 AM** Peter Bernardo, Medical Doctor/President, Oregon Medical Association  
**8:31:44 AM** {Exhibit} 3: Bernardo  
**8:33:38 AM** Carla McKelbey, Pediatrician, private practice  
**8:36:43 AM** Chair Prozanski  
**8:36:50 AM** Vice-Chair Boquist  
**8:37:02 AM** Boehringer  
**8:37:15 AM** Sen. Bonamici  
**8:37:34 AM** Bernardo  
**8:37:36 AM** Sen. Whitsett  
**8:37:57 AM** McKelbey  
**8:39:10 AM** Sen. Whitsett  
**8:39:36 AM** Chair Prozanski  
**8:40:07 AM** Tom Holt, Oregon Liability Reform Coalition  
**8:40:42 AM** Chair Prozanski  
**8:40:47 AM** James Dorigan, Senior Vice President, Regional Operating Officer, The Doctors Company  
**8:40:48 AM** {Exhibit} 4: Dorigan  
**8:45:14 AM** Chair Prozanski  
**8:45:20 AM** Hal Dasinger, The Doctors Company  
**8:46:09 AM** The following written testimony is submitted for the record without public testimony:  
**8:46:10 AM** {Exhibit} 5: Jim Gardner, Pharmaceutical Research and Manufacturers of America  
**8:46:11 AM** {Exhibit} 6: Gwen Dayton, General Counsel, Hospital Association  
**8:46:15 AM** Chair Prozanski  
**8:46:20 AM** Sen. Bonamici  
**8:46:35 AM** Dorigan  
**8:46:51 AM** Sen. Bonamici  
**8:48:14 AM** Chair Prozanski  
**8:48:21 AM** Sen. Whitsett  
**8:49:07 AM** Holt  
**8:49:10 AM** Sen. Whitsett  
**8:49:25 AM** Holt  
**8:50:21 AM** Chair Prozanski  
**8:50:38 AM** Dasinger  
**8:51:03 AM** Dorigan  
**8:51:33 AM** Chair Prozanski  
**8:51:48 AM** HB 2585 A - Public Hearing  
**8:51:52 AM** Anna Braun, Committee Counsel  
**8:52:10 AM** Chair Prozanski  
**8:52:15 AM** Jay Sickler, Owner, Cogence Group

**8:52:16 AM** {Exhibit} 7: Sickler  
**8:54:52 AM** Chair Prozanski  
**8:54:56 AM** Robert Stoll, retired attorney, Portland, OR  
**8:54:57 AM** {Exhibit} 8: Stoll  
**8:56:14 AM** Chair Prozanski  
**8:56:25 AM** HB 2585 A - Work Session  
**8:56:34 AM** MOTION: Sen. Dingfelder moves HB 2585 A DO PASS  
**8:56:39 AM** Chair Prozanski  
**8:56:46 AM** Sen. Whitsett  
**8:57:00 AM** Vice-Chair Boquist  
**8:57:02 AM** Chair Prozanski  
**8:57:05 AM** VOTE: 4-1-0  
**8:57:06 AM** Ayes: Bonamici, Boquist, Dingfelder, Prozanski; Nay: Whitsett  
**8:57:07 AM** CARRIER: SEN. BONAMICI will lead discussion on the floor  
**8:57:22 AM** HB 2434 A - Public Hearing  
**8:57:24 AM** Anna Braun, Committee Counsel  
**8:57:48 AM** Chair Prozanski  
**8:58:34 AM** Drew Hagedorn, Associated General Contractors  
**8:58:35 AM** {Exhibit} 9: Hagedorn  
**9:02:16 AM** Chair Prozanski  
**9:02:22 AM** Jeremy Vermilyea, Construction Lawyer, Counsel to Board of Directors for Associated General Contractors  
**9:06:46 AM** Chair Prozanski  
**9:06:51 AM** Dean Aldrich, Attorney, The Aldrich Law Office, P.C.  
**9:06:52 AM** {Exhibit} 10: Aldrich  
**9:06:53 AM** The following written testimony is submitted for the record without public testimony:  
**9:06:54 AM** {Exhibit} 11: Pat Maguire, Director, Thomas Edison High School  
**9:06:55 AM** {Exhibit} 12: Jerralynn Ness, Executive Director, Community Action Organization  
**9:06:55 AM** {Exhibit} 13: Matthew Smith, President, Forensic Building Consultants  
**9:06:56 AM** {Exhibit} 14: Eric Hoff, Architect, Western Architectural Building Science Consultants  
**9:13:09 AM** Chair Prozanski  
**9:13:15 AM** Aldrich  
**9:13:28 AM** Chair Prozanski  
**9:13:34 AM** Paul Snider, Association of Oregon Counties  
**9:14:10 AM** Chair Prozanski  
**9:14:12 AM** Sen. Bonamici  
**9:14:28 AM** Vermilyea  
**9:16:32 AM** Sen. Bonamici  
**9:16:39 AM** Vermilyea  
**9:16:55 AM** Sen. Bonamici  
**9:17:05 AM** Vermilyea  
**9:17:16 AM** Sen. Bonamici

**9:17:19 AM** Aldrich  
**9:18:24 AM** Chair Prozanski  
**9:18:30 AM** HB 2306 A- Public Hearing  
**9:18:34 AM** Anna Braun, Committee Counsel  
**9:18:52 AM** Chair Prozanski  
**9:18:55 AM** David Nebel, Consumer Section, Oregon State Bar  
**9:18:56 AM** {Exhibit} 15: Nebel  
**9:20:43 AM** Chair Prozanski  
**9:20:44 AM** Vice-Chair Boquist  
**9:21:02 AM** Nebel  
**9:21:45 AM** Chair Prozanski  
**9:21:50 AM** Sen. Whitsett  
**9:21:59 AM** Nebel  
**9:22:17 AM** HB 2306 A - Work Session  
**9:22:22 AM** MOTION: Vice-Chair Boquist moves HB 2306 A DO PASS  
**9:22:28 AM** Chair Prozanski  
**9:22:32 AM** VOTE: 5-0-0  
**9:22:33 AM** Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett  
**9:22:34 AM** CARRIER: SEN. DINGFELDER will lead discussion on the floor  
**9:22:50 AM** HB 2790 A - Public Hearing  
**9:23:24 AM** Anna Braun, Committee Counsel  
**9:23:47 AM** Brian DeLashmutt, Oregon Council Police Associations, Oregon State Police Officers Association, Association of Oregon Corrections Employees, Federation of Oregon Parole and Probation Officers  
**9:25:10 AM** Kevin Campbell, Executive Director, Oregon Association Chiefs of Police  
**9:25:46 AM** DeLashmutt  
**9:26:03 AM** Chair Prozanski  
**9:26:13 AM** Marilyn Lorance, Standards and Certification Program Manager, Department of Public Safety Standards and Training  
**9:26:14 AM** {Exhibit} 16: Lorance  
**9:27:01 AM** Chair Prozanski  
**9:27:04 AM** Sen. Whitsett  
**9:27:26 AM** Chair Prozanski  
**9:27:29 AM** Lorance  
**9:28:14 AM** Sen. Whitsett  
**9:28:18 AM** Lorance  
**9:28:33 AM** Eriks Gabliks, Deputy Director, Department of Public Safety Standards and Training  
**9:28:54 AM** Chair Prozanski  
**9:28:56 AM** Vice-Chair Boquist  
**9:29:03 AM** Chair Prozanski  
**9:29:08 AM** HB 2790 A - Work Session  
**9:29:13 AM** MOTION: Vice-Chair Boquist moves HB 2790 A DO PASS  
**9:29:15 AM** Chair Prozanski

**9:29:21 AM** VOTE: 5-0-0  
**9:29:23 AM** Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett  
**9:29:25 AM** CARRIER: SEN. PROZANSKI will lead discussion on the floor  
**9:29:30 AM** HB 2335 A - Public Hearing  
**9:30:54 AM** Chair Prozanski  
**9:31:23 AM** Bill Taylor, Committee Counsel  
**9:31:46 AM** Chair Prozanski  
**9:31:50 AM** Shannon Wight, Associate Director, Partnership for Safety and Justice  
**9:35:43 AM** Alex Gardner, District Attorney, Lane County  
**9:38:55 AM** Chair Prozanski  
**9:38:59 AM** Sen. Bonamici  
**9:39:16 AM** Gardner  
**9:39:27 AM** Sen. Bonamici  
**9:39:44 AM** Gardner  
**9:40:13 AM** Chair Prozanski  
**9:40:35 AM** Steven Powers, Chairperson, Oregon Board of Parole and Post Prison Supervision  
**9:42:16 AM** Sen. Bonamici  
**9:42:42 AM** Powers  
**9:43:56 AM** Chair Prozanski  
**9:44:06 AM** HB 2285 A - Public Hearing  
**9:45:05 AM** HB 2441 A - Work Session  
**9:45:44 AM** Gail Meyer, Oregon Criminal Defense Lawyers Association  
**9:50:28 AM** Andrea Meyer, Legislative Director, American Civil Liberties Union  
**9:50:50 AM** Chair Prozanski  
**9:50:55 AM** Sen. Bonamici  
**9:51:31 AM** G. Meyer  
**9:52:32 AM** Chair Prozanski  
**9:52:34 AM** Sen. Whitsett  
**9:53:04 AM** G. Meyer  
**9:53:38 AM** Sen. Whitsett  
**9:53:40 AM** Chair Prozanski  
**9:54:01 AM** HB 2874 A - Work Session  
**9:54:12 AM** {Exhibit} 17: Prozanski  
**9:54:23 AM** Shannon Sivell, Committee Counsel  
**9:54:35 AM** Chair Prozanski  
**9:54:49 AM** MOTION: Vice-Chair Boquist moves -1 amendments  
**9:54:50 AM** VOTE: 5-0-0  
**9:54:51 AM** Ayes: Bonamici, Boquist, Dingfelder, Prozanski, Whitsett  
**9:57:00 AM** Chair Prozanski  
**9:58:42 AM** Sen. Whitsett  
**9:58:47 AM** Chair Prozanski  
**9:59:49 AM** Meeting Adjourned

---

**SJUD**

**5/26/2009 8:13:20 AM**

- 8:16:32 AM** {Exhibit} 1: HB 2604 A, written testimony, Rep. Mitch Greenlick, 1 p
  - 8:31:24 AM** {Exhibit} 2: HB 2802 A, written testimony, Bryan Boehringer, 1 p
  - 8:31:44 AM** {Exhibit} 3: HB 2802 A, written testimony, Peter Bernardo, 2 pp
  - 8:40:48 AM** {Exhibit} 4: HB 2802 A, written testimony, James Dorigan, 2 pp
  - 8:46:10 AM** {Exhibit} 5: HB 2802 A, written testimony, Jim Gardner, 2 pp
  - 8:46:11 AM** {Exhibit} 6: HB 2802 A, written testimony, Gwen Dayton, 2 pp
  - 8:52:16 AM** {Exhibit} 7: HB 2585 A, written testimony, Jay Sickler, 3 pp
  - 8:54:57 AM** {Exhibit} 8: HB 2585 A, written testimony, Robert Stoll, 2 pp
  - 8:58:35 AM** {Exhibit} 9: HB 2434 A, written testimony, Drew Hagedorn, 24 pp
  - 9:06:52 AM** {Exhibit} 10: HB 2434 A, written testimony, Dean Aldrich, 28 pp
  - 9:06:54 AM** {Exhibit} 11: HB 2434 A, written testimony, Pat Maguire, 2 pp
  - 9:06:55 AM** {Exhibit} 12: HB 2434 A, written testimony, Jerralynn Ness, 2 pp
  - 9:06:55 AM** {Exhibit} 13: HB 2434 A, written testimony, Matthew Smith, 1 p
  - 9:06:56 AM** {Exhibit} 14: HB 2434 A, written testimony, Eric Hoff, 1 p
  - 9:18:56 AM** {Exhibit} 15: HB 2306 A, written testimony, David Nebel on behalf of Keith Karnes, 1 p
  - 9:26:14 AM** {Exhibit} 16: HB 2790 A, written testimony, Marilyn Lorance, 2 pp
  - 9:54:12 AM** {Exhibit} 17: HB 2874 A, -1 amendments, staff, 1 p
-