

SENATE COMMITTEE ON JUDICIARY

**May 27, 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: **Anna Braun, Counsel**
 Lisa Nuss, Counsel
 Shannon Sivell, Counsel
 Courtney Johnston, Committee Assistant

MEASURES/ISSUES HEARD: **HB 2897 A –Public Hearing and Work Session**
 HB 2796 A – Public Hearing and Work Session
 HB 2358 – Public Hearing
 HB 2136 A – Public Hearing
 HB 3094 A – Public Hearing
 HB 2292 A – Public Hearing and Work Session
 HB 2988 A – Public Hearing
 HB 2759 A – Work Session
 HB 2839 A – Work Session
 HB 3077 A – Work Session
 HB 2629 – Work Session
 HB 2175 A – Work Session
 HB 2478 A – Work Session
 HB 2874 A – Work Session
 HB 2246 A – Work Session

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

SJUD

5/27/2009 8:15:47 AM

8:15:50 AM Meeting Called to Order
8:15:56 AM Chair Prozanski
8:16:26 AM HB 2897 A - Public Hearing
8:16:31 AM Anna Braun, Committee Counsel
8:16:41 AM Chair Prozanski
8:16:48 AM Representative Gene Whisnant, House District 53
8:19:56 AM Chair Prozanski
8:19:59 AM Sen. Whitsett
8:20:07 AM Rep. Whisnant
8:20:12 AM Chair Prozanski
8:20:21 AM HB 2897 A - Work Session
8:20:24 AM MOTION: Vice-Chair Boquist moves HB 2897 A DO PASS
8:20:27 AM Chair Prozanski
8:20:34 AM VOTE: 5-0-0
8:20:34 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:20:37 AM CARRIER: SEN. WHITSETT will lead discussion on the floor
8:21:08 AM HB 2796 A - Public Hearing
8:21:11 AM Anna Braun, Committee Counsel
8:21:22 AM Chair Prozanski
8:22:08 AM Anna Pratt, member, Mothers Against Drunk Driving/Crime Victims United of Oregon/Governors Advisory Committee on Driving Under the Influence of Intoxicants/Parents of Murdered Children
8:22:22 AM {Exhibit} 1: Pratt
8:25:55 AM Janet Lovelace, citizen, Eugene, Oregon
8:26:11 AM {Exhibit} 2: Lovelace
8:27:20 AM Travis Sewell, Multnomah County Deputy District Attorney, Oregon District Attorneys Association
8:28:27 AM Chair Prozanski
8:28:43 AM Sewell
8:31:16 AM Chair Prozanski
8:31:20 AM Doug Harclerod, Retired Lane County District Attorney, Oregon Anti-Crime Alliance
8:32:08 AM Chair Prozanski
8:32:15 AM The following written testimony is submitted for the record without public testimony:
8:32:15 AM {Exhibit} 3: Marie Armstrong, member, Mothers Against Drunk Driving/Crime Victims United of Oregon/Governors Advisory Committee on Driving Under the Influence of Intoxicants/Parents of Murdered Children

8:32:16 AM HB 2796 A - Work Session
8:32:18 AM MOTION: Vice-Chair Boquist moves HB 2796 A DO PASS
8:32:22 AM Chair Prozanski
8:32:28 AM VOTE: 5-0-0
8:32:28 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
8:32:31 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
8:32:39 AM HB 2358 - Public Hearing
8:32:44 AM Anna Braun, Committee Counsel
8:33:01 AM {Exhibit} 4: Braun
8:33:14 AM Chair Prozanski
8:34:01 AM Katrina Hedberg, Acting Administrator and State Epidemiologist,
Office of Disease Prevention and Epidemiology, Public Health
Division, Oregon Department of Human Services
8:34:09 AM {Exhibit} 5: Hedberg
8:38:28 AM Chair Prozanski
8:38:31 AM Rachael Banks, Policy Coordinator, Multnomah County Tobacco
Prevention and Education Program
8:38:46 AM {Exhibit} 6: Banks
8:41:11 AM Randi Harris, Tobacco Prevention and Education Coordinator, Polk
County Public Health
8:41:17 AM {Exhibit} 7: Harris
8:43:23 AM Chair Prozanski
8:43:26 AM Sen. Bonamici
8:43:48 AM Hedberg
8:44:02 AM Chair Prozanski
8:44:29 AM Merwin Moe Spencer, State Director of Government Relations,
American Cancer Society Cancer Action Network
8:44:45 AM {Exhibit} 8: Spencer
8:45:34 AM Chair Prozanski
8:45:36 AM Raquel Bournitonesque, Upstream Public Health
8:47:25 AM Chair Prozanski
8:47:35 AM HB 2136 A - Public Hearing
8:47:43 AM Anna Braun, Committee Counsel
8:47:54 AM {Exhibit} 9: Braun
8:48:05 AM Chair Prozanski
8:48:34 AM Katrina Hedberg, Acting Administrator and State Epidemiologist,
Office of Disease Prevention and Epidemiology, Public Health
Division, Oregon Department of Human Services
8:49:17 AM {Exhibit} 10: Hedberg
8:49:18 AM {Exhibit} 11: Hedberg
8:50:37 AM Chair Prozanski
8:50:40 AM Rachael Banks, Policy Coordinator, Multnomah County Tobacco
Prevention and Education Program
8:52:26 AM Merwin Moe Spencer, State Director of Government Relations,
American Cancer Society Cancer Action Network
8:52:40 AM {Exhibit} 12: Spencer

8:53:28 AM Chair Prozanski
8:53:30 AM Sen. Dingfelder
8:53:43 AM Chair Prozanski
8:53:53 AM Spencer
8:54:16 AM Sen. Whitsett
8:54:35 AM Spencer
8:55:21 AM Sen. Whitsett
8:55:35 AM Spencer
8:55:59 AM Hedberg
8:56:41 AM Sen. Whitsett
8:56:59 AM Spencer
8:57:38 AM Sen. Whitsett
8:57:46 AM Chair Prozanski
8:57:56 AM HB 3094 A - Public Hearing
8:58:05 AM Anna Braun, Committee Counsel
8:58:25 AM Chair Prozanski
8:58:48 AM Nancy Haigwood, Director, Oregon National Primate Research Center

9:00:02 AM {Exhibit} 13: Haigwood
9:02:19 AM Steve Stadum, Executive Vice-President, Oregon Health and Science University

9:06:10 AM Janet Billups, Legal Counsel, Oregon Health and Science University

9:08:59 AM Chair Prozanski
9:09:06 AM Billups
9:09:19 AM Chair Prozanski
9:09:21 AM Billups
9:09:23 AM Chair Prozanski
9:09:31 AM Billups
9:09:40 AM Chair Prozanski
9:09:43 AM Mary Botkin, American Federation of State, County, and Municipal Employees, Council 75

9:11:13 AM Chair Prozanski
9:11:16 AM Sen. Bonamici
9:12:03 AM Billups
9:14:21 AM Vice-Chair Boquist
9:14:50 AM Chair Prozanski
9:15:07 AM Andrea Meyer, Legislative Director, American Civil Liberties Union of Oregon

9:15:13 AM {Exhibit} 14: Meyer
9:21:07 AM Vice-Chair Boquist
9:21:08 AM Meyer
9:21:32 AM Matt Rossell, Northwest Regional Director, In Defense of Animals
9:21:45 AM {Exhibit} 15: Rossell
9:23:16 AM {Exhibit} 16: Rossell
9:28:02 AM Chair Prozanski

9:28:04 AM Rossell
9:28:23 AM Chair Prozanski
9:28:26 AM Meyer
9:28:27 AM {Exhibit} 17: Rossell
9:28:32 AM Chair Prozanski
9:28:45 AM HB 2292 A - Public Hearing
9:28:49 AM Anna Braun, Committee Counsel
9:29:03 AM {Exhibit} 18: Braun
9:29:10 AM Chair Prozanski
9:29:23 AM Max Williams, Director, The Oregon Department of Corrections
9:31:57 AM {Exhibit} 19: Williams
9:32:06 AM David Rogers, Executive Director, Partnership for Safety and Justice
9:32:15 AM {Exhibit} 20: Rogers
9:36:36 AM Chair Prozanski
9:36:39 AM Sen. Bonamici
9:36:56 AM Rogers
9:37:07 AM Williams
9:38:21 AM Chair Prozanski
9:38:27 AM Rogers
9:39:02 AM Chair Prozanski
9:39:11 AM HB 2292 A - Work Session
9:39:14 AM MOTION: Vice-Chair Boquist moves -A4 amendments
9:39:16 AM Chair Prozanski
9:40:08 AM VOTE: 5-0-0
9:40:08 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:40:12 AM MOTION: Vice-Chair Boquist moves HB 2292 A DO PASS as AMENDED
9:40:17 AM Chair Prozanski
9:40:26 AM Sen. Bonamici
9:40:33 AM Sen. Dingfelder
9:40:53 AM Chair Prozanski
9:40:55 AM Sen. Dingfelder
9:41:41 AM Chair Prozanski
9:41:46 AM Sen. Whitsett
9:42:06 AM VOTE: 4-1-0
9:42:06 AM Ayes: Sens: Bonamici, Boquist, Whitsett, Prozanski; Nays: Sen. Dingfelder
9:42:16 AM CARRIER: SEN. BOQUIST will lead discussion on the floor
9:42:21 AM HB 2988 A - Public Hearing
9:42:28 AM Anna Braun, Committee Counsel
9:42:54 AM Chair Prozanski
9:43:30 AM Heidi McGowan, Executive Officer, Oregon Commission for Child Care
9:43:41 AM {Exhibit} 21: McGowan
9:44:58 AM Chair Prozanski

9:45:01 AM McGowan
9:45:11 AM Andrea Meyer, Legislative Director, American Civil Liberties Union of Oregon
9:46:51 AM Chair Prozanski
9:46:54 AM Tom Olson, Administrator, Oregon Commission for Child Care
9:48:44 AM Chair Prozanski
9:48:47 AM Vice-Chair Boquist
9:49:06 AM Olson
9:49:41 AM Vice-Chair Boquist
9:49:48 AM Olson
9:49:57 AM Chair Prozanski
9:50:01 AM Sen. Bonamici
9:50:19 AM Olson
9:50:30 AM Kathleen Hynes, Legal Compliance Manager, Child Care Division, Oregon Commission for Child Care
9:50:56 AM Sen. Bonamici
9:51:36 AM Chair Prozanski
9:52:17 AM HB 2759 - Work Session
9:52:22 AM Lisa Nuss, Committee Counsel
9:52:33 AM {Exhibit} 22: Nuss
9:52:47 AM {Exhibit} 23: Nuss
9:53:03 AM Chair Prozanski
9:53:12 AM Nuss
9:53:13 AM Chair Prozanski
9:53:15 AM MOTION: Vice-Chair Boquist moves -1 amendments
9:53:20 AM Chair Prozanski
9:53:31 AM VOTE: 5-0-0
9:53:31 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:53:33 AM MOTION: Vice-Chair Boquist moves -2 amendments
9:53:36 AM Chair Prozanski
9:53:43 AM VOTE: 5-0-0
9:53:43 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:53:47 AM MOTION: Vice-Chair Boquist moves HB 2759 DO PASS as AMENDED
9:53:52 AM Chair Prozanski
9:54:02 AM VOTE: 5-0-0
9:54:02 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:54:06 AM CARRIER: SEN. BONAMICI will lead discussion on the floor
9:54:15 AM HB 2839 A - Work Session
9:54:19 AM Lisa Nuss, Committee Counsel
9:54:52 AM Chair Prozanski
9:54:53 AM MOTION: Vice-Chair Boquist moves HB 2839 A DO PASS as AMENDED
9:54:57 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. DINGFELDER will lead discussion on the floor
9:55:19 AM HB 3077 A - Work Session
9:55:24 AM Lisa Nuss, Committee Counsel
9:55:52 AM Chair Prozanski
9:55:54 AM Nuss
9:55:59 AM Chair Prozanski
9:56:01 AM Nuss
9:56:04 AM MOTION: Vice-Chair Boquist moves HB 3077 A DO PASS as AMENDED
9:56:13 AM Chair Prozanski
9:56:22 AM Vice-Chair Boquist
9:56:30 AM VOTE: 5-0-0
9:56:30 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:56:33 AM CARRIER: SEN. BONAMICI will lead discussion on the floor
9:56:42 AM Chair Prozanski
9:56:56 AM HB 2629 - Work Session
9:57:07 AM Anna Braun, Committee Counsel
9:57:24 AM MOTION: Vice-Chair Boquist moves HB 2629 A DO PASS
9:57:28 AM Chair Prozanski
9:57:36 AM VOTE: 5-0-0
9:57:36 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:57:39 AM CARRIER: SEN. WHITSETT will lead discussion on the floor
9:57:42 AM Chair Prozanski
9:58:06 AM HB 2175 A - Work Session
9:58:28 AM Shannon Sivell, Committee Counsel
9:58:38 AM {Exhibit} 24: Sivell
9:59:05 AM Chair Prozanski
9:59:11 AM MOTION: Vice-Chair Boquist moves -A3 amendments
9:59:18 AM Chair Prozanski
9:59:24 AM Sen. Bonamici
9:59:34 AM Sivell
9:59:52 AM Chair Prozanski
9:59:54 AM VOTE: 5-0-0
9:59:54 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
9:59:59 AM MOTION: Vice-Chair Boquist moves HB 2175 A DO PASS as AMENDED
10:00:04 AM Chair Prozanski
10:00:14 AM VOTE: 5-0-0
10:00:14 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
10:00:18 AM CARRIER: SEN. BOQUIST will lead discussion on the floor
10:00:24 AM HB 2478 A - Work Session
10:00:32 AM Shannon Sivell, Committee Counsel
10:00:45 AM {Exhibit} 25: Sivell
10:00:59 AM Chair Prozanski
10:01:15 AM MOTION: Vice-Chair Boquist moves -A3 amendments
10:01:19 AM Chair Prozanski

10:01:25 AM VOTE: 5-0-0
10:01:25 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
10:01:29 AM MOTION: Vice-Chair Boquist moves HB 2478 A DO PASS as AMENDED
10:01:34 AM Chair Prozanski
10:01:43 AM Sen. Bonamici
10:01:45 AM Vice-Chair Boquist
10:01:46 AM VOTE: 5-0-0
10:01:46 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
10:01:48 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
10:01:54 AM Chair Prozanski
10:02:29 AM HB 2874 A - Work Session
10:02:33 AM Shannon Sivell, Committee Counsel
10:02:44 AM Chair Prozanski
10:02:55 AM MOTION: Vice-Chair Boquist moves HB 2874 A DO PASS as AMENDED
10:03:00 AM Chair Prozanski
10:03:10 AM Sen. Bonamici
10:03:42 AM Chair Prozanski
10:03:44 AM Vice-Chair Boquist
10:03:50 AM VOTE: 5-0-0
10:03:50 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
10:03:59 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
10:04:12 AM HB 2246 A - Work Session
10:04:17 AM Shannon Sivell, Committee Counsel
10:04:27 AM {Exhibit} 26: Sivell
10:04:39 AM Chair Prozanski
10:04:43 AM MOTION: Vice-Chair Boquist moves -A2 amendments
10:04:46 AM Chair Prozanski
10:04:52 AM VOTE: 5-0-0
10:04:52 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
10:04:55 AM MOTION: Vice-Chair Boquist moves HB 2246 A DO PASS as AMENDED
10:04:58 AM Chair Prozanski
10:05:08 AM VOTE: 5-0-0
10:05:08 AM Ayes: Sens: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
10:05:12 AM Sen. Dingfelder
10:05:13 AM CARRIER: SEN. DINGFELDER will lead discussion on the floor
10:05:19 AM Chair Prozanski
10:07:30 AM Anna Braun, Committee Counsel
10:07:32 AM Chair Prozanski
10:07:47 AM Meeting Adjourned

SJUD

5/27/2009 8:15:47 AM

- 8:22:22 AM** {Exhibit} 1: HB 2796, written testimony, Anne Pratt, 2 p
 - 8:26:11 AM** {Exhibit} 2: HB 2796, written testimony, Janet Lovelace, 1 p
 - 8:32:15 AM** {Exhibit} 3: HB 2796, written testimony, Marie Armstrong, 1 p
 - 8:33:01 AM** {Exhibit} 4: HB 2358, -3 amendments, staff, 2 pp
 - 8:34:09 AM** {Exhibit} 5: HB 2358, written testimony, Katrina Hedberg, 2 pp
 - 8:38:46 AM** {Exhibit} 6: HB 2358, written testimony, Rachael Banks, 4 pp
 - 8:41:17 AM** {Exhibit} 7: HB 2358, written testimony, Randi Harris, 2 pp
 - 8:44:45 AM** {Exhibit} 8: HB 2358, written testimony, Merwin Moe Spencer, 2 pp
 - 8:47:54 AM** {Exhibit} 9: HB 2136 A, -A4 amendments, staff, 1 p
 - 8:49:17 AM** {Exhibit} 10: HB 2136 A, written testimony, Katrina Hedberg, 2 pp
 - 8:49:18 AM** {Exhibit} 11: HB 2136 A, Tobacco Prevention and Education Program Report 2007-2009, Katrina Hedberg, 8 pp
 - 8:52:40 AM** {Exhibit} 12: HB 2136 A, written testimony, Merwin Moe Spencer, 2 pp
 - 9:00:02 AM** {Exhibit} 13: HB 3094 A, informational packet, Nancy Haigwood, 51 pp
 - 9:15:13 AM** {Exhibit} 14: HB 3094 A, written testimony, Andrea Meyer, 7 pp
 - 9:21:45 AM** {Exhibit} 15: HB 3094 A, written testimony, Matt Rossell, 2 pp
 - 9:23:16 AM** {Exhibit} 16: HB 3094 A, Institutional Animal Care and Use Committee Meeting Minutes, Matt Rossell, 2 pp
 - 9:28:27 AM** {Exhibit} 17: HB 3094 A, Guardians International Magazine, Matt Rossell, 32 pp
 - 9:29:03 AM** {Exhibit} 18: HB 2292 A, -A4 amendments, staff, 2 pp
 - 9:31:57 AM** {Exhibit} 19: HB 2292 A, written testimony, Max Williams, 1 p
 - 9:32:15 AM** {Exhibit} 20: HB 2292 A, written testimony, David Rogers, 2 pp
 - 9:43:41 AM** {Exhibit} 21: HB 2988 A, written testimony, Heidi McGowan, 1 p
 - 9:52:33 AM** {Exhibit} 22: HB 2759, -1 amendments, staff, 2 pp
 - 9:52:47 AM** {Exhibit} 23: HB 2759, -2 amendments, staff, 1 p
 - 9:58:38 AM** {Exhibit} 24: HB 2175 A, -A3 amendments, staff, 1 p
 - 10:00:45 AM** {Exhibit} 25: HB 2478 A, -A3 amendments, staff, 1 p
 - 10:04:27 AM** {Exhibit} 26: HB 2246 A, -A2 amendments, staff, 4 pp
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