

## SENATE COMMITTEE ON JUDICIARY

March 07, 2013  
8:30 am

Hearing Room 343

**MEMBERS PRESENT:** Sen. Floyd Prozanski, Chair  
Sen. Betsy Close, Vice-Chair  
Sen. Jackie Dingfelder  
Sen. Jeff Kruse  
Sen. Arnie Roblan

**STAFF PRESENT:** Anna Braun, Committee Counsel  
Ann Martin, Committee Assistant

**MEASURES/ISSUES HEARD:** SB 589 – Work Session  
SB 590 – Work Session  
SB 591 – Work Session  
SB 49 – Work Session  
SB 51 – Work Session  
SB 141 – Work Session  
SB 444 – Work Session  
SB 635 – Public Hearing  
SB 90 – Public Hearing

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### Recording Log

8:35:57 AM Meeting Called to Order by Chair Prozanski  
8:36:07 AM Chair Prozanski  
  
8:36:50 AM **SB 589 - Work Session**  
8:36:59 AM Bill Taylor, Committee Counsel  
8:37:24 AM Chair Prozanski  
8:37:33 AM Sen. Kruse  
8:38:06 AM Chair Prozanski  
8:38:16 AM MOTION: SEN. KRUSE MOVES SB 589 DO PASS  
8:38:25 AM Vice-Chair Close  
8:38:35 AM Chair Prozanski  
8:38:36 AM Sen. Kruse  
8:38:56 AM Vice-Chair Close  
8:39:00 AM Chair Prozanski  
8:39:10 AM {Exhibit} 1: Kate Cooper Richardson, Director, Oregon Child Support Program, Department of Justice  
8:39:30 AM Chair Prozanski  
8:39:43 AM Richardson

8:39:47 AM Chair Prozanski  
8:39:48 AM VOTE: 4-1-0  
8:40:00 AM AYES: DINGFELDER, ROBLAN, KRUSE, PROZANSKI  
8:40:01 AM NAYS: CLOSE  
8:40:02 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:40:03 AM **SB 590 - Work Session**  
8:40:04 AM Bill Taylor, Committee Counsel  
8:40:19 AM Chair Prozanski  
8:40:21 AM MOTION: CHAIR PROZANSKI MOVES SB 590 DO PASS  
8:40:30 AM Sen. Dingfelder  
8:40:34 AM Chair Prozanski  
8:40:36 AM VOTE: 5-0-0  
8:40:38 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:40:40 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:40:42 AM The following written testimony is submitted for the record without public testimony:  
8:40:43 AM {Exhibit} 2: Kate Cooper Richardson, Director, Oregon Child Support Program, Department of Justice

8:40:44 AM **SB 591 - Work Session**  
8:40:47 AM Bill Taylor, Committee Counsel  
8:41:11 AM Chair Prozanski  
8:41:12 AM MOTION: SEN. ROBLAN MOVES SB 591 DO PASS  
8:41:13 AM VOTE: 5-0-0  
8:41:16 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:41:18 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:41:35 AM Chair Prozanski  
8:41:36 AM The following written testimony is submitted for the record without public testimony:  
8:41:37 AM {Exhibit} 3: Kate Cooper Richardson, Director, Oregon Child Support Program, Department of Justice

8:41:46 AM **SB 49 - Work Session**  
8:41:49 AM {Exhibit} 4: Anna Braun, Committee Counsel  
8:42:32 AM Chair Prozanski  
8:42:40 AM Vice-Chair Close  
8:42:49 AM David Factor, Office of the State Court Administrator  
8:43:06 AM Vice-Chair Close  
8:43:24 AM Factor  
8:44:36 AM Vice-Chair Close  
8:44:51 AM Factor  
8:45:18 AM Vice-Chair Close

8:45:37 AM Factor  
8:46:06 AM Vice-Chair Close  
8:46:08 AM Chair Prozanski  
8:46:16 AM MOTION: VICE-CHAIR CLOSE MOVES THE -2 AMENDMENTS BE ADOPTED  
8:46:32 AM Sen. Dingfelder  
8:46:41 AM Chair Prozanski  
8:46:43 AM Sen. Roblan  
8:46:44 AM Chair Prozanski  
8:46:45 AM VOTE: 5-0-0  
8:46:46 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:46:47 AM Chair Prozanski  
8:46:56 AM MOTION: VICE-CHAIR CLOSE MOVES SB 49 DO PASS AS AMENDED  
8:47:02 AM VOTE: 5-0-0  
8:47:11 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:47:15 AM CARRIER: SEN. KRUSE WILL LEAD DISCUSSION ON THE FLOOR  
  
8:47:20 AM **SB 51 - Work Session**  
8:47:23 AM {Exhibit} 5-6: Anna Braun, Committee Counsel  
8:48:01 AM Bruce Miller, Office of the State Court Administrator  
8:49:20 AM Chair Prozanski  
8:49:24 AM MOTION: CHAIR PROZANSKI MOVES THE -2 AMENDMENTS BE ADOPTED  
8:49:31 AM VOTE: 5-0-0  
8:49:32 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:49:35 AM MOTION: CHAIR PROZANSKI MOVES THE -3 AMENDMENTS BE ADOPTED  
8:49:45 AM Vice-Chair Close  
8:49:55 AM VOTE: 5-0-0  
8:49:56 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:50:06 AM Vice-Chair Close  
8:50:22 AM Sen. Kruse  
8:50:42 AM Chair Prozanski  
8:50:54 AM MOTION: SEN. ROBLAN MOVES SB 51 DO PASS AS AMENDED  
8:51:03 AM Chair Prozanski  
8:51:09 AM VOTE: 5-0-0  
8:51:10 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
8:51:12 AM CARRIER: SEN. DINGFELDER WILL LEAD DISCUSSION ON THE FLOOR  
8:51:16 AM Sen. Kruse  
8:51:19 AM Chair Prozanski  
8:51:20 AM Sen. Dingfelder  
8:51:29 AM Chair Prozanski  
8:51:30 AM Sen. Dingfelder  
8:51:33 AM Sen. Roblan  
8:51:40 AM Chair Prozanski

**8:51:46 AM SB 141 - Work Session**

**8:52:10 AM** {Exhibit} 7: Anna Braun, Committee Counsel  
**8:52:37 AM** Sen. Kruse  
**8:52:38 AM** Braun  
**8:52:43 AM** MOTION: CHAIR PROZANSKI MOVES THE -3 AMENDMENTS BE ADOPTED  
**8:53:03 AM** VOTE: 5-0-0  
**8:53:04 AM** AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
**8:53:12 AM** MOTION: SEN. DINGFELDER MOVES SB 141 DO PASS AS AMENDED  
**8:53:26 AM** Sen. Kruse  
**8:53:28 AM** Braun  
**8:53:38 AM** Chair Prozanski  
**8:53:44 AM** Sen. Kruse  
**8:53:46 AM** Vice-Chair Close  
**8:54:08 AM** Chair Prozanski  
**8:54:13 AM** Vice-Chair Close  
**8:54:19 AM** Chair Prozanski  
**8:54:21 AM** Sen. Dingfelder  
**8:54:30 AM** Sen. Kruse  
**8:54:33 AM** Chair Prozanski  
**8:54:38 AM** VOTE: 5-0-0  
**8:54:39 AM** AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
**8:54:42 AM** Chair Prozanski  
**8:54:45 AM** Sen. Roblan  
**8:54:47 AM** CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

**8:55:00 AM SB 444 - Work Session**

**8:55:02 AM** {Exhibit} 8: Anna Braun, Committee Counsel  
**8:55:47 AM** Chair Prozanski  
**8:56:25 AM** Vice-Chair Close  
**8:56:40 AM** Braun  
**8:56:56 AM** MOTION: VICE-CHAIR CLOSE MOVES THE -4 AMENDMENTS BE ADOPTED  
**8:57:07 AM** VOTE: 5-0-0  
**8:57:08 AM** AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI  
**8:57:12 AM** Chair Prozanski  
**8:57:16 AM** MOTION: VICE-CHAIR CLOSE MOVES SB 444 DO PASS AS AMENDED  
**8:57:24 AM** Chair Prozanski  
**8:57:34 AM** Sen. Kruse  
**8:58:04 AM** Chair Prozanski  
**8:58:23 AM** VOTE: 4-1-0  
**8:58:24 AM** AYES: DINGFELDER, ROBLAN, CLOSE, PROZANSKI  
**8:58:25 AM** NAYS: KRUSE

8:58:26 AM CARRIER: SEN. STEINER-HAYWARD WILL LEAD DISCUSSION ON THE FLOOR

8:59:03 AM Chair Prozanski

8:59:04 AM **SB 635 - Public Hearing**

8:59:12 AM Anna Braun, Committee Counsel

8:59:28 AM Sen. Dingfelder

8:59:29 AM Chair Prozanski

9:01:01 AM Anna Braun, Committee Counsel

9:01:03 AM Gail Meyer, Oregon Criminal Defense Lawyers Association

9:06:24 AM Chair Prozanski

9:06:33 AM Jeff Ellis, Capital Defender Resource Counsel (via phone)

9:11:19 AM Chair Prozanski

9:11:45 AM Ellis

9:11:53 AM Chair Prozanski

9:12:03 AM {Exhibit} 9: Carol Studenmund, Chair, Oregon Court Reporters Association's Legislative Committee

9:16:16 AM {Exhibit} 10: Becky Bazzle, President, National Verbatim Reporters Association

9:20:10 AM Chair Prozanski

9:20:14 AM Sen. Roblan

9:20:33 AM Studenmund

9:21:11 AM Bazzle

9:21:48 AM Sen. Roblan

9:22:19 AM Studenmund

9:22:30 AM Sen. Roblan

9:22:40 AM Studenmund

9:22:43 AM Vice-Chair Close

9:23:41 AM Studenmund

9:24:03 AM Vice-Chair Close

9:24:03 AM Chair Prozanski

9:24:59 AM {Exhibit} 11: Marsha Naegeli, President, Naegeli Deposition and Trial

9:35:24 AM Chair Prozanski

9:35:39 AM Brad Fulton, attorney

9:39:47 AM Chair Prozanski

9:39:57 AM Yvette Winden, court reporter

9:42:47 AM Chair Prozanski

9:42:48 AM Sen. Roblan

9:43:15 AM Fulton

9:44:15 AM Sen. Roblan

9:44:18 AM Fulton

9:44:25 AM Sen. Roblan

9:44:27 AM Chair Prozanski

9:44:44 AM Vice-Chair Close

9:45:12 AM Naegeli

- 9:45:26 AM Vice-Chair Close  
9:45:27 AM Chair Prozanski  
9:45:28 AM {Exhibit} 14: Witness Registration  
9:45:29 AM The following written testimony is submitted for the record without public testimony:  
9:45:29 AM {Exhibit} 12: Susan Grabe, Oregon State Bar, Procedure & Practice Committee  
9:45:30 AM {Exhibit} 13: Doug Harclerod, Oregon District Attorneys Association  
  
9:45:37 AM **SB 90 - Public Hearing**  
9:45:43 AM {Exhibit} 15: Anna Braun, Committee Counsel  
9:45:57 AM Chair Prozanski  
9:46:11 AM Carol Studenmund, Chair, Oregon Court Reporters Association's Legislative Committee  
  
9:50:57 AM Chair Prozanski  
9:50:59 AM {Exhibit} 16: Becky Bazzle, National Verbatim Reporters Association  
9:54:23 AM Chair Prozanski  
9:54:26 AM Vice-Chair Close  
9:54:37 AM Bazzle  
9:54:57 AM Vice-Chair Close  
9:54:58 AM Chair Prozanski  
9:55:16 AM {Exhibit} 17: Marsha Naegeli, President, Naegeli Deposition and Trial  
9:57:10 AM Brad Fulton, attorney  
9:57:36 AM Yvette Winden, court reporter  
9:58:13 AM Chair Prozanski  
9:59:15 AM {Exhibit} 19: Witness Registration  
9:59:50 AM The following written testimony is submitted for the record without public testimony:  
9:59:51 AM {Exhibit} 18: Susan Grabe, Oregon State Bar, Procedure & Practice Committee  
9:59:56 AM Meeting Adjourned by Chair Prozanski
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### **Exhibit Summary**

- 8:39:10 AM {Exhibit} 1: SB 589, written testimony, Kate Cooper Richardson, 2 pp  
8:40:43 AM {Exhibit} 2: SB 590, written testimony, Kate Cooper Richardson, 2 pp  
8:41:37 AM {Exhibit} 3: SB 591, written testimony, Kate Cooper Richardson, 2 pp  
8:41:49 AM {Exhibit} 4: SB 49, -2 amendments, staff, 15 pp  
8:47:23 AM {Exhibit} 5: SB 51, -2 amendments, staff, 1 p  
8:47:23 AM {Exhibit} 6: SB 51, -3 amendments, staff, 3 pp  
8:52:10 AM {Exhibit} 7: SB 141, -3 amendments, staff, 1 p  
8:55:02 AM {Exhibit} 8: SB 444, -4 amendments, staff, 1 p  
9:12:03 AM {Exhibit} 9: SB 635, news article, Carol Studenmund, 2 pp  
9:16:16 AM {Exhibit} 10: SB 635, written testimony, Becky Bazzle, 3 pp

**9:24:59 AM** {Exhibit} 11: SB 635, written testimony, Marsha Naegeli, 3 pp  
**9:45:29 AM** {Exhibit} 12: SB 635, written testimony of Susan Grabe, staff, 1 p  
**9:45:30 AM** {Exhibit} 13: SB 635, written testimony of Doug Harclerod, staff, 1 p  
**9:45:28 AM** {Exhibit} 14: SB 635, witness registration, 1 p  
**9:45:43 AM** {Exhibit} 15: SB 90, -1 amendments, staff, 3 pp  
**9:50:59 AM** {Exhibit} 16: SB 90, written testimony, Becky Bazzle, 3 pp  
**9:55:16 AM** {Exhibit} 17: SB 90, written testimony, Marsha Naegeli, 3 pp  
**9:59:51 AM** {Exhibit} 18: SB 90, written testimony of Susan Grabe, staff, 1 p  
**9:59:15 AM** {Exhibit} 19: SB 90, witness registration, staff, 1 p