

SENATE COMMITTEE ON JUDICIARY

April 11, 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 695 – Work Session
SB 492 – Public Hearing
SB 592 – Public Hearing and Work Session
SB 6 – Work Session
SB 396 – Work Session
SB 623 – Work Session
SB 709 – Work Session
SB 812 – Work Session

Recording Log

8:40:33 AM Meeting Called to Order by Chair Prozanski

8:41:20 AM SB 695 - Work Session

8:41:23 AM MOTION: VICE-CHAIR CLOSE MOVES THAT THE RULES BE SUSPENDED FOR THE PURPOSE OF RECONSIDERING THE VOTE ON SB 695

8:41:30 AM Chair Prozanski

8:41:38 AM VOTE: 4-0-1

8:41:40 AM AYES: DINGFELDER, KRUSE, CLOSE, PROZANSKI

8:41:41 AM EXCUSED: ROBLAN

8:41:55 AM Chair Prozanski

8:41:56 AM MOTION: VICE-CHAIR CLOSE MOVES TO RECONSIDER THE VOTE BY WHICH SB 695 WAS MOVED WITH A DO PASS RECOMMENDATION

8:42:07 AM Chair Prozanski

8:42:34 AM VOTE: 4-0-1

8:42:35 AM AYES: DINGFELDER, KRUSE, CLOSE, PROZANSKI

8:42:36 AM EXCUSED: ROBLAN
8:42:53 AM Chair Prozanski

8:43:07 AM **SB 492 - Public Hearing**
8:43:14 AM {Exhibit} 1: Anna Braun, Committee Counsel
8:43:57 AM Chair Prozanski
8:44:21 AM Brian DeLeshmut, Oregon Council of Police Associations, Oregon State
Police Officers Association
8:45:49 AM Chair Prozanski
8:45:51 AM Jeff Howes, Multnomah County District Attorney's Office
8:49:25 AM Chair Prozanski
8:49:26 AM Sen. Kruse
8:50:10 AM Howes
8:50:11 AM Sen. Kruse
8:50:16 AM Howes
8:51:04 AM Sen. Kruse
8:51:05 AM Chair Prozanski
8:51:29 AM Sen. Kruse
8:51:40 AM Chair Prozanski
8:52:59 AM Vice-Chair Close
8:53:26 AM Howes
8:54:06 AM Vice-Chair Close
8:54:15 AM Chair Prozanski
8:55:17 AM Howes
8:55:19 AM Chair Prozanski
8:55:23 AM Howes
8:55:25 AM Chair Prozanski
8:56:15 AM Aaron Knott, Legislative Director, Department of Justice
8:59:11 AM Sen. Dingfelder
9:00:20 AM Knott
9:01:58 AM Sen. Dingfelder
9:02:42 AM Knott
9:03:57 AM Chair Prozanski
9:04:25 AM John Henry Hingson, Oregon Criminal Defense Lawyers Association
9:08:30 AM Chair Prozanski
9:08:33 AM Bronson James, attorney, Portland, Oregon
9:13:19 AM Chair Prozanski
9:14:18 AM Sen. Kruse
9:14:29 AM Sen. Roblan
9:14:48 AM Chair Prozanski
9:14:49 AM {Exhibit} 2: witness registration

9:16:09 AM **SB 592 - Public Hearing**
9:16:13 AM {Exhibit} 3: Anna Braun, Committee Counsel
9:16:29 AM Chair Prozanski
9:17:02 AM Sen. Roblan

9:17:02 AM Chair Prozanski
9:17:05 AM Lane Shetterly, Chair, Oregon Law Commission
9:19:32 AM D. Charles Mauritz, Washington County
9:28:28 AM Chair Prozanski
9:28:30 AM {Exhibit} 4: Susan Gary, University of Oregon School of Law, Oregon Law Commission
9:35:54 AM Chair Prozanski
9:35:56 AM Sen. Dingfelder
9:36:14 AM Chair Prozanski
9:36:27 AM Sen. Kruse
9:36:29 AM Sen. Roblan
9:36:43 AM Sen. Dingfelder
9:36:46 AM Shetterly
9:36:52 AM Chair Prozanski
9:36:53 AM {Exhibit} 5: witness registration

9:37:09 AM **SB 592 - Work Session**
9:37:20 AM MOTION: VICE-CHAIR CLOSE MOVES THE -1 AMENDMENTS BE ADOPTED
9:37:22 AM VOTE: 5-0-0
9:37:22 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:37:28 AM MOTION: VICE-CHAIR CLOSE MOVES SB 592 DO PASS AS AMENDED
9:37:42 AM Chair Prozanski
9:37:46 AM Sen. Dingfelder
9:37:51 AM Chair Prozanski
9:37:54 AM VOTE: 5-0-0
9:37:54 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:37:56 AM Chair Prozanski
9:37:56 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR
9:38:03 AM Chair Prozanski
9:38:23 AM Sen. Kruse
9:38:25 AM Sen. Roblan
9:38:28 AM Chair Prozanski

9:38:48 AM **SB 6 - Work Session**
9:39:03 AM {Exhibit} 6: Chair Prozanski
9:39:04 AM The following written testimony is submitted for the record without public testimony:
9:39:04 AM {Exhibit} 7: Declan Cruz, Tillie Knox-Warshaw and Kalina Winstead, Ms. McCandless' Middle School Public Speaking Class, Portland, Oregon

9:39:27 AM **SB 396 - Work Session**
9:39:35 AM Anna Braun, Committee Counsel
9:39:54 AM Chair Prozanski

9:39:59 AM MOTION: VICE-CHAIR CLOSE MOVES SB 396 DO PASS
9:40:12 AM VOTE: 5-0-0
9:40:13 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:40:15 AM CARRIER: SEN. SHIELDS WILL LEAD DISCUSSION ON THE FLOOR
9:40:41 AM Chair Prozanski

9:41:44 AM **SB 623 - Work Session**

9:41:47 AM Chair Prozanski
9:41:48 AM {Exhibit} 8: Anna Braun, Committee Counsel
9:42:14 AM Vice-Chair Close
9:42:16 AM Braun
9:42:35 AM MOTION: VICE-CHAIR CLOSE MOVES THE -2 AMENDMENTS BE
ADOPTED
9:42:36 AM VOTE: 5-0-0
9:42:47 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:42:53 AM MOTION: VICE-CHAIR CLOSE MOVES SB 623 DO PASS AS
AMENDED
9:42:54 AM VOTE: 5-0-0
9:43:09 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:43:10 AM CARRIER: SEN. CLOSE WILL LEAD DISCUSSION ON THE FLOOR
9:43:20 AM Sen. Roblan

9:43:39 AM **SB 709 - Work Session**

9:43:43 AM {Exhibit} 9: Anna Braun, Committee Counsel
9:44:20 AM Chair Prozanski
9:44:24 AM Sen. Close
9:44:48 AM Braun
9:45:01 AM Sen. Dingfelder
9:45:14 AM Chair Prozanski
9:45:25 AM Sen. Kruse
9:45:28 AM Chair Prozanski
9:45:30 AM MOTION: VICE-CHAIR CLOSE MOVES THE -4 AMENDMENTS BE
ADOPTED
9:45:41 AM Sen. Dingfelder
9:46:14 AM Chair Prozanski
9:46:17 AM VOTE: 5-0-0
9:46:18 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:46:20 AM MOTION: VICE-CHAIR MOVES SB 709 DO PASS AS AMENDED
9:46:36 AM VOTE: 5-0-0
9:46:37 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:46:38 AM CARRIER: SEN. ROBLAN WILL LEAD DISCUSSION ON THE FLOOR
9:46:51 AM Sen. Dingfelder

9:47:03 AM **SB 812 - Work Session**

9:47:09 AM Anna Braun, Committee Counsel
9:47:27 AM MOTION: VICE-CHAIR CLOSE MOVES SB 812 DO PASS

9:47:40 AM VOTE: 5-0-0
9:47:42 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:47:45 AM Sen. Kruse
9:47:48 AM Chair Prozanski
9:47:53 AM Sen. Dingfelder
9:47:56 AM Sen. Kruse
9:48:07 AM Chair Prozanski
9:48:12 AM CARRIER: SEN. JOHNSON WILL LEAD DISCUSSION ON THE FLOOR
9:48:22 AM Chair Prozanski
9:50:47 AM Sen. Dingfelder
9:50:49 AM Chair Prozanski
9:50:53 AM Sen. Dingfelder
9:50:55 AM Chair Prozanski
9:50:57 AM Sen. Dingfelder
9:50:59 AM Sen. Kruse
9:51:03 AM Chair Prozanski
9:51:04 AM The following written testimony is submitted for the record without public testimony:
9:51:05 AM {Exhibit} 10: Judge Russ West, Oregon Circuit Court Judge, Union and Wallowa Counties
9:51:17 AM Meeting Adjourned by Chair Prozanski

Exhibit Summary

8:43:14 AM {Exhibit} 1: SB 492, conceptual amendment, staff, 1 p
9:14:49 AM {Exhibit} 2: SB 492, witness registration, staff, 1 p
9:16:13 AM {Exhibit} 3: SB 592, -1 amendments, staff, 3 pp
9:28:30 AM {Exhibit} 4: SB 592, Work Group Report, *Amendments to the Oregon Uniform Trust Code*, Susan Gary, 8 pp
9:36:53 AM {Exhibit} 5: SB 592, witness registration, staff, 1 p
9:39:03 AM {Exhibit} 6: SB 6, -5 amendments, staff, 1 p
9:39:04 AM {Exhibit} 7: SB 6, written testimony, Declan Cruz, Tillie Knox-Warshaw and Kalina Winstead, 1 p
9:41:48 AM {Exhibit} 8: SB 623, -2 amendments, staff, 28 pp
9:43:43 AM {Exhibit} 9: SB 709, -4 amendments, staff, 7 pp
9:51:05 AM {Exhibit} 10: SB 812, written testimony, Judge Russ West, 1 p