

HOUSE COMMITTEE ON JUDICIARY

April 20, 2011
1:00 P.M.

Hearing Room 343

MEMBERS PRESENT: Co-Chair Jeff Barker
Co-Chair Wayne Krieger
Co-Vice Chair Chris Garrett
Co-Vice Chair Wally Hicks
Rep. Mary Nolan
Rep. Andy Olson
Rep. Mike Schaufler
Rep. Matt Wand

STAFF PRESENT: Aaron Knott, Committee Counsel
Bill Taylor, Committee Counsel
Cheyenne Ross, Committee Counsel
Kristi Hauck, Committee Assistant

MEASURES/ISSUES HEARD: HB 2663 – Public Hearing and Work Session
HB 3324 – Public Hearing and Work Session
HB 2014 – Work Session
HB 2183 – Work Session
HB 2650 – Work Session
HB 2461 – Work Session
HB 2693 – Work Session
HB 3186 – Work Session
HB 2791 – Work Session
HB 2653 – Work Session
HB 3615 – Work Session
HB 2712 – Work Session
HB 3259 – Work Session
HB 2673 – Public Hearing
HB 2674 – Public Hearing
HB 2675 – Public Hearing

Recording Log

1:05:13 PM Meeting Called to Order by Co-Chair Krieger

1:06:23 PM **Work Session**

1:06:25 PM MOTION: Co-Chair Barker moves the Rules Be Suspended for the purpose of taking action on bills without having the Fiscal and/or Revenue Impact statements

1:06:33 PM Co-Chair Krieger
1:07:04 PM VOTE: 10-0-0
1:07:05 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

1:07:39 PM **HB 2663-Public Hearing**

1:07:43 PM {Exhibit} 1: Aaron Knott, Committee Counsel
1:08:50 PM Co-Chair Krieger
1:09:13 PM Steve Doell, Crime Victims United
1:09:49 PM Doug Beloof, law professor, Lewis & Clark College
1:10:21 PM Gail Meyer, Oregon Criminal Defense Lawyers Association
1:10:41 PM Co-Chair Krieger
1:10:52 PM Co-Vice Chair Garrett

1:11:02 PM **HB 2663-Work Session**

1:11:03 PM Co-Chair Krieger
1:11:05 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted
1:11:17 PM VOTE: 10-0-0
1:11:17 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:11:18 PM MOTION: Co-Chair Barker moves HB 2663 Do Pass as Amended
1:12:03 PM Rep. Nolan
1:12:19 PM Co-Chair Krieger
1:12:35 PM Rep. Nolan
1:12:46 PM Co-Chair Krieger
1:13:19 PM VOTE: 10-0-0
1:13:20 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:13:21 PM CARRIER: REP. BARKER will lead discussion on the floor

1:13:43 PM **HB 3324-Public Hearing**

1:14:16 PM {Exhibit} 2: Aaron Knott, Committee Counsel
1:15:34 PM Co-Chair Krieger
1:15:44 PM {Exhibit} 3: Anne Pratt, member, Mothers Against Drunk Driving
1:18:09 PM Co-Chair Krieger

1:18:23 PM **HB 3324-Work Session**

1:18:25 PM MOTION: Co-Chair Barker moves the -3 amendments Be Adopted
1:18:29 PM Co-Chair Krieger
1:18:38 PM VOTE: 10-0-0
1:18:39 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:18:40 PM MOTION: Co-Chair Barker moves HB 3324 Do Pass as Amended
1:18:45 PM Co-Chair Krieger
1:19:08 PM VOTE: 10-0-0
1:19:08 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks,

Barker, Krieger

1:19:09 PM CARRIER: REP. BARKER will lead discussion on the floor

1:19:48 PM **HB 2014-Work Session**

1:19:52 PM {Exhibit} 4: Aaron Knott, Committee Counsel

1:20:47 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted

1:20:54 PM Co-Chair Krieger

1:21:01 PM VOTE: 10-0-0

1:21:01 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

1:21:05 PM MOTION: Co-Chair Barker moves HB 2014 Do Pass as Amended

1:21:11 PM Co-Chair Krieger

1:21:35 PM VOTE: 10-0-0

1:21:36 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

1:21:37 PM CARRIER: REP. WHISNANT will lead discussion on the floor

1:22:02 PM **HB 2183-Work Session**

1:22:03 PM {Exhibit} 5: Aaron Knott, Committee Counsel

1:22:43 PM MOTION: Co-Chair Barker moves the -2 amendments Be Adopted

1:22:44 PM VOTE: 10-0-0

1:22:45 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

1:22:47 PM Co-Chair Krieger

1:22:54 PM Co-Vice Chair Garrett

1:23:18 PM Rep. Wand

1:24:04 PM Co-Vice Chair Hicks

1:24:27 PM Co-Chair Krieger

1:24:30 PM Co-Vice Chair Hicks

1:25:28 PM Co-Chair Krieger

1:25:52 PM MOTION: Co-Chair Barker moves HB 2183 Do Pass as Amended

1:25:56 PM Co-Chair Krieger

1:26:20 PM VOTE: 10-0-0

1:26:21 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

1:26:21 PM CARRIER: REP. KRIEGER will lead discussion on the floor

1:26:22 PM The following written testimony was submitted for the record without public testimony:

1:26:23 PM {Exhibit} 6: Pamela Butler, Children First for Oregon

1:26:42 PM **HB 2650-Work Session**

1:26:47 PM {Exhibit} 7: Aaron Knott, Committee Counsel

1:27:30 PM Fawn McNeely, Oregon Association for Home Care

1:28:12 PM Rep. Tomei

1:28:15 PM McNeely

1:28:32 PM Rep. Tomei

1:28:39 PM McNeely
1:28:48 PM Rep. Tomei
1:28:57 PM McNeely
1:29:22 PM MOTION: Co-Chair Barker moves the -3 amendments Be Adopted
1:29:26 PM Co-Chair Krieger
1:29:36 PM Knott
1:29:57 PM Co-Chair Krieger
1:30:01 PM VOTE: 10-0-0
1:30:01 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:30:02 PM MOTION: Co-Chair Barker moves HB 2650 Do Pass as Amended
1:30:09 PM Co-Chair Krieger
1:30:15 PM Rep. Nolan
1:30:59 PM Co-Chair Krieger
1:31:38 PM VOTE: 10-0-0
1:31:38 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:31:39 PM CARRIER: REP. OLSON will lead discussion on the floor

1:32:16 PM **HB 2461-Work Session**
1:32:21 PM {Exhibit} 8: Aaron Knott, Committee Counsel
1:33:07 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted
1:33:13 PM Co-Chair Krieger
1:33:24 PM Co-Vice Chair Hicks
1:33:36 PM Knott
1:34:06 PM Co-Vice Chair Hicks
1:34:16 PM Knott
1:34:32 PM Co-Vice Chair Hicks
1:34:33 PM Co-Chair Krieger
1:34:36 PM Rep. Wand
1:34:49 PM Knott
1:35:14 PM Co-Chair Barker
1:35:35 PM Rep. Wand
1:35:37 PM Knott
1:36:04 PM VOTE: 10-0-0
1:36:05 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:36:10 PM MOTION: Co-Chair Barker moves HB 2461 Do Pass as Amended
1:36:19 PM Co-Chair Krieger
1:36:40 PM VOTE: 10-0-0
1:36:41 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:36:41 PM CARRIER: REP. GELSER will lead discussion on the floor

1:36:58 PM **HB 2693-Work Session**
1:37:04 PM {Exhibit} 9: Aaron Knott, Committee Counsel

1:37:42 PM John C. Powell, Oregon State Sheriffs' Association
1:39:09 PM Co-Chair Krieger
1:39:11 PM Rep. Nolan
1:39:22 PM Powell
1:39:28 PM Rep. Nolan
1:39:40 PM Powell
1:39:52 PM Co-Chair Krieger
1:40:00 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted
1:40:01 PM Co-Chair Krieger
1:40:09 PM VOTE: 10-0-0
1:40:10 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:40:21 PM MOTION: Co-Chair Barker moves HB 2693 Do Pass as Amended
1:40:27 PM Co-Chair Krieger
1:41:02 PM VOTE: 10-0-0
1:41:03 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:41:04 PM CARRIER: REP. TOMEI will lead discussion on the floor
1:41:15 PM Rep. Nolan
1:41:16 PM Co-Chair Krieger

1:41:26 PM **HB 3186-Work Session**
1:41:31 PM {Exhibit} 10: Aaron Knott, Committee Counsel
1:43:53 PM Co-Chair Krieger
1:44:00 PM Rep. Nolan
1:44:02 PM MOTION: Co-Chair Barker moves the -4 amendments Be Adopted
1:44:41 PM Rep. Tomei
1:44:45 PM Co-Chair Krieger
1:44:59 PM Co-Chair Barker
1:45:34 PM VOTE: 10-0-0
1:45:34 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:45:35 PM MOTION: Co-Chair Barker moves HB 3186 Do Pass as Amended
1:46:04 PM VOTE: 10-0-0
1:46:04 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
1:46:05 PM CARRIER: REP. TOMEI and REP. BERGER will lead discussion on the floor
1:46:12 PM Rep. Tomei
1:46:13 PM Co-Chair Krieger
1:46:14 PM Rep. Tomei
1:46:28 PM Cheyenne Ross, Committee Counsel
1:46:30 PM Co-Chair Krieger

1:47:04 PM **HB 2791-Work Session**
1:47:06 PM Co-Chair Krieger

1:47:19 PM Dave Yandell, Director, Criminal Justice Information Services Division,
Oregon State Police
1:47:57 PM Co-Chair Krieger
1:48:00 PM Co-Vice Chair Hicks
1:48:03 PM Yandell
1:49:54 PM Co-Chair Barker
1:50:06 PM Yandell
1:50:24 PM Rep. Olson
1:50:50 PM Yandell
1:56:06 PM Co-Chair Krieger
1:56:18 PM Yandell
1:56:30 PM Co-Chair Krieger
1:56:33 PM Rep. Olson
1:56:40 PM Co-Chair Barker
1:57:02 PM Yandell
1:58:01 PM Co-Chair Barker
1:58:03 PM Rep. Tomei
1:58:09 PM Yandell
1:58:19 PM Rep. Tomei
1:58:21 PM Yandell
1:58:22 PM Rep. Tomei
1:58:26 PM Yandell
1:59:13 PM Rep. Tomei
1:59:39 PM Co-Chair Krieger
1:59:50 PM Yandell
2:00:56 PM Co-Chair Krieger
2:01:02 PM Rep. Olson
2:01:33 PM {Exhibit} 11: Cheyenne Ross, Committee Counsel
2:01:47 PM Co-Chair Barker
2:02:22 PM Co-Chair Krieger
2:02:25 PM Rep. Nolan
2:02:37 PM Co-Chair Krieger
2:02:43 PM Rep. Nolan
2:03:53 PM Co-Chair Barker
2:04:06 PM Co-Chair Krieger
2:04:10 PM Rep. Nolan
2:04:16 PM Co-Vice Chair Hicks
2:04:26 PM Co-Chair Krieger
2:04:35 PM Ross
2:05:06 PM Co-Chair Krieger
2:05:20 PM Ross
2:05:45 PM MOTION: Co-Chair Barker moves HB 2791 Do Pass
2:06:02 PM Meeting Recessed
2:08:35 PM Meeting Reconvened
2:08:37 PM Co-Chair Krieger
2:08:46 PM Rep. Olson

2:09:01 PM Co-Chair Krieger
2:09:02 PM Rep. Tomei
2:09:18 PM Co-Chair Barker
2:09:43 PM Rep. Wand
2:10:19 PM Rep. Nolan
2:10:35 PM Rep. Olson
2:10:36 PM Rep. Nolan
2:10:39 PM Co-Chair Krieger
2:11:52 PM VOTE: 6-3-1
2:11:52 PM AYES: Schaufler, Wand, Garrett, Hicks, Barker, Krieger; NAYS: Nolan, Olson, Tomei; EXCUSED: Whisnant
2:11:53 PM CARRIER: REP. BARKER and REP. THATCHER will lead discussion on the floor
2:12:38 PM Co-Chair Krieger

2:13:16 PM **HB 2653-Work Session**
2:13:18 PM {Exhibit} 12: Cheyenne Ross, Committee Counsel
2:13:57 PM Co-Chair Krieger
2:14:03 PM Ross
2:14:08 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted
2:14:14 PM Co-Chair Krieger
2:14:20 PM Rep. Nolan
2:14:24 PM Co-Chair Krieger
2:14:26 PM VOTE: 10-0-0
2:14:26 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger
2:14:29 PM MOTION: Co-Chair Barker moves HB 2653 Do Pass as Amended and Be Referred to Revenue (by prior reference)
2:14:40 PM Co-Chair Krieger
2:14:57 PM Rep. Nolan
2:15:06 PM Co-Chair Barker
2:15:08 PM Co-Chair Krieger
2:15:10 PM Rep. Nolan
2:15:13 PM Co-Chair Barker
2:15:21 PM Rep. Nolan
2:15:28 PM Co-Chair Krieger
2:15:31 PM Co-Vice Chair Garrett
2:15:34 PM Co-Vice Chair Hicks
2:16:15 PM Rep. Nolan
2:16:30 PM Co-Chair Krieger
2:16:38 PM Rep. Nolan
2:16:55 PM Ross
2:17:06 PM VOTE: 7-3-0
2:17:07 PM AYES: Olson, Tomei, Wand, Whisnant, Garrett, Barker, Krieger; NAYS: Nolan, Schaufler, Hicks

2:17:17 PM HB 3615-Work Session

2:17:18 PM {Exhibit} 13: Cheyenne Ross, Committee Counsel

2:17:53 PM Co-Chair Krieger

2:17:54 PM Ross

2:18:05 PM Co-Chair Krieger

2:18:06 PM Ross

2:18:07 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted

2:18:18 PM VOTE: 10-0-0

2:18:18 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

2:18:20 PM MOTION: Co-Chair Barker moves HB 3615 Do Pass as Amended and Be Referred to Ways and Means (by prior reference)

2:18:40 PM Co-Chair Krieger

2:18:42 PM Rep. Tomei

2:18:49 PM Co-Chair Krieger

2:19:13 PM VOTE: 9-1-0

2:19:13 PM AYES: Nolan, Olson, Schaufler, Wand, Whisnant, Garrett, Hicks, Barker, Krieger; NAY: Tomei

2:19:22 PM Rep. Olson

2:19:25 PM Co-Chair Krieger

2:19:40 PM HB 2712-Work Session

2:19:42 PM {Exhibits} 14-15: Cheyenne Ross, Committee Counsel

2:21:10 PM MOTION: Co-Chair Barker moves the -1 amendments Be Adopted

2:21:11 PM VOTE: 10-0-0

2:21:11 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

2:21:24 PM Co-Chair Krieger

2:21:24 PM Rep. Wand

2:21:34 PM Rep. Olson

2:22:19 PM Co-Chair Krieger

2:22:23 PM Rep. Wand

2:22:25 PM Co-Chair Krieger

2:22:26 PM Rep. Schaufler

2:22:44 PM Co-Vice Chair Hicks

2:23:13 PM Co-Chair Krieger

2:23:17 PM MOTION: Co-Chair Barker moves the -2 amendments Be Adopted

2:23:18 PM Co-Chair Krieger

2:23:27 PM VOTE: 10-0-0

2:23:28 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks, Barker, Krieger

2:24:01 PM Co-Chair Krieger

2:24:01 PM Co-Chair Barker

2:24:05 PM Co-Chair Krieger

2:24:09 PM MOTION: Co-Chair Barker moves HB 2712 Do Pass as Amended and Be Referred to Ways and Means (by prior reference)

2:24:18 PM Co-Chair Krieger
2:24:20 PM Rep. Tomei
2:24:42 PM Co-Chair Krieger
2:24:50 PM Rep. Tomei
2:24:53 PM Ross
2:25:14 PM Rep. Tomei
2:25:16 PM Ross
2:25:16 PM Rep. Tomei
2:25:38 PM VOTE: 10-0-0
2:25:39 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Hicks,
Barker, Krieger
2:25:47 PM Co-Chair Krieger

2:26:09 PM **HB 3259-Work Session**
2:26:10 PM {Exhibit} 16: Bill Taylor, Committee Counsel
2:28:40 PM Co-Chair Krieger
2:28:47 PM Rep. Tomei
2:28:52 PM Taylor
2:29:22 PM Co-Chair Krieger
2:29:23 PM Rep. Tomei
2:29:33 PM Taylor
2:29:46 PM Co-Chair Krieger
2:29:53 PM Amy Joyce, Department of Transportation
2:30:49 PM Rep. Tomei
2:30:52 PM Co-Chair Barker
2:30:58 PM Co-Chair Krieger
2:31:25 PM Taylor
2:31:31 PM Co-Chair Krieger
2:31:40 PM Taylor
2:32:01 PM Co-Chair Krieger
2:32:05 PM Taylor
2:32:20 PM Meeting Recessed
2:37:12 PM Meeting Reconvened
2:37:13 PM Co-Chair Krieger
2:37:29 PM Meeting Recessed
5:38:52 PM Meeting Reconvened
5:38:54 PM Co-Chair Krieger

5:39:15 PM **HB 3259 - Work Session**
5:39:19 PM Bill Taylor, Committee Counsel
5:40:13 PM MOTION: Co-Chair Barker moves the -7 amendments Be Adopted
5:40:19 PM Co-Chair Krieger
5:40:28 PM VOTE: 10-0-0
5:40:30 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett,
Barker, Krieger
5:40:31 PM MOTION: Co-Chair Barker moves HB 3259 as Amended and Be Referred

to Ways and Means
5:40:36 PM Co-Chair Krieger
5:40:45 PM Co-Vice Chair Hicks
5:42:06 PM VOTE: 9-1-0
5:42:24 PM AYES: Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Garrett, Barker,
Krieger; NAY: Hicks
5:42:31 PM Co-Chair Krieger

5:42:49 PM **HB 2673, HB 2674 and HB 2675 - Public Hearing**
5:43:20 PM Bill Taylor, Committee Counsel
5:43:47 PM Gail Meyer, Oregon Criminal Defense Lawyers Association
5:46:22 PM Rob Bovett, District Attorney, Lincoln County
5:49:17 PM Dan Norris, District Attorney, Malheur County
5:51:18 PM Elizabeth Cushwa, Oregon District Attorneys Association
5:52:46 PM Rep. Whisnant
5:52:58 PM Bovett
5:53:30 PM Rep. Whisnant
5:53:50 PM Bovett
5:54:04 PM Co-Chair Krieger
5:54:09 PM Co-Vice Chair Hicks
5:54:18 PM Bovett
5:54:24 PM Co-Vice Chair Hicks
5:54:30 PM Bovett
5:54:48 PM Co-Vice Chair Hicks
5:55:02 PM Bovett
5:55:25 PM Co-Chair Krieger
5:56:05 PM Dan Staton, Sheriff, Multnomah County
5:56:37 PM Lieutenant Ned Walls, Multnomah County
5:56:45 PM {Exhibits} 17-19: Randy Wampler, Director, Forensics Services Division,
Oregon State Police
5:57:46 PM Co-Vice Chair Hicks
5:58:15 PM Wampler
5:59:09 PM Co-Vice Chair Hicks
5:59:15 PM Wampler
5:59:24 PM Co-Chair Krieger
5:59:56 PM Meeting Adjourned by Co-Chair Krieger

Exhibit Summary

1:07:43 PM {Exhibit} 1: HB 2663, -1 amendments, staff, 3 pp
1:14:16 PM {Exhibit} 2: HB 3324, -3 amendments, staff, 2 pp
1:15:44 PM {Exhibit} 3: HB 3324, written testimony, Anne Pratt, 5 pp
1:19:52 PM {Exhibit} 4: HB 2014, -1 amendments, staff, 1 p
1:22:03 PM {Exhibit} 5: HB 2183, -2 amendments, staff, 1 p

1:26:23 PM {Exhibit} 6: HB 2183, written testimony, Pamela Butler, 1 p
1:26:47 PM {Exhibit} 7: HB 2650, -3 amendments, staff, 5 pp
1:32:21 PM {Exhibit} 8: HB 2461, -1 amendments, staff, 1 p
1:37:04 PM {Exhibit} 9: HB 2693, -1 amendments, staff, 33 pp
1:41:31 PM {Exhibit} 10: HB 3186, -4 amendments, staff, 3 pp
2:01:33 PM {Exhibit} 11: HB 2791, subsequent referral letter, staff, 1 p
2:13:18 PM {Exhibit} 12: HB 2653, -1 amendments, staff, 3 pp
2:17:18 PM {Exhibit} 13: HB 3615, -1 amendments, staff, 3 pp
2:19:42 PM {Exhibit} 14: HB 2712, -1 amendments, staff, 26 pp
2:19:42 PM {Exhibit} 15: HB 2712, -2 amendments, staff, 1 p
2:26:10 PM {Exhibit} 16: HB 3259, -7 amendments, staff, 8 pp
5:56:45 PM {Exhibit} 17: HB 2673, written testimony, Randy Wampler, 3 pp
5:56:45 PM {Exhibit} 18: HB 2674, written testimony, Randy Wampler, 3 pp
5:56:45 PM {Exhibit} 19: HB 2675, written testimony, Randy Wampler, 3 pp
