

## **HOUSE COMMITTEE ON JUDICIARY**

May 19, 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. Mike Schaufler  
Rep. Carolyn Tomei  
Rep. Matt Wand  
Rep. Gene Whisnant

**MEMBER EXCUSED:** Rep. Andy Olson

**STAFF PRESENT:** Bill Taylor, Committee Counsel  
Pam Marshall, Committee Assistant

**MEASURES/ISSUES HEARD:** SB 43 A – Public Hearing and Work Session  
SB 868 A – Public Hearing and Work Session  
SB 45 A – Work Session  
SB 76 A – Work Session  
SB 423 – Work Session  
SB 425 A – Work Session  
SB 430 A – Work Session  
SB 522 A – Work Session  
SB 360 A – Public Hearing

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### **Recording Log**

**1:05:51 PM** Meeting Called to Order by Co-Chair Krieger

**1:06:20 PM** **SB 43 A - Public Hearing**

**1:06:22 PM** Bill Taylor, Committee Counsel

**1:06:25 PM** Co-Chair Krieger

**1:06:39 PM** {Exhibit} 1: Jean Fogarty, Senior Assistant District Attorney, Division of Child Support, Oregon Department of Justice

**1:12:16 PM** Co-Chair Krieger

**1:12:28 PM** Fogarty

**1:12:47 PM** Co-Chair Krieger

**1:12:52 PM** Fogarty

**1:12:59 PM** Co-Chair Krieger

**1:13:11 PM** Rep. Whisnant

1:13:25 PM Fogarty  
1:13:36 PM Rep. Whisnant  
1:13:52 PM Fogarty  
1:14:12 PM Rep. Whisnant  
1:14:18 PM Fogarty  
1:14:25 PM Co-Chair Krieger

1:14:26 PM **SB 43 A - Work Session**  
1:14:30 PM MOTION: Co-Chair Barker moves SB 43 A Do Pass  
1:14:34 PM Co-Chair Krieger  
1:14:43 PM VOTE: 9-0-1 (See time stamp 1:37:19 PM)  
1:14:45 PM AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker;  
Excused: Nolan, Olson  
1:15:06 PM CARRIER: REP. WAND will lead discussion on the floor  
1:15:14 PM Co-Chair Krieger

1:15:17 PM **SB 868 A - Public Hearing**  
1:15:24 PM Bill Taylor, Committee Counsel  
1:16:18 PM {Exhibit} 2: Gail Meyer, Oregon Criminal Defense Lawyers Association  
1:17:15 PM Co-Chair Krieger  
1:17:23 PM Meyer  
1:18:18 PM Co-Vice Chair Hicks  
1:18:25 PM Meyer  
1:18:39 PM Co-Vice Chair Hicks  
1:18:45 PM Meyer  
1:19:10 PM Elizabeth Cushwa, Oregon District Attorneys Association  
1:19:28 PM Steve Doell, Crime Victims United of Oregon  
1:20:24 PM Co-Chair Krieger  
1:20:27 PM Co-Chair Barker  
1:20:59 PM Co-Vice Chair Hicks  
1:21:07 PM The following written testimony was submitted for the record without public testimony:  
1:21:08 PM {Exhibit} 3: Doug Harclerod, Oregon Anti-Crime Alliance  
1:21:09 PM Co-Chair Krieger

1:21:20 PM **SB 868 A - Work Session**  
1:21:26 PM MOTION: Co-Chair Barker moves 868 A Do Pass  
1:21:27 PM Co-Chair Krieger  
1:21:35 PM VOTE: 9-0-1 (See time stamp 1:37:45 PM)  
1:21:38 PM AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker;  
EXCUSED: Nolan, Olson  
1:22:00 PM CARRIER: REP. HICKS will lead discussion on the floor  
1:22:08 PM Co-Chair Krieger

1:22:18 PM **SB 45 A - Work Session**  
1:22:20 PM Bill Taylor, Committee Counsel

**1:23:07 PM** MOTION: Co-Chair Barker moves SB 45 A Do Pass  
**1:23:10 PM** Co-Chair Krieger  
**1:23:15 PM** VOTE: 9-0-1 (See time stamp **1:38:36 PM**)  
**1:23:17 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker;  
EXCUSED: Nolan, Olson  
**1:23:34 PM** CARRIER: REP. KRIEGER will lead discussion on the floor  
**1:24:06 PM** Co-Chair Krieger

**1:24:33 PM** **SB 76 A - Work Session**

**1:24:37 PM** Bill Taylor, Committee Counsel  
**1:24:53 PM** Co-Chair Krieger  
**1:24:58 PM** MOTION: Co-Chair Barker moves SB 76 A Do Pass  
**1:25:03 PM** Co-Chair Krieger  
**1:25:10 PM** VOTE: 9-0-1 (See time stamp **1:39:06 PM**)  
**1:25:13 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker;  
EXCUSED: Nolan, Olson  
**1:25:30 PM** CARRIER: REP. BARKER will lead discussion on the floor  
**1:26:03 PM** Co-Chair Krieger

**1:26:06 PM** **SB 423 - Work Session**

**1:26:09 PM** Bill Taylor, Committee Counsel  
**1:26:54 PM** MOTION: Co-Chair Barker moves SB 423 Do Pass  
**1:26:58 PM** Co-Chair Krieger  
**1:27:02 PM** Rep. Tomei  
**1:27:17 PM** Rep. Whisnant  
**1:27:24 PM** Taylor  
**1:28:35 PM** Rep. Whisnant  
**1:28:47 PM** VOTE: 9-0-1 (See time stamp **1:40:30 PM**)  
**1:29:12 PM** Co-Chair Krieger  
**1:29:13 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Krieger, Barker;  
EXCUSED: Nolan, Olson, Garrett  
**1:29:22 PM** CARRIER: REP. BARKER will lead discussion on the floor  
**1:29:34 PM** Co-Chair Krieger

**1:29:37 PM** **SB 425 A – Work Session**

**1:29:40 PM** Bill Taylor, Committee Counsel  
**1:30:26 PM** Co-Chair Krieger  
**1:30:36 PM** MOTION: Co-Chair Barker moves SB 425 A Do Pass  
**1:30:39 PM** Co-Chair Krieger  
**1:31:01 PM** VOTE: 9-0-1 (See time stamp **1:42:01 PM**)  
**1:31:02 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger,  
Barker; EXCUSED: Nolan, Olson, Garrett  
**1:31:05 PM** Co-Chair Krieger  
**1:31:12 PM** Rep. Tomei  
**1:31:19 PM** CARRIER: REP. TOMEI will lead discussion on the floor  
**1:31:32 PM** Co-Chair Krieger

**1:31:34 PM SB 430 A - Work Session**

**1:31:38 PM** Bill Taylor, Committee Counsel

**1:32:08 PM** Co-Chair Krieger

**1:32:08 PM** MOTION: Co-Chair Barker moves SB 430 A Do Pass

**1:32:17 PM** Co-Chair Krieger

**1:32:40 PM** VOTE: 9-0-1 (See time stamp **1:42:24 PM**)

**1:32:41 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Krieger, Barker;  
EXCUSED: Nolan, Olson, Garrett

**1:32:43 PM** Co-Chair Krieger

**1:32:45 PM** CARRIERS: REP. WHISNANT and REP. TOMEI will lead discussion on the floor

**1:32:54 PM** Co-Chair Krieger

**1:33:03 PM** Rep. Tomei

**1:33:05 PM** Co-Chair Krieger

**1:33:09 PM SB 522 A - Work Session**

**1:33:15 PM** {Exhibit} 4: Bill Taylor, Committee Counsel

**1:34:09 PM** MOTION: Co-Chair Barker moves the -A4 amendments Be Adopted

**1:34:12 PM** Co-Chair Krieger

**1:34:22 PM** VOTE: 8-0-2

**1:34:23 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker;  
EXCUSED: Nolan, Olson

**1:34:25 PM** MOTION: Co-Chair Barker moves SB 522 A Do Pass as Amended

**1:34:27 PM** Co-Chair Krieger

**1:34:33 PM** VOTE: 9-0-1 (See time stamp **1:43:00 PM**)

**1:34:50 PM** AYES: Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker;  
EXCUSED: Nolan, Olson

**1:34:56 PM** Co-Chair Krieger

**1:35:04 PM** CARRIER: REP. GARRETT will lead discussion on the floor

**1:35:19 PM** Co-Chair Krieger

**1:35:28 PM SB 360 A - Public Hearing**

**1:35:30 PM** Bill Taylor, Committee Counsel

**1:36:03 PM** Co-Chair Barker

**1:36:17 PM** Co-Chair Krieger

**1:36:40 PM** Rep. Tomei

**1:36:50 PM** Co-Chair Krieger

**1:37:16 PM SB 43 A - Work Session**

**1:37:19 PM** MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan to VOTE: AYE on SB 43 A

**1:37:20 PM** VOTE: 9-0-1

**1:37:21 PM** AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

**1:37:34 PM** Rep. Nolan

1:37:39 PM Co-Chair Krieger

1:37:44 PM **SB 868 A - Work Session**

1:37:45 PM MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan to VOTE: AYE on SB 868 A

1:37:47 PM VOTE: 9-0-1

1:37:49 PM AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

1:37:53 PM Bill Taylor, Committee Counsel

1:38:09 PM Co-Chair Krieger

1:38:11 PM Rep. Nolan

1:38:17 PM Co-Chair Krieger

1:38:23 PM **SB 45 A - Work Session**

1:38:29 PM Bill Taylor, Committee Counsel

1:38:36 PM MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan to VOTE: AYE on SB 45 A

1:38:37 PM VOTE: 9-0-1

1:38:38 PM AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

1:38:45 PM Rep. Nolan

1:38:57 PM Co-Chair Krieger

1:39:05 PM **SB 76 A - Work Session**

1:39:06 PM MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan to VOTE: AYE on SB 76 A

1:39:07 PM VOTE: 9-0-1

1:39:08 PM AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

1:39:10 PM Bill Taylor, Committee Counsel

1:39:30 PM Rep. Nolan

1:39:39 PM Co-Chair Barker

1:39:50 PM Rep. Nolan

1:39:54 PM Co-Chair Krieger

1:40:14 PM Taylor

1:40:28 PM **SB 423 - Work Session**

1:40:30 PM MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan and Rep. Garrett to VOTE: AYE on SB 423

1:40:32 PM VOTE: 9-0-1

1:40:34 PM AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

1:40:45 PM Bill Taylor, Committee Counsel

1:41:28 PM Rep. Nolan

1:41:39 PM Co-Vice Chair Garrett

1:41:52 PM Co-Chair Krieger

**1:42:00 PM SB 425 A - Work Session**

**1:42:01 PM** MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan and Rep. Garrett to VOTE: AYE on SB 425 A

**1:42:02 PM** VOTE: 9-0-1

**1:42:03 PM** AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

**1:42:05 PM** Bill Taylor, Committee Counsel

**1:42:13 PM** Rep. Nolan

**1:42:15 PM** Co-Vice Chair Garrett

**1:42:20 PM** Co-Chair Krieger

**1:42:23 PM SB 430 A - Work Session**

**1:42:24 PM** MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan and Rep. Garrett to VOTE: AYE on SB 430 A

**1:42:25 PM** VOTE: 9-0-1

**1:42:26 PM** AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

**1:42:27 PM** Bill Taylor, Committee Counsel

**1:42:42 PM** Rep. Nolan

**1:42:46 PM** Co-Vice Chair Garrett

**1:42:57 PM** Co-Chair Krieger

**1:42:59 PM SB 522 A - Work Session**

**1:43:00 PM** MOTION: Rep. Tomei moves that the Rules Be Suspended to allow Rep. Nolan to VOTE: AYE on SB 522 A

**1:43:01 PM** VOTE: 9-0-1

**1:43:03 PM** AYES: Nolan, Schaufler, Tomei, Wand, Whisnant, Hicks, Garrett, Krieger, Barker; EXCUSED: Olson

**1:43:06 PM** Co-Chair Barker

**1:43:12 PM** Rep. Nolan

**1:43:15 PM** Co-Chair Krieger

**1:43:22 PM** Meeting Adjourned by Co-Chair Krieger

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**Exhibit Summary**

**1:06:39 PM** {Exhibit} 1: SB 45 A, written testimony, Jean Fogarty, 3 pp

**1:16:18 PM** {Exhibit} 2: SB 868 A, written testimony, Gail Meyer, 1 p

**1:21:08 PM** {Exhibit} 3: SB 868 A, written testimony, Doug Harclerod, 1 p

**1:33:15 PM** {Exhibit} 4: SB 522 A, -A4 amendment, staff, 1 p

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