

SENATE COMMITTEE ON JUDICIARY

March 28, 2011
8:30AM

Hearing Room 343

MEMBERS PRESENT: Sen. Floyd Prozanski, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Suzanne Bonamici
Sen. Jackie Dingfelder
Sen. Doug Whitsett

STAFF PRESENT: Bill Taylor, Committee Counsel
Katie Hoesly, Committee Assistant
Pam Marshall, Committee Assistant

MEASURES/ISSUES HEARD: SB 421 - Public Hearing
SB 731 - Public Hearing and Work Session
SB 740 - Public Hearing
SJR 3 - Public Hearing
SB 428 - Public Hearing and Work Session
SB 654 - Public Hearing
SB 411 - Reconsideration and Work Session
SB 347 - Work Session
SB 385 - Work Session

Recording Log

8:37:23 AM Meeting Called to Order by Chair Prozanski

8:38:18 AM **SB 421 - Public Hearing**

8:38:23 AM Cheyenne Ross, Committee Counsel

8:39:02 AM Chair Prozanski

8:39:28 AM {Exhibit} 1: Jon Larson, American Council of Engineering Companies of Oregon

8:44:07 AM Chair Prozanski

8:44:51 AM Jon Chandler, Chief Executive Officer, Oregon Home Builders Association

8:45:15 AM Chair Prozanski

8:46:08 AM {Exhibit} 2: Dean Aldrich, Attorney at Law, The Aldrich Law Office, P.C.

8:50:15 AM {Exhibit} 3: Thomas Lauer, Manager, Major Projects Branch, Oregon Department of Transportation

8:53:01 AM Chair Prozanski

8:53:07 AM Mike Eliason, Association of Oregon Counties

8:55:06 AM Chair Prozanski

8:55:07 AM Vice-Chair Kruse

8:55:11 AM Lauer

8:56:15 AM Vice-Chair Kruse

8:56:22 AM Chair Prozanski

8:56:41 AM Sen. Dingfelder
8:56:41 AM Chair Prozanski
8:56:42 AM Sen. Dingfelder
8:57:17 AM Aldrich
8:57:41 AM Sen. Dingfelder
8:57:41 AM Chair Prozanski
8:57:42 AM Sen. Dingfelder
8:57:54 AM Aldrich
8:58:26 AM Sen. Dingfelder
8:58:30 AM Lauer
8:59:15 AM Eliason
8:59:23 AM Aldrich
8:59:37 AM Sen. Dingfelder
8:59:38 AM Chair Prozanski
8:59:39 AM Sen. Whitsett
9:00:03 AM Aldrich
9:00:59 AM Sen. Whitsett
9:01:16 AM Aldrich
9:01:52 AM Sen. Whitsett
9:02:06 AM Aldrich
9:02:35 AM Sen. Whitsett
9:02:37 AM Chair Prozanski
9:02:41 AM Aldrich
9:03:09 AM Chair Prozanski
9:03:28 AM Aldrich
9:03:39 AM Chair Prozanski
9:03:49 AM Aldrich
9:03:51 AM Chair Prozanski
9:04:16 AM Cindy Roberts, American Institute of Architects
9:04:40 AM Chair Prozanski
9:04:41 AM The following written testimony was submitted for the record without public testimony:
9:04:42 AM {Exhibit} 4: Kevin Harker, attorney, Vial Fotheringham LLP
9:04:43 AM {Exhibit} 5: Kurt L. Sussman, President, The Marshall Wells Lofts Condominiums Owners Association
9:04:44 AM {Exhibit} 6: Phillip E. Joseph, Co-Chair, Construction Practice Group, Ball Janik LLP

9:04:50 AM **SB 731 - Public Hearing**
9:04:56 AM {Exhibit} 7: Cheyenne Ross, Committee Counsel
9:05:57 AM Chair Prozanski
9:06:10 AM {Exhibits} 8-9: Andrea Meyer, Legislative Director, American Civil Liberties Union of Oregon
9:09:18 AM Chair Prozanski
9:09:23 AM Kevin Campbell, Executive Director, Oregon Association Chiefs of Police
9:10:59 AM Chair Prozanski

9:11:01 AM John Powell, Oregon State Sheriffs' Association
9:12:11 AM Chair Prozanski
9:12:13 AM Meyer
9:12:51 AM Chair Prozanski
9:12:52 AM Vice-Chair Kruse
9:13:22 AM Meyer
9:14:07 AM Vice-Chair Kruse
9:14:08 AM Sen. Whitsett
9:14:30 AM Meyer
9:15:03 AM Campbell
9:16:32 AM Chair Prozanski

9:16:43 AM **SB 731 - Work Session**

9:16:50 AM Chair Prozanski
9:16:50 AM MOTION: Vice-Chair Kruse moves the -1 amendment Be Adopted
9:16:52 AM VOTE: 5-0-0
9:16:54 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:16:57 AM MOTION: Vice-Chair Kruse moves SB 731 Do Pass as Amended
9:17:02 AM Chair Prozanski
9:17:13 AM Sen. Bonamici
9:17:21 AM Cheyenne Ross, Committee Counsel
9:17:23 AM Chair Prozanski
9:17:24 AM VOTE: 5-0-0
9:17:25 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:17:26 AM CARRIER: CHAIR PROZANSKI will lead discussion on the floor
9:17:56 AM Chair Prozanski

9:17:58 AM **SB 740 - Public Hearing**

9:17:59 AM Chair Prozanski

9:18:40 AM **SJR 3 - Public Hearing**

9:19:00 AM Chair Prozanski
9:19:27 AM Bill Taylor, Committee Counsel
9:20:20 AM Chair Prozanski
9:20:50 AM {Exhibit} 10: Bill Hoefel, Health Services Administrator, Oregon
Department of Corrections
9:23:08 AM Chair Prozanski
9:23:12 AM Walt Beglau, President, Oregon District Attorneys Association
9:25:01 AM Chair Prozanski
9:25:06 AM Sen. Bonamici
9:25:21 AM Hoefel
9:25:52 AM Sen. Bonamici
9:26:03 AM Hoefel
9:26:34 AM Sen. Bonamici
9:26:34 AM Chair Prozanski
9:26:35 AM Sen. Whitsett

9:27:17 AM Hoefel
9:28:05 AM Sen. Whitsett
9:28:07 AM Hoefel
9:28:08 AM Chair Prozanski

9:28:23 AM **SB 428 - Public Hearing**
9:28:24 AM {Exhibits} 11-12: Bill Taylor, Committee Counsel
9:29:08 AM Chair Prozanski
9:30:00 AM {Exhibit} 13: Rachel Hestmark, Court Appointed Special Advocate
9:33:54 AM Chair Prozanski
9:34:03 AM {Exhibit} 14: Lynn Haxton, Staff Attorney, Youth, Rights & Justice
9:36:13 AM Chair Prozanski
9:36:16 AM {Exhibit} 15: Janet Arenz, Executive Director, Oregon Alliance of Children's Programs
9:38:44 AM Chair Prozanski
9:38:49 AM Sen. Bonamici
9:39:04 AM Chair Prozanski
9:39:14 AM Hestmark
9:40:09 AM Chair Prozanski
9:40:11 AM The following written testimony was submitted for the record without public testimony:
9:40:13 AM {Exhibit} 16: Marge Easley, President, League of Women Voters of Oregon

9:40:22 AM **SB 428 - Work Session**
9:40:28 AM Chair Prozanski
9:40:29 AM MOTION: Vice-Chair Kruse moves the -1 amendment Be Adopted
9:40:38 AM VOTE: 5-0-0
9:40:40 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:40:44 AM Chair Prozanski
9:40:45 AM MOTION: Vice-Chair Kruse moves the -2 amendment Be Adopted
9:40:46 AM VOTE: 5-0-0
9:40:48 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:40:51 AM Chair Prozanski

9:41:48 AM **SB 654 - Public Hearing**
9:41:49 AM Bill Taylor, Committee Counsel
9:42:25 AM {Exhibit} 17: Sen. Chip Shields, Senate District 22
9:47:05 AM Rep. Lew Frederick, House District 43
9:48:05 AM {Exhibit} 18: Midge Purcell, Coordinator, Organization and Public Affairs, Urban League of Portland
9:51:26 AM Chair Prozanski
9:51:29 AM Sen. Bonamici
9:51:47 AM Sen. Shields
9:52:18 AM Sen. Bonamici
9:52:19 AM Chair Prozanski

- 9:53:16 AM Brian Delashmutt, Oregon Council of Police Associations
9:53:52 AM Chair Prozanski
9:53:53 AM The following written testimony was submitted for the record without public testimony:
9:53:54 AM {Exhibit} 19: Maura C. Roche, National Association of Social Workers, Oregon Chapter
9:53:55 AM {Exhibit} 20: Janet Byrd, Oregon Thrives
- 9:53:55 AM **SB 411 - Reconsideration**
9:54:31 AM Chair Prozanski
9:54:36 AM MOTION: Vice-Chair Kruse moves to reconsider the vote by which SB 411 was passed to the floor with a Do Pass as Amended and Refer to Ways and Means recommendation
9:54:39 AM VOTE: 5-0-0
9:54:52 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:54:53 AM The following written testimony was submitted for the record without public testimony:
9:54:54 AM {Exhibit} 21: Marge Easley, President, League of Women Voters of Oregon
- 9:55:03 AM **SB 411 - Work Session**
9:55:14 AM Bill Taylor, Committee Counsel
9:55:26 AM Chair Prozanski
9:55:27 AM Taylor
9:55:41 AM Chair Prozanski
9:55:46 AM Taylor
9:55:49 AM Chair Prozanski
9:55:53 AM Taylor
9:55:55 AM MOTION: Vice-Chair Kruse moves SB 411 Do Pass as Amended and Refer to Ways and Means
9:55:59 AM VOTE: 5-0-0
9:56:01 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:56:16 AM Chair Prozanski
- 9:56:40 AM **SB 347 - Work Session**
9:56:43 AM {Exhibit} 22: Cheyenne Ross, Committee Counsel
9:57:14 AM Chair Prozanski
9:57:15 AM MOTION: Vice-Chair Kruse moves -1 amendment Be Adopted
9:57:20 AM VOTE: 5-0-0
9:57:23 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:57:27 AM Chair Prozanski
9:57:28 AM MOTION: Vice-Chair Kruse moves SB 347 Do Pass as Amended
9:57:29 AM VOTE: 5-0-0
9:57:34 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:57:36 AM CARRIER: SEN. ROSENBAUM will lead discussion on the floor
9:57:44 AM Sen. Bonamici

9:57:45 AM Sen. Dingfelder
9:57:51 AM Chair Prozanski

9:58:10 AM **SB 385 - Work Session**
9:58:12 AM Cheyenne Ross, Committee Counsel
9:59:05 AM MOTION: Vice-Chair Kruse moves SB 385 Do Pass
9:59:06 AM Chair Prozanski
9:59:06 AM VOTE: 5-0-0
9:59:09 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:59:10 AM CARRIER: SEN. BONAMICI will lead discussion on the floor
9:59:13 AM Chair Prozanski
9:59:23 AM Sen. Bonamici
9:59:24 AM Chair Prozanski
9:59:25 AM Sen. Bonamici
9:59:27 AM Chair Prozanski
9:59:47 AM Ross
9:59:52 AM Chair Prozanski
10:00:10 AM Bill Taylor, Committee Counsel
10:00:41 AM Chair Prozanski
10:00:52 AM Vice-Chair Kruse
10:00:58 AM Taylor
10:01:05 AM Vice-Chair Kruse
10:01:07 AM Meeting Adjourned by Chair Prozanski

Exhibit Summary

8:39:28 AM {Exhibit} 1: SB 421, written testimony, Jon Larson, 1 p
8:46:08 AM {Exhibit} 2: SB 421, written testimony, Dean Aldrich, 6 pp
8:50:15 AM {Exhibit} 3: SB 421, written testimony, Thomas Lauer, 2 pp
9:04:42 AM {Exhibit} 4: SB 421, written testimony, Kevin Harker, 1 p
9:04:43 AM {Exhibit} 5: SB 421, written testimony, Kurt L. Sussman, 1 p
9:04:44 AM {Exhibit} 6: SB 421, written testimony, Phillip E. Joseph, 2 pp
9:04:56 AM {Exhibit} 7: SB 731, -1 amendment, staff, 1 p
9:06:10 AM {Exhibit} 8: SB 731, written testimony, Andrea Meyer, 4 pp
9:06:10 AM {Exhibit} 9: SB 731, written testimony, Andrea Meyer, 6 pp
9:20:50 AM {Exhibit} 10: SJR 3, written testimony, Bill Hoefel, 2 pp
9:28:24 AM {Exhibit} 11: SB 428, -1 amendment, staff, 1 p
9:28:24 AM {Exhibit} 12: SB 428, -2 amendment, staff, 1 p
9:30:00 AM {Exhibit} 13: SB 428, written testimony, Rachel Hestmark, 2pp
9:34:03 AM {Exhibit} 14: SB 428, written testimony, Lynn Haxton, 1 p
9:36:16 AM {Exhibit} 15: SB 428, written testimony, Janet Arenz, 2 pp
9:40:13 AM {Exhibit} 16: SB 428, written testimony, Marge Easley, 1 p
9:42:25 AM {Exhibit} 17: SB 654, written testimony, Sen. Chip Shields, 19 pp
9:48:05 AM {Exhibit} 18: SB 654, written testimony, Midge Purcell, 2 pp
9:53:54 AM {Exhibit} 19: SB 654, written testimony, Maura C. Roche, 2 pp

9:53:55 AM {Exhibit} 20: SB 654, written testimony, Janet Byrd, 1 p
9:54:54 AM {Exhibit} 21: SB 411, written testimony, Marge Easley, 2 pp
9:56:43 AM {Exhibit} 22: SB 347, -1 amendment, staff, 1 p
