

## **SENATE COMMITTEE ON JUDICIARY**

March 31, 2011  
8:30 AM

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:** Cheyenne Ross, Committee Counsel  
Kristi Hauck, Committee Assistant

**MEASURES/ISSUES HEARD:** SB 388 – Public Hearing and Work Session  
SB 31 – Public Hearing and Work Session  
SB 418 – Public Hearing  
SB 815 – Public Hearing  
SB 867 – Public Hearing  
SB 67 – Work Session  
SB 387 – Work Session  
SB 397 – Work Session

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### **Recording Log**

**8:37:19 AM** Meeting Called to Order by Chair Prozanski

**8:37:30 AM** **SB 388-Public Hearing**

**8:37:37 AM** Cheyenne Ross, Committee Counsel

**8:37:59 AM** {Exhibit} 1: Paul DeMuniz, Chief Justice, Oregon Supreme Court

**8:42:12 AM** David Brewer, Chief Judge, Oregon Court of Appeals

**8:54:02 AM** {Exhibit} 2: Mary Williams, Deputy Attorney General, Solicitor General

**8:58:19 AM** {Exhibit} 3: Peter Gartlan, Chief Defender, Oregon Court of Appeals

**9:00:59 AM** Chair Prozanski

**9:01:06 AM** Brewer

**9:01:26 AM** {Exhibit} 4: Harry Auerbach, Chair, Appellate Practice Section, Oregon State Bar

**9:04:55 AM** {Exhibit} 5: Robert Maloney, attorney, Lane Powell

**9:07:12 AM** Chair Prozanski

**9:07:16 AM** Sen. Bonamici

**9:07:34 AM** Brewer

**9:08:54 AM** Chair Prozanski

**9:08:55 AM** Sen. Whitsett

9:09:05 AM Brewer  
9:10:22 AM Chair Prozanski  
9:10:23 AM The following written testimony was submitted for the record without public testimony:  
9:10:24 AM {Exhibit} 6: Oregon Association of Defense Counsel and Oregon Trial Lawyers Association  
  
9:10:34 AM **SB 388-Work Session**  
9:10:37 AM Cheyenne Ross, Committee Counsel  
9:10:51 AM MOTION: Vice Chair Kruse moves SB 388 Do Pass and Be Referred to Ways and Means (by prior reference)  
9:11:03 AM Chair Prozanski  
9:11:13 AM Vice-Chair Kruse  
9:11:41 AM Chair Prozanski  
9:11:44 AM Vice-Chair Kruse  
9:12:49 AM Sen. Whitsett  
9:13:40 AM Sen. Bonamici  
9:13:48 AM Chair Prozanski  
9:14:41 AM VOTE: 5-0-0  
9:14:42 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
  
9:14:56 AM **SB 31-Public Hearing**  
9:14:59 AM Cheyenne Ross, Committee Counsel  
9:15:26 AM Chair Prozanski  
9:15:45 AM {Exhibit} 7: Ty Cochrane, Cemetery Association of Oregon  
9:16:07 AM Chair Prozanski  
  
9:16:41 AM **SB 31-Work Session**  
9:16:43 AM Cheyenne Ross, Committee Counsel  
9:16:51 AM MOTION: Vice Chair Kruse moves SB 31 Do Pass  
9:16:52 AM Chair Prozanski  
9:17:00 AM Vice-Chair Kruse  
9:17:05 AM Chair Prozanski  
9:17:41 AM VOTE: 5-0-0 (See timestamp 9:24:10 AM)  
9:17:42 AM AYES: Bonamici, Whitsett, Kruse, Prozanski; EXCUSED: Dingfelder  
9:17:53 AM CARRIER: SEN. MONROE will lead discussion on the floor  
  
9:18:02 AM **SB 418-Public Hearing**  
9:18:03 AM Cheyenne Ross, Committee Counsel  
9:18:15 AM Chair Prozanski  
9:18:28 AM {Exhibit} 8: Mary Van Noy, student, University of Oregon School of Law  
9:23:09 AM Chair Prozanski  
9:24:10 AM MOTION: Chair Prozanski moves that that Rules be Suspended to allow Sen. Dingfelder to Vote Aye on SB 31  
9:24:23 AM VOTE: 5-0-0  
9:24:24 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski

9:24:27 AM Sen. Dingfelder

9:24:31 AM Chair Prozanski

9:24:43 AM **SB 815-Public Hearing**

9:24:44 AM Cheyenne Ross, Committee Counsel

9:25:12 AM Chair Prozanski

9:25:35 AM {Exhibit} 9: Lane Shetterly, Chair, Oregon Law Commission

9:27:35 AM Mark Comstock, Commissioner, Oregon Law Commission

9:30:17 AM Chair Prozanski

9:30:21 AM Wendy Johnson, Deputy Director and General Counsel, Oregon Law Commission

9:31:25 AM Chair Prozanski

9:31:29 AM Shetterly

9:31:32 AM Chair Prozanski

9:31:34 AM Shetterly

9:32:26 AM Chair Prozanski

9:33:10 AM **SB 867-Public Hearing**

9:33:12 AM Cheyenne Ross, Committee Counsel

9:34:05 AM Chair Prozanski

9:34:23 AM {Exhibit} 10: Jeff Dobbins, Executive Director, Oregon Law Commission

9:36:36 AM Chair Prozanski

9:36:39 AM Wendy Johnson, Deputy Director and General Counsel, Oregon Law Commission

9:36:44 AM Charlie Landman, Department of Environmental Quality

9:37:34 AM Chair Prozanski

9:37:43 AM Landman

9:37:56 AM Sen. Whitsett

9:38:13 AM Dobbins

9:39:08 AM Landman

9:39:47 AM Sen. Whitsett

9:41:04 AM Chair Prozanski

9:41:50 AM **SB 67-Work Session**

9:41:51 AM {Exhibit} 11: Cheyenne Ross, Committee Counsel

9:42:30 AM Chair Prozanski

9:42:44 AM MOTION: Vice Chair Kruse moves the -1 amendment Be Adopted

9:42:51 AM Chair Prozanski

9:42:57 AM VOTE: 5-0-0

9:42:58 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski

9:42:59 AM MOTION: Vice Chair Kruse moves SB 67 Do Pass as Amended

9:43:04 AM Chair Prozanski

9:43:12 AM Sen. Bonamici

9:43:19 AM Chair Prozanski

9:43:33 AM {Exhibit} 12: Vi Beaty, Unit Manager, Oregon State Sex Offender Registry, Oregon State Police

9:43:51 AM Chair Prozanski  
9:43:54 AM Beaty  
9:45:04 AM Sen. Bonamici  
9:45:05 AM Chair Prozanski  
9:45:41 AM VOTE: 5-0-0  
9:45:42 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:45:43 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor

**9:45:52 AM SB 387-Work Session**

9:45:54 AM Cheyenne Ross, Committee Counsel  
9:46:34 AM MOTION: Vice Chair Kruse moves SB 387 Do Pass  
9:46:38 AM Chair Prozanski  
9:46:46 AM VOTE: 5-0-0  
9:46:47 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:46:47 AM CARRIER: SEN. BONAMICI will lead discussion on the floor  
9:47:00 AM Chair Prozanski

**9:47:03 AM SB 397-Work Session**

9:47:43 AM {Exhibit} 13: Cheyenne Ross, Committee Counsel  
9:47:54 AM Chair Prozanski  
9:48:06 AM {Exhibit} 14: Amy Wayson, Vice President and General Counsel, Oregon Health & Science University  
9:53:00 AM Chair Prozanski  
9:53:15 AM Roy Pulvers, partner, Hinshaw & Culbertson LLP  
9:54:12 AM Chair Prozanski  
9:54:27 AM Pulvers  
9:54:32 AM Chair Prozanski  
9:54:39 AM Pulvers  
9:55:56 AM Chair Prozanski  
9:56:06 AM Sen. Bonamici  
9:56:24 AM Pulvers  
9:57:22 AM Wayson  
9:57:49 AM Chair Prozanski  
9:57:49 AM Vice-Chair Kruse  
9:58:23 AM Pulvers  
9:58:29 AM Chair Prozanski  
9:58:31 AM MOTION: Vice Chair Kruse moves the -1 amendment Be Adopted  
9:58:35 AM Chair Prozanski  
9:58:42 AM VOTE: 5-0-0  
9:58:43 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:58:44 AM MOTION: Vice Chair Kruse moves SB 397 Do Pass as Amended  
9:59:00 AM Vice-Chair Kruse  
9:59:19 AM Chair Prozanski  
9:59:22 AM VOTE: 5-0-0  
9:59:23 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski  
9:59:24 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor

**9:59:40 AM** Meeting Adjourned by Chair Prozanski

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### **Exhibit Summary**

**8:37:59 AM** {Exhibit} 1: SB 388, Oregon Court of Appeals Annual Report, 2010, Paul DeMuniz, 5 pp  
**8:54:02 AM** {Exhibit} 2: SB 388, written testimony, Mary Williams, 1 p  
**8:58:19 AM** {Exhibit} 3: SB 388, written testimony, Peter Gartlan, 2 pp  
**9:01:26 AM** {Exhibit} 4: SB 388, written testimony, Harry Auerbach, 2 pp  
**9:04:55 AM** {Exhibit} 5: SB 388, written testimony, Robert Maloney, 2 pp  
**9:10:24 AM** {Exhibit} 6: SB 388, written testimony, Oregon Association of Defense Counsel and Oregon Trial Lawyers Association, 1 p  
**9:15:45 AM** {Exhibit} 7: SB 31, written testimony, Ty Cochrane, 1 p  
**9:18:28 AM** {Exhibit} 8: SB 418, written testimony, Mary Van Noy, 1 p  
**9:25:35 AM** {Exhibit} 9: SB 815, written testimony, Lane Shetterly, 23 pp  
**9:34:23 AM** {Exhibit} 10: SB 867, written testimony, Jeff Dobbins, 56 pp  
**9:41:51 AM** {Exhibit} 11: SB 67, -1 amendments, staff, 1 p  
**9:43:33 AM** {Exhibit} 12: SB 67, written testimony, Vi Beaty, 5 pp  
**9:47:43 AM** {Exhibit} 13: SB 397, -1 amendments, staff, 1 p  
**9:48:06 AM** {Exhibit} 14: SB 397, written testimony, Amy Wayson, 2 pp

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