

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

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

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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