

SENATE COMMITTEE ON JUDICIARY

**May 26, 2011
8:00AM**

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
Cheyenne Ross, Committee Counsel
Kristi Hauck, Committee Assistant
Katie Hoesly, Committee Assistant**

MEASURES/ISSUES HEARD: **HB 2274A – Public Hearing
HB 2726A – Public Hearing and Work Session
HB 2797A – Work Session
HB 2662A – Work Session
HB 2678 – Work Session
Informational Meeting
Proposed Modification to the Sentencing
Guidelines Grid**

Recording Log

8:06:34 AM Meeting Called to Order by Chair Prozanski

8:07:08 AM **HB 2274A - Public Hearing**

8:07:10 AM {Exhibits} 1-2: Cheyenne Ross, Committee Counsel

8:07:29 AM Chair Prozanski

8:07:30 AM Rep. Bill Garrard, House District 56

8:09:04 AM Chair Prozanski

8:09:13 AM Brian Bicknell, Marshal, City of Merrill, Oregon

8:11:34 AM Chair Prozanski

8:11:40 AM {Exhibit} 3: Steve Duvall, Captain, Oregon State Police

8:13:24 AM Chair Prozanski

8:13:29 AM Sen. Dingfelder

8:13:41 AM Chair Prozanski

8:13:43 AM Sen. Dingfelder

8:14:02 AM Bicknell

8:14:11 AM Sen. Dingfelder

8:14:37 AM Bicknell

8:14:51 AM Sen. Dingfelder
8:14:55 AM Rep. Garrard
8:15:12 AM Sen. Whitsett
8:16:07 AM Chair Prozanski
8:16:10 AM Sen. Bonamici
8:16:12 AM Chair Prozanski
8:16:13 AM Sen. Bonamici
8:16:39 AM Rep. Garrard
8:16:55 AM Chair Prozanski
8:17:33 AM Duvall
8:17:39 AM Chair Prozanski
8:17:40 AM Duvall
8:18:01 AM Chair Prozanski
8:18:28 AM Bicknell
8:19:16 AM Chair Prozanski
8:19:18 AM Sen. Dingfelder
8:19:41 AM Bicknell
8:20:04 AM Sen. Dingfelder
8:20:06 AM Duvall
8:20:15 AM Sen. Dingfelder
8:20:16 AM Chair Prozanski

8:21:06 AM **HB 2726A - Public Hearing**
8:21:07 AM {Exhibit} 4: Cheyenne Ross, Committee Counsel
8:22:16 AM Chair Prozanski
8:22:28 AM {Exhibit} 5: Rep. Carolyn Tomei, House District 41
8:27:53 AM Chair Prozanski
8:28:25 AM Sen. Laurie Monnes Anderson, Senate District 25
8:31:37 AM Chair Prozanski
8:31:41 AM Sen. Dingfelder
8:32:14 AM Rep. Tomei
8:32:20 AM Sen. Dingfelder
8:32:22 AM Chair Prozanski
8:32:25 AM Sen. Bonamici
8:32:46 AM Rep. Tomei
8:33:02 AM Ross
8:33:17 AM Sen. Dingfelder
8:33:19 AM Ross
8:33:20 AM Sen. Bonamici
8:33:28 AM Rep. Tomei
8:33:28 AM Sen. Bonamici
8:33:34 AM Sen. Monnes Anderson
8:33:45 AM Sen. Bonamici
8:33:46 AM Rep. Tomei
8:33:59 AM Chair Prozanski
8:34:21 AM Sen. Chris Telfer, Senate District 27

8:38:49 AM Chair Prozanski
8:38:54 AM Sen. Bonamici
8:39:08 AM Sen. Telfer
8:39:10 AM Sen. Bonamici
8:39:11 AM Sen. Telfer
8:39:48 AM Sen. Bonamici
8:39:51 AM Sen. Telfer
8:40:13 AM Sen. Bonamici
8:40:14 AM Chair Prozanski
8:40:17 AM Sen. Telfer
8:40:17 AM Chair Prozanski
8:40:55 AM Phil Donovan, American Lung Association
8:44:20 AM Mark Nelson, Oregon Hookah Association
8:46:01 AM Chair Prozanski
8:46:05 AM Sen. Bonamici
8:46:15 AM Nelson
8:46:21 AM Donovan
8:46:58 AM Nelson
8:47:12 AM Chair Prozanski
8:47:13 AM Sen. Dingfelder
8:48:34 AM Donovan
8:49:30 AM Sen. Dingfelder
8:49:54 AM Donovan
8:50:27 AM Sen. Dingfelder
8:50:39 AM Chair Prozanski
8:50:45 AM Nelson
8:51:06 AM Chair Prozanski
8:51:41 AM {Exhibit} 6: Katrina Hedberg, State Epidemiologist, Public Health Division,
Oregon Health Authority
8:54:06 AM Sen. Dingfelder
8:54:17 AM Hedberg
8:55:19 AM Chair Prozanski
8:55:19 AM Sen. Dingfelder
8:55:32 AM Hedberg
8:57:04 AM Sen. Dingfelder
8:57:05 AM Chair Prozanski
8:57:11 AM Sen. Bonamici
8:57:22 AM Hedberg
8:58:19 AM Chair Prozanski
8:58:40 AM Chuck Tauman, attorney, Bennett, Hartman & Reynolds, Portland, Oregon
9:01:48 AM Chair Prozanski
9:01:49 AM Tauman
9:02:16 AM Chair Prozanski
9:02:18 AM Brent Gale, lawyer, Portland, Oregon
9:06:05 AM Chair Prozanski
9:06:24 AM Marc Lucca, Avva Cigars & Wine, Salem, Oregon

9:09:43 AM Chair Prozanski
9:09:46 AM Al Haman, owner, Genie Hookah, Tigard, Oregon
9:11:37 AM Chair Prozanski
9:11:42 AM Rami Jouni, owner, Beirut Hookah Lounge, Tigard, Oregon
9:11:48 AM Chair Prozanski
9:11:48 AM Jouni
9:12:44 AM Chair Prozanski
9:12:44 AM Sen. Bonamici
9:13:04 AM Lucca
9:13:52 AM Chair Prozanski
9:14:33 AM Raquel Bournhonesque, Co-Director, Upstream Public Health
9:16:33 AM Chair Prozanski
9:16:36 AM {Exhibit} 7: Walid Sallout, owner, Indigo Hooka
9:18:06 AM {Exhibit} 8: Stephanie Tama-Sweet, Director Government Relations,
American Heart Association
9:18:51 AM Chair Prozanski
9:19:07 AM The following written testimony was submitted for the record without public
testimony:
9:19:08 AM {Exhibit} 9: Donna Disch-Curtis, Senior Policy Analyst, Office of State Fire
Marshal

9:19:30 AM **HB 2797A - Work Session**
9:19:32 AM Rep. Kim Thatcher, House District 25
9:22:01 AM Chair Prozanski
9:22:02 AM Rep. Thatcher
9:22:03 AM Chair Prozanski
9:22:04 AM Rep. Thatcher
9:22:05 AM Chair Prozanski
9:22:06 AM Rep. Thatcher
9:24:35 AM Chair Prozanski
9:24:36 AM Sen. Whitsett
9:24:45 AM Chair Prozanski
9:24:52 AM Rep. Thatcher
9:24:58 AM Chair Prozanski
9:25:02 AM Rep. Thatcher
9:25:08 AM Chair Prozanski
9:25:09 AM Rep. Thatcher
9:25:25 AM Chair Prozanski
9:25:40 AM Rep. Thatcher
9:25:50 AM Chair Prozanski
9:25:51 AM Sen. Whitsett
9:26:03 AM Chair Prozanski
9:26:04 AM Sen. Whitsett
9:26:09 AM Chair Prozanski
9:26:11 AM Rep. Thatcher
9:26:17 AM Chair Prozanski

9:26:18 AM Rep. Thatcher
9:26:19 AM Chair Prozanski
9:26:30 AM {Exhibit} 10: Cheyenne Ross, Committee Counsel
9:28:06 AM Chair Prozanski
9:28:55 AM Rod Harder, National Rifle Association
9:29:16 AM Chair Prozanski
9:29:33 AM Kevin Starrett, Executive Director, Oregon Firearms Federation
9:29:42 AM Sam Hochberg, attorney, Sam Hochberg & Associates, Portland, Oregon
9:31:31 AM Chair Prozanski
9:32:19 AM Hochberg
9:32:56 AM Chair Prozanski
9:33:16 AM Penny Okamoto, Executive Director, Ceasefire Oregon
9:35:49 AM Chair Prozanski
9:35:53 AM Okamoto
9:36:10 AM Chair Prozanski
9:37:23 AM Chair Prozanski
9:37:25 AM Sen. Whitsett
9:37:45 AM Okamoto
9:37:53 AM Sen. Whitsett
9:37:54 AM Chair Prozanski
9:37:57 AM Okamoto
9:37:58 AM Chair Prozanski
9:38:09 AM MOTION: Sen. Dingfelder moves the -A8 amendment Be Adopted
9:38:18 AM Chair Prozanski
9:38:25 AM Vice-Chair Kruse
9:39:09 AM Chair Prozanski
9:39:12 AM Sen. Bonamici
9:39:32 AM Chair Prozanski
9:39:33 AM Sen. Dingfelder
9:39:34 AM Chair Prozanski
9:42:12 AM Vice-Chair Kruse
9:42:27 AM Chair Prozanski
9:42:46 AM Sen. Whitsett
9:43:02 AM Chair Prozanski
9:43:05 AM Sen. Bonamici
9:43:23 AM Chair Prozanski
9:43:51 AM VOTE: 3-2-0
9:43:53 AM AYES: Bonamici, Dingfelder, Prozanski; NAYS: Whitsett, Kruse
9:43:54 AM MOTION: Sen. Dingfelder moves HB 2797A Do Pass as Amended
9:44:00 AM Chair Prozanski
9:44:13 AM Sen. Bonamici
9:44:27 AM Chair Prozanski
9:44:32 AM Sen. Whitsett
9:44:40 AM Chair Prozanski
9:44:41 AM VOTE: 3-2-0
9:44:42 AM AYES: Bonamici, Dingfelder, Prozanski; NAYS: Whitsett, Kruse

9:44:43 AM Sen. Whitsett
9:44:54 AM Vice-Chair Kruse
9:44:54 AM Chair Prozanski
9:45:02 AM Sen. Dingfelder
9:45:07 AM CARRIER: CHAIR PROZANSKI will lead discussion on the floor
9:45:08 AM The following written testimony was submitted for the record without public testimony:
9:45:09 AM {Exhibit} 11: David L. Erwin, resident, Oregon
9:45:10 AM Chair Prozanski

9:45:24 AM **HB 2726A - Work Session**

9:45:37 AM Cheyenne Ross, Committee Counsel
9:45:38 AM Chair Prozanski
9:45:44 AM MOTION: Sen. Dingfelder moves HB 2726A Do Pass
9:45:50 AM Chair Prozanski
9:46:08 AM Sen. Dingfelder
9:46:09 AM Chair Prozanski
9:46:10 AM VOTE: 4-1-0
9:46:11 AM AYES: Bonamici, Dingfelder, Whitsett, Prozanski; NAYS: Kruse
9:46:12 AM CARRIER: SEN. MONNES ANDERSON will lead discussion on the floor

9:46:34 AM **HB 2662A - Work Session**

9:46:36 AM {Exhibit} 12: Cheyenne Ross, Committee Counsel
9:47:08 AM Chair Prozanski
9:47:13 AM MOTION: Vice-Chair Kruse moves -A2 amendment Be Adopted
9:47:19 AM Chair Prozanski
9:47:25 AM VOTE: 5-0-0
9:47:26 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:47:27 AM MOTION: Vice-Chair Kruse moves HB 2662A Do Pass as Amended
9:47:33 AM Chair Prozanski
9:47:59 AM VOTE: 4-1-0
9:48:00 AM AYES: Bonamici, Dingfelder, Kruse, Prozanski; NAYS: Whitsett
9:48:01 AM CARRIER: SEN. PROZANSKI will lead discussion on the floor
9:48:07 AM Sen. Bonamici
9:48:08 AM Chair Prozanski

9:48:19 AM **HB 2678 - Work Session**

9:48:22 AM {Exhibit} 13: Cheyenne Ross, Committee Counsel
9:48:38 AM Chair Prozanski
9:48:39 AM MOTION: Vice-Chair Kruse moves -1 amendment Be Adopted
9:48:43 AM Chair Prozanski
9:48:52 AM VOTE: 5-0-0
9:48:53 AM AYES: Bonamici, Dingfelder, Whitsett, Kruse, Prozanski
9:48:54 AM MOTION: Vice-Chair Kruse moves HB 2678 Do Pass as Amended
9:49:01 AM Chair Prozanski
9:49:09 AM Sen. Bonamici

9:50:02 AM Chair Prozanski
9:50:04 AM Vice-Chair Kruse
9:50:11 AM Chair Prozanski
9:50:13 AM Sen. Dingfelder
9:50:34 AM Chair Prozanski
9:51:08 AM VOTE: 4-1-0
9:51:09 AM AYES: Bonamici, Whitsett, Kruse, Prozanski; NAY: Dingfelder
9:51:09 AM CARRIER: SEN. KRUSE will lead discussion on the floor
9:51:21 AM The following written testimony was submitted for the record without public testimony:
9:51:22 AM {Exhibit} 14: Jan Meekcoms, State Director, National Federation of Independent Business

9:51:27 AM **Proposed Modification to the Sentencing Guidelines Grid - Informational Meeting**
9:51:54 AM {Exhibit} 15: Walt Beglau, District Attorney, Marion County, Oregon
9:53:58 AM Jason Carlile, District Attorney, Linn County, Oregon
9:56:24 AM Chair Prozanski
9:57:31 AM Carlile
9:57:33 AM Chair Prozanski
9:57:34 AM Elizabeth Cushwa, Executive Director, Oregon District Attorneys Association
10:00:26 AM Chair Prozanski
10:01:31 AM Beglau
10:02:46 AM Chair Prozanski
10:03:10 AM Beglau
10:03:22 AM Chair Prozanski
10:03:44 AM Sen. Whitsett
10:04:08 AM Chair Prozanski
10:04:09 AM Sen. Whitsett
10:04:19 AM Beglau
10:05:05 AM Meeting Adjourned by Chair Prozanski

Exhibit Summary

8:07:10 AM {Exhibit} 1: HB 2274A, -A3 amendment, staff, 3 pp
8:07:10 AM {Exhibit} 2: HB 2274A, -A4 amendment, staff, 1 p
8:11:40 AM {Exhibit} 3: HB 2274A, written testimony, Steve Duvall, 2 pp
8:21:07 AM {Exhibit} 4: HB 2726A, -A5 amendment, staff, 3 pp
8:22:28 AM {Exhibit} 5: HB 2726A, flyer, Rep. Carolyn Tomei, 2 pp
8:51:41 AM {Exhibit} 6: HB 2726A, written testimony, Katrina Hedberg, 2 pp
9:16:36 AM {Exhibit} 7: HB 2726A, written testimony, Walid Sallout, 1 p
9:19:07 AM {Exhibit} 8: HB 2726A, written testimony, Stephanie Tama-Sweet, 1 p

9:19:08 AM {Exhibit} 9: HB 2726A, written testimony, Donna Disch-Curtis, 1 p
9:26:30 AM {Exhibit} 10: HB 2797A, -A8 amendment, staff, 11 pp
9:38:01 AM {Exhibit} 11: HB 2797A, written testimony, David L. Erwin, 1 p
9:46:36 AM {Exhibit} 12: HB 2662A, -A2 amendment, staff, 1 p
9:48:22 AM {Exhibit} 13: HB 2678, -1 amendment, staff, 1 p
9:51:22 AM {Exhibit} 14: HB 2678, written testimony, Jan Meekcoms, 1 p
9:51:54 AM {Exhibit} 15: Proposed Modification to the Sentencing Guidelines Grid,
graph, Walt Beglau, 1 p
