

SENATE COMMITTEE ON JUDICIARY

April 18, 2013
8:00 AM

Hearing Room 343

MEMBERS PRESENT: Sen. Floyd Prozanski, Chair
Sen. Betsy Close, Vice-Chair
Sen. Jackie Dingfelder
Sen. Jeff Kruse
Sen. Arnie Roblan

STAFF PRESENT: Anna Braun, Committee Counsel
Bill Taylor, Committee Counsel
Michael Schmidt, Committee Counsel
Ann Martin, Committee Assistant

MEASURES/ISSUES HEARD: SB 30 – Work Session
SB 70 – Work Session
SB 90 – Work Session
SB 347 – Work Session
SB 426 – Work Session
SB 610 – Work Session
SB 673 – Work Session
SB 694 – Work Session
SB 699 – Work Session
SB 700 – Work Session
SB 796 – Work Session
SB 713 – Work Session
SB 851 – Work Session
SB 794 – Public Hearing and Work Session
SB 492 – Work Session
SB 421 – Work Session

Recording Log

8:11:10 AM Meeting Called to Order by Chair Prozanski

8:11:39 AM SB 30 - Work Session

8:11:49 AM {Exhibit} 1: Michael Schmidt, Committee Counsel

8:12:20 AM Chair Prozanski

8:12:25 AM MOTION: VICE-CHAIR CLOSE MOVES THE -1 AMENDMENTS BE
ADOPTED

8:12:27 AM VOTE: 5-0-0

8:12:28 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:12:38 AM MOTION: VICE-CHAIR CLOSE MOVES SB 30 DO PASS AS AMENDED
8:12:40 AM VOTE: 5-0-0
8:12:41 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:12:55 AM CARRIER: SEN. KRUSE WILL LEAD DISCUSSION ON THE FLOOR

8:13:05 AM **SB 70 - Work Session**

8:13:24 AM MOTION: VICE-CHAIR CLOSE MOVES SB 70 WITHOUT
RECOMMENDATION AND BE REFERRED TO JOINT COMMITTEE ON
PUBLIC SAFETY

8:13:54 AM VOTE: 5-0-0

8:13:55 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:14:04 AM **SB 90 - Work Session**

8:14:07 AM {Exhibit} 2-3: Anna Braun, Committee Counsel

8:14:08 AM MOTION: CHAIR PROZANSKI MOVES THE -1 AMENDMENTS BE
ADOPTED

8:14:54 AM VOTE: 5-0-0

8:14:55 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:15:08 AM MOTION: VICE-CHAIR CLOSE MOVES SB 90 DO PASS AS AMENDED

8:15:10 AM VOTE: 5-0-0

8:15:11 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:15:18 AM CARRIER: SEN. ROBLAN WILL LEAD DISCUSSION ON THE FLOOR

8:15:28 AM **SB 347 - Work Session**

8:15:31 AM {Exhibit} 4: Bill Taylor, Committee Counsel

8:16:34 AM MOTION: CHAIR PROZANSKI MOVES THE -9 AMENDMENTS BE
ADOPTED

8:16:38 AM VOTE: 5-0-0

8:16:39 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:16:48 AM MOTION: SEN. DINGFELDER MOVES SB 347 DO PASS AS AMENDED

8:17:02 AM Vice-Chair Close

8:17:03 AM Sen. Kruse

8:17:04 AM VOTE: 3-2-0

8:17:33 AM AYES: DINGFELDER, ROBLAN, PROZANSKI

8:17:34 AM NAYS: KRUSE, CLOSE

8:17:35 AM CARRIER: SEN. BURDICK WILL LEAD DISCUSSION ON THE FLOOR

8:17:45 AM **SB 426 - Work Session**

8:17:50 AM {Exhibit} 5: Michael Schmidt, Committee Counsel

8:18:16 AM Chair Prozanski

8:18:17 AM MOTION: CHAIR PROZANSKI MOVES THE -1 AMENDMENTS BE
ADOPTED

8:18:28 AM VOTE: 5-0-0

8:18:29 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:18:31 AM MOTION: VICE-CHAIR CLOSE MOVES SB 426 DO PASS AS

AMENDED

- 8:18:47 AM Chair Prozanski
8:19:02 AM VOTE: 5-0-0
8:19:04 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:19:05 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR
- 8:19:34 AM **SB 610 - Work Session**
8:19:36 AM {Exhibit} 6: Anna Braun, Committee Counsel
8:19:50 AM MOTION: CHAIR PROZANSKI MOVES THE -3 AMENDMENTS BE ADOPTED
8:19:54 AM VOTE: 5-0-0
8:19:58 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:20:00 AM MOTION: VICE-CHAIR PROZANSKI MOVES SB 610 DO PASS AS AMENDED
8:20:15 AM VOTE: 5-0-0
8:20:16 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:20:18 AM CARRIER: SEN. KRUSE WILL LEAD DISCUSSION ON THE FLOOR
8:20:28 AM Sen. Dingfelder
8:20:29 AM Chair Prozanski
- 8:20:37 AM **SB 673 - Work Session**
8:20:40 AM {Exhibit} 7: Michael Schmidt, Committee Counsel
8:21:20 AM MOTION: CHAIR PROZANSKI MOVES THE -1 AMENDMENTS BE ADOPTED
8:21:27 AM Chair Prozanski
8:21:58 AM VOTE: 5-0-0
8:21:59 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:22:00 AM MOTION: VICE-CHAIR CLOSE MOVES SB 673 DO PASS AS AMENDED
8:22:00 AM VOTE: 5-0-0
8:22:00 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:22:38 AM CARRIER: SEN. PROZANSKI AND SEN. CLOSE WILL LEAD DISCUSSION ON THE FLOOR
- 8:22:46 AM **SB 694 - Work Session**
8:22:48 AM {Exhibit} 8: Michael Schmidt, Committee Counsel
8:23:30 AM Chair Prozanski
8:23:48 AM MOTION: CHAIR PROZANSKI MOVES THE -4 AMENDMENTS BE ADOPTED
8:23:50 AM VOTE: 5-0-0
8:23:52 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:23:56 AM MOTION: VICE-CHAIR CLOSE MOVES SB 694 DO PASS AS AMENDED
8:24:09 AM VOTE: 5-0-0
8:24:10 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:24:11 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:24:12 AM The following written testimony is submitted for the record without public testimony:

8:24:12 AM {Exhibit} 9: Jeremy Nichols, McLoughlin & Eardley Group, Inc.

8:24:35 AM **SB 699 - Work Session**

8:24:38 AM {Exhibit} 10: Bill Taylor, Committee Counsel

8:25:03 AM Chair Prozanski

8:25:22 AM MOTION: SEN. DINGFELDER MOVES SB 699 DO PASS AS AMENDED

8:25:25 AM Chair Prozanski

8:25:35 AM Vice-Chair Close

8:25:36 AM Sen. Kruse

8:25:38 AM VOTE: 3-2-0

8:25:39 AM Chair Prozanski

8:25:40 AM AYES: DINGFELDER, ROBLAN, PROZANSKI

8:25:41 AM NAYS: KRUSE, CLOSE

8:25:42 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:25:50 AM **SB 700 - Work Session**

8:25:51 AM {Exhibit} 11: Chair Prozanski

8:26:03 AM MOTION: SEN. DINGFELDER MOVES SB 700 DO PASS AS AMENDED

8:26:20 AM VOTE: 3-2-0

8:26:21 AM AYES: DINGFELDER, ROBLAN, PROZANSKI

8:26:22 AM NAYS: KRUSE, CLOSE

8:26:23 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:26:29 AM **SB 796 - Work Session**

8:26:32 AM {Exhibit} 12: Bill Taylor, Committee Counsel

8:26:53 AM MOTION: SEN. DINGFELDER MOVES THE -8 AMENDMENTS BE ADOPTED

8:26:56 AM Chair Prozanski

8:27:02 AM VOTE: 5-0-0

8:27:03 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

8:27:08 AM MOTION: SEN. DINGFELDER MOVES SB 796 DO PASS AS AMENDED

8:27:10 AM Sen. Close

8:27:12 AM Sen. Kruse

8:27:36 AM VOTE: 3-2-0

8:27:37 AM AYES: DINGFELDER, ROBLAN, PROZANSKI

8:27:38 AM NAYS: KRUSE, CLOSE

8:27:39 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:27:52 AM **SB 713 - Work Session**

8:27:55 AM {Exhibit} 13: Bill Taylor, Committee Counsel
8:28:08 AM Chair Prozanski
8:28:09 AM MOTION: CHAIR PROZANSKI MOVES THE -1 AMENDMENTS BE ADOPTED
8:28:10 AM VOTE: 5-0-0
8:28:22 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:28:23 AM MOTION: CHAIR PROZANSKI MOVES SB 713 DO PASS AS AMENDED
8:28:25 AM VOTE: 4-1-0
8:28:32 AM Sen. Dingfelder
8:28:56 AM AYES: ROBLAN, KRUSE, CLOSE, PROZANSKI
8:28:57 AM NAYS: DINGFELDER
8:28:58 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

8:29:03 AM **SB 851 - Work Session**

8:29:08 AM {Exhibit} 14: Anna Braun, Committee Counsel
8:29:29 AM Chair Prozanski
8:29:33 AM MOTION: SEN. DINGFELDER MOVES THE -1 AMENDMENTS BE ADOPTED
8:29:44 AM VOTE: 5-0-0
8:29:45 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:29:47 AM MOTION: SEN. DINGFELDER MOVES SB 851 DO PASS AS AMENDED AND BE REFERRED TO WAYS AND MEANS
8:30:15 AM Chair Prozanski
8:30:30 AM VOTE: 5-0-0
8:30:32 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:30:56 AM Chair Prozanski

8:31:17 AM **SB 794 - Public Hearing**

8:31:20 AM {Exhibit} 15: Anna Braun, Committee Counsel
8:31:58 AM Chair Prozanski
8:32:39 AM {Exhibit} 16: Anthony Taylor, Director, Compassionate Oregon
8:34:50 AM Geoff Sugerman, Oregonians for Medical Rights
8:36:13 AM Chair Prozanski
8:36:14 AM Sen. Roblan
8:36:37 AM A. Taylor
8:36:53 AM Chair Prozanski
8:36:58 AM Sen. Roblan
8:36:58 AM Chair Prozanski

8:38:31 AM **SB 794 - Work Session**

8:38:35 AM MOTION: CHAIR PROZANSKI MOVES THE -2 AMENDMENTS BE ADOPTED
8:38:42 AM VOTE: 5-0-0
8:38:43 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
8:38:48 AM MOTION: SEN. DINGFELDER MOVES SB 794 DO PASS AS AMENDED

8:39:00 AM Sen. Close
8:39:03 AM VOTE: 4-1-0
8:39:27 AM AYES: DINGFELDER, ROBLAN, KRUSE, PROZANSKI
8:39:28 AM NAYS: CLOSE
8:39:29 AM CARRIER: SEN. DINGFELDER WILL LEAD DISCUSSION ON THE FLOOR
8:39:30 AM Chair Prozanski
8:39:32 AM Sen. Dingfelder
8:39:40 AM Chair Prozanski
8:39:41 AM {Exhibit} 17: witness registration

8:40:08 AM **SB 492 - Work Session**

8:40:11 AM {Exhibit} 18-19: Anna Braun, Committee Counsel
8:41:35 AM Vice-Chair Close
8:41:37 AM Braun
8:41:40 AM Chair Prozanski
8:42:12 AM Braun
8:43:08 AM Chair Prozanski
8:43:12 AM Sen. Kruse
8:43:18 AM Michael Schmidt, Committee Counsel
8:43:21 AM Chair Prozanski
8:43:29 AM Meeting Recessed
9:54:24 AM Meeting Resumed
9:54:30 AM Chair Prozanski

9:54:46 AM **SB 421 - Work Session**

9:54:50 AM {Exhibit} 20: Michael Schmidt, Committee Counsel
9:55:35 AM Chair Prozanski
9:55:43 AM MOTION: VICE-CHAIR CLOSE MOVES THE THE RULES BE SUSPENDED FOR THE PURPOSE FOR TAKING ACTION ON SB 421 WITHOUT HAVING THE FISCAL IMPACT STATEMENT
9:56:03 AM Schmidt
9:56:16 AM VOTE: 5-0-0
9:56:17 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI
9:56:35 AM MOTION: VICE-CHAIR CLOSE MOVES THE -4 AMENDMENTS BE ADOPTED
9:56:39 AM Sen. Dingfelder
9:57:06 AM Chair Prozanski
9:57:29 AM Sen. Dingfelder
9:57:35 AM Chair Prozanski
9:58:16 AM Vice-Chair Close
9:58:27 AM Chair Prozanski
9:59:25 AM VOTE: 4-1-0
9:59:26 AM AYES: ROBLAN, KRUSE, CLOSE, PROZANSKI
9:59:27 AM NAYS: DINGFELDER
9:59:35 AM MOTION: VICE-CHAIR CLOSE MOVES SB 421 DO PASS AS

AMENDED

9:59:35 AM VOTE: 5-0-0

9:59:36 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

9:59:55 AM Sen. Kruse

9:59:58 AM Chair Prozanski

10:00:03 AM Sen. Dingfelder

10:00:12 AM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

10:00:18 AM **SB 492 - Work Session**

10:00:21 AM Anna Braun, Committee Counsel

10:00:40 AM Chair Prozanski

10:00:49 AM MOTION: VICE-CHAIR CLOSE MOVES RULES BE SUSPENDED FOR THE PURPOSE FOR TAKING ACTION ON SB 492 WITHOUT HAVING THE FISCAL IMPACT STATEMENT

10:01:19 AM VOTE: 5-0-0

10:01:26 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

10:01:26 AM MOTION: VICE-CHAIR CLOSE MOVES THE -6 AMENDMENTS BE ADOPTED

10:01:37 AM VOTE: 5-0-0

10:01:38 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

10:01:44 AM MOTION: VICE-CHAIR CLOSE MOVES SB 492 DO PASS AS AMENDED

10:01:44 AM VOTE: 5-0-0

10:01:45 AM AYES: DINGFELDER, ROBLAN, KRUSE, CLOSE, PROZANSKI

10:01:53 AM Chair Prozanski

10:02:07 AM Sen. Dingfelder

10:02:10 AM Chair Prozanski

10:02:21 AM CARRIER: SEN. KRUSE WILL LEAD DISCUSSION ON THE FLOOR

10:02:23 AM Sen. Dingfelder

10:02:24 AM Chair Prozanski

10:02:57 AM Ann Martin, Committee Assistant

10:03:11 AM Braun

10:03:14 AM Vice-Chair Close

10:03:20 AM Sen. Kruse

10:03:27 AM Chair Prozanski

10:03:45 AM Meeting Adjourned by Chair Prozanski

Exhibit Summary

8:11:49 AM {Exhibit} 1: SB 30, -1 amendments, staff, 3 pp

8:14:07 AM {Exhibit} 2: SB 90, -1 amendments, staff, 3 pp

8:14:07 AM {Exhibit} 3: SB 90, -3 amendments, staff, 4 pp

8:15:31 AM {Exhibit} 4: SB 347, -9 amendments, staff, 13 pp

8:17:50 AM {Exhibit} 5: SB 426, -1 amendments, staff, 1 p
8:19:36 AM {Exhibit} 6: SB 610, -3 amendments, staff, 3 pp
8:20:40 AM {Exhibit} 7: SB 673, -1 amendments, staff, 4 pp
8:22:48 AM {Exhibit} 8: SB 694, -4 amendments, staff, 2 pp
8:24:12 AM {Exhibit} 9: SB 694, written testimony, Jeremy Nichols, 5 pp
8:24:38 AM {Exhibit} 10: SB 699, -6 amendments, staff, 4 pp
8:25:51 AM {Exhibit} 11: SB 700, -17 amendments, staff, 12 pp
8:26:32 AM {Exhibit} 12: SB 796, -8 amendments, staff, 15 pp
8:27:55 AM {Exhibit} 13: SB 713, -1 amendments, staff, 1 p
8:29:08 AM {Exhibit} 14: SB 851, -1 amendments, staff, 2 pp
8:31:20 AM {Exhibit} 15: SB 794, -2 amendments, staff, 3 pp
8:32:39 AM {Exhibit} 16: SB 794, written testimony, Anthony Taylor, 2 pp
8:39:41 AM {Exhibit} 17: SB 794, witness registration, staff, 1 p
8:40:11 AM {Exhibit} 18: SB 492, -5 amendments, staff, 5 pp
8:40:11 AM {Exhibit} 19: SB 492, -6 amendments, staff, 5 pp
9:54:50 AM {Exhibit} 20: SB 421, -4 amendments, staff, 8 pp