

SENATE COMMITTEE ON JUDICIARY

April 21, 2005
1:00 P.M.

Hearing Room 343
Tapes 116 - 118

Corrected 10/26/05

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Charlie Ringo
Sen. Vicki Walker
Sen. Doug Whitsett

STAFF PRESENT: William E. Taylor, Counsel
Joe O'Leary, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:
SB 956 – Public Hearing and Work Session
SB 295 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 116, A		
003	Chair Burdick	Calls the meeting to order at 1:11 p.m. and opens a public hearing on SB 956.
<u>SB 956 – PUBLIC HEARING</u>		
007	Joe O'Leary	Counsel. Describes SB 956 relating to allowing school district boards to prohibit persons with concealed handgun licenses from carrying firearms in certain public buildings.
024	Mark Chism	School Board Member, Tigard-Tualatin school district. Submits testimony and testifies in support of SB 956 (EXHIBIT A).
064	Chism	Talks about discussing the issue of guns on school grounds with parents, faculty, and many other individuals: almost exclusively they agree that guns should be kept off school grounds at all times.
077	Sen. Whitsett	Brings up the issue of this bill changing the whole face of gun control statutes.
080	Chism	Replies that he understands this outcome.
083	Sen. Starr	Discusses a story concerning a teacher having a concealed handgun permit, and who carried a weapon to protect herself from an abusive ex-husband. States that this is not an answer to a problem, merely an answer looking for a problem.
118	Jim Green	Oregon School Board Association. Submits testimony on the issue of gun control (EXHIBIT B).
165	Green	Acknowledges the fact that small communities will not actively ban guns on the campuses.

180	Green	Stresses that the different school boards will decide to adopt this statute; it is not mandatory.
185	Sen. Whitsett	Asks about an amendment to the bill.
186	Chair Burdick	States that this bill had been redrafted previously.
200	Sen. Bill Morrisette	Senate District 6. Testifies in support of SB 956, and believes that the issue is of school safety, not gun ownership rights.
216	Sen. Walker	Inquires if the Springfield School district officers refuse to carry weapons on the campus.
221	Sen. Morrisette	Replies that those police officers are there to have a presence and to create trust between law enforcement and students.
239	Sen. Walker	Asks if these are uniformed officers.
240	Sen. Morrisette	Responds yes.
248	Ron Harder	Oregon Consultant, National Rifle Association. Submits testimony and testifies in opposition to SB 965 (EXHIBIT C).
285	Harder	Brings up the issue that gun-free zones are open invitations for madmen and law-breaking people who will fear no response by using firearms in these areas.
328	Kevin Starrett	Oregon Firearms Federation. Submits a testimony packet in opposition to SB 956 (EXHIBIT D).
340	Harder	Talks about the example of Columbine High School where police officers waited outside during the crisis while the students inside were being killed.
412	Tom Smith	Submits testimony and testifies in support of SB 956 (EXHIBIT E). Talks about school events where concealed weapons became un-concealed.
432	Sen. Ringo	Asks about those incidents.
434	Smith	Replies with information on a confrontation between parents and faculty where a concealed handgun was shown.
TAPE 117, A		
031	Robert Wagner	American Federation of Teachers of Oregon. Testifies in support of SB 956.
037	Randy Cafis	Public Safety and Security Director, Beaverton School District. Testifies in support of SB 956. Wonders where those who are concealing weapons keep said handguns.
080	Cafis	States that students are extremely smart and inquisitive and will be able to find any "concealed" weapons.
103	Chair Burdick	Asks about the training required for officers to carry handguns on school grounds. Inquires if he knows the amount of training required to acquire a concealed handgun permit.
108	Cafis	Replies that they complete training at least four times a year. Answers that he is not sure about the amount of training required for a concealed handgun permit.
138	Donald J. Jacobe	Firearms and Self Defense Instructor. Training authority on concealed weapon permits. Submits a fact or faction sheet on the issue of concealed handguns on schools and testifies in opposition to SB 956 (EXHIBIT F).
175	Doug Berry	Paralegal, former legislative Aide. Testifies in opposition to SB 956.
200	Berry	Talks about how, in a recent competition, local gun club members scored higher in gun competitions than police officers.
226	Chair Burdick	Asks if he would support increased measures for training requirements.
234	Berry	Replies that he is comfortable with the level of training required at this point.

254	Justin Martin	Submits written testimony from Portland Police Chief Derrick Foxworth and testifies in support of SB 956 (EXHIBIT G).
265	Jollee Patterson	General Counsel, Portland Public School District. Submits testimony and testifies in support of SB 956 (EXHIBIT H).
303	Chair Burdick	Addresses the legal options regarding forcing an individual who carries a weapon off the grounds of a school.
330	Sen. Whitsett	Brings up the issue that the Portland Public School District is employing policies that prevent people from legally bringing weapons onto school grounds.
356	Wendy Coombs	Submits testimony and testifies in opposition to SB 956 (EXHIBIT I).
375	Coombs	Continues reading testimony in opposition to SB 956 (Exhibit I).
410	Coombs	Continues reading testimony in opposition to SB 956 (Exhibit I).
TAPE 116, B		
020	Coombs	Continues reading testimony in opposition to SB 956 (Exhibit I).
032	Jerod Broadfoot	Oregon Gun Owners Association. Testifies in opposition to SB 956. Stresses that this bill is nothing more than an attempt to demonize guns and gun owners. Talks about several technical problems with the bill.
072	Broadfoot	Summarizes that this is a philosophical debate, not an issue of school safety.
088	Sen. Whitsett	Reads the state pre-emption law relating to the regulation of gun ownership and possession, and asks the witness his opinion on what this bill would do to current pre-emption law. Addresses the issue of the Portland School Board employing their own policies on restricting gun possession on their property.
097	Broadfoot	Replies that the current bill would completely gut the pre-emption law. Agrees that the Portland School Board is in direct violation of state law and legal action should be taken.
112	Chuck Bennett	Confederation of Oregon School Administrators. Testifies in support of SB 956. Addresses several of the points of contention with the current bill.
165	Bennett	Discusses the individuals who are eligible to carry concealed weapons on school campuses.
190	Sen. Whitsett	Asks if they support the repeal of the pre-emption law.
193	Bennett	Stresses that they support an amendment to the law, not a repeal.
197	Sen. Whitsett	Inquires how this is not considered a 'repeal,' when the whole statute is turned on its head.
206	Bennett	Responds with information on his stance on the issue.
214	George Russell	Superintendent, Eugene School District. Submits testimony and testifies in support of SB 956 (EXHIBIT J).
265	Russell	Addresses an issue raised by Sen. Morrisette where he had stated that the Eugene school officers did not use handguns; they actually do wear those weapons.
292	Sen. Beyer	Inquires about the testimony discussing "puzzling" current school board policies on gun control issues.
298	Russell	Talks about the current school board interpretation of law, as well as their policy decisions thereof, relating to the issue of weapons on campuses.
315	Sen. Beyer	Asks if the policies adopted by the school board that is, in language, contrary to the current pre-emption law.
328	Russell	Believes that the policy choices were valid. Stresses that his board feels very strongly that no guns should be on campus.
367	Lloyd Moorner	Douglas County, 35 year concealed weapon permit holder.

380	Tom Hatfield	Testifies in opposition to SB 956. Roseburg, Oregon. Testifies in opposition to SB 956. Details four sightings in the last year where cougars were seen at the local elementary school. States that local law enforcement have refused to deal with the issue because it was outside their jurisdiction.
416	Chair Burdick	Raises the issue that the local school board has the option of not adopting this bill.
438	Sen. Ringo	Commends the witnesses for coming from Douglas county. Addresses the issue of different counties having different stances on these numerous issues.
460	Hatfield	Agrees that different counties have different priorities.
TAPE 117, B		
029	Laurie Wimmer Whelan	Oregon Education Association. Testifies in support of SB 956. Talks about the crime of opportunity and unintended tragedies that may result from a child finding a concealed weapon.
071	Tricia Smith	Oregon School Employees Association. Submits testimony and testifies in support of SB 956 (EXHIBIT K).
097	Martin Taylor	Oregon Nurses Association. Testifies in support of SB 956. Recognizes that there are times where personal rights must bow before safety. Acknowledges the fact that there are areas which would be safer without handguns.
148	Bob Avery	Staff, Sen. Bruce Hanna. Testifies in opposition to SB 956. Reads section 27 of the Oregon Constitution that deals with the right to bear arms. States the different propositions facing him as a concealed handgun permit holder if this bill passes.
195	Avery	Talks about his role as a grandparent picking his grandchildren up in an emergency: being forced to know which school district at whatever time supports the bill.
213	Greg Bowman	Washington County. Discusses an analogy with drug prevention methods being employed where increased regulations would be employed on those who have prescription drugs: this law targets the good guys as opposed to the individuals who will break the law no matter what.
250	George Pitts	Tri-County Gun Club. Stresses that this is a non-problem and not an issue of school safety: brings up the issue that if this was a safety issue, we'd be focusing on having seat-belts on buses. Testifies in opposition to SB 956.
304	Chair Burdick	Accepts written testimony from Marge Easley and Jim Wilson (EXHIBITS L & O). Closes the public hearing on SB 956 and opens a work session on SB 956.

SB 956 – WORK SESSION

312	Sen. Ringo	MOTION: Moves SB 956 to the floor with a DO PASS recommendation.
315	Sen. Whitsett	Asks the effects of the passage of SB 256 on the preemption act.
320	Joe O'Leary	Counsel. Describes a letter from legislative counsel that addresses this issue.
345	Sen. Walker	Offers her appreciation for the bill and the testimony.
322	Chair Burdick	VOTE: 2-5-0
		AYE: 2 - Ringo, Walker
		NAY: 5 - Beyer, Prozanski, Starr C., Whitsett, Burdick
	Chair Burdick	The motion FAILS.

362	Chair Burdick	Notes that the Chair had changed her vote to NO for possible reconsideration.
364	Chair Burdick	Closes the work session on SB 956 and opens a public hearing on SB 295.
<u>SB 295 – PUBLIC HEARING</u>		
367	William E. Taylor	Counsel. Describes SB 295 relating to modifying the distribution of fines collected in traffic offense cases. Introduces the -2 amendment (EXHIBIT M). Accepts an Oregonian news story on Coburg's speed traps from Sen. Prozanski (EXHIBIT P). Oregon State Police Officers' Association. Submits testimony and testifies in support of SB 295 (EXHIBIT N).
TAPE 118, A		
014	Sen. Bill Morrisette	Senate District 6. Testifies in support of the city of Coburg and their traffic officers.
031	Sen. Prozanski	Inquires about the section of freeway that has been annexed into the area under Coburg's authority and retaining violators of traffic law outside of this area to their own courts.
043	Sen. Morrisette	Replies that he is supportive of the police department, and believes that those who break the law deserve their ticket.
056	Sen. Prozanski	Brings up the issue of Coburg possibly violating the cities' zone of jurisdiction under this bill.
072	Sen. Morrisette	Responds that if the police are violating state law, then that should be corrected. Talks about the jurisdiction of existing counties and cities.
087	Sen. Beyer	Inquires about the -2 amendment which do not prohibit the city of Coburg from enforcing the limit within the freeway corridor.
095	Sen. Morrisette	Replies with information on his stance concerning the jurisdiction of the police officers on that stretch of highway. Stresses his support of the city of Coburg to issue citations along the corridor of I-5.
103	Sen. Walker	Commends Mr. Swift on his testimony.
111	Swift	Talks about the police officers' need for the support and respect of the community.
132	Judy Volta	Mayor of Coburg. Testifies in opposition to SB 295. States that it is not their idea to supplement the city income with fines from violations.
157	Volta	Discusses the previous administrator's problems with financial responsibilities and how this current administration's actions taken to relieve that distress.
199	Chief John Bosley	Chief of Police, Coburg. Testifies in opposition to SB 295. Discusses the top priorities of the Coburg police department. Stresses that there is more to Coburg than just traffic offenses.
255	Jamon Kent	Acting City Administrator. Testifies in opposition to SB 295. States that Coburg will begin living within its means.
307	Sen. Prozanski	Asks about Coburg police officers citing individuals on the I-5 corridor, outside of their jurisdiction, and sending them into the Municipal court in Coburg.
345	Kent	Cites statistics on 2004, starting in February, and how Coburg has sent the majority of the violations to Lane County's central court.
353	Sen. Prozanski	Inquires about Coburg making changes that would allow the city to live within its means after the bill would take effect in June.
358	Kent	States that they will balance the budget around June.
378	Sen. Prozanski	Wonders about the percentage of revenue from the I-5 corridor

382	Volta	violations that end up in the budget. Stresses that they have been working to alleviate the dependence on this source of income.
400	Sen. Prozanski	Asks for the boundaries of their jurisdiction on the I-5 corridor, and if their officers are setting up radar stations beyond that corridor.
417	Bosley	States that he would need proof of this, because he has adamantly addresses this issue with his officers.
447	Sen. Prozanski	Inquires if the officers know that they cannot setup inside the annex area and shoot the radar outside the area.
452	Bosley	Responds yes, they understand this.
454	Taylor	Asks if the purpose of the annexation was due to the need for increased funds from that point.
468	Volta	Replies that the annex was mainly for a new water program.
501	Chair Burdick	Closes the public hearing on SB 295 and moves SB 546 and SB 568 to Monday, April 25, 2005 and adjourns the meeting at 3:30 p.m.

EXHIBIT SUMMARY

- A. **SB 956, written testimony, Mark Chism, 1 p**
- B. **SB 956, written testimony, Jim Green, 1 p**
- C. **SB 956, written testimony, Ron Harder, 2 pp**
- D. **SB 956, written testimony, Kevin Starrett, 16 pp**
- E. **SB 956, written testimony, Tom Smith, 1 p**
- F. **SB 956, written testimony, Donald J. Jacobe, 1 p**
- G. **SB 956, written testimony, Justin Martin, 2 pp**
- H. **SB 956, written testimony, Jollee Patterson, 6 pp**
- I. **SB 956, written testimony, Wendy Coombs, 1 p**
- J. **SB 956, written testimony, George Russell, 3 pp**
- K. **SB 956, written testimony, Tricia Smith, 1 p**
- L. **SB 956, written testimony, Marge Easley, 1 p**
- M. **SB 295, -2 amendment, Sen. Prozanski, 6 pp**
- N. **SB 295, written testimony, Daniel Swift, 2 pp**
- O. **SB 295, written testimony, Jim Wilson, 1 p**
- P. **SB 295, "Coburg's Speed Trap", Sen. Prozanski, 1 p**