

SENATE COMMITTEE ON JUDICIARY

February 19, 2003
8:00 a.m.

Hearing Room 343
Tapes 33-34

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Craig Prins, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 175 Public Hearing**
 SB 178 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 |
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| TAPE 33, A | | |
| 003 | Chair Minnis | Calls the meeting to order at 8:12 a.m. and opens a public hearing on SB 175. |
| SB 175 PUBLIC HEARING | | |
| 012 | Paul Donheffner | Oregon State Marine Board. Submits testimony and testifies in support of SB 175 that modifies provisions relating to operating a boat under influence of intoxicants (EXHIBIT A). |
| 045 | Sen. Walker | Asks if alcohol is the only substance that applies in this statute. |
| 050 | Donheffner | Replies that it is not limited to alcohol. |
| 065 | Craig Prins | Committee Counsel. Provides clarification of underage drivers versus underage boaters (EXHIBIT B). |
| 079 | Vice Chair Burdick | Asks how this legislation would interact with current law prohibiting the possession of alcohol by a minor. |
| 078 | Prins | Explains what charges could be made. |
| 090 | Vice Chair Burdick | Asks if a boat can be impounded. |
| 097 | Donheffner | Says there is no provision for impounding a boat. Discusses what might happen to a boat. |

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| 121 | Kelly Skye | Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to SB 175. |
| 164 | Chair Minnis | Says there would have to be some proof of alcohol consumption to enforce this statute. |
| 175 | Skye | Agrees this to be true under current law, but not if this statute is enacted. |
| 182 | Chair Minnis | Wonders if this law would overturn probable cause. |
| 192 | Skye | Says it would not, but concerning minors, reasonable suspicion would be enough. |
| 205 | Chair Minnis | Explains his disagreement. |
| 242 | Skye | Discusses the difference between a Driving Under the Influence of Intoxicants (DUII) and a Boating Under the Influence of Intoxicants (BUII). Says there is no diversion program for a BUII. |
| 316 | Sen. Ringo | Asks if a minor in possession has a record for the rest of his life. |
| 320 | Skye | Says, no. |
| 324 | Prins | Asks if all boats are covered under this bill. |
| 329 | Skye | Says, yes. |
| 342 | Prins | Explains what is included under "all boats" category. |
| 365 | Sen. Walker | Wonders about a particular application of this legislation. |
| 383 | Chair Minnis | Asks about diversion statutes that might apply to boating. |
| 390 | Donheffner | Says there is no formal statewide program. |
| 405 | Chair Minnis | Asks if it would be appropriate to create one. |
| 409 | Donheffner | Says the Board would be open to discussion. |
| 423 | Sen. Ringo | Questions enacting a zero-tolerance law. |
| 435 | Donheffner | Explains the definition of zero-tolerance with regard to minors. |
| 462 | Vice Chair Burdick | Asks for clarification of what is being asked by this legislation. |
| 468 | Donheffner | Explains why this legislation is being presented. |
| 492 | Prins | Gives a further clarification. |
| TAPE 34, A | | |
| 032 | Vice Chair Burdick | Asks what a comparable penalty in boating would be to a suspension. |
| 035 | Donheffner | Says there is no comparable penalty since there is no license to revoke. |
| 043 | Vice Chair Burdick | Asks about charges for minors in possession. |
| 042 | Donheffner | Clarifies this charge could be made. |
| 072 | Sen. Ringo | Comments that he does not see a deterrent in this legislation. |
| 088 | Donheffner | Says he believes there are deterrents in sending the message of zero-tolerance. |
| 111 | Chair Minnis | Feels this bill would impart a stricter penalty than driving penalty. |

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| 127 | Chair Minnis | Closes the public hearing on SB 175 and opens a public hearing on SB 178. |
| <u>SB 178 PUBLIC HEARING</u> | | |
| 141 | Richard Franklin | Gresham, Oregon. Testifies in opposition to SB 178 which modifies definition of extreme fighting. Says the statute is over-broad. |
| 223 | Chair Minnis | Asks what is not wanted in regulation. |
| 225 | Franklin | Explains what is not wanted. |
| 250 | Vice Chair Burdick | Asks for some background on Mr. Franklin. |
| 252 | Franklin | Gives background. |
| 267 | Matt Lindland | Eagle Creek, Oregon. Discusses his experience with amateur wrestling. Opposes SB 178. |
| 299 | Vice Chair Burdick | Asks if he is referring to SB 178 or current law when he says it is overly broad. |
| 278 | Lindland | Says he is referring to SB 178. |
| 305 | Franklin | Talks about tax on gate receipts. |
| 327 | Chair Minnis | Recalls a time when the Boxing and Wrestling Commission did not sanction any events at all in the state of Oregon. |
| 338 | Chael Sonnen | Tualatin, Oregon. Testifies in opposition to SB 178. |
| 376 | Franklin | Discusses extreme fighting. Says it is run by strict guidelines and safety rules, but the State has been trying to shut them down. |
| 426 | Sen. Ringo | Asks for an understanding of extreme fighting. |
| 428 | Franklin | Describes what it involves. |
| TAPE 33, B | | |
| 026 | Sonnen | Believes that taxing and regulating is the issue, and an amateur sport has never been regulated. |
| 050 | Lindland | Says this is a mixed marshal arts event with rules and regulations, and labeling it as extreme fighting is unfair. |
| 084 | Robert Miller | Gaming Enforcement Division, Oregon State Police. Submits testimony and testifies in support of SB 178 (EXHIBIT C). |
| 135 | Roland Iparraguirre | Department of Justice. Submits testimony and testifies in support of SB 178 (EXHIBIT D). |
| 188 | Chair Minnis | Asks if significant injury is an assumption. |
| 198 | Iparraguirre | Says it is hard to know since the state does not regulate this activity. |
| 202 | Chair Minnis | Thinks that there is a need to identify significant harm. |
| 240 | Miller | Says there are stories on the internet about extreme fighting and grave injuries. |
| 291 | Chair Minnis | Asks how this kind of event would be regulated. |
| 294 | Miller | Says they would ban these events. |
| 329 | Chair Minnis | Contends that a ban is unjustified just because it is offensive to some. |
| 351 | Sen. Ringo | Suggests that there needs to be evidence of physical harm. Wonders why amateur wrestling is considered a law enforcement issue. |
| 399 | Miller | Explains how the State Police got involved. |
| 407 | Craig Prins | Committee Counsel. Asks for clarification of an amateur event. |
| 418 | Iparraguirre | Discusses amateur wrestling and boxing. |
| 475 | Prins | Asks if there is an exemption process for private clubs to host events. |
| 483 | Miller | Says consistency is the primary concern. |
| TAPE 34, B | | |

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| 031 | Chair Minnis | Inquires about the licensing of a “security officer.” |
| 041 | Iparraguirre | Explains his understanding. |
| 056 | Chair Minnis | Asks how long this kind of fighting has been going on. |
| 055 | Iparraguirre | Says about 1 1/2 years. |
| 061 | Chair Minnis | Maintains that additional justification is needed to prohibit this kind of fighting. |
| 073 | Chair Minnis | Closes the public hearing on SB 178 and adjourns the meeting at 9:40 a.m. |

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EXHIBIT SUMMARY

A – SB 175, written testimony submitted by Paul Donheffner, 2 pp

B – SB 178, printed material provided by staff, 1 p

C – SB 178, written testimony submitted by Robert Miller, 2 pp

D – SB 178, printed material submitted by Roland Iparraguirre, 28 pp