

SENATE COMMITTEE ON JUDICIARY

May 23, 2001 Hearing Room 343

1:00 p.m. Tape 155

MEMBERS PRESENT: Sen. John Minnis, Chair
 Sen. Peter Courtney, Vice-Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

MEMBERS EXCUSED: Sen. Verne Duncan

STAFF PRESENT: Marilyn Odell, Counsel
 Craig Prins, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2100 Reconsideration**
 HB 2175A Reconsideration and Work Session
 HB 2611A Reconsideration and Work Session

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 155, A		
003	Chair Minnis	Calls the meeting to order at 2:04 p.m.
<u>HB 2175A RECONSIDERATION AND WORK SESSION</u>		
004	Sen. Beyer	MOTION: Moves to SUSPEND the rules for the purpose of Reconsidering the Vote on HB 2175A. VOTE: 4-0-3 EXCUSED: 3 - Courtney, Duncan, Burdick
005	Chair Minnis	Hearing no objection, declares the motion CARRIED.
006	Sen. Beyer	MOTION: Moves to RECONSIDER the vote by which HB 2175A was sent to the floor with a DO PASS recommendation. VOTE: 4-0-3 EXCUSED: 3 - Courtney, Burdick, Duncan
008	Chair Minnis	Hearing no objection, declares the motion CARRIED.
009	Sen. Beyer	MOTION: Moves to ADOPT HB 2175A-A3 amendments dated 5/21/01 (EXHIBIT A). VOTE: 4-0-3 EXCUSED: 3 - Burdick, Duncan, Courtney
010	Chair Minnis	Hearing no objection, declares the motion CARRIED.
016	Sen. Beyer	MOTION: Moves HB 2175A to the floor with a DO PASS

AS AMENDED recommendation.

VOTE: 4-0-3

EXCUSED: 3 - Courtney, Duncan, Burdick

**017 Chair Minnis Hearing no objection, declares the motion CARRIED.
COURTNEY will lead discussion on the floor.**

**018 Chair Minnis Closes the work session on HB 2175A and opens a work session
on HB 2611A.**

HB 2611A RECONSIDERATION AND WORK SESSION

**019 Sen. Beyer MOTION: Moves to SUSPEND the rules for the purpose of
Reconsidering the vote on HB 2611A.**

VOTE: 5-0-2

EXCUSED: 2 - Burdick, Duncan

020 Chair Minnis Hearing no objection, declares the motion CARRIED.

**025 Sen. Beyer MOTION: Moves to RECONSIDER the vote by which HB
2611A was sent to the floor with a DO PASS
recommendation.**

VOTE: 5-0-2

EXCUSED: 2 - Duncan, Burdick

026 Chair Minnis Hearing no objection, declares the motion CARRIED.

**028 Sen. Beyer MOTION: Moves to ADOPT HB 2611-A3 amendments
dated 5/21/01.**

030 Counsel Prins Explains the -A3 amendments (EXHIBIT B).

VOTE: 5-0-2

EXCUSED: 2 - Duncan, Burdick

033 Chair Minnis Hearing no objection, declares the motion CARRIED.

**035 Sen. Beyer MOTION: Moves HB 2611A to the floor with a DO PASS
AS AMENDED recommendation.**

VOTE: 5-0-2

EXCUSED: 2 - Duncan, Burdick

**036 Chair Minnis Hearing no objection, declares the motion CARRIED.
SEN. BROWN will lead discussion on the floor.**

**038 Chair Minnis Closes the work session on HB 2611 and opens a work session
on HB 2100.**

HB 2100 RECONSIDERATION AND WORK SESSION

**039 Vice Chair Courtney MOTION: Moves to SUSPEND the rules for the purpose of
Reconsidering the vote on HB 2100.**

VOTE: 5-0-2

EXCUSED: 2 - Duncan, Burdick

040 Chair Minnis Hearing no objection, declares the motion CARRIED.

041	Vice Chair Courtney	MOTION: Moves to RECONSIDER the vote by which HB 2100 was sent to the floor with a DO PASS recommendation. VOTE: 5-0-2 EXCUSED: 2 - Duncan, Burdick
042	Chair Minnis	Hearing no objection, declares the motion CARRIED.
051	Chair Minnis	Adjourns the meeting at 2:12 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Marilyn Odell,
Counsel

EXHIBIT SUMMARY

A – HB 2175A, -A3 amendments submitted by staff, dated 5/21/01, 3 pp

B – HB 2611A, -A3 amendments submitted by staff, dated 5/21/01, 3 pp

SENATE COMMITTEE ON JUDICIARY

May 23, 2001 Hearing Room A
6:00 p.m. Tapes 156 - 161

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

STAFF PRESENT: **Craig Prins, Counsel**
 Annola DeJong, Committee Assistant

MEASURE HEARD: **SB 508 Public Hearing**

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TAPE/#	Speaker	Comments
TAPE 156, A		
005	Chair Minnis	Calls the meeting to order at 6:10 p.m. and opens a public hearing on SB 508.
<u>SB 508 PUBLIC HEARING</u>		
015	Sen. Verne Duncan	Senate District 12 Testifies in support of SB 508 which authorizes school boards to prohibit persons with a concealed handgun license from possessing firearms on public school property.
057	Chair Minnis	Asks if the incident at the Clackamas school is the only one he is aware of.
059	Sen. Duncan	Agrees.
062	Rep. Lane Shetterly	House District 34 Testifies in support of SB 508.
110	Vice Chair Courtney	Refers to line 4, on page 2. Inquires if "may prohibit" are the operative words.
113	Rep. Shetterly	Agrees.
117	Chair Minnis	Asks about a school district's authority to govern an employee carrying a concealed weapon vs. a private citizen coming onto the school grounds.
122	Rep. Shetterly	Talks about 2 nd Amendment rights. Suggests that the response to an employee might be different than to a private citizen.
143	Sen. Ryan Deckert	Senate District 4 Submits testimony and testifies in support of SB 508. Discusses the -1 amendments (EXHIBIT A & B)
170	Chair Minnis	Asks why SB 508 is needed.
181	Rep. Shetterly	Replies SB 508 will clarify the school districts authority to

198	Vice Chair Courtney	regulate their schools. Refers to submitted testimony from Michael Leopold. Asks about the weapon-free policy (EXHIBIT C).
210	Sen. Deckert	Notes this policy contradicts current state law. Mentions SB 508 is a technical fix to allow these types of policies to stand.
222	Chair Minnis	Asks counsel what the existing statute says.
225	Counsel Prins	Refers to ORS 166.170 as the statutory authority on firearms.
245	Sen. Gary George	Senate District 2 Testifies in opposition to SB 508.
327	Sen. Metsger	Asks Sen. George how he interprets lines 39 and 40 on page 2.
335	Sen. George	Says the language “worries him.”
345	Chair Minnis	Asks under what circumstances should someone lose the privilege of having a concealed weapons permit.
349	Sen. George	Replies, any person with a record of previous violent activity.
366	Sen. Duncan	Inquires about someone who leaves a weapon unattended.
372	Sen. George	States this is “not responsible conduct.”
406	Sen. Burdick	Explains that four years after being convicted of a violent misdemeanor, a person can legally qualify for a concealed weapons permit.
443	Vice Chair Courtney	Asks Sen. George if he would support legislation requiring a person to inform school authorities they were carrying a concealed weapon.
450	Sen. George	Says informing the appropriate authorities is the “proper and thoughtful thing to do.”
TAPE 157, A		
048	Dale Penn	Marion County District Attorney Testifies in support of SB 508.
094	Chair Minnis	Remarks SB 508 contains no demonstration of “specific harm.” Expresses concern about the constitutionality of that.
109	Penn	Talks about the state interest in having prohibitions on explosives and firearms at places where children are present. Says SB 508 addresses these issues.
134	Sen. Duncan	Asks if schools have the authority to require people to report their weapons.
151	Penn	Agrees that “yes” schools do have the authority. Explains the reasons for SB 508.
199	Sen. Burdick	Asks how the state interest would compare between courthouses and schools.
205	Penn	Explains the concept of regulating a constitutional right.
227	Randy Cafis	Security Director, Beaverton School District Testifies in support of SB 508.
287	Chair Minnis	Inquires about the differences between a school security officer and a police officer.
294	Cafis	Explains the differences. Points out the school resource officers are armed.
305	Sen. Ducan	Asks if many schools have resource officers.
307	Cafis	Replies, no.
327	Sen. Harper	Asks if there have been any incidents involving persons with a concealed handgun license.
330	Cafis	Replies no.
333	Steve Hollingsworth	Portland Police Bureau

467	Sen. Ducan	Testifies in support of SB 508. Asks how often people inform school authorities about their concealed weapon.
479	Hollingsworth	Remarks he is not aware of that happening.
481	Sen. Beyer	Asks if SB 508 were to pass, where would a person go to find out where they can/cannot carry their weapon legally.
TAPE 156, B		
033	Penn	Acknowledges this is an issue. Suggests a person leave the weapon locked in the trunk.
049	Sen. Beyer	Talks about the uniformity in Oregon's gun control legislation. Says SB 508 is a "direct assault" on the existing uniformity.
095	Chair Minnis	Refers to ORS 164.265. Talks about criminal trespass.
120	Penn	Says criminal trespass is not the issue. Explains the problem is telling someone to leave because they have a weapon.
203	Rod Harder	National Rifle Association (NRA) Submits testimony and testifies in opposition to SB 508 (EXHIBIT D).
295	Chair Minnis	Asks if the Eddie Eagle program is in Oregon schools.
296	Harder	Replies, yes. Mentions it is not required curriculum.
334	Wendy Coombs	Teacher, Brooks Elementary School Submits testimony and testifies in opposition to SB 508 (EXHIBIT E).
442	Rep. Randy Leonard	House District 21 Testifies in support of SB 508.
TAPE 157, B		
001	Rep. Leonard	Continues his testimony in support of SB 508.
067	John Minor	Gresham-Barlow School District Testifies in support of SB 508.
112	Chair Minnis	Asks if Mr. Minor is aware of any cases involving persons with a concealed weapons permit.
117	Minor	Replies, no. Indicates there are teachers in his district that carry concealed weapons. Expresses concern about an employee losing the weapon or having the weapon stolen.
167	Sen. Beyer	Inquires if Mr. Minor agrees with leaving the weapon in a vehicle.
171	Minor	Agrees.
210	Ron Naso	Superintendent, North Clackamas School District Testifies in support of SB 508.
412	Sen. Beyer	Inquires if North Clackamas teaches the Eddie Eagle program.
414	Naso	Responds, no.
TAPE 158, A		
007	Chair Minnis	Asks why Mr. Naso would trust a police officer more than a concealed weapons permit holder.
020	Naso	Explains his reasons.
059	Chuck Bennet	Confederation of Oregon School Administrators (COSA) Testifies in support of SB 508.
079	Sen. Beyer	Asks if the Eddie Eagle program is supported by COSA.
080	Bennett	Replies no.
135	Dave Simmons	Citizen Submits testimony and testifies in opposition to SB 508

180	Rep. Kelley Wirth	(EXHIBIT F). House District 35 Testifies in support of SB 508.
302	Lars Larson	Radio Talk Show Host Testifies in opposition to SB 508.
TAPE 159, A		
001	Larson	Continues his testimony in opposition to SB 508.
048	Mark Abrams	Portland School Board Testifies in support of SB 508. Talks about the –1 amendments (EXHIBIT B).
113	Chair Minnis	Inquires where is the ambiguity in the law.
116	Abrams	States he will provide the committee with the information.
224	Chair Minnis	Quotes an opinion by Legislative Counsel (EXHIBIT G).
318	Cody Hill	President, Guns Aren't Fun Testifies in support of SB 508.
431	Pat Cody	Risk Management Coordinator, Salem-Keizer School District Submits testimony and testifies in support of SB 508 (EXHIBIT H).
TAPE 158, B		
036	Lisa Thirkill	Oregon Parent Teacher Association (PTA) Submits testimony and testifies in support of SB 508 (EXHIBIT I).
101	Tim Pitzer	Oregon State Shooting Association Testifies in opposition to SB 508.
153	Bob Avery	Citizen Testifies in opposition to SB 508.
246	Donald Jacobs	Handgun Instructor Submits testimony and testifies in opposition of SB 508 (EXHIBIT J).
312	Kevin Starrett	Oregon Farmers Federation and Gun Owners of America Testifies in opposition to SB 508.
330	Norman Cobb	Citizen Submits testimony and testifies in opposition to SB 508 (EXHIBIT K).
400	Don Fell	Citizen Testifies in opposition SB 508.
TAPE 159, A		
001	Fell	Continues his testimony in opposition to SB 508.
037	Danele Welsh	Citizen Submits testimony and testifies in opposition to SB 508 (EXHIBITS L & M).
089	Kevin Gallagher	Citizen Submits testimony and testifies in opposition to SB 508 (EXHIBIT N).
045	Leslie Sackett	Oregon Million Mom March Submits testimony and testifies in support of SB 508 (EXHIBIT O).

197	Andy Harris	Physicians for Social Responsibility Testifies in support of SB 508.
226	Jessie Cornet	Citizen Testifies in support of SB 508.
264	Chair Minnis	Inquires if Mr. Cornet believes carrying a weapon into a school should be a crime.
268	Cornet	Replies, yes.
272	Chair Minnis	Wonders where is the threat if the weapon is concealed.
276	Cornet	Says gun owners need to set the example.
438	Cheri Lavre	Crisis Management Institute Testifies in support of SB 508.
TAPE 160, A		
001	Lavre	Continues her testimony in support of SB 508.
205	John Hellen	Oregon Gun Owners Submits testimony and testifies in opposition to SB 508 (EXHIBITS P – R).
494	Leigh Maynard	Citizen Testifies in opposition to SB 508.
TAPE 161, A		
001	Maynard	Continues his testimony in opposition to SB 508.
093	Fred Russell	Citizen Testifies in opposition to SB 508.
171	Stephanie Russell	Citizen Testifies in opposition to SB 508.
185	Bonnie Russell	Citizen Testifies in opposition to SB 508.
355	Luis Martinez	Citizen Submits testimony and testifies in opposition to SB 508 (EXHIBIT S).
418	Jim Karlock	Citizen Submits testimony and testifies in opposition to SB 508 (EXHIBIT T).
TAPE 160, B		
001	Karlock	Continues his testimony in opposition to SB 508.
033	Robert Gordon	Citizen Submits testimony and testifies in opposition to SB 508 (EXHIBIT U).
076	Manual Martinez	Citizen Testifies in opposition to SB 508.
154	Chair Minnis	Closes the public hearing on SB 508 and adjourns the meeting at 10:50 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

- A – SB 508, written testimony submitted by Sen. Ryan Deckert, Senate District 4, dated 5/23/01, 1 p.**
- B – SB 508, -1 amendments submitted by staff, dated 5/21/01, 1 p.**
- C – SB 508, written testimony from Michael Leopold, submitted by Sen. Peter Courtney, Senate District 17, 1 p.**
- D – SB 508, written testimony from Rod Harder, National Rifle Association, dated 5/23/01, 1 p.**
- E – SB 508, written testimony submitted by Wendy Coombs, teacher, 6 pp.**
- F – SB 508, written testimony submitted by Dave Simmons, 1 p.**
- G – SB 508, Legislative Counsel opinion, submitted by staff, dated 5/21/01, 2 pp.**
- H – SB 508, written testimony submitted by Pat Cody, Salem-Keizer School District, dated 5/23/01, 2 pp.**
- I – SB 508, written testimony submitted by Lisa Thirkill, Oregon PTA, dated 5/23/01, 4 pp.**
- J – SB 508, written testimony submitted by Donald Jacobe, citizen, dated 5/23/01, 3 pp.**
- K – SB 508, written testimony submitted by Norman Cobb, citizen, dated 5/23/01, 2 pp.**
- L – SB 508, written testimony submitted by Danele Welsh, citizen, 1 p.**
- M – SB 508, written testimony from Sondralee Callsen Juve, submitted by Danele Welsh, citizen, 1 p.**
- N – SB 508, written testimony submitted by Kevin Gallagher, citizen, dated 5/23/01, 1 p.**
- O – SB 508, written testimony submitted by Leslie Sackett, Oregon Million Mom March, dated 5/23/01, 1 p.**
- P – SB 508, written testimony submitted by John Hellen, Oregon Gun Owners, dated 5/23/01, 24 pp.**
- Q – SB 508, written testimony submitted by John Hellen, Oregon Gun Owners, dated 5/23/01, 2 pp.**
- R – SB 508, written testimony submitted by John Hellen, Oregon Gun Owners, dated 5/23/01, 1 p.**
- S – SB 508, written testimony submitted by Luis Martinez, citizen, 7 pp.**
- T – SB 508, written testimony submitted by Jim Karlock, citizen, 2 pp.**
- U – SB 508, written testimony submitted by Robert Gordon, citizen, 1 p.**
- V – SB 508, written testimony from Jack Fassel, dated 3/23/01, 2 pp.**
- W – SB 508, written testimony from Newell Cleaver, Grant School District, dated 5/23/01, 1 p.**
- X – SB 508, written testimony from Duane Bernard, Safari Club International, dated 5/23/01, 1 p.**
- Y – SB 508, written testimony from Nicholas Coffey, 2 pp.**
- Z – SB 508, written testimony from John Marshall, Oregon School Boards Association, dated 5/23/01, 1 p.**
- AA – SB 508, written testimony from Vera Katz, Mayor, City of Portland, dated 5/23/01, 1 p.**
- BB – SB 508, written testimony from Laurie Whelan, Oregon Education Association, dated 5/23/01, 1 p.**
- CC – SB 508, written testimony from Paula Krane, League of Women Voters, dated 5/23/01, 1 p.**
- DD – SB 508, written testimony from Gillian Casson, National Council of Jewish Women, dated 5/23/01, 1 p.**
- EE – SB 508, written testimony from Jerome Colonna, Redmond School District, dated 5/23/01, 2 pp.**

FF – SB 508, written testimony from Steven Welch, 1 p.