

## HOUSE COMMITTEE ON GENERAL GOVERNMENT

March 23, 1999 Hearing Room D

1:15 p.m. Tapes 47 - 48

**MEMBERS PRESENT:** Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Steve Harper

Rep. Bruce Starr

Rep. Ron Sunseri

Rep. Terry Thompson

**STAFF PRESENT:** Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

**MEASURE/ISSUES HEARD:** HJR 2 Public Hearing

SB 564 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   |
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| TAPE 47, A                  |              |  |
| 004                         | Chair Wilson | Opens meeting at 1:17 p.m. and opens HJR 2 public hearing. |
| <u>HJR 2 PUBLIC HEARING</u> |              |  |

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| 010 | Rep. Kevin Mannix | Representative, House 32. Explains HJR 2 and HJR 2-1 amendments ( <b>EXHIBIT A</b> ). States that HJR 2 would restrict the location of nude dancing establishments. Says that HJR 2 would allow regulation of content of performances and would not necessarily be related to alcohol establishments. States that the Supreme Court has allowed nude dancing. Explains restrictions that could be placed on nude dancing. States that HJR 2 will empower local communities to regulate their own areas. |
| 089 | Rep. Bowman       | Asks if HJR 2 would prohibit nudist colonies or beaches.  |
| 095 | Rep. Mannix       | Responds no.  |
| 102 | Rep. Bowman       | States that with passage of HJR 2 most communities will make their own decisions about allowing nude dancing.   |
| 110 | Rep. Mannix       | Responds this is not a zoning issue. States it would regulate performances.   |
| 121 | Rep. Bowman       | States that it is her right to attend a nude bar. Asks why should the legislature be regulating morality.   |
| 130 | Rep. Mannix       | Replies that 49 states regulate nudity to some extent.  |
| 139 | Chair Wilson      | Submits ( <b>EXHIBIT B</b> ) from the citizens of Nyssa in support of HJR 2.  |
| 144 | Rep. Sunseri      | Asks for clarification between the recent pornography ballot initiatives and HJR 2.   |
| 154 | Rep. Mannix       | Replies that HJR 2 is more specific.  |
| 170 | Rep. Deckert      | Questions regulating choice. Asks why the State of Oregon should be dictating private decisions.  |
| 181 | Rep. Mannix       | States that these establishments have an impact on neighborhoods, children and families. Comments that Oregon is a "no holds barred" state for these kinds of businesses.   |
| 206 | Chair Wilson      | Asks the committee to read <b>EXHIBIT B</b> .   |
| 221 | Rep. Tom Butler   | Representative, House District 60. States that the establishment in Nyssa is viewed as degrading to the community and families. States that crime has increased 1,000%.   |
| 271 | Rep. Butler       | Comments that Oregon Liquor Control Commission (OLCC) is asking for dozens of new agents to work within the state. Remarks that 15 to 16 year olds  |

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|                   |              | are coming into the establishment. States that there is no regulatory agency to provide age checks.   |
| 312               | Randy Kaiser | Stars Cabaret. Testifies in opposition to HJR 2. Gives history of business. Describes a recent investigation by OLCC. States that his civil rights were violated. |
| 362               | Kaiser       | States that the local daycare facility has not had a problem with Stars in regards to noise, trash and disruption.  |
| 421               | Chair Wilson | Asks about problems with other nude establishments.   |
| <b>TAPE 48, A</b> |              |   |
| 001               | Kaiser       | States that he is unaware of any violations with other nude dancing establishments.   |
| 029               | Chair Wilson | Asks for the age of performers.   |
| 031               | Kaiser       | Replies that 90% are over 21. States that the average age is 25 with some dancers being 18 and 19.  |
| 036               | Rep. Bowman  | Asks how long he has been in business in Oregon.  |
| 040               | Kaiser       | Replies since 1996.   |
| 041               | Rep. Bowman  | Asks if Kaiser has had any criminal charges brought against any of his establishments.  |
| 044               | Kaiser       | Responds no and that he has received nothing but compliments about the way the business is operated.  |
| 045               | Rep. Bowman  | Asks if it is legal to allow someone under the age of 21 to work in a facility that serves alcohol.   |
| 049               | Kaiser       | Responds yes.   |
| 051               | Rep. Bowman  | Asks if 18 is the minimum age for working in a bar.   |
| 053               | Kaiser       | Replies yes.  |
| 055               | Rep. Bowman  | Asks how passage of HJR 2 might affect his business.  |

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| 060 | Kaiser               | States that he will have to change his operation to a juice bar.  |
| 065 | Rep. Bowman          | Asks how many people in his neighborhood attend his facility.   |
| 071 | Kaiser               | Responds that he does not have that information.  |
| 075 | Rep. Bowman          | Asks if Kaiser could estimate a percentage of local customers.  |
| 077 | Kaiser               | Responds that 75% of the patrons are from Washington County.  |
| 079 | Chair Wilson         | Asks if HJR 2 passes, what effect would it have on his business if the performers were required to add layers of clothing.  |
| 088 | Kaiser               | States that if every establishment in the state was handled the same way, then they would be on an equal standing. States that OLCC monitors these facilities on a regular basis. |
| 108 | Susan Hartley Jacobs | Testifies in support of HJR 2. Gives history of her background in Nyssa. States that the community had meetings to discuss the nude dancing facilities.                           |
| 158 | Jacobs               | Comments that there are organized protesters on a regular basis outside of the local nude dancing establishment.  |
| 208 | Jacobs               | Cites statistics of 130 citations which have been witnessed by protesters outside of the facility.  |
| 258 | Jacobs               | States the residents of Nyssa feel like they have been mocked and they have been robbed of their peace and safety.  |
| 278 | Rep. Bowman          | Asks about the illegal activities that were cited and if the nude dancing facility is a juice bar.  |
| 281 | Jacobs               | Replies that it is a juice bar and mentions that there is a licensed facility across the street which serves alcohol.   |
| 298 | Rep. Bowman          | Asks about nudity in a place with minors. Asks why this should be an issue if the law clearly states that minors can not attend.  |
| 300 | Jacobs               | Responds to question.   |
| 315 | Rep. Sunseri         | States the facility does not have the ability to check the identification of minors.  |
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| 320               | Rep. Bowman  | Replies that Rep. Wilson mentioned that the minors came from high school sports games but did not hear him address the identification checking issue.                                      |
| 330               | Chair Wilson | States that it is common knowledge that 18 year olds frequent the establishment.   |
| 340               | Rep. Sunseri | Describes a Gresham facility which has 18 year olds who frequent the establishment.  |
| 345               | Rep. Deckert | Asks if research is available documenting crimes occurring around nude dancing establishments.   |
| 355               | Jacobs       | Replies that she received statistics which were gathered from a police department monthly citation log.  |
| 360               | Rep. Bowman  | Asks about those under 18 and why identification is not being checked.   |
| 363               | Chair Wilson | States that he is only aware of people over age 18 attending the juice bar in Nyssa.   |
| 371               | Rep. Bowman  | States that testimony has been given that indicates there are those under 18 who have been admitted to the nude dancing facility in Nyssa.   |
| 373               | Chair Wilson | States that statutes will be checked prior to a work session.  |
| 376               | Rep. Sunseri | Reminds the committee that HJR 2 relates to the regulation of nude dancing and does not address the alcohol issue.   |
| 381               | Rep. Bowman  | Replies in agreement with Rep. Sunseri.  |
| 388               | Andrea Meyer | American Civil Liberties Union of Oregon. Opposes HJR 2. States that HJR 2 is a violation of the Bill of Rights. States that individuals have the right to choose to go to establishments. |
| <b>TAPE 47, B</b> |              |  |
| 001               | Mike Katz    | Oregon Coalition For Free Expression (OCFE). Opposes HJR 2. Gives history of OCFE. States that HJR 2 violates the United States Constitution.  |
| 051               | Katz         | Opposes any effort to curtail constitutional rights.   |
| 084               | Rep. Sunseri | States that HJR 2 addresses the health and safety of the community. States that communities have the right to determine if they want nude dancing in their area.                           |
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| 106                               | Katz           | Replies.   |
| 111                               | Chair Wilson   | Asks if it is possible to reach a point where freedom of expression can or does do harm to the community.  |
| 118                               | Jacobs         | Responds that the issue is illegal conduct and activities of the customers from the nude bars.   |
| 128                               | Rep. Sunseri   | States that he was referring to a nude dancing facility which is a juice bar.  |
| 132                               | Katz           | States that free expression should not constitute a clear and present danger.  |
| 146                               | Chair Wilson   | States his interest in the subject.  |
| 149                               | Rep. Bowman    | Asks if Ms. Meyers has had a chance to look at HJR 2.  |
| 154                               | Jacobs         | Replies yes.   |
| 156                               | Rep. Bowman    | Asks if she is a lawyer.   |
| 158                               | Jacobs         | Replies yes.   |
| 160                               | Rep. Bowman    | States that HJR 2 is worded to give government broad authority to regulate but would not allow local communities to implement their own choices. |
| 168                               | Jacobs         | Replies that it raises the issue.  |
| 171                               | Katz           | Describes HJR 2-1 amendments.  |
| 177                               | Jacobs         | Replies that HJR 2 would limit freedom of expression.  |
| 180                               | Chair Wilson   | Closes public hearing on HJR 2 and opens work session on SB 564.   |
| <b><u>SB 564 WORK SESSION</u></b> |                |  |
| 185                               | Cara Filsinger | Administrator. Explains SB 564-3 amendments.   |
| 187                               | Rep. Sunseri   | <b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 564.</b>   |
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|            |                      | <b>VOTE: 8-0</b><br><br><b>AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b><br><br><b>EXCUSED: 1 - Thompson</b> |
|            | <b>Chair Wilson</b>  | <b>The motion Carries.</b>  |
| <b>190</b> | <b>Rep. Sunseri</b>  | <b>MOTION: Moves to RECONSIDER the vote by which SB 564 was sent to the floor with a DO PASS AS AMENDED recommendation.</b>                 |
|            |                      | <b>VOTE: 8-0</b><br><br><b>AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b><br><br><b>EXCUSED: 1 - Thompson</b> |
|            | <b>Chair Wilson</b>  | <b>The motion Carries.</b>  |
| <b>195</b> | <b>Rep. Sunseri</b>  | <b>MOTION: Moves to ADOPT SB 564-3 amendments dated 03/19/99.</b>   |
|            |                      | <b>VOTE: 8-0</b><br><br><b>AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b><br><br><b>EXCUSED: 1 - Thompson</b> |
|            | <b>Chair Wilson</b>  | <b>The motion Carries.</b>  |
| <b>200</b> | <b>Rep. Atkinson</b> | <b>MOTION: Moves SB 564 to the floor with a DO PASS AS AMENDED recommendation.</b>  |
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|     |                     | <b>VOTE: 8-0</b><br><br><b>AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b><br><br><b>EXCUSED: 1 - Thompson</b> |
|     | <b>Chair Wilson</b> | <b>The motion Carries.</b><br><br><b>REP. THOMPSON will lead discussion on the floor.</b>   |
| 220 | Chair Wilson        | Closes work session on SB 564 and adjourns at 2:19 p.m.   |

Submitted By, Reviewed By,

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ HJR 2, written testimony, Rep. Kevin Mannix, 20 pp.**

**B ñ HJR 2, written testimony, Rep. Carl Wilson, 396 pp. (oversize exhibit)**