

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

April 27, 1999 Hearing Room 357

1:00 p.m. Tapes 131 - 132

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Vic Backlund

Rep. Randall Edwards

Rep. Kathy Lowe

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: HJR 52 - 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 131, A		
003	Chair Shetterly	Calls meeting to order at 1:22 p.m.
<u>HJR 52 ñ WORK SESSION</u>		

032	Counsel Felton	HJR Proposes amendment to Oregon Constitution to allow political subdivisions to zone sexually oriented businesses. Presents the -2 amendments to HJR 52 (EXHIBIT A).
054	Bill Linden	Oregon Coalition of Free Expression and Oregon Entertainment Association Discusses the zoning protection that existing sexual oriented businesses should have.
076	Rep. Patridge	State Representative, House District 50 Submits written testimony on behalf of Mayor Vera Katz in support of HJR 52 (EXHIBIT B). Explains how sexually oriented businesses would fall under the same zoning regulations and same constitutional protections that any other business would have if HJR 52 becomes law. Discusses non-conforming use of a business concerning zoning ordinances.
119	Rep. Williams	Clarifies that non-conforming use of a business would be a change of use by the business or an abandonment of the business.
125	Rep. Edwards	Will the Oregon Coalition of Free Expression and the Oregon Entertainment Association support HJR 52?
129	Linden	They would support HJR 52 if there was zoning protection for existing businesses.
170	Rep. Witt	Why isn't existing law sufficient for governing sexually oriented businesses?
172	Linden	Discusses how HJR 52 could target sexually oriented businesses with relocation which could cause a severe disruption with their business activity.
181	Rep. Witt	Could existing law provide legal protection for existing businesses?
197	Linden	Explains how local government will control the zoning regulation of sexually oriented businesses if HJR 52 passes.
204	Rep. Uherbelau	How does the -2 amendments define "nude entertainment"?
214	Rep. Patridge	Explains the -2 amendments definition of "nude entertainment".
228	Rep. Uherbelau	Would "nude entertainment" include an art studio that includes nude models?
230	Rep. Patridge	That would not be defined as entertainment.

232	Rep. Uherbelau	Why don't local governments take a stand against the bad effects of the sexually oriented business instead of controlling them by zoning regulations that would require a constitutional amendment.
261	Rep. Patridge	A study showed there were harmful effects from existing sexually oriented businesses. Explains the need to control the businesses before there are any harmful effects in sensitive areas of a city such as schools and residential areas.
287	Rep. Uherbelau	States that the study did not show that there were negative results from sexually oriented businesses.
293	Rep. Patridge	The courts have verified negative effects from these businesses.
304	Rep. Uherbelau	States that an ordinance like this could regulate where blacks could live.
310	Rep. Williams	Discusses the Oregonian newspaper article by Roger J. Myers concerning the effects of sexually oriented businesses.
339	Chair Shetterly	Would there be any consideration for an amendment that would protect existing businesses from being rezoned?
358	Rep. Patridge	Discusses the need to pass HJR 52 out of the Civil Law Committee today and letting the Senate propose any new amendments.
445	David Fidanque	American Civil Liberties Union of Oregon (ACLU) Discusses why the Oregon constitution does not include sexually oriented businesses regarding non-conforming use of a business.
470	Chair Shetterly	Proprietors of sexually oriented businesses would have property rights under the federal law.
474	Fidanque	The courts go to the Oregon law before they go to federal law concerning non-conforming use of a business.
Tape 132, A		
035	Rep. Williams	Is there a need of a greater protection for sexually oriented businesses' property rights?
040	Linden	Explains the intent of HJR 52 concerning a greater protection of property rights for sexually oriented businesses.
048	Rep. Williams	Asks about greater protection for sexually oriented businesses than a regular

		businesses if they wanted to expand.
068	Linden	Explains the needed protection for existing sexually oriented businesses.
072	Chair Shetterly	Recesses at 1:55 p.m.
073	Chair Shetterly	Reconvenes at 2:15 p.m.
		Closes work session.
		Adjourns meeting at 2:23 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

EXHIBIT SUMMARY

A - HJR 52, Proposed -2 amendments, Counsel, p. 1

B - HJR 52, Written testimony, Rep. Patridge, p. 1

C - HJR 52, Written testimony, Madelyn Wessel, p. 2