

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON FAMILY LAW**

**May 21, 1997 Hearing Room 357**

**3:15 P.M. Tapes 95 - 96**

**MEMBERS PRESENT:**

**Rep. Ron Sunseri, Chair**

**Rep. George Eighmey, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Peter Courtney**

**Rep. Charles Starr**

**Rep. Judy Uherbelau**

**STAFF PRESENT:**

**William E. Taylor, Counsel**

**Lauri A. Smith, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2932 - Work Session**

**SB 473 - Public Hearing and Work Session**

**SB 253 - Public Hearing and Work Session**

**SB 270 - Public Hearing and Work Session**

**SB 769 - Public Hearing and Work Session**

**SB 254 - Public Hearing 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 95, A</b>		
	Chair	

004	Sunseri	Calls the meeting to order at 3:21 p.m.
<b><u>HB 2932 - WORK SESSION</u></b>		
006	Chair Sunseri	Opens a work session on HB 2932.
015	Kevin Starrett	<p>Gun Owners of America</p> <p>Testifies in support of HB 2932.</p> <ul style="list-style-type: none"> <li>&gt;concern over record keeping as part of Oregon's hand gun licensing - misuse by agencies to grant or deny permits</li> <li>&gt;calls attention to success in Vermont which requires no permits for concealed weapons</li> <li>&gt;shares comments about testimony given by Oregon State Police and Oregon Sheriff's Association representatives in previous hearings</li> <li>&gt;concern where an agency's job is to enforce the law becomes a judicial body that interprets the law</li> <li>&gt;concealed weapons permits do not protect law abiding citizens nor reduce crime</li> <li>&gt;perceived weapon law violations kill people -i.e. Waco, Texas</li> </ul>
056	Rep. Eighmey	Refers to 6 e-mail messages received from Gun Owners of America citing my conduct at the last hearing. Explains his action at original hearing and stance on the measure.
078	Tonie Nathan	<p>A former National Director of Media Relations of the Libertarian Party, however, not testifying on their behalf. Currently working in public relations in Eugene.</p> <p>Testifies in support of HB 2932 and presents written testimony <b>(EXHIBIT A)</b>.</p>
128	Nathan	Continues testimony.
169	Rep. Uherbelau	Do you have the entire Libertarian Party's 1996 platform?
174	Nathan	I have the entire amount which deals with crime and several other areas.
177	Rep. Uherbelau	I would like to hear the whole platform. Do you have the entire platform with you?
178	Nathan	<p>I can make the full document available to the subcommittee.</p> <p>Reads a directly from the Libertarian Party's 1996 platform from</p>

		the portion which applies to weapons.
198	Rep. Uherbelau	I would like the entire platform to be part of the record.  HB 2932, delivered June 3, 1997, Libertarian Party's 1996 platform, Bill Winter, <b>(EXHIBIT D)</b> .  Asks comments of witness with regards to her statement: "Guns in the hands of police were greater danger than guns in the hands of law abiding citizens." I want to make sure that in saying this, you weren't saying police were not law abiding citizens.
200	Nathan	I hope not when their dealing with innocent citizens.
201	Rep. Eighmey	Ms. Nathan, are you saying that a person would be safer, if the police officer had no gun in his/her hand?
206	Nathan	I don't believe a person could logically conclude that from my statement. The police are there to protect the citizenry. An officer has a greater chance to make mistakes because of more involvement in situations where weapons are present.  My point was that the average gun owner has made less mistakes in killing an innocent person than the police. Of course, the police have far more exposure and judgments to make over when to use a weapon.  Armed citizens are an asset to the police. Police do want the cooperation of the citizenry because an officer can't be at all places.
222	Chuck Hawks	Citizen, Professional Photographer  Shares comments over constitutional rights to bear arms.
271	Chet Rooklidge	Citizen, Teacher  Presents his philosophical views of history over the constitutional right to bear arms.
321	Rooklidge	Continues comments over right to bear arms.
371	Rooklidge	Continues comments over right to bear arms.
421	Rooklidge	Continues comments over right to bear arms.
471	Rooklidge	Continues comments over right to bear arms.
<b>Tape 96, A</b>		
031	Rep. Uherbelau	Who do you refer to as "we" in your testimony? Is it an organization you belong to?
033	Rooklidge	"We" the people.
035	Rep. Uherbelau	In your testimony you referred to "we" about the movie "Waco Rules of Engagement" being played at Clinton Street in Portland to whom do you refer to here? Is it "we the people" who are having

		the movie at Clinton street.
036	Rooklidge	Identifies the maker of the movie as a Jewish lady with a leftist philosophy and who also attended Wellsley. Everything with liberty has a cost. The cost is security versus freedom. I would hope, "we" decide on the side of the freedom.
050	Rep. Uherbelau	Are you teaching now?
052	Rooklidge	No. I had taught for 10 years in a classroom. Once a teacher always a teacher.
053	Rep. Uherbelau	As a teacher clarity of language is very important?
054	Rooklidge	Yes.
055	Rep. Uherbelau	Are you saying that everybody who is Jewish and goes to Wellsley are leftists?
059	Rooklidge	Merely an expression I made after having interviewed the lady on my radio broadcast. Gives reasons for comment.  Aaron Zellman's of Jews for the Preservation of Firearm Ownership, whom I have interviewed, stated with regards to the 1968 Gun Control Act that it is an exact copy of the Nazi Gun Control Act of 1930.  "Beware of what you are talking about. When you come down on the side of controlling liberty in the freedom of the right to bear arms you have a rather unholy alliance."
074	Rep. Eighmey	What is your radio station where you are a talk show host?
079	Rooklidge	KKEY 1150 Morning Show
082	Bernard A. Bennett	Citizen, Salem Shares example over obtaining a gun permit in the state of Oregon.
133	Paul Richmond	Television Producer and Writer for several publications, Portland  Testifies in support of HB 2932.  It is not the job of the police to protect the citizenry, however well it may be the intentions of an individual officer. Refers to court cases outlined in an article by the Jews for the Preservation of Firearms Ownership. Copy available upon request.  >comments on possible racist implications on laws restricting gun ownership
		Continues comments on possible racist implications on laws restricting gun ownership.

183	Richmond	<p>I do not want an officer, who has pulled my vehicle over for an infraction, to know I have a weapon. Perhaps I will be treated with more respect.</p> <p>Greatest duty the government has is to allow it's citizens to lawfully protect themselves from the abuses of government.</p> <p>HB 2932 is a strong step forward and encourages the committee to move the measure forward.</p>
213	Robert Johnson	<p>Citizen</p> <p>Testifies in support of HB 2932.</p> <p>&gt;after reading the constitution the legislature will pass HB 2932</p>
220	Eric Dickman	<p>Private citizen, Portland, Oregon</p> <p>Testifies in support of HB 2932 and presents written testimony <b>(EXHIBIT B)</b>.</p>
274	Dan Phegley	<p>Insurance Agent and a Shepherd</p> <p>Testifies in support of HB 2932.</p> <p>I believe requiring concealed weapon permits of an individual is a violation of US Constitution 2nd Amendment. I am opposed to any government keeping lists of permit holders. Gives example of misuse of lists of names by the government.</p>
324	Phegley	Continues comments over misuse of lists by the government.
346	Rep. Uherbelau	You made reference to the Department of Motor Vehicle records in your testimony, would it be your position that we shouldn't be licensed to drive cars?
350	Phegley	That is really a stretch, but no.
353	Rep. Uherbelau	I am trying to make clear your views with regards to lists.
357	Phegley	There are no secure lists that the government keeps.
361	Rep. Uherbelau	"So, you are not against government rules and regulations per se. You are just against some. I am trying to find out where you are coming from."
364	Phegley	Responds by stating lists are getting out beyond their intended use. Gives example.
373	Rep. Uherbelau	Would you be less against gun control, if a list for public information was not available?
375	Phegley	What kind of public information?
376	Rep.	Would you be against a permit for concealed weapons, if a list was

	Uherbelau	not kept and available to the public?
380	Phegley	I am against gun control. I am for the US Constitution.
390	Jim Crawford	Citizen, Portland Testifies in support of HB 2932. Gives examples of events over ineffectiveness of the police force through personal experience. Its a problem of controlling criminals not weapons.
440	Crawford	Continues comments.
<b>Tape 95, B</b>		
030	Crawford	Continues comments. >major proponent to gun control is the police because of perceived threat to their safety >no cases of a police officer feloniously killed by a citizen with a concealed weapons permit >cops have been killed by fellow cops >only one case where an off duty police officer who was moonlighting as an armed robber and was killed by his intended victim
080	Crawford	Continues comments. >agreed with Oregon's earlier action of requiring background checks, etc., prior to issuing permits  The police are collecting records where not authorized and have released information to third parties. Therefore, HB 2932 will change the behavior of the police to protect the citizens of Oregon.
092	Rep. Beyer	<b>MOTION: Moves HB 2932 to the full committee with a DO PASS recommendation.</b>
096	Rep. Uherbelau	Shares comments with regards to statements made about police bashing.  Shares comments with regards to statements made about law abiding citizens carrying a weapon. In my career as an emergency room nurse, I have seen examples of law abiding citizens while in the heat of passion or alcohol use a weapon injuring themselves or others.
107	Chair Sunseri	"Were any of those people carrying permits?"
108	Rep.	"At that time, I don't think carrying permits where I was working

	Uherbelau	were required, but I could not say for sure."
122		<b>VOTE: 3-3-0</b> <b>AYE: 3 - Rep. Beyer, Rep. Starr, Chair Sunseri</b> <b>NAY: 3 - Rep. Courtney, Rep. Uherbelau, Rep. Eighmey</b>
	<b>Chair Sunseri</b>	<b>The motion Fails.</b>
126	Chair Sunseri	Closes the work session on HB 2932.
		Delivered HB 2932, written testimony, Robert Gordon, ( <b>EXHIBIT C</b> ).
<b><u>SB 473 - PUBIC HEARING AND WORK SESSION</u></b>		
128	Chair Sunseri	Opens a public hearing and work session on SB 473.
150	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on SB 473.
156	<b>Rep. Eighmey</b>	<b>MOTION: Moves SB 473 to the full committee with a DO PASS recommendation.</b>
160		<b>VOTE: 5-0-1</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Rep. Starr</b>
	<b>Chair Sunseri</b>	<b>The motion CARRIES.</b> <b>REP. EIGHMEY will lead discussion on the floor.</b>
166	Chair Sunseri	Closes the work session on SB 473.
<b><u>SB 270A - PUBLIC HEARING AND WORK SESSION</u></b>		
167	Chair Sunseri	Opens a public hearing and work session on SB 270A.
172	Doug Bray	Deputy State Court Administrator Testifies in support of SB 270A. >SB 270A is an agreed upon compromised >supported by law judges around the state

195	Rep. Eighmey	<b>MOTION: Moves SB 270A to the full committee with a DO PASS recommendation.</b>
203	Rep. Beyer	What is meant by "ex parte order?"
206	Bray	Defines "ex parte orders."
209	Rep. Eighmey	Defines "ex parte orders."
218		<b>VOTE: 6-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Sunseri	<b>The motion CARRIES.</b> <b>REP. COURTNEY will lead discussion on the floor.</b>
224	Chair Sunseri	Closes the public hearing and work session on SB 270A.
<b><u>SB 769 - PUBLIC HEARING</u></b>		
226	Chair Sunseri	Opens a public hearing on SB 769.
227	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on SB 769.
230	Rep. Beyer	"As opposed to how is it now?"
231	Rep. Uherbelau	Are other people disclosing information regarding certain youth offenders?
234	Rep. Eighmey	A judge is the only one authorized to disclose information regarding youth offenders. I have concerns with expanding authority beyond judges.
237	Chair Sunseri	Closes the public hearing on SB 769. Adjourns the meeting at 4:35 p.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - HB 2932, written testimony, Tonie Nathan, 2 pages.**

**B - HB 2932, written testimony, Eric Dickman, 2 pages.**

**C - HB 2932, written testimony, Robert Gordon, 1 page.**



**D - HB 2932, Libertarian Party's 1996 platform, Bill Winter, 25 pages.**