

HOUSE JUDICIARY  
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

March 2, 1995 Hearing Room 357  
8:30 am Tapes 32 - 33

MEMBERS PRESENT:

Rep. Del Parks, Chair  
Rep. Bryan Johnston, Vice-Chair  
Rep. Kate Brown  
Rep. Chuck Carpenter  
Rep. Lisa Naito  
Rep. Eileen Qutub

MEMBER EXCUSED:

Rep. Bob Tiernan

STAFF PRESENT:

Milt Jones, Committee Counsel  
Sarah May, Committee Assistant

MEASURES HEARD:

HB 2784 - Public Hearing  
SB 45 - Public Hearing and Work Session  
SB 69 - Public Hearing and Work Session

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TAPE 32, SIDE A

003 REP. JOHNSTON: Calls the meeting to order at 8:40 am.

PUBLIC HEARING ON SB 45

(SB 45 exempts from public meetings law hearings reviews by Employment Appeals Board)

Witness: Renee Bryant, Employment Appeals Board

012 RENEE BRYANT, EMPLOYMENT APPEALS BOARD: Testifies and submits written testimony in support of SB 45 (EXHIBIT A) ~ ,

035 REP. NAITO: Other than for your own ease of administration, why do these deliberations have to be done in private?

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038 BRYANT: In one year, we will issue close to 3,000 decisions. We can not talk to one another about these decisions. Explains that the credibility of the parties is often an issue as well.

PUBLIC HEARING SB 69

(SB 69 allows judgment creditor to obtain order requiring judgment debtor to appear in any circuit court or district court in county in which judgment debtor resides or is employed, and in which copy of original judgment or lien record abstract has been)

Witness: Mark Comstock, Oregon State Bar

058 MARK COMSTOCK, OREGON STATE BAR DEBTOR/CREDITOR SECTION: Testifies and submits written testimony in support of SB 69. (EXHIBIT B)

104 REP. JOHNSTON: Could you explain what the Debtor / Creditor examination

is?

105 COMSTOCK: Explains judgment/ debtor examination.

121 REP. JOHNSTON: Gives example of a person not paying for car. What steps would you take to try and collect the money a person owes?

127 COMSTOCK: I would send out a bunch of writs of garnishment and see if the person has any bank accounts.

129 REP. JOHNSTON: What if the person doesn't have a "real" job?

130 COMSTOCK: I would make demand that the person pay the judgment. If they didn't pay within ten days then I would seek an order from the court requiring the person to appear and be sworn under oath to answer questions about any assets they might have.

136 REP. JOHNSTON: If the person lived in Marion county, you would go down to the county where you won the judgment and tell them to make the person come in. You could then ask that person questions about bank accounts, etc. But if the person lived in Bend, your not sure if you can get them in court?

141 COMSTOCK: Correct. The court of the original jurisdiction (Marion county), would be seeking to have someone who lives out of the county come in and answer question in Marion county over

the judgment.

147 REP. JOHNSTON: Our judge in Marion county doesn't have power over a person from Bend?

148 COMSTOCK: Correct. Explains options and what would then happen.

162 REP. JOHNSTON: If we amend this bill, we could record a judgment and then ask a Deschutes

judge to follow out the judgment?

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167 COMSTOCK: Yes. That would return it to the pre 1987 status, when we did have the power to

order them into the alternative county courtrooms.

174 REP. JOHNSTON: Do you have to file a lien now in both circuit and district court?

179 COMSTOCK: Yes, we can enforce it in either court. If it is originally a district court judgment, then either a lien record abstract must be recorded in the original county to become a lien

against real property, or it can be recorded in any other county to become a lien against real

properties in other counties. The effect of a district court judgment is not a lien on real

property originally. The district court judgment could serve as the basis of a judgment / debtor

examination in the original county, but not in any other county in the state.

194 REP. JOHNSTON: Unless we change this?

195 COMSTOCK: Yes.

198 REP. JOHNSTON: Do you know of any opposition to SB 69?

Recesses at 8:55 am while waiting for other members. Reopens hearing at 9:00 am.

PUBLIC HEARING ON HB 2784

212 MILT JONES, COMMITTEE COUNSEL: HB 2784 vests exclusive authority to regulate sale, acquisition, transfer, ownership, possession, transportation and use of firearms in Legislative Assembly.

Witnesses: Rep. Bill Markham, District 46  
Sen. Randy Miller, District 13  
Sen. Bill Dwyer, District 21  
Rep. Cedric Hayden, District 28  
Rep. Bill Fisher, District 45  
Rep. Lonnie Roberts, District 21  
Sen. Rod Johnson, District 23  
Jackie Bloom, City of Portland  
Tami Jones, Portland Police Department  
Mark Murauski, Portland Police Department  
Don Faulkner, Portland Police Department  
Bob Roberts, Portland Police Department  
Mark Callier, City of Salem Police  
Sarah Hackett, League of Oregon Cities  
Kevin Starret, Gun Owners of America  
John Nichols, Oregon Gun Owners  
Rod Harder, Oregon Sportsmen Defense Fund, National Rifle  
Association  
Larry Campbell, Oregon Association of Chiefs of Police

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219 REP. BILL MAR=AM, DISTRICT 46: Test)files in support of HB 2784.  
375 SEN. RANDY MILLER, DISTRICT 13: Test)files in support of HB 2784.  
391 SEN. BILL DVVYER, DISTRICT 21: Test)files in support of HB 2784.

TAPE 33, SIDE A

033 REP. CEDRIC HAYDEN, DISTRICT 28: Test)files in support of HB 2784.  
040 REP. BILL FISHER, DISTRICT 45: Test)files in support of HB 2784.  
054 REP. LONNIE ROBERTS, DISTRICT 21: Test)files in support of HB 2784.  
062 SEN. ROD JOHNSON, DISTRICT 23: Test)files in support of HB 2784.  
094 REP. BROWN: This relates to HB 3500 in terms of the civil rights issue?  
097 SEN. JOHNSON: The intent of the people behind HB 3500 was state wide  
control vs. patch  
work control.  
103 REP. BROWN: How do we address the citizens concerns in the city of  
Portland about the gun  
control issue?  
110 SEN. JOHNSON: Does the control of guns effect the level of crime? If you  
assume that it does,  
that is one opinion. I believe that the level of crime isn't because of the  
availability of guns, it is  
a result of the propensity of people to use guns or violence to achieve  
what they want. It is not  
guns that kill people, but people that kill people.  
126 REP. BROWN: Do you agree that by having fewer firearms available, at  
least in the city of  
Portland, that it would more likely decrease the amount of gun violence?  
133 SEN. JOHNSON: No. If we can take out every gun from Multnomah county,  
and pass a law  
from ever returning a gun to Multnomah county, then yes there would be

fewer people killed.

That isn't possible, explains.

154 REP. MARKHAM: You could decrease the number of guns, but you wouldn't clean up the gun

problem because the criminals probably don't have any legal weapons anyway.

161 REP. JOHNSTON: Are there any regulations that a city can place on weapons that would meet

your test?

167 REP. MARKHAM: In publicly owned places, they are allowed to set regulation.

172 REP. JOHNSTON: I agree with desire not to place unfounded mandates on cities and counties.

What if a city decides to impose a \$15 fee so that they could do those checks?

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182 REP. MARKHAM: I would like to take that ability away from them in Portland because that was part of the agreement when we passed the gun bill in 1993.

189 SEN. JOHNSON: I support the government mandates prohibition. But the thing that makes this different is what Rep. Markham told you. There was an agreement that said there wouldn't be a charge for the permits because of the fear that it would and could be raised so that people may not be able to eventually afford permits.

202 REP. MARKHAM: In Oregon and across the country they have the power as to restrict the right to bear arms as it relates to discharge and loaded carry.

206 REP. JOHNSTON: Is there any fee they can charge?

208 REP. MARKHAM: There is a fee now.

209 REP. JOHNSTON: For a concealed weapons permit, we charge \$15. Does that seem offensive

to the 1989 deal?

212 REP. MARKHAM: I thought that a fee was part of the cost to cover the cost of background

checks.

215 SEN. JOHNSON: The key is to have some sort of limit to keep it from being an indirect way

of prohibiting people from taking advantage.

216 REP. MARKHAM: It is kind of restrictive in a way, explains.

233 JACKIE BLOOM, CITY OF PORTLAND: Introduces people from the city of Portland police

department.

264 SERGEANT TAMI JONES, PORTLAND POLICE DEPARTMENT: Testifies in opposition to HB 2784.

302 OFFICER MARK MURASKI, PORTLAND POLICE DEPARTMENT: Testifies in opposition to HB 2784.

347 DETECTIVE DON FAULKNER, PORTLAND POLICE DEPARTMENT: Testifies in opposition to HB 2784.

371 OFFICER BOB ROBERTS, PORTLAND POLICE DEPARTMENT: Testifies in opposition to HB 2784.

402 CHAIR PARKS: Does this ordinance just specify things that it effects?

405 JONES: There are things of high volume that are readily available and

turned over.

413 CHAIR PARKS: Outboard motors have serial numbers, does this effect them?

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417 JONES: No. Regulated property are part of that, gives examples. Within the city of Portland, there are only six pawn shops. Most of the people we are dealing with are second hand dealers that buy and sell second hand property. The volume of stolen property that was going through the shops is inordinate. This code was to allow us to be able to put a hold on that piece of property and try to figure out why a person it selling a piece of stolen property. We can then give that information to the detectives.

443 CHAIR PARKS: When someone sells a gun

445 JONES: That is when it comes into effect. The city code is regulating a business.

449 CHAIR PARKS: But then the dealer will sell it to someone.

450 JONES: After the 15 day holding period.

TAPE 32, SIDE B

012 CHAIR PARKS: What if the gun gets into the wrong hands?

014 JONES: It is in the wrong hands if a stolen gun is sold.

015 CHAIR PARKS: If a person wants to buy from a dealer, they have to go through the procedure and be checked.

017 MURAUSKI: Only if they have a federal firearms license.

018 CHAIR PARKS: I'm talking about a second hand dealer who isn't buying the gun for his own collection, but to resell. If they then sell it, does that person that is going to buy it have to go through the procedure of checking out their background?

021 ROBERTS: Only if the person has a federal firearms license.

022 CHAIR PARKS: The second had stores buy the guns to resell.

025 MURAUSKI: Unless they have a federal firearms license, they do not have to do any paperwork. Who regulates how that ammunition is stored and kept? Discusses zoning issues that deal with firearms.

044 REP. BROWN: Would you be supportive of a measure like this if we were to regulate sales of guns from pawn shops and gun shows?

048 JONES: If what we had in city code, was regulated into state law and second hand dealers and pawn shops had to do what we asked them to do, then it would not impact us because there would be a regulation. That state wide regulation is what we are after.

054 MURAUSKI: I would be in favor of that. We deal with federal firearms dealers all the time. Most of the federal firearms license dealers would be in favor of that situation too.

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060 REP. JOHNSTON: Would it be of any interest or beneficial value if we changed HB 2784 to be able to continue regulating all sales except individual to individual?

069 MURASKI: I can buy 35 guns for \$100 and sell them at the gun show without a federal firearms license and get more money for them without doing any paperwork.

085 MARK CAILLER' CITY OF SALEM POLICE: Testifies in support of HB 2784 but concerned about parts of bill.

119 REP. QUTUB: Is it lawful to hunt in the city of Salem?

120 CAILLER: No because of the discharge of a firearm inside of the city limits is unlawful.

126 SARAH HACKETT, LEAGUE OF OREGON CITIES: Testifies and submits written testimony in opposition to HB 2784. (EXHIBIT C)

163 REP. BROWN: Questions section 34 of bill. Currently the uniform trial court rules prohibit bringing firearms into the Multnomah county court house. Would this bill prohibit the uniform trial court rules from prohibiting loaded or unloaded firearms in a public building?

172 MILT JONES COMMITTEE COUNSEL: That is already covered by state statute explains.

178 KEVIN STARRET, GUN OWNERS OF AMERICA: Testifies in support of HB 2784.

254 JOHN NICHOLS, OREGON GUN OWNERS INS.: Testifies and submits proposed amendments in support of HB 2784. (EXHIBIT D)

290 REP. JOHNSTON: Can you explain your rationale on the pawn shop issue?

292 NICHOLS: There is a statute on the sale of used weapons explains process.

304 MILT JONES COMMITTEE COUNSEL: I understand that pawn shops are regulated by state law but I'm wondering about other second hand sales of firearms? Second hand shops are under city code and pawnshops are state? There is a legislation for pawnshops but not second hand stores?

315 JONES: There are about 150 second hand shops within the city of Portland. Both pawn shops and second hand dealers are subject to regulation under city code 1437. Pawn shops are also covered under city code 726 which is the pawn shop ordinance.

325 NICHOLS: The state statutes regulate that anyone that engages in business of selling used firearms has to do the reporting requirement. The Oregon law on firearm dealers keys in with the federal statute on firearm dealers which requires anyone who buy or sells under state and federal law to get a firearms license.

336 JONES: City code 1437 gives us an opportunity to hold the property for 15 days.

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345 ROD HARDER, OREGON SPORTSMEN DEFENSE FUND, NATIONAL RIFLE  
ASSOCIATION: Testifies and submits written testimony in support of HB 2784.

(EXHIBIT E)

TAPE 33, SIDE B

011 LARRY CAMPBELL, OREGON ASSOCIATION OF CHIEFS OF POLICE: Testifies on HB  
2784. We would like to see some state uniformity.

WORK SESSION ON SB 45

030 CHAIR PARKS: Why are we proposing to add another exception to the  
general rule?

038 REP. JOHNSTON: Employee appeals board functions, in effect, as a  
judicial capacity, explains. We are extending to them the same thing that  
we have already extended to worker's compensation. They thought that they  
should be and were exempt, I agree.

048 CHAIR PARKS: Does this apply to the evaluation of individual cases  
rather than policy matters?

051 REP. JOHNSTON: I don't know.

058 RENEE BRYANT, EMPLOYMENT APPEALS BOARD: We are trying to be able to  
deliberate about the context of cases that would include the facts,  
credibility, and evidence. It would include policy in terms of the  
application of policy. The policy is made by the Employment Department.

068 CHAIR PARKS: Is this a consideration of individual cases?

069 BRYANT: Yes, explains. We are three persons board therefore, two people  
constitute a quorum, explains process.

077 MOTION: REP. JOHNSTON: Moves SB 45 TO THE FULL COMMITTEE with a DO  
PASS recommendation.

VOTE: 6-0 MOTION PASSES

AYE: Brown, Carpenter, Johnston, Naito, Qutub, Parks

NO: None

EXCUSED: Tiernan

WORK SESSION ON SB 69

089 MOTION: REP. JOHNSTON: Moves SB 69 TO THE FULL COMMITTEE with a DO PASS  
recommendation.

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VOTE: 6-0 MOTION PASSES

AYE: Brown, Carpenter, Johnston, Naito, Qutub, Parks

NO: None

EXCUSED: Tiernan

097 CHAIR PARKS: Adjourns the hearing at 10:17 am.

Submitted by,      Reviewed by,  
Sarah May              Debra Johns  
Committee Assistant      Committee Coordinator

EXHIBIT SUMMARY:

- A.      Testimony on SB 45 - Renee Bryant - 3 pages
- B.      Testimony on SB 69 - Mark Comstock - 3 pages
- C.      Testimony on HB 2784 - Sarah Hackett - 2 pages
- D.      Proposed Amendments to HB 2784 - John Nichols -1 page
- E.      Testimony on HB 2784 - Ron Harder - 1 page

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