

HOUSE COMMITTEE ON JUDICIARY

June 27, 1991 Hearing Room 357 4:00 p.m. Tapes 65 - 66 MEMBERS
PRESENT: Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair Rep. Ray
Baum Rep. Judith Bauman Rep. Marie Bell Rep. Tom Brian Rep. Kelly Clark
Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin Mannix Rep. Del Parks Rep.
Ron Sunseri

STAFF PRESENT: Greg Chaimov, Committee Counsel Holly Robinson,
Committee Counsel Jim Dole, Committee Counsel Jeff Steve, Committee
Assistant MEASURES HEARD: SB 882 - W.S. SB 718 - W.S. SB 616 - W.S.
HB 3590 - W.S. HB 2401 - W.S. SB 638 - W.S. SB 637 - W.S.

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 65, SIDE A

004 CHAIR RANDY MILLER: Opens House Committee on Judiciary at 8:45 p.m.

Opens work session on SB 882.

SB 882 - WORK SESSION

005 CHAIMOV: Committee needs to reconsider the action by which it
passed the bill out of committee and to the floor. _

006 MOTION: REP. EDMUNSON: Moves to suspend the rules to reconsider
SB 882. House Committee on Judiciary June 27, 1991 - Page 2

009 VOTE: Without objection, rules are suspended.

019 CHAIMOV: Committee needs to move the bill do pass without
amendments.

021 MOTION: REP. CLARK: Moves SB 882 to the floor with a do pass
recommendation.

VOTE: On a roll call vote, motion passes. AYE: Reps. Baum, Bauman, Bell,
Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller
NAY: None EXCUSED: None

030 CHAIR MILLER: Rep. Bauman will carry the bill on the floor.

Closes work session on SB 882.

Opens work session on SB 718.

SB 718 - WORK SESSION 032 CHAIMOV: SB 718 came to the committee setting
maximum speed limits for streets, except for state highways in urban
areas. The subcommittee amended the bill to raise the speed limit on
state highways outside urban growth boundaries to 65 miles per hour.

A letter from the State Highway Department says this would cost the
state \$150 million.

048 CHAIR MILLER: Asked about other states which may have taken this
action. It is routine for the federal government to make threats, but

another matter for them to actually carry out the threats. 063 JIM BUTLER, TRAFFIC CONTROL ENGINEER: Has no knowledge of any states taking similar action. Posting 65 miles per hour is different from not being in compliance with the 55 mile per hour energy conservation speed. Posting a speed in excess of 65 mph on rural freeways or 55 on any other highway is an automatic loss of all federal construction dollars, as I understand it. 080 CHAIR MILLER: Have any states posted speeds higher than 65 or higher than 55 on non-rural interstate portions of their highways? 082 BUTLER: Is not aware of any states posting speeds higher than federal law permits. ds higher than federal law permits. 097 REP. EDMUNSON: How much increase in gas tax would it take to make up \$150 million? 097 REP. EDMUNSON: How much increase in gas tax would it take to make up \$150 million? 098 BUTLER: Unable to answer. 102 MOTION: REP. MANNIX: To rerefer SB 718 to the Criminal Law Subcommittee. House Committee on Judiciary June 27, 1991 - Page 3

114 REP. MANNIX: Withdraws his motion.

116 MOTION: REP. BAUMAN: Moves to suspend the rules to permit the committee to consider non-technical amendments. VOTE: Without objection, rules are suspended. 120MOTION: REP. BAUMAN: Moves to amend SB 718 by deleting the speed portions dealing with Highway 97 and the Baum amendments dealing with all state highways from SB 718. 130 CHAIR MILLER: Effect of the motion would be to return the bill to it original form. 127 REP. PARKS: Will a new county be added? 131 UNIDENTIFIED WITNESS: No.

133 REP. BRIAN: Realizes the serious intent of Reps. Baum and Parks motion. Hopes we can communicate to interim Transportation Committee to review what latitude the state might have on some rural state highways along the lines we talked about.

Concerned about the motion because of the federal problems.

144 VOTE: Without objection, amendment is adopted. 145 MOTION: REP. PARKS: Moves SB 718 to the floor with a do pass recommendation. 160 VOTE: On a roll call vote, motion passes. AYES: Reps. Bauman, Bell, Brian, Clark, Edmunson, Mannix, Parks, Sunseri NAY: Reps. Baum, Johnson, Miller EXCUSED: Mason 175 CHAIR MILLER: Rep. Parks will carry the bill on the floor. Closes work session on SB 718.

Opens work session on SB 616.

SB 616 - WORK SESSION

174 CHAIMOV: SB 616 streamlines the Oregon Criminal Justice Council from 21 to 11 members and extends the Council's life for an additional four years. 176 MOTION: REP. BAUM: Moves adoption of SB 616-A3 amendments (EXHIBIT A).

180 REP. BELL: Asks purpose of removing mental health and community people from the Council.

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190 CHAIR MILLER: In an effort to reduce some expenses in state government, determined that we could create an effective 11 member Council. Selections were made based on who would be the most appropriate members. Membership on the Council does not foreclose one from giving input to the Council.

198 REP. CLARK: Agrees. Is strong supporter of Criminal Justice Council and last session's guidelines.

Ways and Means has passed out the budget which also repeals the sunset. Fair to surmise that the Senate may not concur with the SB 616 A3 amendments. If they do not, and a conference committee is not successful, thinks Ways and Means action would allow the Council to continue.

218 REP. MANNIX: This is why we need more time to work out legislation. Will support the bill because agrees with the effort.

223 CHAIR MILLER: Believes reduction in size of the group is critical.

233 REP. SUNSERI: What would be the result of the bill not passing?

240 CHAIR MILLER: Council would continue as is.

246 REP. BELL: Will not support the bill because of input received from constituency who use the Council, have seen the amendments, and feel that with the amendments the Council will not be as useful in the future.

257 VOTE: On a roll call vote, amendment is adopted. AYE: Reps. Baum, Bauman, Brian, Clark, Johnson, Mannix, Parks, Sunseri, Miller NAY: Reps. Bell, Edmunson EXCUSED: Rep. Mason 260 MOTION: REP. BRIAN: Moves SB 616, as amended, to the floor with a do pass recommendation. VOTE: On a roll call vote, motion passes. AYE: Reps. Bauman, Brian, Clark, Edmunson, Johnson, Mannix, Miller NAY: Reps. Baum, Bell, Parks, Sunseri EXCUSED: Rep. Mason 280 CHAIR MILLER: I will carry the bill on the floor. Closes work session on SB 616. Opens work session on HB 2401.

HB 2401 - WORK SESSION

275 CHAIMOV: HB 2401 bans smoking and carrying a "lighted smoking instrument" in the State

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Capitol.

288 MOTION: REP. BRIAN: Moves HB 2401 to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes. AYE: Reps. Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Parks, Sunseri, Miller NAY: Rep. Mannix EXCUSED: Rep. Mason

305 CHAIR MILLER: Rep. Pickard will carry the bill on the floor.

Closes work session on HB 2401.

Opens work session on HB 3590.

308 REP. MANNIX: Voted no on HB 2401 because the State Capitol includes the grounds. Concerned about the bill not being well defined.
HB 3590 - WORK SESSION 312 GREG CHAIMOV: HB 3590 in its amended form fines minors up to \$100 for possessing tobacco products, bans tobacco vending machines in most areas accessible to minors, decriminalizes the sale of tobacco products to minors, and makes distributing tobacco products to minors a violation. It also has a preemption clause preventing local governments from regulating vending machines that make tobacco products available to minors. 325 MOTION: REP. BRIAN: Moves adoption of HB 3590-5 amendments (EXHIBIT B).

VOTE: Without objection, amendments are adopted.

MOTION: REP. BRIAN: Moves HB 3590, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes. AYE: Reps. Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NAY: NoneEXCUSED: Rep. Mason

375 CHAIR MILLER: Rep. Brian and I will carry the bill on the floor.

Closes work session on HB 3590.

379 MOTION: REP. CLARK: Moves that SB 1174 be removed from the table.

385 REP. CLARK: Reviews testimony received earlier from Assembly for Black Affairs. The Assembly only wanted its name removed from the bill as requestors, but did not necessarily pull House Committee on Judiciary June 27, 1991 Page 6

their support from the bill. VOTE: Without objection, SB 1174 is removed from the table. 410 CHAIR MILLER: Opens work session on SB 638. SB 638 - WORK SESSION 411 MOTION: REP. BAUM: Moves SB 638 to the floor with a do pass recommendation. 425 REP. BAVM: At the request of the City of Portland, "at or in the direction of any person, building, structure or vehicle within the range of the weapon" was added on page 2, line 24 of SB 638-A10 amendments after the word "boundaries". 465 REP. EDMVNSON: What is the status of preemption now? 467 CHAIR MILLER: It was removed from this bill when Sections 2 and 3 were removed. 470 REP. CLARK: SB 2577 is still awaiting action in the Senate, so the only preemption law in effect is that which was passed in the 1989 Session in HB 3470. TAPE 66, SIDE A 033 REP. BRIAN: Given different weapon ranges and angles how would the language be interpreted? 039 REP. BAVM: The City of Portland said that current language would apply provisions of the law to a broader population than originally intended, like someone firing into the air. The attached language combines Senate and House intent.

058 REP. BRIAN: With preemption out, what could a city or county do if they did not like it? 063 REP. BAUM: That would have to be decided by the court if the ordinance is challenged. 075 REP. MANNIX: Does not think this is narrowly enough drawn to address the issue. Although seriously concerned about drive by shootings, will be opposed to the amendment. 080 MOTION: REP. MILLER: Moves adoption of latest amendment. VOTE: Amendment is adopted. Rep. Mannix' objection to adoption is noted. 083 MOTION: REP. CLARK: Moves SB 638, as amended, to the floor with a do pass recommendation. VOTE: On a roll call vote, motion passes. AYE: Reps. Baum, Bauman, Bell, Brian, Clark, Parks, Sunseri, Miller NAY: Reps. Edmunson, Johnson, Mannix - House Committee

on Judiciary June 27, 1991 - Page 7 EXCUSED: Mason

095 CHAIR MILLER: Rep. Baum will carry the bill on the floor.

Closes work session SB 638.

098 REP. MANNIX: Re. the smoking in the Capitol bill: did not find the definition I though was in there about the grounds.

099 CHAIR MILLER: Opens work session on SB 637.

SB 637 - WORK SESSION

100 MOTION: REP. SUNSERI: Moves SB 637, as amended, to the floor with a do pass recommendation. VOTE: On a roll call vote, motion passes. AYE: Reps. Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Parks, Sunseri, Miller NAY: Rep. Mason EXCUSED: None 113CHAIR MILLER: Rep. Brian will carry the bill on the floor.

Closes work session on SB 637.

Adjourns Full Committee on Judiciary at 5:00 p.m.

Transcribed by, Pat Zwick EXHIBITS LOG: A: SB 616-A3 Amendment - Staff- 4 pages B: HB 3590-5 Amendment - Staff- 3 pages

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