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STATE & LOCAL AFFAIRS DIVISION
DANIEL REID, OREGON STATE LIAISON

April 8, 2013

The Honorable Michael Dembrow
Chair, House Higher Education and Workforce Development Committee

Re: House Bill 3009- Support
House Bill 3114- Oppose

Dear Chairman Dembrow:

On behalf of the members of The National Rifle Association, I am offering testimony in support of HB 3009 and in opposition to HB 3114.

ORS 166.170, also known as "state preemption", was originally enacted in 1995.

166.170 State preemption. (1) Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the Legislative Assembly.

(2) Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition. Ordinances that are contrary to this subsection are void.

Prior to this statute, gun owners were subject to a patchwork of state, county and city laws, regulations and ordinances. A law abiding citizen traveling on I-5 from Medford to Portland could literally pass through local jurisdictions where local ordinances ranged from where guns were required to prohibited and end up where possession of a firearm could have you arrested.

The legislature, recognizing the absurdity of this confusion, enacted state preemption so that legal gun owners would have consistent, statewide regulations. This law has served Oregonians well for nearly 20 years. Gun owners know what is allowed all over the state. Public safety officers also know the law and application of the law is consistent statewide.

HB 3009 prohibits a college or university from enacting rules regulating the carrying of firearms. This bill codifies ORS 166.170 by amending ORS 166.370 to expressly state that colleges and universities may not enact rules regulating the possession of firearms. ORS 166.170 implies this in current law, but state colleges and universities have questioned whether ORS 166.170 is applicable to them, so this bill will clarify that question. We don't view this bill as a change from current law, just a clarification that the Oregon University System and its member universities, as subdivisions of the state, are subject to ORS 166.170 and unless specifically authorized by state statute may not prohibit the possession of firearms by citizens who have a concealed handgun license issued under ORS 166.291 and 292.

HB 3114, specifically authorizes public universities, community colleges and Oregon Health Sciences University the ability to create police departments or allows existing security departments to be armed. NRA has no objection to allowing colleges and universities to have police departments.

Our specific objections to this bill are contained in sections 71, 72 and 73. These sections expressly allow these public universities, community colleges and OHSU to prohibit law abiding citizens from having firearms on their grounds or in their buildings. This would put us right back to the past where gun owners would not know from one college to the next what the policy might be.

As pointed out at the beginning of my testimony, ORS 166.170 has worked well for nearly twenty years. Sections 71-73 of HB 3114 are a direct assault on state preemption and do nothing but target law abiding citizens, limiting their ability to protect themselves and subjecting them to increased restrictions in exercising a constitutional right. These sections will do nothing to make Oregon safer but are rather "a solution looking for a problem". NRA could support HB 3114 if amended so that sections 71, 72 and 73 are deleted from the bill and the bill would simply allow public universities, community colleges and OHSU to create armed police departments.

Thank you for allowing me to submit testimony and I ask that you support HB 3009 and oppose HB 3114 as drafted.

Submitted by Roger Beyer, contract lobbyist for NRA on behalf of:

Daniel Reid,
Oregon State Liaison