

For Council Meeting:

May 7, 2007

Agenda Item:

4.3 (e)

TO: MAYOR AND CITY COUNCIL  
THROUGH: ROBERT G. WELLS, CITY MANAGER  
FROM: JOE SCHWEINHART, INTERGOVERNMENTAL RELATIONS ADMINISTRATOR  
SUBJECT: LEGISLATIVE REPORT

ISSUE:

Adoption of recommended positions on bills that have not been reviewed by the Council Legislative Subcommittee.

RECOMMENDATION:

Ratify City Manager's decision to support House Bill 3547 and House Joint Resolution 56.

BACKGROUND:

The Council's Legislative Subcommittee is charged with reviewing proposed legislation/legislative issues and making recommendations concerning the City's position to the Council. Members of the Subcommittee are Mayor Taylor, Councilor Clem, Councilor Sullivan, and Councilor DeHart. The positions adopted by the City Council will direct the City's lobbying efforts during the 2007 Legislative session.

FACTS AND FINDINGS:

The Council Legislative Subcommittee was unable to meet last week but HB 3547 and HJR 56 (attached), sponsored by Representative Kevin Cameron (R-Salem), was the subject of a public hearing before the House Judiciary Committee last Monday. Representative Cameron asks the city to support the bill. City Council Policy No. G-1 states: "If the City Manager or his designee determines it is important that the City of Salem speak on a legislative issue and the hearing schedule does not permit prior Common Council approval, the City Manager or his designee is authorized to speak for the City of Salem. Summaries of all testimony delivered under this section shall be provided to the Common Council." The City Manager approved support for these two bills and Councilmember T.J. Sullivan testified.

HJR 56 proposes an amendment to the Oregon Constitution to allow state and local governments to restrict strip acts to the extent allowed under the U.S. Constitution. Those restrictions would be defined by each individual City. It refers the amendment to the people in the next primary election. HB 3547 provides the ballot title for the resolution. During the public hearing there were amendments offered which left questions unanswered about the bill. The committee decided to send the bill to the House Rules Committee without a recommendation to support.

# House Bill 3547

Sponsored by Representative CAMERON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Provides ballot title for House Joint Resolution 56 (2007).  
Declares emergency, effective on passage.

### A BILL FOR AN ACT

Relating to elections; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) Notwithstanding ORS 250.035, the ballot title for House Joint Resolution 56 (2007) shall be:**

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**AMENDS CONSTITUTION: ALLOWS STATE OR LOCAL GOVERNMENT TO USE ITS REGULATORY POWER TO RESTRICT "STRIP ACTS" (DEFINED)**

**RESULT OF "YES" VOTE: "Yes" vote limits Oregon Constitution's free expression provision by allowing state, local governments to restrict nude, partially nude performances to extent allowed under federal constitution.**

**RESULT OF "NO" VOTE: "No" vote retains current state constitutional law, which prohibits governments from imposing restrictions on nude or partially nude performances based on expressive nature of activity.**

**SUMMARY: Amends Oregon Constitution. Currently, free expression provision of Oregon Constitution prohibits government restrictions on nude and partially nude performances based on expressive nature of activity. The free expression provision of the United States Constitution allows some restrictions on nude and partially nude performances. The measure allows the state or a local government to use its regulatory authority to restrict any strip act to the extent allowed under the United States Constitution. The measure defines "strip act" as a performance in which a person or persons appear or become nude or partially nude before patrons of a club or business, customers of the person or person, or members of the public. The measure allows the state or a local government to establish a more detailed definition. The measure requires good faith and common sense interpretation and implementation, and indicates that measure is intended to allow restrictions for strip acts as many other state and local governments have done, to the extent allowed under the United States**

**NOTE:** Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

1 Constitution.

2

3

4 (2) ORS 250.085 does not apply to the ballot title contained in subsection (1) of this sec-  
5 tion. The ballot title prepared under this section shall be the ballot title printed in the voters'  
6 pamphlet and printed on, or included with, the ballot.

7 SECTION 2. This 2007 Act being necessary for the immediate preservation of the public  
8 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
9 on its passage.

10

# House Joint Resolution 56

Sponsored by Representative CAMERON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Proposes amendment to Oregon Constitution to allow state and local governments to restrict strip acts to extent allowed under United States Constitution. Defines "strip act."

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary election.

## JOINT RESOLUTION

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2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section  
4 12 to be added to and made a part of Article XV, such section to read:

5 **SECTION 12. (1)** The state or a local government may use its regulatory authority to  
6 restrict any strip act to the extent allowed under the Constitution of the United States.

7 **(2)** As used in this section, "strip act" means a performance in which a person or persons  
8 appear nude or partially nude, or in which a person or persons become nude or partially  
9 nude, before one or more patrons of a club or business enterprise, before one or more cus-  
10 tomers of the person or persons, or before one or more members of the public.

11 **(3)** The state or a local government may establish a more detailed definition of a strip  
12 act than the definition provided in subsection (2) of this section as necessary to implement  
13 this section or as necessary to ensure that this section does not restrict rights under the  
14 Constitution of the United States.

15 **(4)** It is the intent of the people that this section be given a good faith and common sense  
16 interpretation and application. This section is intended to allow the state or a local govern-  
17 ment to adopt regulatory restrictions for strip acts as many other state or local govern-  
18 ments have done, to the extent allowed under the Constitution of the United States.

19  
20 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the  
21 people for their approval or rejection at a special election held throughout this state on the  
22 same date as the next primary election.  
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