

SENATE COMMITTEE ON RULES

July 29, 2003
1:30 PM

Hearing Room B
Tapes 104 - 105

MEMBERS PRESENT: **Sen. Roger Beyer, Co-chair, Presiding**
 Sen. Kate Brown, Co-chair
 Sen. Jason Atkinson, Vice-chair
 Sen. Ginny Burdick, Vice-chair
 Sen. Bev Clarno
 Sen. Tony Corcoran

STAFF PRESENT: **Jim Stembridge, Committee Administrator**
 Jeana Harrington, Committee Assistant

MEASURES HEARD: **HB 2614A – Public Hearing and Work Session**
 SB 935 – Public Hearing
 SB 911A – Work Session
 SB 920 – Work Session
 HB 3646 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 104, A		
003	Co-chair Beyer	Calls meeting to order at 1:45 PM. Opens public hearing on HB 2614A.
<u>HB 2614A – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Summarizes HB 2614A, which requires City of Woodburn to include specified land within urban growth boundary (UGB) for industrial uses. Notes -A9 amendments replace the bill (EXHIBIT A). Informs there was no revenue and minimal fiscal impact on the related bill, HB 2689 (2003).
017	Sen. Rick Metsger	Senate District 26. Overviews -A9 amendments. Provides history behind the reincarnation of HB 2689 (2003). Explains the new philosophy behind HB 2614A with the -A9 amendments. Informs of a workgroup on the measure and its participants. Lists the limitations of the bill. Notes the sunset on the bill is two years. Points out the emergency clause, and informs the Governor's office has requested it be removed. Offers the Governor supports the measure. Understands the potential desire of the committee to use the bill as a vehicle for others. Notes an error in an enrolled bill that the amendment will fix.
130	Sen. Corcoran	Remarks.
135	Co-chair Beyer	States intentions for the agenda.
147	Art Schlack	Association of Oregon Counties (AOC). Testifies in support of HB 2614A. Urges adding to the bill with the -A9 amendments. Recognizes the benefits of the provision of the bill. Concurs with the removal of the emergency clause in order to expedite the bill.

209 Sen. Burdick Asks what provoked the bill.
 219 Schlack Unaware of a company in particular that requested. Speaks on Land Conservation and Development Commission (LCDC) involvement.

229 Sen. Burdick Utilizes examples of “big box stores:” and requests if the bill makes it easier for them to move in.

237 Schlack Informs the retail, commercial and residential development cannot be authorized by the bill.

247 Randy Franke Chair, LCDC. Testifies in support of HB 2614A. Informs of the work on LCDC on the measure. Notes the bill is narrower in focus than the bill supported by LCDC.

279 Harlan Levy Attorney, Oregon Association of Realtors (OAR). Testifies in support of HB 2614A with the –A9 amendments (**EXHIBIT B**). Emphasizes the land can only be zoned for industrial use by the bill. Believes the bill provides responsible land-use reform.

321 Carrie MacLaren 1,000 Friends of Oregon. Testifies in opposition to HB 2614A (**EXHIBIT C**). Believes the bill undermines a fundamental principal in Oregon’s land-use laws as it exempts lands from Statewide Urbanization Goal 14. Notes 1,000 Friends did support HB 2691, the “mill bill” and lists reasons for support.

389 Sen. Brown Requests Ms. MacLaren differentiate SB 467 and HB 2614A.
 391 MacLaren Speaks on the location and industrialization of UGB. Answers that 1,000 Friends supports the principle that large industrial facilities be located within the UGB.

TAPE 105, A

001 Doug Riggs Central Oregon Cities Organization (COCO). Testifies on HB 2614A. Explains initial concerns with the measure and informs of the ways the amendments solved them.

021 Sen. Corcoran Remarks.
 028 Co-chair Beyer Closes public hearing and opens work session on HB 2614A.

HB 2614A – WORK SESSION

029 Sen. Burdick Supposes a county would benefit from urban development whether located inside or outside a UGB.

031 Riggs Recognizes the opportunity for development to be beneficial either way.

027 Co-chair Beyer Notes –A10 amendments (**EXHIBIT D**).
 042 Judith Callens Committee Administrator. Understands the HB 2614A–A10 amendments include SB 605 (2003). Explains the fiscal impact of SB 605 (2003) and its effects on the counties.

063 Sen. Brown Notes the amendments are brought forward by Sen. Devlin.
063 Sen. Brown MOTION: Moves to ADOPT HB 2614A-A10 amendments dated 7/29/03.

064 Sen. Burdick Understands the –A10 amendments address an oversight. Speaks on siting in forest land.

070 Judith Callens Responds regarding statute.
 078 Co-chair Beyer States he will be a “no” vote.
 080 Sen. Clarno Adds she will vote “no.”
082 VOTE: 3-3
AYE: 3 - Burdick, Corcoran, Brown
NAY: 3 - Atkinson, Clarno, Beyer
The motion FAILS.

085 Sen. Brown MOTION: Moves to ADOPT HB 2614A-A9 amendments dated 7/28/03.

088	Sen. Metsger	Reminds the committee of the emergency clause.
090	Sen. Brown	Withdraws motion.
092	Sen. Brown	MOTION: Moves to SUSPEND the rules for the purpose of further amending the -A9 amendments dated 7/28/03.
093		VOTE: 6-0
	Co-chair Beyer	Hearing no objection, declares the motion CARRIED.
095	Sen. Brown	MOTION: Moves to ADOPT HB 2614A-A9 amendments dated 7/28/03 and that the measure be FURTHER AMENDED on page 5, line 15, by deleting "section five, the emergency clause".
097		VOTE: 6-0
	Co-chair Beyer	Hearing no objection, declares the motion CARRIED.
099	Sen. Atkinson	MOTION: Moves HB 2614A to the floor with a DO PASS AS AMENDED recommendation.
101	Sen. Burdick	States she will be a "no" vote.
103	Sen. Brown	Adds she will vote "no," but states she is open to further discussion.
105		VOTE: 4-2
		AYE: 4 - Atkinson, Clarno, Corcoran, Beyer
		NAY: 2 - Burdick, Brown
	Co-chair Beyer	The motion CARRIES.
		SEN. ATKINSON will lead discussion on the floor.
129	Co-chair Beyer	Closes work session on HB 2614A. Opens public hearing on SB 935.
<u>SB 935 – PUBLIC HEARING</u>		
131	Jim Stembridge	Committee Administrator. Summarizes SB 935, which makes persons working from home assembling photon light products nonsubject workers for purposes of workers' compensation insurance.
139	Rep. Alan Brown	House District 10. Supports SB 935. Speaks on the situation of Laughing Rabbit, Incorporated (LRI). Provides accounts of individuals working for LRI in the town of Gladley. Lists the types of workers who are not covered by workers' compensation insurance. Understands there are two amendments, an emergency clause and a sunset. States he supports the amendments.
165	Co-chair Beyer	Notes the -1 amendments provided by Sen. Brown (EXHIBIT E)
170	Jim Welsh	Oregon State Grange (OSG). Testifies in support of SB 935. Overviews the measure history. Recognizes that the Governor will not support the measure, but notes the Governor does support an interim workgroup on the issue. Speaks on employees of LRI.
230	David Allen	Owner, LRI. Testifies in support of SB 935 (EXHIBIT F). Provides personal account of his business to illustrate the problem encountered concerning workers' compensation. Notes he never requested the bill. Believes citizens should have the ability to be free-agents in their own homes. Voices disappointment with the workers' compensation claims.
288	Sen. Corcoran	Recollects a statement Mr. Allen made to the Eugene Register-Guard.
290	Allen	Asserts he never stated that. Notes he has a factory in China.

303 Sen. Corcoran Confirms Mr. Allen never made any of the comments.
305 Allen States he also read the article and affirms he did not. Speaks on
business in Oregon and in China.
317 Welsh Adds it was not their intention to “water down” statute. Voices
hope the committee will recognize the “cottage industry.” Speaks
further on cottage industries.
350 Margaret Hallock Governor’s Advisor for Labor and Revenue. Testifies in
opposition to SB 935. Expresses concerns of the Governor on the
bill and the broader issue of independent contractor status.
Explains there is harsh opposition to any changes to the
definition of independent contractor. Informs of the plans to
discuss the issues involved during the interim. Voices concern
that Management Labor Advisory Committee (M-LAC) and the
Workers’ Compensation Board does not agree with the
exemption created by the bill.
425 Co-chair Beyer Closes public hearing on SB 935. Opens work session on SB
911A.

SB 911A – WORK SESSION

430 Judith Callens Committee Administrator. Notes the bill was re-referred to
committee. Explains changes made by the –A5 amendments to
SB 911A (**EXHIBIT G**).

TAPE 104, B

008 Sen. Clarno Indicates the requests for additional changes to the amendments.
010 Sen. Clarno **MOTION: Moves to SUSPEND the rules for the purpose of
further amending the –A5 amendments to SB
911A dated 7/28/03.**

013 **VOTE: 4-0-2**
EXCUSED: 2 - Brown, Burdick
Hearing no objection, declares the motion CARRIED.

010 Co-chair Beyer **MOTION: Moves to AMEND the SB 911-A5 amendments
dated 7/28/03 on page 6, line 18, by deleting
"may" and inserting "shall"; on page 8, line
14, by deleting "five calendar years" and
inserting "every thirty months"; on page 8,
line 16, by deleting “five calendar years” and
inserting “every thirty months”; and on page
8, line 17, by deleting “may” and inserting
“shall”.**

016 **VOTE: 4-0-2**
EXCUSED: 2 - Brown, Burdick
Hearing no objection, declares the motion CARRIED.

035 Co-chair Beyer **MOTION: Moves to ADOPT SB 911A-A5 amendments
dated 7/28/03 as further amended.**

037 Sen. Atkinson Informs that it was his idea and intention to allow the bill to be
statewide. Allows that he supports it in order for the bill to
continue.

039 Sen. Clarno Recognizes the work of Harrison Conley of Legislative Counsel
on the bill and thanks her colleagues for their support.

041 **VOTE: 4-0**
EXCUSED: 2 - Brown, Burdick
Hearing no objection, declares the motion CARRIED.

043 Co-chair Beyer **MOTION: Moves SB 911A to the floor with a DO PASS AS
Sen. Clarno AMENDED recommendation.**

045

Co-chair Beyer

VOTE: 4-0

EXCUSED: 2 - Brown, Burdick

Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

047

Co-chair Beyer

Closes work session on SB 911A. Opens work session on SB 920.

SB 920 – WORK SESSION

050

Judith Callens

Committee Administrator. Highlights changes made with the hand engrossed version of SB 920 (**EXHIBIT H**). Overviews the -5 amendments (**EXHIBIT I**).

070

Sen. Burdick

Asks if the amendments are a continuation of the workgroups amendments.

075

Callens

Affirms.

080

Co-chair Beyer

Understands there is a -4 amendment from Sen. Brown (**EXHIBIT J**).

085

Co-chair Beyer

Closes work session on SB 920. Opens public hearing on HB 3346.

HB 3646 – PUBLIC HEARING

088

Marjorie Taylor

Committee Administrator. Summarizes HB 3646, which eliminates requirement that race days be allocated based on 1992 and 1993 calendar year allocations. Notes the -1 amendments from Sen. Burdick (**EXHIBIT K**)

095

Co-chair Beyer

Informs of rules for testimony.

101

Larry Campbell

Multnomah Greyhound Park; Portland Meadows. Testifies in support of HB 3646. Explains the objective of the proponents.

125

Dave Nelson

Portland Meadows, Multnomah Greyhound Park. Testifies in support of HB 3646. Echoes Mr. Campbell’s concerns. Opposes -1 amendments as they are more restrictive than current statute. Lists concerns with the language of the -1 amendments.

158

John McCulley

Oregon Fairs Association. Testifies in support of HB 3646.

173

Sen. Burdick

States the -1 amendments are not intended to be more restrictive. Explains the intent. Asks if the proponents would accept an amendment that would keep greyhound racing at “the status quo” and confine liberalization to horse racing.

183

Nelson

Responds the preference is to leave the decision to the Oregon Racing Commission to allow for flexibility.

192

Sen. Burdick

Recalls his statement about existing flexibility. States she does not understand the concerns with the greyhound portion.

198

Nelson

Provides example to illustrate the flexibility that would be lost. Explains preferences of Portland Greyhound Park.

220

Sen. Burdick

Responds she does not understand the problem.

225

Nelson

Reiterates the -1 amendments to not allow for flexibility.

231

Sen. Burdick

Asks why the bill cannot only include horses.

237

Nelson

Answers the bill began the way suggested in the House. Explains how the language was crafted.

256

Co-chair Beyer

Remarks.

264

Sen. Burdick

Explains section two of the -1 amendments is a technical change.

272

Connie Theil

Multnomah County. Testifies in opposition to HB 3646. Provides three letters (**EXHIBIT L**). Provides statistics on dog racing. Thinks legislative focus should be on the budget. Advises dogs be removed from the -1 amendments.

333

Kyle Ash

Citizen. Testifies in opposition to HB 3646.

352

Lisa Kendall

Citizen. Testifies in opposition to HB 3646. Provides opinion on greyhound racing.

395	Celeste Crimi	Washington County. Testifies in opposition to HB 3646. Speaks on the misuse and overpopulation of animals in racing.
TAPE 105, B		
020	Dianne Kippes	Clackamas County. Testifies in opposition to HB 3646. Provides statistics on dog injuries in racing and misuse of the animals.
040	Karen Ulbright	Citizen. Testifies in opposition to HB 3646. Voices discontent with the realities of the mistreatment of animals and with gambling.
057	Ann Glatt	Owner, adopted greyhound. Testifies in opposition to HB 3646. Explains reasons she adopted her greyhound. Provides personal account of greyhounds in Arizona. Informs the committee of the findings of her family on the treatment of greyhounds. Notes greyhounds predisposition to cancer and that the family greyhound has cancer. Believes the dogs are exploited.
118	Rebecca Glatt	Daughter, Ann Glatt. Informs the committee of her research on greyhounds.
131	Benjamin Glatt	Son, Ann Glatt. Voices concern for the treatment of the dogs during their lives.
140	A. Glatt	States there is no other breed of dog used for entertainment, "exploitation, and gambling."
150	Steve Walters	Chair, Oregon Racing Commission (ORC). Testifies on HB 3646. Respects the views of the opponents. Voices concern the bill has become a referendum as to the regulation of greyhound racing in Oregon. Informs the committee of the positive aspects of greyhound racing. Notes greyhound racing is a year-round industry already and that HB 3646 would allow for flexibility. Believes the testimony has fallen away from the bill. Responds to Sen. Burdick's question on maintaining "status quo" with regard to greyhounds by the -1 amendments. Explains race days vary dramatically. Anticipates the flexibility the bill would provide would be rescinded with adoption of the -1 amendments. Expresses concern for the welfare of the animals involved.
230	Sen. Burdick	Voices discontent greyhounds must be included in the measure.
247	Walters	Expresses difficulty in finding "sidebars" on the issue of greyhounds. States he is unsure of a method that would not limit the ORC. Suggestions.
273	Sen. Burdick	Notes she has never attended a greyhound race. Asks what the longest season has been.
280	Walters	Recalls it was seven months in 1991.
285	Sen. Burdick	Asks if there is a "no kill" rule in Oregon greyhound racing.
287	Walters	Affirms.
295	Sen. Burdick	Inquires that it applies to the farms that raise the dogs as well.
300	Walters	Affirms. Informs the greyhound farms are licensed and inspected. Thinks the confusion is due to possible mistreatment in other states. States that, to his knowledge, none of the accounts of maltreatment in the opposing testimony have occurred in Oregon. Offers that the greyhounds are tracked.
312	Sen. Burdick	Restates question. Asks how the greyhounds born who cannot perform to the high standards are treated.
319	Walters	Reaffirms the greyhounds are not killed, and adds that they are adopted. Reiterates it is illegal to kill the dogs.
324	Sen. Corcoran	Asks how long the shortest race season lasted.
330	Walters	Answers to his knowledge, three months. Adds the average season is between five and six months.

335	Sen. Corcoran	Clarifies that is the normal range.
340	Walters	Affirms.
346	Sen. Corcoran	Asks how many races there are in a meet day.
349	Walters	Answers eleven to twelve, with eight dogs in a race.
352	Sen. Corcoran	Asks if the dogs are used every day.
356	Walters	Answers they are used two to three times a week.
359	Sen. Corcoran	Estimates there are 200 dogs. Asks from what ages they are run.
365	Walters	Answers the dogs begin around eighteen months, reach their prime around two to three years, and that four to five years is considered an older racing dog.
369	Sen. Corcoran	Asks how many greyhound venues there are in the country.
371	Walters	Answers forty-seven.
374	Sen. Corcoran	Asks how many states have adoption programs.
376	Walters	States he is unsure, but believes that most states do.
378	Sen. Corcoran	Asks how many greyhounds are adopted.
379	Walters	Answers around 300. Offers that greyhounds are shipped from out-of-state to take part in Oregon's adoption program.
390	Co-chair Beyer	Closes public hearing and opens work session on HB 3646.
<u>HB 3646 – WORK SESSION</u>		
392	Sen. Burdick	MOTION: Moves to ADOPT HB 3646-1 amendments dated 7/25/03.
394	Sen. Clarno	States she will vote "no."
395	Sen. Atkinson	Adds he will be a "no" vote.
400		VOTE: 2-3-1 AYE: 2 - Burdick, Corcoran NAY: 3 - Atkinson, Beyer, Clarno EXCUSED: 1 - Brown The motion FAILS.
410	Co-chair Beyer	
415	Co-chair Beyer	Closes work session on HB 3646. Adjourns meeting at 3:36 PM.

EXHIBIT SUMMARY

A – HB 2614A, -A9 amendments (7/28/03), 5 pp.
B – HB 2614A, written testimony, Harlan Levy, 2 pp.
C – HB 2614A, written testimony, Carrie MacLaren, 1p
D – HB 2614A, -A10 amendments (7/29/03), Staff, 4 pp.
E – SB 935, -1 amendments (7/23/03), Staff, 7 pp.
F – SB 935, written testimony, David Allen, 1 p
G – SB 911A, -A5 amendments (7/28/03), Staff, 8 pp.
H – SB 920, hand engrossed with -5 amendments, Staff, 10 pp.
I – SB 920, -5 amendments (7/29/03), Staff, 2 pp.
J – SB 920, -4 amendments (7/29/03), Staff, 2 pp.
K – HB 3646, -1 amendments (7/25/03), Staff, 2 pp.
L – HB 3646, letters, Connie Theil, 4 pp.