

HOUSE COMMITTEE ON SMART GROWTH AND COMMERCE

February 28, 2001
3:15 PM

Hearing Room 50
Tapes 47 – 49

MEMBERS PRESENT: Rep. Rep. Bill Witt, Chair
Rep. Betsy Johnson, Vice-Chair
Rep. Tim Knopp, Vice-Chair
Rep. Alan Bates
Rep. Alan Brown
Rep. Janet Carlson
Rep. Richard Devlin
Rep. Bill Garrard
Rep. Jerry Krummel
Rep. Laurie Monnes-Anderson
Rep. Vicki Walker

STAFF PRESENT: Daniel Clem, Committee Administrator
Renee' Lunsford, Committee Assistant

MEASURE/ISSUES HEARD: HB 2456 Work Session
HB 2549 Public Hearing and Work Session
HB 2821 Public Hearing and Work Session
HB 2292 Public Hearing

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 47, A		
009	Chair Witt	Calls the committee to order at 3:30 p.m. and opens a work session on HB 2456.
<u>HB 2456 WORK SESSION</u>		
016	Marge Kafoury	Government Relations Director, City of Portland. Submits written testimony (EXHIBIT A) and testifies in opposition of HB 2456.
092	Christy Monson	League of Oregon Cities. Submits written testimony (EXHIBIT B) and testifies in opposition of HB 2456.
108	Rep. Krummel	Asks Ms. Monson if the Oregon Liquor Control Commission (OLCC) is responsive when the city complains about a licensee creating excessive noise.
116	Monson	Responds that she will get back to the committee on this.
135	Rep. Bates	Questions whether there is any institutional memory on this issue.
146	Kafoury	Notes that this issue was before Rep. Wilson's General Government Committee in 1999.
148	Rep. Brown	States that the bill does apply the 1999 standards that were passed by the legislature and signed into law.
156	Paul Romain	Testifies on HB 2456. Encourages the committee to adopt standards set two years ago.
165	Terry Thompson	Former State Representative, House District 4. Comments that he is worried that the state is interfering with what should be local

		control.
200	Rep. Devlin	Asks if there was agreement by all the parties when the House General Government Committee passed the bill last session.
210	Romain	Responds that there was not general agreement.
246	Rep. Johnson	Asks a question regarding state legislation and local control involving an issue in litigation in Lincoln County.
249	Thompson	Explains that the restaurant owners spent \$20,000 in legal fees over an issue that was not even a violation of local ordinance.
250	Rep. Johnson	States that the residents of the trailer park think there is a problem. Asks whether there should be a state solution to their grievance.
257	Romain	Responds that the restaurant has never received a conviction, it's only a complaint.
260	Thompson	Adds that because it is a state agency that is going after them, there is the need for a statewide standard.
264	Rep. Walker	Asks if the City of Portland thought that the law passed in 1999 was working well.
272	Romain	Responds that it was working well in terms of their particular restaurant.
291	Rep. Walker	Notes that Ms. Kafoury testified that she would prefer to go back to the law passed in 1999.
301	Romain	States that as far as his restaurant was concerned, as soon as the standard was set, they negotiated and everything worked out.
314	Rep. Walker	Explains why she did not vote for the bill last session. Asks what constitutes a reasonable person.
334	Romain	Responds that it is not a good standard, but it is better than no standard.
340	Rep. Carlson	Asks if it is the enforcement entity that determines what constitutes a reasonable person, and if there is no enforcement entity, would OLCC be considered the reasonable person based on the evidence they collect.
350	Romain	Responds that the initial reasonable person would be the enforcement agency.
363	Rep. Carlson	Referencing sections three and four, which allude to noise, asks if there is the potential that this area might be used without the standard applied to it.
384	Romain	Explains how the bill works and what the amendments apply to.
405	Thompson	Explains why the bill was introduced last session.
417	Rep. Walker	Asks what the bill number from last session was.
429	Romain	Replies he does not know.
441	Rep. Walker	Asks if the Governor signed the bill because it had some treatment programs in it.
445	Thompson	Responds that was not the reason and that the Governor fully supported last session's bill.
450	Rep. Walker	Notes that there is nothing in the bill that requires the complainants to limit their exposure to noise. Questions whether a person outside in their yard would hear the noise.
452	Chair Witt	States that there is an incentive here in policy for establishments to responsibly manage noise.
457	Romain	Explains that they're trying to establish a standard that defines what constitutes noise.
491	Rep. Brown	MOTION: Moves HB 2456 to the floor with a DO PASS recommendation.
500	Rep. Brown	States that the legislative intent of this bill is that it is meant to be

TAPE 48, A

020 Rep. Walker
025 Rep. Bates

030 Chair Witt

084 Chair Witt

090 Chair Witt

HB 2549 PUBLIC HEARING

100 Rep. Tom Butler

119 Chair Witt

123 Rep. Butler

129 Chair Witt

HB 2549 WORK SESSION

135 Rep. Knopp

140 Chair Witt

142 Chair Witt

HB 2821 PUBLIC HEARING

145 Clem

198 Rep. Al King

244 Cheryl Pellegrini

278 Rep. Krummel

285 Pellegrini

299 John Glascott

320 Chair Witt

325 Glascott

350 Bruce Shaull

365 Rep. Walker

370 Shaull

inclusive of all OLCC rules related to noise.

Explains she will be voting against the motion.

Asks if “reasonable person” is a phrase that is commonly used in law.

Responds that it is a term used throughout law.

VOTE: 9-2

AYE: 9 - Bates, Brown, Carlson, Devlin, Garrard, Johnson, Knopp, Krummel, Witt

NAY: 2 - Monnes Anderson, Walker V

The motion CARRIES.

REP. BROWN will lead discussion on the floor.

Closes the work session on HB 2456 and opens a public hearing on HB 2549.

House District 60. Testifies in favor of HB 2549.

Asks if this bill is cleaning up something that did not get properly adopted into statute last session.

Responds affirmatively.

Closes the public hearing and opens a work session on HB 2549.

MOTION: Moves HB 2549 to the floor with a DO PASS recommendation.

VOTE: 11-0

Hearing no objection, declares the motion CARRIED.

REP. BUTLER will lead discussion on the floor.

Closes the work session on HB 2549 and opens a public hearing on HB 2821.

Reads staff preliminary summary of HB 2821 and explains the proposed –3 amendments.

House District 44. Testifies in favor of HB 2821 and the –3 amendments.

Department of Justice. Testifies in favor of HB 2821 and the –3 amendments.

Asks if the bill would prevent a company from sending a person a check in the mail that, if endorsed, would change the person’s carrier.

Replies she believes it would.

Representing the American Association of Retired Persons (AARP). Submits written testimony (**EXHIBIT C**) and testifies in support of HB 2821. Suggests changes to the bill.

Questions whether what Mr. Glascott referred to in his testimony is the practice known as cramming. Asks if cramming should be dealt with separately.

Responds that this would not be necessary if the committee incorporates the changes he is suggesting in section two.

Representing Sprint. Submits written testimony (**EXHIBIT D**) and testifies in opposition to HB 2821.

Notes that Mr. Shaull indicated in his testimony that slamming complaints have decreased almost 89% in the last two years.

Asks if the bill would take care of the other 11%.

Suggests waiting one more year to see if the remaining 11%

452	Rep. Devlin	disappear. Asks if by adding the word "service," they would have to identify or define service.
455	Pellegrini	Responds affirmatively.
468	Rep. Walker	Asks Ms. Pellegrini if she supports Mr. Glascott's proposed amendment to the bill.
TAPE 47, B		
050	Chair Witt	Notes that the Department of Justice and Legislative Counsel shared some concerns they had about the bill with committee staff.
011	Clem	Explains the Department of Justice and Legislative Counsel's concerns.
025	Chair Witt	Closes the public hearing and opens a work session on HB 2821.
<u>HB 2821 WORK SESSION</u>		
038	Chair Witt	MOTION: Moves to AMEND the HB 2821-3 amendments on page 1, in line 12, after "other," insert "unrelated".
		VOTE: 11-0
042	Chair Witt	Hearing no objection, declares the motion CARRIED.
063	Chair Witt	MOTION: Moves to ADOPT, as amended, the HB 2821-3 amendments dated 2/27/01.
		VOTE: 11-0
067	Chair Witt	Hearing no objection, declares the motion CARRIED.
074	Rep. Krummel	MOTION: Moves HB 2821 to the floor with a DO PASS AS AMENDED recommendation.
076	Rep. Walker	Expresses support for the bill.
079	Rep. Krummel	Comments on his support for the bill.
091	Chair Witt	Explains why he is supporting the bill.
		VOTE: 11-0
097	Chair Witt	Hearing no objection, declares the motion CARRIED. REP. KING will lead discussion on the floor.
106	Chair Witt	Closes the work session on HB 2821 and opens a public hearing on HB 2292.
<u>HB 2292 PUBLIC HEARING</u>		
128	Michael McCracken	Executive Director, Oregon Gambling Addiction Treatment Program. Submits written material (EXHIBIT E) and testifies in favor of HB 2292.
280	Rep. Carlson	Asks if a phone survey would result in an undercount because individuals involved in problem gambling may not have phone service.
290	McCracken	Responds affirmatively. Notes that these surveys are not very good at looking at small population groups.
324	Rep. Carlson	Referencing the statistics on page 18 of the submitted material, comments that in terms of real numbers it seems the number of problem gamblers has increased.
350	Thomas Moore	Oregon Gambling Addiction Treatment Foundation. Explains that if the population increases and prevalence stays the same, there will be more individuals involved.
372	Rep. Carlson	Asks whether there is any correlation between casino increases and decreases in video poker and types of gambling.
383	McCracken	Responds that none of these changes reached the level of statistical significance at the 5% confidence.
391	Rep. Garrard	Asks if the addition of new games increases the number of those

408 McCracken who play or increases the amount of money spent.
 420 Moore Responds that this report does not answer that question.
 Adds that when you change the venue of games there may be an
 addition of new people coming in.
 442 Rep. Walker States that it seems internet gambling showed the most
 significant increase in gambling activities. Asks if the State of
 Oregon can do anything about it.
 447 McCracken Responds that the foundation has a web site with links to
 information on treatment centers. Notes that some of the requests
 for information they are getting are coming from purveyors of
 internet gambling.
 488 Chair Witt Notes that he has introduced a bill to make it unlawful to gamble
 on the internet and to collect a credit card debt from gambling on
 the internet in Oregon.

TAPE 48, B

050 Rep. Walker Asks how internet gambling is conducted.
 060 Moore Responds that there are virtual casinos and all a person needs to
 get into them is a credit card.
 066 McCracken Adds in their youth study they found a problem gambling rate
 amongst Oregonians younger than 18 to be 4.9%, with 11% of
 that population at high risk of developing gambling problems.
 070 Chair Witt Asks Mr. McCracken if he knows what percentage of these
 youth were gambling on the internet.
 072 McCracken Responds that the study showed 1%.
 075 Rep. Walker Asks where the other 3.8% are gambling.
 078 Moore Responds about half of them were getting lottery tickets from a
 parent, guardian, or friend. Notes that 10–12% of adolescents
 reported sneaking into casinos. Gives additional statistics on
 adolescents and gambling.
 102 Chair Witt Asks speakers if addictive gambling is interrelated to other
 problems, such as alcohol addiction.
 110 McCracken Responds that there seems to be a whole complex of disorders
 that surround pathological gambling. Notes that there is a strong
 correlation with substance abuse, depression and suicides.
 123 Chair Witt Asks if the tendency has a genetic basis or is it developmental.
 128 Moore Responds that there is some genetic studies being conducted
 right now, but the information they have is preliminary.
 144 Chair Witt Asks if the amount of money allocated to dealing with addictive
 problems is sufficient or would additional funding yield better
 results.
 159 McCracken Responds that the problem in Oregon is distributing the money
 where the need is rather than the total amount of money.
 188 Rep. Carlson States it is her understanding that 0-18 year olds in Oregon
 comprise about one-third of the population. Asks if the adult
 population involves a larger percent of the total number of
 people.
 202 Moore Responds that there may be more gambling in the older
 population of children, however, the age of beginning gambling
 behavior is dropping.
 229 Rep. Devlin Asks if there are any statistics on the level of dysfunction in
 pathological gamblers.
 243 McCracken Referencing the table on page 2 of the submitted material,
 responds that there are 10 categories of problems and that
 pathological gamblers will show signs of at least five of these

		categories.
277	Rep. Devlin	Asks if there is a clear connection between pathological gambling and unlawful activities.
289	McCracken	Responds that, anecdotally speaking, the first victims are friends and family. States that studies underway are not yet conclusive.
311	Moore	States most of the problems go along with mental health issues, such as suicide ideation.
316	Jeff Marotta	Submits written testimony (EXHIBIT F) and testifies in support of HB 2292.
386	Chris Lyons	Director, Oregon State Lottery. Submits written testimony (EXHIBIT G) and testifies on HB 2292.
TAPE 49, A		
028	Lyons	Continues testimony.
141	Pamela Roskowski	Chief of Police, Corvallis and Vice-Chair, Oregon State Lottery Commission. Submits written testimony (EXHIBIT H) and testifies on HB 2292.
Written testimony of Peter Keep submitted by staff for the record (EXHIBIT I).		
219	Vice-Chair Knopp	Closes the public hearing on HB 2292 and adjourns the committee at 5:30 p.m.

Submitted By,

Reviewed By,

Renee' Lunsford,
Committee Assistant

Daniel Clem,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 2456, written testimony, Marge Kafoury, 5 pp.**
- B – HB 2456, written testimony, Christy Monson, 1 p**
- C – HB 2821, written testimony, John Glascott, 1 p**
- D – HB 2821, written testimony, Bruce Shaull, 1 p**
- E – HB 2292, written material, Mike McCracken, 44 pp.**
- F – HB 2292, written testimony, Jeff Marotta, 2 pp.**
- G – HB 2292, written testimony, Chris Lyons, 3 pp.**
- H – HB 2292, written testimony, Pamela Roskowski, 3 pp.**
- I – HB 2292, written testimony of Peter Keep, Staff, 12 pp.**