

SENATE COMMITTEE ON RULES AND REDISTRICTING

July 03, 2001 Hearing Room C
3:30 PM Tapes 133 - 134

MEMBERS PRESENT: **Sen. Steve Harper, Chair**
 Sen. Peter Courtney, Vice-Chair
 Sen. Jason Atkinson
 Sen. Lee Beyer
 Sen. John Minnis

STAFF PRESENT: **Craig Allen, Committee Administrator**
 Rick Berkobien, Committee Administrator
 Jan McComb, Committee Administrator
 Marjorie Taylor, Committee Administrator
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: Work Session
 HB 2581-A
 HB 2828-A
 HB 3045-A
 HB 3451-A
 HB 4001
 HB 2934-A
 HB 3406-A
 HB 3712-A
 HB 3224-A
 HB 2280-A
 HB 3920-A
 HB 3809-A
 Public Hearing
 HB 3126-A

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.

TAPE/#	Speaker	Comments
TAPE 133, A		
003	Chair Harper	Calls meeting to order at 3:35 p.m. Requests that those interested in HB 3126-A go into a work group to resolve their differences.
015	Chair Harper	Opens a work session on HB 2581-A.
HB 2581-A - WORK SESSION		
023	Sen. Courtney	MOTION: Moves to ADOPT the HB 2581-A9 amendments dated 7/2/01.
024		VOTE: 4-0-1 EXCUSED: 1 - L. Beyer
	Chair Harper	Hearing no objection, declares the motion CARRIED.

024	Sen. Courtney	MOTION: Moves HB 2581-A to the floor with a DO PASS AS AMENDED recommendation.
032		VOTE: 4-0-1 EXCUSED: 1 - L. Beyer
	Chair Harper	Hearing no objection, declares the motion CARRIED. SEN. HARPER will lead discussion on the floor.
036	Chair Harper	Opens a work session on HB 2828-A.
038	<u>HB 2828-A - WORK SESSION</u> Bill Perry	Oregon Restaurant Association. Explains the HB 2828-A6 amendments (EXHIBIT B):
		<ul style="list-style-type: none"> • Contain compromise language with the Governor's office in relation to the statewide smoking bill, HB 3953. • Section 1 sets up definition of "place of employment." • Section 2 deletes the current Clean Indoor Air Act and replaces it with new language. Subsection (1) bans smoking as stated in the definition. Subsection (2) lists the exemption. • Section 4 relates to the preemption. • Section 7 increases the penalty.
		Issues discussed:
080		<ul style="list-style-type: none"> • Differences between the HB 2581-A6 amendments and HB 3953-A. • Proposed language covering the restaurant /bar combination establishments.
104	Rep. Diane Rosenbaum	District 14. Testifies in opposition to HB 2828-A (EXHIBIT C) and submits statement for Diane Linn, Multnomah County Commissioner (EXHIBIT D).
161	Josh Alpert	Oregon Health Leadership Against Tobacco. Submits prepared statement in support of the HB 2828-A5 amendments (EXHIBIT F). Explains that the big difference between the HB 2828-A5 (EXHIBIT E) and the HB 2828-A6 amendments (EXHIBIT B) is the -A5 amendments would include the restaurant-bar combination. States their attempt in the -A5 amendments was to make the statewide preemption as strict as possible to protect children. The -A5 amendments would also include bowling alleys in the ban because children frequent bowling alleys quite often. The -A5 amendments have a slight change in the definition of an "enclosed area" and defines it as "solid walls."
205	Alpert	Further explains that stand-alone cocktail lounges are included in the exemptions and defined them at the top of page 2. The restaurant-bar combination is not listed as an exemption but the stand-alone is. Bowling alleys are not included in the exceptions and they are therefore covered.
	Christy Monson	League of Oregon Cities. Submits statement in opposition to HB 2828-A (EXHIBIT G).
209	Sen. Courtney	MOTION: Moves to ADOPT the HB 2828-A5 amendments dated 7/3/01.
209	Chair Harper	VOTE: 2-3-0 OBJECTIONS: 3 - Atkinson, Harper, Minnis Acknowledging three objections, declares the motion

FAILED.

214 Sen. Minnis **MOTION: Moves to ADOPT the HB 2828-A6 amendments dated 7/3/01.**

215 Chair Harper **VOTE: 5-0-0**
Hearing no objection, declares the motion CARRIED.

220 Sen. Minnis **MOTION: Moves HB 2828 to the floor with a DO PASS AS AMENDED recommendation and RESCIND SUBSEQUENT REFERRAL to Ways and Means.**

222 **VOTE: 3-2-0**
OBJECTIONS: 2 - L. Beyer, Courtney

Chair Harper **Noting objections by Sens. L. Beyer and Courtney, declares the motion CARRIED.**

SEN. HARPER will lead discussion on the floor.

228 Sen. Courtney Serves notice of a minority report on HB 2828-A.
231 Chair Harper Closes the work session on HB 2828-A and opens a work session on HB 3045-A.

HB 3045-A - WORK SESSION

223 Gary Conklin Beaverton and Hillsboro School Districts. Comments that smaller schools would be better but they are trying to find sites for 2,800 student high schools.

251 Sen. Courtney **MOTION: Moves HB 3045-A to the floor with a DO PASS recommendation.**

252 **VOTE: 5-0-0**
Chair Harper **Hearing no objection, declares the motion CARRIED.**

SEN. HARTUNG will lead discussion on the floor.

256 Chair Harper Closes the work session on HB 3045-A and opens a work session on HB 3451-A.

HB 3451-A - WORK SESSION

263 Sen. Courtney **MOTION: Moves HB 3451-A to the floor with a DO PASS recommendation.**

265 **VOTE: 5-0-0**
Chair Harper **Hearing no objection, declares the motion CARRIED.**

SEN. DUKES will lead discussion on the floor.

282 Chair Harper Closes the work session on HB 3451-A and opens a work session on HB 4001.

HB 4001-WORK SESSION

260 Bill Linden Oregon Metals Industry Council. Explains that the HB 4001-1 amendment (**EXHIBIT H**) adds to language in the bill. As written, HB 4001 covers a mold that is totally constructed by one of the affected entities. The amendment would also include a mold brought into the manufacturer for changes.

309 Russ Spencer American Plastics Council. Explains they typically do not own the molds but simply produce the products.

416 Chair Harper Closes the work session on HB 3406-A and opens a work session on HB 3712-A

HB 3712-A - WORK SESSION

438 Rep. Vic Backlund District 33. Testifies in support of HB 3712-A:
Bill Friedman Mayor, City of Bend. Submits statement in support of HB 3712-A (**EXHIBIT I**).

Jo Anne Sutherland City Manger, City of Medford. Submits statement in support of HB 3712-A (**EXHIBIT J**).

446 Sen. Courtney **MOTION: Moves to ADOPT the HB 3712-A7 amendments dated 7/3/01 (EXHIBIT K).**

448 **VOTE: 4-0-1**

EXCUSED: 1 - Minnis

Chair Harper Hearing no objection, declares the motion CARRIED.

449 Sen. Courtney **MOTION: Moves HB 3712-A to the floor with a DO PASS AS AMENDED recommendation.**

450 **VOTE: 4-0-1**

EXCUSED: 1 - Minnis

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

TAPE 134, A

002 Chair Harper Closes the work session on HB 3712-A and opens a work session on HB 3224-A.

HB 3224-A - WORK SESSION

005 Rep. Jerry Krummel District 27. States that HB 3224-A is a good bill and should pass.

006 Sen. Courtney **MOTION: Moves HB 3224-A to the floor with a DO PASS recommendation.**

006 **VOTE: 4-0-1**

EXCUSED: 1 - Minnis

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. L. BEYER will lead discussion on the floor.

024 Chair Harper Closes the work session on HB 3224-A and opens a work session on HB 2280-A.

HB 2280-A - WORK SESSION

025 Marge Kafoury City of Portland. States the City of Portland supports HB 2280-A.

030 Marcia Kelly Women's Rights Coalition. States that while she likes and watches sports, she does not feel it is good public policy to give away taxpayer dollars that could be working for human services to a private entity making money on a sports facility, even if it is owned by the City of Portland.

037 Sen. Courtney **MOTION: Moves to ADOPT the HB 2280-A2 amendments dated 7/3/01 (EXHIBIT L).**

038
Chair Harper
VOTE: 4-0-1
EXCUSED: 1 - Minnis
Hearing no objection, declares the motion CARRIED.

038
Sen. Courtney
MOTION: Moves HB 2280-A to the floor with a DO PASS AS AMENDED recommendation.

038
Chair Harper
VOTE: 4-0-1
EXCUSED: 1 - Minnis
Hearing no objection, declares the motion CARRIED.
SEN. CARTER will lead discussion on the floor.

HB 3126-A - PUBLIC HEARING

052
Chair Harper
Announces that the group working on amendments to HB 3126-A has come to an agreement, that new amendments will be received tomorrow, and that the committee will consider the measure then.

067
Dave Bolton
An insurance consumer. Opposes (d) on page 11 of the HB 3126-A6 amendments (**EXHIBIT M**). States that nobody would be looking at the contracts under the provision in the amendments; the contracts would be looked at only after harm has been done to the consumers.

Tom Barrows
Northwest Professional Employers Organization. Submits statement in support of HB 3126-A and the -A6 amendments (**EXHIBIT N**).

107
Chair Harper
Closes the public hearing on HB 3126-A and opens a work session on HB 3920-A.

HB 3920-A - WORK SESSION

108
Nancy Miller
Director, Juvenile Court Programs Division, Office of the State Court Administrator. Testifies in support of HB 3920-A (**EXHIBIT O**). Explains that the HB 3920-A8 amendments (**EXHIBIT P**) fix two bills that have passed both houses. They are HB 2336 relating to juvenile court appeals and SB 419.

132
Sen. Courtney
MOTION: Moves to ADOPT the HB 3920-A8 amendments dated 7/3/01.

135
Chair Harper
VOTE: 5-0-0
Hearing no objection, declares the motion CARRIED.

136
Sen. Courtney
MOTION: Moves HB 3920-A to the floor with a DO PASS AS AMENDED recommendation.

140
Chair Harper
VOTE: 5-0-0
Hearing no objection, declares the motion CARRIED.
SEN. COURTNEY will lead discussion on the floor.

140
Chair Harper
Closes the work session on HB 3920-A and opens a work session on HB 3809-A.

HB 3809-A - WORK SESSION

134
Rep. Kropf
District 37. States that he and Rep. Betsy Close bring HB 3809 for their constituencies. Submits statement and HB 3809-A7 amendments (**EXHIBIT Q**). Comments on clubbing fish and

reviews amendments. Explains that the HB 3809-A3 and HB 3809-A4 amendments are combined in the HB 3809-A7 amendments.

Issues discussed:

- What will be done with the fish if they cannot be clubbed.
- Whether fishermen would be prohibited from clubbing their catch.

202
239 Rep. Bob Jenson District 57. States that the House Stream Restoration & Species Recovery Committee urges passage.

248 Ken Evans Fisheries Restoration Enhancement Coalition. States that the HB 3809-A7 amendments reflect the unintended consequences in the engrossed version of the bill. States that the amendments exempt most current practices of the Department of Fish and Wildlife.

241 Roy Elicker Oregon Department of Fish and Wildlife (ODF&W). Submits statement saying the department does not support HB 3809-A (**EXHIBIT R**) and does not address the HB 3809-A7 amendments but the amendments make the bill more helpful to the department.

311 Terry Thompson Comments he does not see how the operators will be able to operate the hatchery without at least some clubbing. States there are areas that are away from places where devices for killing the fish could be invented. Believes the ODF&W personnel should be trained on how to do it properly in a humane manner.

339 Phil Donovan Northwest Sportfishing Industry Association, NW Steelheaders, Oregon Guides and Packers. Testifies in opposition to HB 3809-A and the -A7 amendments (**EXHIBIT S**).

Issues discussed:

- Why not leave the fish in the water.
- 374
397 Aubrey Russell Oregon Trout. Testifies in opposition to HB 3809-A and feels the HB 3809-A7 amendments do not make it a whole lot better. States that such a moratorium discourages salmon recovery. There is an opportunity to have hatchery fish, sports fishing, and all the benefits. The people managing hatcheries should have the opportunity to base management decisions on scientific evidence and not have a one-size-fits-all solution imposed on them saying hatchery fish cannot be removed.

TAPE 133, B

063 Sen. Harper MOTION: Moves to ADOPT the HB 3809-A7 amendments dated 6/19/01.

**065 VOTE: 4-0-1
EXCUSED: 1 - Courtney**

Chair Harper Hearing no objection, declares the motion CARRIED.

066 Sen. Harper MOTION: Moves HB 3809-A to the floor with a DO PASS AS AMENDED recommendation.

**068 VOTE: 4-0-1
EXCUSED: 1 - Courtney**

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. FERRIOLI will lead discussion on the floor.

069 Chair Harper Adjourns meeting at 4:35 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

- A - HB 2581, HB 2581-A9 amendments, Sen. Harper, 6 pp**
- B - HB 2828, HB 2828-A6 amendments, Bill Perry, 5 pp**
- C - HB 2828, statement, Rep. Rosenbaum, 1 p**
- D - HB 2828, statement from Dianne Linn, Rep. Rosenbaum, 1 p**
- E - HB 2828, HB 2828-A5 amendments, Josh Alpert, 6 pp**
- F - HB 2828, statement, Josh Alpert, 2 pp**
- G - HB 2828, statement, Christy Monson, 1 p**
- H - 4001, HB 4001-1 amendments, Bill Linden, 1 p**
- I - HB 3712, statement, Bill Friedman, 2 pp**
- J - HB 3712, statement, Jo Anne Sutherland, 2 pp**
- K - HB 3712, HB 3712-A3 amendments, staff, 1 p**
- L - HB 2280, HB 2280-A2 amendments, staff, 1 p**
- M - HB 3126, HB 3126-A6 amendments, staff, 34 pp**
- N - HB 3126, statement, Tom Barrows, 2 pp**
- O - HB 3920, statement, Nancy Miller, 2 pp**
- P - HB 3920, HB 3920-A8 amendments, Nancy Miller, 10 pp**
- Q - HB 3809, statement and HB 3809-A7 amendments, Rep. Kropf, 8 pp**
- R - HB 3809, statement, Roy Elicher, 5 pp**
- S - HB 3809, statement, Phil Donovan, 1 p**