

**SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

February 04, 1999 Hearing Room 50

4:30 P.M. Tapes 31 - 34

**MEMBERS PRESENT: Sen. Gary George, Chair**

**Sen. Thomas Wilde, Vice-Chair**

**Sen. Corcoran**

**Sen. Dukes**

**Sen. Fisher**

**Sen. Lim**

**MEMBER EXCUSED: Sen. Ferrioli**

**STAFF PRESENT: Brad Harper, Administrator**

**Kristal Hatton-Nease, Administrative Support**

**MEASURES HEARD: SB 238 - Public Hearing**

**SB 224 - 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.

TAPE/#	Speaker	Comments
[Due to equipment failure, there is no audiotape for section 32, A. The information in that section is from notes taken during that period of the meeting.]		
TAPE 31, A		
005	Chair George	Convenes meeting at 4:30 p.m.
<b><u>SB 238 - Public Hearing</u></b>		

011	Brad Harper	Committee Administrator. Explains SB 238 <b>[EXHIBIT A]</b> , which transfers specified duties and functions of the Superintendent of State Police relating to boxing and wrestling to Oregon State Boxing and Wrestling Commission.
024	Bob Miller	Director, Oregon State Police Gaming Enforcement Division. Submits <b>[EXHIBIT B]</b> and testifies in support of SB 238. Gives a brief history of the Boxing and Wrestling Commission.
082	Miller	Comments on the Directed Management Review (DMR) and says the only recommendation from the is to review and modify authority of the Commission and Superintendent as in statute for revision during the next legislative session.
120	Sen. Lim	Asks why the State Police try to hold on to control of the Commission.
125	Miller	Replies this is a public policy issue for the legislature and the Governor. Says authority was shifted to the State Police from the Governor in 1993 by the legislature.
139	Sen. Lim	Asks if it makes any difference if the Superintendent or the Governor appoints the commission.
142	Miller	Comments anytime someone wants to hold a person accountable for a group, it become more difficult to hold the Superintendent of State Police accountable for people he does not have the authority to appoint or remove.
151	Sen. Wilde	Asks how many wrestling and boxing events happen in Oregon on an annual basis.
156	Miller	Responds one wrestling event and no boxing events occurred last year. Adds there have been 39 events since the creation of the Commission. Anticipates 7-12 events this year in Oregon.
181	Sen. Wilde	Asks if this is in the best interest of the Superintendent of State Police.
186	Miller	Responds it is.
188	Chair George	Asks if Oregon citizens would see more national events if this authority were transferred.
195	Miller	Responds no. Comments on the HIV testing and the drug policy of the commission. Says Hulk Hogan's brew would not take the test.
239	Chair George	<i>[Inaudible]</i>

241	Miller	Says he does not want to speculate. Says national events tend to go to unregulated states where they do not need to comply with rules, like those of drug testing.
256	Chair George	Asks if there are similar laws in other states.
258	Miller	Responds he does not know.
265	Chair George	<i>[Inaudible]</i>
268	Miller	Says he has researched a lot. Comments in certain states if wrestling is de-regulated it can be cast as ðtheaterí and not ðsportí, it can be un-regulated.
301	Miller	Discusses proposed changes to SB 238. Says the real substantive change in the law is contained in section 4, subsection (2), which defines the powers to enforce rules, keep records, and to report data to interested parties.
357	Miller	Comments on section 5 of SB 238 and says this section changes "Administrator" to "Director" and clarifies duties. Adds changes to section 5 become unnecessary if the changes in Sections 2 are made.
409		Comments and responses between Sen. Wilde and witness regarding Sections one and five. Sen. Wilde says section one would have a significant impact on the time a person could serve in the position.
<b>TAPE 32, A</b>		<b>[No audiotape for this section.]</b>
008	Miller	Says there are geographical requirements. Says he has not heard any complaints.
021	Sen. Fisher	Asks why should the Superintendent has the final authority.
028	Chair George	Says that was addressed earlier.
040	Miller	Continues testimony on Section 6, subsection (1), which changes "Superintendent" to "Commission" and provides for the promoter to pay officials. Adds there is no change to subsection (2).
074	Chair George	Comments on the experience of commission members.
083	Miller	Discusses changes to section 7. Says subsection (1) gives the Commission jurisdiction to enforce and investigate; subsection (2) shifts current authority from "Superintendent" to "Commission"; subsection (3) shifts authority for suspending and revoking licenses; and (4) shifts authority to deny and application.

111	Sen. Fisher	Expresses concern about section 7.
134	Sen. Dukes	Comments a similar bill was discussed in the past three sessions.
156	Miller	Discusses the workload of the Commission. Says there are many things on the horizon for 1999.
182	Miller	Begins discussing section 7 of SB 238. Adds this section give the Commission the authority to enforce and investigate. Says it clarifies hearing process.
205	Sen. Dukes	Asks if the penalties should be left to the Commission.
211	Miller	Says he does not believe it is an unreasonable penalty. Adds it would represent a deterrent.
235	Miller	Discusses section 8, which represents reporting requirements.
250	Sen. Fisher	Calls attention to page seven line 3 and 4 of the bill. Asks how people can get 66 2/3%.
268	Sen. Corcoran	Says that concerns the take of the boxer, not the match.
293		Questions and responses between Sen. Fisher, Sen. Corcoran, and witness about the meaning of gross purse money. Sen. Dukes asks what is the meaning of a ěpurseí
350	Chair George	Suggests looking at other language for this section.
355	Miller	Says he will look into other language.
366	Sen. Fisher	Says the bill deals with only boxers. Asks if this applies to wrestlers.
370	Miller	Answers yes.
372	Sen. Corcoran	Suggests clarifying of ěpurseí or leaving it out.
393	Miller	Discusses section 9, which deals with failure to report.
402	Sen. Dukes	Comments on the tax being imposed on the sale of tickets. Says she is curious about the language. Asks why doesnít the bill just impose a gross receipt tax. Asks about the gate receipt information.

434	Miller	Says he does not have the gate receipt information.
445	Sen. Dukes	Asks if Oregon receives a part of the cable receipts from pay per view events.
448	Miller	Explains Oregon receives 6% of cable receipts.
457	Sen. Dukes	Comments on the language in SB 238.
<b>TAPE 31, B</b>		
011	Miller	Explains section 10 of the bill.
020	Chair George	Suggests requiring two members of the board to have experience. Says this would provide a good balance.
024	Miller	Responds that can be done.
027	Sen. Fisher	Comments on the inconsistencies in SB 238.
037	Chair George	Understands the federal law <i>[recording equipment cut out]</i> .
041	Miller	Answers tribes do not need to come under state umbrella of regulations, but they can and do here in Oregon. Adds tribes only need to comply with federal laws.
060	Sen. Dukes	Comments on discussion from last session about types of promoters and setting up fights in Oregon and the quality of events that may be held. Asks if Oregon is doing this because something bad happened.
074	Miller	Says this bill was brought forward because the commission director was under severe fire.
119	Sen. Dukes	Asks if these changes are made, does the witness expect there will be non tribal boxing matches held in Oregon
122	Miller	States regardless of these changes, there will be boxing matches.
134		Questions and responses between Sen. Fisher and witness regarding section 9. Sen. Fisher comments on the state overpaying a participant. Says the state should return any extra money.
210	Sen. Wilde	Comments his wife had a judgement against the City of Portland and the city refused to pay her. Says she took the city to court and obtained her money.

224	Gary Conkling	Oregon Arena Corporation. Gives background on the association. Says it includes the Rose Garden in Portland. Comments on the attempts to bring wrestling to Oregon . Adds the association is attempting to explore neighboring states to see what types of regulations they have.
287	Sen. Fisher	Asks where the Oregon Arena Corporation is on the bill.
288	Conkling	Says the association has not taken position. Comments on the definition of wrestling.
306	Chair George	Comments that the wording of line 38 might describe an event that may not occur.
321	Conkling	Comments on the reality of something that is entertainment but pretends to be a sporting event. Says the goal is to intrude politely.
344	Chair George	Asks if Conkling will work with the committee administrator and the State Police.
349	Conkling	Responds yes.
351	Sen. Lim	Comments on martial arts events in Oregon. Says it is almost boxing. Says martial arts should be included.
369	Sen. Dukes	Points out kickboxing is in the bill.
<b><u>SB 224 - PUBLIC HEARING</u></b>		
384	Harper	Explains SB 224 <b>[EXHIBIT C]</b> . Says SB 224 ratifies the Northwest Wildland Fire Protection Agreement and authorizes the Governor to take whatever action necessary to fulfill the agreement. Delegated authority would rest with the State Forester. Adds SB 224 if an interstate/international fire suppression and prevention compact modeled after a mutual aid agreement between the northeastern states and Canadian provinces that has been in place since 1952.
412	Clark Seely	Wildfire Protection Program Director, Oregon Department of Forestry. Submits <b>[EXHIBIT D]</b> and testifies in support of SB 224. Says that several western states and Canadian provinces have discussed the concept of creating an interstate mutual aid agreement for the purpose of sharing wildland fire expertise, materials, and resources across the agencies on a reimbursable basis.
<b>TAPE 33, A</b>		
005	Seely	Adds the Oregon Attorney General's office advises that the Oregon Legislative Assembly to ratify the agreement to formalize Oregon's participation and that

		this would be consistent with historical legislative actions for similar agreements.
026	Sen. Wilde	Comments on section one of SB 224. Asks what Oregon does in terms of prevention in relation to other states and territories that Oregon would need to involve.
031	Seely	Replies the provision in section one would allow <i>[recording equipment cut out]</i> .
042	Sen. Wilde	Asks if Oregon has the ability to share information at the present time.
044	Seely	Replies Oregon does on a limited basis.
052	Sen. Wilde	Says that seems like normal interaction between governmental bodies. Adds the two areas that concern him are prevention and pre-suppression.
074	Seely	Comments on prevention an pre-suppression activities. Discusses the need to clarify the element of pre-suppression.
086	Sen. Dukes	Comments on a smokejumper school in Idaho that has a limited number of positions available. Believes an agreement like this would give our people a better chance to get into the school.
106	Seely	Discusses the 1986 fire season in Oregon. Says there were difficult propositions to use the Canadian resources.
119	Chair George	Says he is uneasy with the language in the bill.
120	Seely	Draws attention to article 6 of page 2. Asks how employees fit into the organization of other aid members.
144	Chair George	Asks if Oregon could enter into agreements with state of Washington.
150	Seely	Answers yes. Says Oregon and Washington have agreements now.
153	Sen. Wilde	Asks if, according to section 8, Oregon is sovereign and no other jurisdiction should be able to tell Oregon what to do.
163	Seely	Answers yes. Says nothing in this agreement binds, restricts, or changes Oregonis abilities.
171	Chair George	<i>[Inaudible.]</i>

175	Seely	Answer no, and says Oregon can not supply that kind of resource or aid at this time
186	Chair George	Asks where that would be found.
190	Seely	Says it is found in article 1 and more specifically in article 5. Provides additional comments on the concept of mutual aid.
222	Martin Desmond	Acting Director, Northwest Forestry Contractors Association. Submits <b>[EXHIBIT E]</b> and gives testimony in support of SB 224. Provides background information on the Northwest Forestry Contractors Association. Says this cost-effective contract allows the use of contractor resources to help suppress fires on both public and private forest lands.
257	Glen Stonebrink	Executive Vice-President, Oregon Cattlemen's Association. Understands mutual aid. Expresses concern about having more regulations. Says he would like to see a definition of "wildland region". Comments on article 3 and the role of members.
305	Stonebrink	Discusses article 5, when a member state/province requests aid from another member that member agrees to the extent the member possibly can. Says he need to know what that means. Adds he also would like to know what "all possible aid" means. Points out line 11 on page 3 of the bill, which relates to the support of common services. Comments on the costs being allocated and asks where the money will come from
349	Seely	Discusses the concern about operating plans. Explains the scope is not intended to go beyond any individual state's statutory authority.
400	Chair George	Expresses concern about training <i>[recording equipment cut out]</i> .
420	Sen. Dukes	Comments SB 224 says any one coming into Oregon to help is under the control of our state.
430	Stonebrink	Addresses line 10, which specifies that other sections, may be added as necessary.
452	Sen. Dukes	Explains that is unconstitutional.
464	Seely	Replies the intent of paragraph two is relative to the operating plan and not this agreement. Adds one of the key pieces on this legislation is to establish a reasonable mechanism for exchange rate at the time payment needs to be made.
<b>TAPE 34, A</b>		



009	Stonebrink	Comments on section nine, which says the Governor may take any action necessary to carry out the agreement and turn that authority over to the State Forester.
015	Seely	Says the language in section nine was reviewed by Attorney General's office.
031	Sen. Wilde	Comments the Governor has the executive power to take action presently.
037	Stonebrink	Comments on the aspect of members requesting a federal agency to act as a coordinating agency. Expresses concern about bringing in a federal agency to act as a coordinator.
053	Seely	Replies no federal agency will have power over Oregon, in relation to this bill.
075	Stonebrink	Expresses concern about a simple majority vote of members being able to amend the agreement. Asks if there is a backout clause.
083	Seely	Explains there is a backout clause.
094	Sen. Dukes	Says if the state Forestry Department were to go off in an extreme direction, the Legislative Emergency Board would have some discussion and they would find themselves without the ability to disperse funds for this sort of activity.
105	Seely	Replies he would offer an amendment to clarify that point and suggest it be added to section 3.
107	Chair George	Asks Seely to work with Stonebrink on his concerns.
110	Sen. Wilde	Comments on the language in the bill. Suggests using "best faith effort" in the bill.
124	Seely	Answers he will be glad to do that.
127	Sen. Dukes	Asks if this legislation is identical to legislation being introduced in other states.
129	Seely	Relies yes. Says that articles 1 to 11 are in essence the federal legislation. Adds the Oregon Attorney General's office advised using the language in article two.
143	Sen. Dukes	Comments the legislature does not always get to change the language in a bill.
149	Chair George	Says if the committee can not have the language discussed, then he wants to know why not.

153	Seely	Says he will work on an amendment with Stonebrink.
157	Chair George	Adjourns meeting at 6:41 p.m.

Submitted By, Reviewed By,

Kristal Hatton-Nease, Brad Harper,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ SB 238, Staff, 8 pp.**

**B ñ SB 238, Preliminary Staff Measure Summary, Staff, 1 p.**

**C ñ SB 238, Written testimony, Bob Miller, 14 pp.**

**D ñ SB 224, Staff, 4 pp.**

**E ñ SB 224 Preliminary Staff Measure Summary, 1 p.**

**F ñ SB 224, Written testimony, Clark Seely, 2 pp.**

**G ñ SB 224, Written testimony, Martin Desmond, 1 p.**