

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

April 26, 1999 Hearing Room 50

4:30 p.m. Tapes 108 - 109

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair

Sen. Tony Corcoran

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. Marilyn Shannon

STAFF PRESENT: Brad Harper, Administrator

Patrick Brennan, Administrative Support

MEASURE/ISSUES HEARD: SB 238 Public Hearing

SB 1101 Work Session

SB 337 Work Session

SB 673 Work Session

SB 1152 Work Session

SJR 27 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.

TAPE/#	Speaker	Comments
TAPE 108, A		
002	Chair George	Calls the meeting to order at 4:48 p.m. Opens a public hearing on SB 238.

SB 238 PUBLIC HEARING

010	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the committee has received the ñ1, -2, and ñ3 amendments (EXHIBIT A). Mentions that there are additional changes to the bill that will be proposed by the sponsors and turned in to Legislative Counsel for preparation as official amendments. Adds that those amendments will be considered at a future hearing.
020	Sen. Randy Miller	Senate District 13. Testifies in support of the ñ2 amendments to SB 238. Says that the intent of the bill is to allow touring groups, such as World Championship Wrestling (WCW) and the World Wrestling Federation (WWF), to make appearances in Oregon. Asserts that both the organizations and a significant number of Oregonians desire to have such appearances take place. Indicates that wrestlers are submitted to tests that other performers are not, which produces a "foolish ban" that should be lifted. Asserts that if the ban is not lifted, it should be extended to other performers, such as musical groups and sports teams.
038	Sen. Corcoran	Makes a joke about Sen. Miller's professional wrestling career.
041	Miller	Mentions that there are two wrestling programs on at the same time on Monday nights, creating a dilemma for wrestling fans. Asserts that the issue is whether government should limit the entertainment choices of its citizens, or determine what is or is not entertainment. Acknowledges that there are people who criticize wrestling events as a bad influence on children but expresses confidence in the ability of viewers to discern between right and wrong. Says that he enjoys watching wrestling and feels no compulsion to "be like the Undertaker" or "The Rock."
075	Sen. Corcoran	Makes another joke about Sen. Miller's affection for wrestling.
085	Garry Conkling	Representative, American Arena Corporation. Testifies in support of SB 238. Indicates that the interested parties have achieved conceptual agreement on amendments that would address concerns regarding regulatory authority, physical examinations, and financial issues. Indicates that the amendment would be drafted within a matter of days.
107	Bob Miller	Captain, Oregon State Police. Testifies in support of SB 238. Concurs with Mr. Conkling's assessment of the compromise amendments (EXHIBIT B). States that the amended bill will bring WCW and the WWF to Oregon.
111	Jay Isaac	Representative, Rose Garden Arena. Testifies in support of SB 238. Concurs with Mr. Conkling and Capt. Miller.
113	Sen. Dukes	Mentions that there were boxing matches in Portland during the previous weekend. Wonders how the matches took place if there are restrictions on boxing and wrestling in Oregon.
118	Miller	Indicates that he attended the matches at the Portland Art Museum. Explains that the matches were sanctioned by the Oregon Boxing and Wrestling Commission.

121	Sen. Dukes	States that the promoters and participants must have been willing to undergo the regulations.
122	Miller	Concurs with Sen. Dukes. States that WCW and the WWF have never been restricted from coming to Oregon. Explains that SB 238 would simply make it easier for them to do so.
125	Sen. Dukes	Inquires about the eight wrestling events that have taken place in Oregon in 1999.
128	Miller	Replies that there is an active professional wrestling program in the state. Says that the events referred to by Sen. Dukes were affiliated with that program.
145	Conkling	Explains that WCW and the WWF are the two major professional wrestling organizations and that they are wary of the regulations.
153	Sen. Dukes	Asks if the committee could follow the lead of Missouri by requiring physical examinations without mentioning the criteria of those exams.
155	Sen. Corcoran	Indicates that he would support such a stipulation.
157	Conkling	Asserts that the conceptual amendments address just that issue.
163	Ed Johnston	Concerned citizen, Toledo, Oregon. Testifies in support of SB 238. Asserts that the boxing and wrestling events are beneficial to the communities where they take place. Says that allowing wrestling matches without regulation is preferable to being told by government what communities should or should not see.
174	Chair George	Indicates that additional testimony may be solicited in future hearings. Closes the public hearing on SB 238 and opens a work session on SB 1101.
<u>SB 1101 WORK SESSION</u>		
185	Brad Harper	Committee Administrator. Gives a brief description of the bill. Explains that the bill would limit the sulfur content of gasoline and diesel fuel. Indicates that the bill amendments (EXHIBIT C), proposed by Sen. Wilde, would further reduce the sulfur limit to an average of 30 parts per million and a maximum of 80 parts per million. Adds that the new limits would become effective 1-1-2004.
202	Sen. Wilde	Mentions that the 30/80 standard would conform with California. Says that he has yet to see any reports indicating that a reduction of sulfur content has a detrimental effect upon the maintenance or operation of motor vehicles. Asserts that the new standards would reduce particulate emissions by 80 percent. States that the amendments reflect changes proposed by the Oregon Environmental Council (OEC) and the Department of Environmental Quality (DEQ).

222	Chair George	Notes that the amended bill would impose the 30/80 standard by no earlier than 1-1-2004.
224	Sen. Wilde	Explains that the Federal government is considering the same date for imposition of the standard at the national level.
228	Sen. Dukes	Asks for clarification that the standard will be imposed "on or after" January 1 st , 2004.
230	Sen. Wilde	Explains that refineries will need several years to "tool up" in preparation for the standards.
237	Sen. Wilde	MOTION: Moves to ADOPT SB 1101-1 amendments dated 4/26/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
244	Sen. Wilde	MOTION: Moves SB 1101 to the floor with a DO PASS AS AMENDED recommendation.
246		VOTE: 4-0-3 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Ferrioli, Fisher, Shannon
	Chair George	The motion CARRIES. SEN. WILDE will lead discussion on the floor.
250	Chair George	Closes the work session on SB 1101 and opens a work session on SB 337.
<u>SB 337 WORK SESSION</u>		
255	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ3 amendments (EXHIBIT D) have been submitted and are modified versions of amendments previously considered by the committee. Says that the primary change limits the burning of christmas trees to winter months.
270	Chair George	Mentions that there will be an effort to modify the bill in the House of Representatives, should the committee decide to pass the bill. Declares the meeting to be in recess.

275	Chair George	Reconvenes the meeting.
277	Sen. Wilde	MOTION: Moves to ADOPT SB 337-3 amendments dated 4/23/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
282	Sen. Wilde	MOTION: Moves SB 337 to the floor with a DO PASS AS AMENDED recommendation.
291	Chair George	Clarifies that the parties will work with the amended bill after it is sent to the House of Representatives.
295	Sen. Corcoran	Explains that he will vote the bill out of committee as a courtesy but that he will vote against it on the floor of the Senate.
298		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Ferrioli
	Chair George	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
313	Chair George	Closes the work session on SB 337 and opens a work session on SB 673.
<u>SB 673 WORK SESSION</u>		
320	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ1 amendments (EXHIBIT E) were proposed by Sen. Ferrioli to address an oversight in the bill.
348	Sen. Ferrioli	Indicates that SB 673 was chosen to include those who are harvesting timber at the direction of a third party. Explains that there was a technical glitch that needed to be clarified in order to prevent confusion. Indicates that the change requires clarification regarding the circumstances under which contract loggers have responsibility.
396	Sen. Dukes	Wonders if any party would be liable should the bill become law.

400	Sen. Ferrioli	Replies that the affirmative defense for the logger absolves no one who is liable under ordinary trespass situations. Explains that the amended bill would allow loggers a defense if they could prove they were under the direction of a third party.
TAPE 109, A		
003	Sen. Dukes	Asks who would be liable if the logger cuts down the trees.
004	Sen. Ferrioli	Replies that it would be the person who directed the logger to do so, which is typically a mill owner.
008	Chair George	Says that such a chain of responsibility would occur anyway.
011	Sen. Ferrioli	MOTION: Moves to ADOPT SB 673-1 amendments dated 4/6/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
014	Sen. Ferrioli	MOTION: Moves SB 673 to the floor with a DO PASS AS AMENDED recommendation.
018		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair George	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
022	Chair George	Closes the work session on SB 673 and opens a work session on SB 1152.
<u>SB 1152 WORK SESSION</u>		
025	Brad Harper	Committee Administrator. Gives a brief description of the bill. States that the Oregon Independent Miners (OIM) feel the bill is necessary to regulate small-scale mining in the least burdensome manner, discourage vandalism, and preserve an important part of the state's heritage. Indicates that there are two sets of amendments (EXHIBIT F) submitted for consideration by the committee. Explains that the #1 amendments were submitted at the behest of OIM, while the #2 amendments were submitted at the behest of Sen. Corcoran.

038	Chair George	MOTION: Moves to ADOPT SB 1152-1 amendments dated 4/23/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
040	Sen. Corcoran	Expresses the desire to pass a bill on behalf of the miners that will not receive a gubernatorial veto. Indicates that the ñ2 amendments were prepared by agencies that advise the Governor and would be more likely to assist in passing the bill.
050	Chair George	Expresses respect for the authority of the Governor as an equal branch of state government.
055	Tim Kramer	Director of Government Affairs, OIM. Asserts that the ñ2 amendments are an attempt at a "gut and stuff" the bill, negating the original intent of the legislation. Recommends that the ñ1 amendments be adopted.
066	Sen. Wilde	Indicates that the ñ2 amendments include some attention to environmental concerns. Understands that it is burdensome but asserts that the legislature is directed to look out for salmon by both the State and Federal government. Wonders if Subsection 2 from the ñ2 amendments would be objectionable if they were to be included in the ñ1 amendments.
077	Tom Barrows	Representative, Northwest Mining Association. Indicates that Section 3 of the bill is retained by the ñ1 amendments, which would accomplish the same goal as Subsection 2 of the ñ2 amendments.
082	Sen. Wilde	Concurs with Mr. Barrows and asks what is being added or eliminated by the ñ2 amendments.
084	Chair George	Indicates that the ñ1 amendments would allow regulation in the "least burdensome manner."
090	Sen. Wilde	Notes that the same language is included in the ñ2 amendments.
094	Barrows	Notes that the phrase is in both amendments but that it is not the point of contention.
098	Sen. Wilde	Asks for the point of contention.
101	Sen. Corcoran	Wonders if there was discussion between the agencies and OIM regarding the ñ1 or ñ2 amendments.
104	Kramer	Replies that there was no communication regarding either set of amendments.

105	Sen. Corcoran	Asks if the miners would be willing to work with the agencies toward a compromise solution.
107	Kramer	Indicates that OIM is willing to work with the agencies towards a solution.
111	Sen. Corcoran	Stresses the importance of avoiding a confrontation with the Governor and asserts that a compromise is the best way to avoid such a confrontation.
116	Chair George	Indicates that the negotiations must produce results as quickly as possible.
124	Sen. Ferrioli	Suggests that the work group be ready to reconcile the differences between the ñ1 and ñ2 amendments regarding the protection of mining equipment. Indicates that the ñ2 amendments deal with access to a mining claim only, rather than interference with a mining operation or defacing or removing equipment, which represents a significant difference.
151	Chair George	Reiterates that the ñ1 amendments were adopted by the committee and should be considered as part of the bill by the participants in the negotiations. Closes the work session on SB 1152 and opens a work session on SJR 27.
<u>SJR 27 WORK SESSION</u>		
166	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ1 amendments (EXHIBIT G) have been submitted at the request of the chair. Explains that the amendments remove the phrase "animal rights."
196	Chair George	States that the amendments were designed to address the concerns of animal rights activists. Indicates that there has been no further input from those activists.
211	Sen. Dukes	Says that the banning of the use for educational materials that promote a specific item is the same as banning books. Argues that kids should be allowed to make critical choices on their own.
220	Teresa Miller	Representative, Oregon Humane Society. Asks for clarification as to the changes being addressed.
226	Chair George	Requests that the administrator describe the change made by the amendment.
231	Harper	Says the bill reads "We shall oppose the expenditure of public funds to promote or procure educational information and materials in public schools that discourage the use and enjoyment of animals and animal products."
236	Teresa	Indicates that the Humane Society is neutral on the amendments, but would prefer lines 27 and 28 be removed.

244	Sen. Dukes	Asks for a definition of "responsible breeding" of animals. Wonders if the definition would include "puppy mills."
246	Chair George	Indicates that the definition did include puppy mills.
249	Sen. Wilde	Wonders if it is "responsible" or "irresponsible."
251	Chair George	Submits that responsible breeding facilities are regulated and that the resolution words the issue in such a way that refers to the care of, rather than the exploitation of, animals.
265	Sen. Dukes	Asserts that the bill would consider regulation of puppy mills as "undue restrictions."
274	Chair George	Indicates that the resolution's proponents did not mention such intentions.
283	Sen. Dukes	Indicates that there is a risk of including puppy mills within the definition of responsible breeding practices, as the "undue restrictions" clause would then be "in the eye of the beholder."
293	Sen. Corcoran	Wonders who the Oregon Animal Interest Alliance is.
299	Harper	Explains that the group referred to by Sen. Corcoran is actually the National Animal Interest Alliance, and that they are a national group supporting the pet industry, furriers, animal researchers, and anyone who uses animals in their work as an industry.
305	Sen. Corcoran	Indicates that his wife feels that animal research is valid and necessary. Acknowledges that there is a great deal of abuse that the legislature should try to distance itself from. Argues that a resolution will have little effect, if any.
323	Sen. Wilde	Indicates that he is not a strong supporter of the resolution but that he will vote it out of the committee.
332	Sen. Dukes	Mentions that the Oregon Pet Industries Association is a supporter of the bill and that they represent mall animal retailers. Adds that some shopping mall animal retailers have been connected to "pretty lousy puppy mills." Concurs that animal testing has value but that the resolution is too general to be beneficial. Asserts that the committee should not be a party to condoning the bad behavior of certain groups.
355	Chair George	Indicates that the resolution makes no effort to reverse animal protection laws.
373	Sen. Dukes	Asserts that puppy mills should not be included as responsible breeders.

377	Sen. Corcoran	Asserts that the resolution is unnecessary.
385	Chair George	MOTION: Moves to ADOPT SJR 27-1 amendments dated 4/19/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
390	Chair George	MOTION: Moves SJR 27 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
396	Sen. Shannon	States that the resolution is not really necessary. Indicates that passage by the committee could be construed as condoning animal cruelty.
410		VOTE: 5-2 AYE: 5 - Ferrioli, Fisher, Shannon, Wilde, George NAY: 2 - Corcoran, Dukes
	Chair George	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
423	Sen. Fisher	Suggests that the bill be corrected to reflect that the group requesting the bill was the National Animal Interest Alliance.
470	Chair George	Closes the work session on SJR 27.
475	Sen. Shannon	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SHANNON to BE RECORDED as voting AYE on the motion to send SB 337 to the floor with a DO PASS AS AMENDED recommendation, and as voting AYE on the motion to send SB 673 to the floor with a DO PASS AS AMENDED recommendation.
	Chair George	Hearing no objection, declares the motion CARRIED.
TAPE 108, B		
037	Sen. Fisher	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. FISHER to BE RECORDED

		as voting AYE on the motion to send SB 337 to the floor with a DO PASS AS AMENDED recommendation, and as voting AYE on the motion to send SB 673 to the floor with a DO PASS AS AMENDED recommendation.
	Chair George	Hearing no objection, declares the motion CARRIED.
		The vote motions for SB 337 and 673 which were included earlier within this minutes log were edited to reflect the recorded votes of Sens. Shannon and Fisher.
041	Chair George	Adjourns the meeting at 5:45 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brad Harper,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 238, -1,-2,-3 amendments, staff, 13 pp.

B ñ SB 238, testimony, Bob Miller, 17 pp.

C ñ SB 1101, -1 amendments, staff, 1 p.

D ñ SB 337, -3 amendments, staff, 3 pp.

E ñ SB 673, -1 amendments, staff, 2 pp.

F ñ SB 1152, -1,-2 amendments, staff, 4 pp.

G ñ SJR 27, -1 amendments, staff, 1 p.