

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 28, 1999 Hearing Room 50

4:30 p.m. Tapes 110 - 111

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair

Sen. Tony Corcoran

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. Marylin Shannon

MEMBERS EXCUSED: Sen. Joan Dukes

STAFF PRESENT: Brad Harper, Administrator

Patrick Brennan, Administrative Support

MEASURE/ISSUES HEARD: SB 1316 Public Hearing and Work Session

SB 1267 Public Hearing

SB 940 Public Hearing

SB 1231 Work Session

SB 1264 Work Session

SB 238 Work Session

SB 980 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.

TAPE/#	Speaker	Comments
TAPE 110, A		

002	Chair George	Calls the meeting to order at 4:50. Opens a public hearing on SB 1316.
<u>SB 1316 PUBLIC HEARING</u>		
007	Rep. Terry Thompson	House District 4. Testifies in support of SB 1316. States that in the past, Oregon's beaches were free to all. Indicates that a few parks have instituted a parking fee for park users, which limits the ability of citizens to utilize the facilities. Asserts that such fees may have adverse effects upon communities. Indicates that the fees may be against the law. Argues that parking fees stand in opposition to the spirit of the prohibition on charging user fees for state parks. Expresses concern that visitors will park on the private property of residents in order to avoid the fee. Mentions the effort to eliminate federal charges for land use.
060	Chair George	Concurs with Rep. Thompson's remarks.
070	Thompson	Suggests that the Parks Department should be able to adjust to the reduction of funds that would result from passage of the bill.
081	Jim Lockwood	Government Relations Manager, Parks Department. Testifies in opposition to SB 1316. Asserts that the commission should remain in charge of the issue. Mentions that the fiscal impact of the bill is of concern to the department. Indicates that the estimated net impact is \$106,000. Indicates that there are a few other parks that should receive exemptions.
120	Sen. Wilde	Mentions that Measure 66 will be providing a "sizeable amount of funds" to the Parks Department.
124	Lockwood	Concurs with Sen. Wilde. States that much of the department's budget pays for staffing and that most of the Measure 66 funds will pay for upkeep and repairs. Expresses concern that the bill will cause departmental funding instability.
131	Sen. Wilde	Asks for Mr. Lockwood's opinion regarding the original intent of the rule that parks be free and accessible.
135	Lockwood	Replies that such concerns were overcome during times of budget shortfalls. Expresses mixed feelings about the charges.
145	Chair George	Asks if the bill is clear that fees would be eliminated for all parks, except those which involve a great deal of labor and operating capital.
151	Lockwood	Replies that it is.
152	Chair George	Mentions that the committee is concerned about the revenue flow. Asserts that a great deal of effort has gone into insuring that Measure 66 funds will be applied so as to maintain free access to state parks and beaches.

164	Rep. Thompson	States that he will continue to work towards eliminating federal fees for beach access.
172	Chair George	Closes the public hearing on SB 1316 and opens a public hearing on SB 1267.
<u>SB 1267 PUBLIC HEARING</u>		
190	Brad Harper	Committee Administrator. Gives a brief description of the bill. Says that testimony has been submitted by Commissioner Jack Roberts (EXHIBIT A), indicating that the necessary changes will be made administratively, thereby eliminating the need for the bill.
220	Martin Desmond	Representative, Northwest Forestry Contractors Association. Testifies to a position of neutrality on SB 1267 (EXHIBIT B). Indicates that there was a meeting of the interested parties that resulted in the decision to handle the matter administratively. States that there is no longer a need for the bill. Says that employers will now require listing all relevant information up front. Discusses the "good faith agreement" which will now exist between the Bureau of Labor and Industry (BOLI) and employers.
277	John McCulley	Representative, Tree Fruit Growers. Testifies in support of the ñ1 amendments (EXHIBIT C) to SB 1267. States that the amendments relate to the federal program that brings workers into the United States. Says that the tree fruit industry has not had dealings with contract workers in the past. Indicates that SB 980 was also considered as a vehicle for the amendments. Suggests that the "unnecessary" language in SB 1267 be replaced by the ñ1 amendments.
310	Thom Nelson	Executive Director, Hood River Grower-Shipper Association. Testifies in support of the ñ1 amendments to SB 1267. States that the members of his association are concerned about the ability to maintain a legal, sustainable work force. Mentions that the "H-2A" federal program has been around for many years on the East Coast but has not been used extensively on the West Coast. Asserts that state regulation in addition to to the federal program is unnecessary.
365	Nelson	Explains the process by which employers can participate in the H-2A program. States that the program cannot stray from the prevailing practices in the region. Explains that the Bureau of Labor must confirm the terms of employment in the federal program. Says that employers using the program are guaranteed a legal work force, which means there is no need for duplicate state and federal programs.
TAPE 111, A		
004	Sen. Wilde	Wonders why the H-2A program does not consider unemployment or Social Security.
008	Nelson	Replies that alien workers are ineligible for unemployment insurance or Social Security. Mentions that employers must still pay the employer portion for both. Reiterates that there are costs associated with bringing in workers and that the H-

		2A program is designed not to save money but to guarantee a work force.
017	Chair George	Wonders what happens if the worker-employer relationship does not work out. Asks who would be responsible for returning the workers back to their homeland.
024	Nelson	Replies that workplace disputes would go through the Employment Standards Administration and Employment and Training Administration. Indicates that there are no short cuts to the process. Explains that the workers pay to come to the United States, while the employer reimburses the cost halfway through the work contract. Adds that the workers are responsible for the cost of returning home.
050	Michael Dale	Representative, Oregon Law Center. Testifies in opposition to the ñ1 amendments to SB 1267. Indicates that he participated in the discussion and concurs with the work group's conclusion that the bill is unnecessary. Indicates that the H-2A program is under consideration by Congress for considerable changes, meaning that it may no longer serve to protect workers in the way the proponents of the amendments indicate. Says that H-2A associations use farm labor organizations to recruit both aliens and domestic workers and that it is inappropriate for any U.S. citizens so recruited to have fewer protections than other citizens. Asserts that an exception for American workers would be infeasible, as such preferential treatment for domestic workers would be a violation of the North American Free Trade Agreement (NAFTA).
080	Chair George	Asks if the primary reason for Mr. Dale's opposition to the ñ1 amendments is the potential for elimination of the H-2A program.
084	Dale	Replies that is one of two primary concerns, the other being that Oregon would be in violation of NAFTA were it to advance preferential treatment of its citizens over foreign workers. Mentions that he was unaware of the ñ1 amendments before the meeting and urges the committee not to take action until all interested parties have had time to review them.
097	Chair George	Closes the public hearing on S 1267 and opens a public hearing on SB 940.
<u>SB 940 PUBLIC HEARING</u>		
100	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ1 amendments (EXHIBIT E) would require any city with a population over 250,000 to sort glass containers by color, so as to maintain a useable supply of cullet.
110	Mark Nelson	Representative, Glass Packaging Institute (GPI). Testifies in support of SB 940. Submits conceptual amendments (EXHIBIT F) and explains that they are the result of discussions with the Department of Environmental Quality (DEQ).
148	Nelson	Indicates that the conceptual amendments would retain the 50 percent recycled content requirement, but that its implementation would be moved back until

		2004. Mentions that the problems with producing "dead leaf green" bottles are addressed, by allowing for technological exemptions. Explains the exemption stipulations.
200	Doug Myers	Representative, Association of Oregon Recyclers (AOR). Testifies in support of the conceptual amendments submitted by Mr. Nelson. Indicates that any necessary changes can be worked out in the House.
218	Sen. Wilde	Asks what changes may occur in the future that would allow achievement of the 50 percent requirement by 2004.
224	Nelson	Expresses a desire to keep the same standard as California, with whom Oregon does a great deal of business. Says that the only manufacturer in Oregon, the Owens-Brockway plant in Portland, is currently over 50 percent, while only one of the eight in California has achieved the standard. Indicates that technological advances may increase the amount of available cullet in the future but that there is a shortage in California at this time. Mentions that the conceptual amendments have a stipulation for an exemption in the event of a cullet shortfall. Adds that the requirement could be lifted if achieving 50 percent is impossible by 2004.
247	Sen. Wilde	Mentions that Portland's collection methods for recycled glass is about to change. Asks how the change will affect the amount and quality of available cullet.
255	Nelson	Replies that the change will reduce the available cullet.
267	Chair George	Indicates that there was sentiment for requiring the City of Portland to sort its glass at the curbside. Asks if the requirement is no longer deemed as necessary.
272	Nelson	Replies that curbside commingling is still a concern, but that SB 940 is not the vehicle with which to address the problem.
286	Chair George	Wonders what the response has been by DEQ with regard to the conceptual amendments.
287	Nelson	Indicates that DEQ was involved in the discussion and that they are likely to agree with the conceptual amendments. Reiterates that differences could be worked out in the House.
301	Sen. Fisher	Inquires whether Metro was involved in the commingling discussion.
309	Nelson	Replies that he is not sure whether Metro was involved.
313	Sen. Fisher	Indicates that other committees are considering the elimination of Metro.

321	Myers	Indicates that AOR do not yet have a position on the ñ1 amendments, but that it is likely that they will decide that they do not belong in SB 940.
327	Chair George	Asks if AOR agrees with the concept.
338	Myers	Replies that the legislative committee of AOR is considering the issue at this time.
343	Kristin Mitchell	Representative, Oregon Refuse and Recycling Association (ORRA). Testifies in opposition to the ñ1 amendments to SB 940. Indicates that the conceptual amendments are acceptable to ORRA.
384	Brian Engelson	General Manager, East Side Recycling. Testifies in opposition to the -1 amendments to SB 940. Asserts that the requirement to color-sort glass is "unacceptable." Indicates that the 2-stream sort has allowed lower cost and increased participation.
TAPE 110, B		
023	Sen. Fisher	Asks how successful recyclers are at sorting commingled glass and plastic.
026	Engelson	Replies that they can be sorted at 70 percent efficiency at their facility. Indicates that there are three buyers competing for their cullet.
032	Sen. Fisher	Notes that plastic does not break the way that glass does. Wonders if there is a breakage problem in the commingling and sorting processes.
038	Engelson	Acknowledges that there is a lot of breakage and that there are techniques, such as air classification and tromelling, which aid the sorting process. Mentions that East Side Recycling has only four sorters for its entire operation.
051	Sen. Fisher	Concludes that Mr. Engelson's operation can overcome the problem of commingling. Asserts that curbside sorting is a "pain in the neck."
063	Engelson	Agrees that sorting can be done through commitment and that recyclers have a responsibility to honor the commitment the public has entrusted them with.
068	John Hire	Representative, Sani-Pac. Testifies against the ñ1 amendments to SB 940. States that small communities would be affected by the amendment, despite the fact that it is targeted at Portland. Indicates that there has been an effort to make the "time consuming job" of curb sorting more efficient and affordable. Asserts that sorting is a time-consuming process and must be reduced in order to keep prices down.
085	Sen. Fisher	Asks if recycling facilities are able to sort recycleables out of garbage containers.

089	Engelson	Indicates that such sorting is possible, but that no operations are currently fitted to do so.
096	Sen. Fisher	Wonders about the practicability of single container sorting.
105	Harper	Explains that the amendments could be passed conceptually and transmitted to Legislative Counsel, with adoption of the official amendments to be completed on a later date. Indicates that the final hearing would be a mere formality of adopting the official version of the conceptual amendments.
121	Chair George	Indicates that the committee will wait to take action after the official amendments have been received from Legislative Counsel. Closes the public hearing on SB 940 and opens a work session on SB 1316.
<u>SB 1316 WORK SESSION</u>		
125	Chair George	MOTION: Moves SB 1316 to the floor with a DO PASS recommendation.
133		VOTE: 5-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Dukes, Shannon
	Chair George	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
136	Chair George	Closes the work session on SB 1316 and opens a work session on SB 1231.
<u>SB 1231 WORK SESSION</u>		
142	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ1 amendments (EXHIBIT H) have been submitted at the behest of Sen. Corcoran for consideration by the committee.
164	Glen Stonebrink	Representative, Oregon Cattlemenís Association. Testifies in support of SB 1231. Requests time to consider the ñ1 amendments.
180	Teresa Miller	Representative, Oregon Humane Society. Testifies in support of the ñ1 amendments to SB 1231. States that the amendments enhance the bill by adding

		a clause that would further prevent animal cruelty through the threat of a loss of hunting privileges.
194	Chair George	Asks if cattlemen herding their animals to slaughterhouses would be guilty of animal cruelty, as it is defined by the amendments.
196	Miller	Replies that the amendments would require intentional injury, damage, or mistreatment of animals as currently defined in statute.
202	Stonebrink	Indicates the original bill exempts any practices considered to be "good animal husbandry." Expresses concern that the amendments would consider good animal husbandry to be inflicting injury or damage.
215	Miller	Replies that it would not be considered animal abuse.
216	Harper	<p>Indicates that SB 1231 considers the following acts to be animal abuse:</p> <ul style="list-style-type: none"> • Criminal mischief in the 1st degree • Casting light from a vehicle while possessing weapon prohibited • Animal abuse in the 1st degree • Aggravated animal abuse in the 1st degree • Aiming rifle from moving vehicle • Casting artificial light on game mammal, predatory animal, or livestock in or near motor vehicle while in possession of weapon restricted <p>Indicates that the ñ1 amendments also include the following:</p> <ul style="list-style-type: none"> • Animal abuse in the 2nd degree
234	Sen. Ferrioli	Expresses support for the ñ1 amendments. Wonders why he has not seen the amendments sooner, considering that he is the chief sponsor of the bill.
244	Miller	Offers an explanation for why the amendments were not brought to Sen. Ferrioli prior to the hearing.
247	Sen. Fisher	Asks for clarification regarding casting artificial light. Wonders if a person could protect their livestock by shining light on a wolf or other predatory animal.
255	Stonebrink	Replies that the bill and amendment makes an exemption for occasions in which a person is on their own property.
260	Sen. Corcoran	MOTION: Moves to ADOPT SB 1231-1 amendments dated 4/20/99.
	Chair George	The motion CARRIES.

263	Sen. Corcoran	MOTION: Moves SB 1231 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Judiciary by prior reference.
265		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Dukes
	Chair George	The motion CARRIES. SEN. CORCORAN will lead discussion on the floor.
268	Sen. Ferrioli	Invites Sen. Corcoran to sign on as a co-sponsor of the bill.
269	Sen. Corcoran	Accepts the offer to be included as a co-sponsor.
272	Chair George	Closes the work session on SB 1231 and opens a work session on SB 1264.
<u>SB 1264 WORK SESSION</u>		
274	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the 11 amendments (EXHIBIT I) have been submitted for consideration by the committee. Mentions that the bill has a subsequent referral to the Committee on Revenue.
313	Sen. Wilde	MOTION: Moves to ADOPT SB 1264-1 amendments dated 4/21/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
316	Sen. Wilde	MOTION: Moves SB 1264 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Revenue by prior reference.
322		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Dukes

	Chair George	The motion CARRIES.
		Additional testimony regarding SB 1264 was submitted for consideration by the committee (EXHIBIT J).
328	Chair George	Closes the work session on SB 1264 and opens a work session on SB 238.
<u>SB 238 WORK SESSION</u>		
334	Sen. Fisher	Mentions that the Committee on Trade and Economic Development passed SB 948 earlier in the day, which is similar to SB 238.
345	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ4 amendments (EXHIBIT K) have been submitted for consideration by the committee. Explains that the amendments represent a compromise solution to matters of contention regarding the Boxing and Wrestling Commission.
390	Gary Conkling	Representative, Oregon Arena Corporation. Testifies in support of SB 238 and the ñ4 amendments. Reiterates that the amendments represent a consensus solution to language relating to the creation of special regulations related to touring groups, specifically dealing with physical examination requirements. Adds that the amendment also considers the matter of fees charged by the commission. Indicates that there is a "Scribnerís error" in the amendments.
TAPE 111, B		
018	Bob Miller	Captain, Oregon State Police. Testifies in support of SB 238 and the ñ4 amendments. Says that the Boxing and Wrestling Commission was trusted with the protection of participants and that the amendments will allow that to continue, albeit in a different manner. Explains that the technical amendment that must be changed is the deletion of "ORS 463.113 (2)(B)", which is on page 1, line 16 of the amendment.
032	Sen. Corcoran	Wonders if the deleted language is irrelevant to the amended bill.
035	Miller	Replies that the ñ4 amendments will make it easier to bring in wrestling troupes. Indicates that the deleted language in question relates to broad powers of the Office of the Superintendent. Indicates that the deletion is necessary to avoid confusion.
045	Sen. Corcoran	Wonders if such a change can be considered a "Scribnerís error."
050	Harper	Suggests the change be treated as such. Reads the official change into the record,

		as described above.
054	Sen. Corcoran	Notes that the document being discussed is the 4 amendments to SB 238, LC 732, dated 4-28-99.
057	Sen. Fisher	Makes a joke regarding the visual acuity of wrestling referees.
068	Sen. Wilde	Notes that "dysfunctional body parts" would disqualify wrestlers from performing. Requests a definition of the term.
075	Miller	Indicates that the original language clarifies that "dysfunctional" means "non-functioning." Explains that the stipulation is designed to prevent injury.
087	Sen. Wilde	Wonders if the 6 percent gross receipts tax is considered acceptable to attract events.
093	Jay Isaac	Representative, Oregon Arena Corporation. Replies that the relief will be sufficient to "get the job done."
098	Sen. Shannon	Asks for confirmation that professional wrestling will come back if the bill is passed as amended.
102	Sen. Wilde	MOTION: Moves to ADOPT SB 238-4 amendments dated 4/28/99 and that the measure be FURTHER AMENDED on page 1, line 16, by deleting "463.113 (2)(b)" after "463.025," so as to correct the "Scribneris error."
	Chair George	Hearing no objection, declares the motion CARRIED.
105	Sen. Wilde	MOTION: Moves SB 238 to the floor with a DO PASS AS AMENDED recommendation.
110	Sen. Fisher	Wonders if the bill should be sent to the Committee on Ways and Means.
115	Sen. Wilde	Wonders if the bill should be sent to the Committee on Revenue.
121	Conkling	Indicates that the bill affects user fees generated at the event, meaning that there should be no fiscal or revenue impact.
128	Sen. Ferrioli	States that there still must be consideration of fiscal impact if there is an impact greater than \$50,000.
135	Sen. Wilde	Reiterates that revenue impact would necessitate sending the bill to the

		Committee on Revenue, rather than the Committee on Ways and Means.
137	Sen. Shannon	States that the Senate President can make an exception.
138	Miller	Indicates that the bill has no estimated revenue impact. Says that excess revenues go into the Children's Trust Fund.
146		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Dukes
	Chair George	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
160	Chair George	Closes the work session on SB 238 and opens a public hearing on SB 980.
<u>SB 980 PUBLIC HEARING</u>		
177	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ2 and ñ3 amendments (EXHIBIT L) have been submitted for consideration by the committee.
205	Paul Tiffany	Government Relations Manager, BOLI. Testifies in support of the ñ3 amendments to SB 980. Indicates that the amendments were necessary to resolve the issue of streamlining the licensure process for majority shareholders.
229	Corey Parks	Representative, Menasha Corporation. Testifies in support of the ñ3 amendments (EXHIBIT M). Explains that there was an omission in the bill, which would create difficulty in becoming a licensed farm labor contractor. Indicates that the ñ3 amendments correct the problem with regards to large contractors.
243	Chair George	Closes the public hearing on SB 980 and opens a work session on SB 980.
<u>SB 980 WORK SESSION</u>		
253	Sen. Wilde	MOTION: Moves to ADOPT SB 980-2 amendments dated 4/27/99.

	Chair George	Hearing no objection, declares the motion CARRIED.
256	Sen. Wilde	MOTION: Moves to ADOPT SB 980-3 amendments dated 4/28/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
259	Sen. Wilde	MOTION: Moves SB 980 to the floor with a DO PASS AS AMENDED recommendation.
264		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Dukes
	Chair George	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
275	Chair George	Closes the work session on SB 980, adjourns the meeting at 6:35 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brad Harper,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1267, testimony, Jack Roberts, 2 pp.

B ñ SB 1267, testimony, Martin Desmond, 3 pp.

C ñ SB 1267, -1 amendments, John McCulley, 3 pp.

D ñ SB 1267, testimony, Thom Nelson, 3 pp.

E ñ SB 940. ñ1 amendments, staff, 1 p.

F ñ SB 940, proposed amendments, Mark Nelson, 1 p.

G ñ SB 940, testimony, Kristen Mitchell, 2 pp.

H ñ SB 1231, -1 amendments, staff, 1 p.

I ñ SB 1264, -1 amendments, staff, 2 pp.

J ñ SB 1264, testimony, Oregon Economic Development Department, 1 p.

K ñ SB 238, -4 amendments, staff, 3 pp.

L ñ SB 980, -2 & -3 amendments, staff, 11 pp.

M ñ SB 980, testimony, Corey Parks, 2 pp.