

**SENATE COMMITTEE ON PUBLIC AFFAIRS**

**June 17, 1999 Hearing Room B**

**4:15 p.m. Tape 74**

**MEMBERS PRESENT: Sen. Gene Derfler, Chair**

**Sen. Joan Dukes, Vice-Chair**

**Sen. Marylin Shannon**

**Sen. Thomas Wilde**

**MEMBER EXCUSED: Sen. Charles Starr**

**STAFF PRESENT: Brian Smith, Administrator**

**Patrick Brennan, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2007-A Work Session**

**HB 2431-A Work Session**

**HB 3595-A 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
<b>TAPE 74, A</b>		
002	Chair Derfler	Calls the meeting to order at 4:20 p.m. Indicates that the public hearing on HB 3605-A has been postponed, pending negotiations with the Governor. Opens a work session on HB 2007-A.
<b><u>HB 2007-A WORK SESSION</u></b>		
010	Chair Derfler	Explains that the bill places the cigarette tax into a security fund, with the interest earnings being used for a variety of purposes.

018	Sen. Dukes	Acknowledges that the bill has some positive aspects. Asserts that the accumulated interest should be spent on health-related expenses, rather than on programs such as transportation of the elderly. Submits that the Senate should make a decision as to what to do with the money prior to passing the bill.
029	Sen. Wilde	Mentions that there are aspects of the bill that he would like to have changed, but indicates that he supports the bill.
031	Sen. Shannon	Suggests that some seniors receiving transportation in Sen. Dukes' example may have cigarette-related illnesses.
<b>036</b>	<b>Sen. Shannon</b>	<b>MOTION: Moves HB 2007-A to the floor with a DO PASS recommendation.</b>
<b>038</b>		<b>VOTE: 3-1-1</b> <b>AYE: 3 - Shannon, Wilde, Derfler</b> <b>NAY: 1 - Dukes</b> <b>EXCUSED: 1 - Starr</b>
	<b>Chair Derfler</b>	<b>The motion CARRIES.</b>  <b>SEN. SHANNON will lead discussion on the floor.</b>
041	Chair Derfler	Closes the work session on HB 2007-A and opens a work session on HB 2431-A.
<b><u>HB 2431-A WORK SESSION</u></b>		
042	Chair Derfler	Indicates that the bill relates to community right-to-know about industrial chemicals.
047	Sen. Dukes	Indicates that she has submitted the ñA10 amendments ( <b>EXHIBIT A</b> ) for consideration by the committee.
052	Mary O'Brien	Member, Eugene Toxics Board. Testifies in support of the ñA10 amendments to HB 2431-A. Declares that the entire public right-to-know community opposes HB 2431-A in its current form. Mentions that the ñA10 amendments make three changes that, if adopted, will persuade the right-to-know community to support the bill.
068	O'Brien	Outlines the three changes made by the ñA10 amendments:

		<ul style="list-style-type: none"> <li>Alters the fee structure, replacing the \$2,000 per facility limit with a \$10 per FTE employee limit.</li> </ul> <p>Argues that the \$2,000 per facility limit would force small operations to carry most of the burden for the program.</p> <ul style="list-style-type: none"> <li>Applies the hearings and public comment requirement to chemicals introduced after the initial establishment of the list.</li> <li>Deletes the requirement for the establishment of exemption procedures in cases where a local government determines that a particular chemical poses no danger.</li> </ul> <p>States that the purpose of right-to-know is to get a "total picture" of all chemicals in and around a community, which is impossible if some chemicals are exempted.</p>
124	John Ledger	Associated Oregon Industries (AOI). Testifies in opposition to the ñA10 amendments. States that the issue has been discussed at length with the Governor, who has agreed to sign the bill with the ñA8 amendments ( <b>EXHIBIT B</b> ). Asserts that it makes no sense to tax a business based on its number of employees. Argues it is reasonable to require city councils to adopt a list of toxic chemicals, mentioning that a Eugene bakery is currently required to report the vinegar in its bread. Expresses puzzlement as to why exemptions for businesses with little environmental impact are troublesome. Urges the committee not to adopt the ñA10 amendments.
175	Sen. Dukes	<b>MOTION: Moves to ADOPT HB 2431-A10 amendments dated 6/17/99.</b>
176	Sen. Dukes	Asserts that the ñA10 amendments are reasonable, and would allow the bill to be sent to the floor with greater support than it currently has.
181	Sen. Wilde	Acknowledges that the \$2,000 is merely a cap, and would not necessarily be assessed against each business.
195		<b>VOTE: 1-3-1</b>  <b>AYE: 1 - Dukes</b>  <b>NAY: 3 - Shannon, Wilde, Derfler</b>  <b>EXCUSED: 1 - Starr</b>
	Chair Derfler	<b>The motion FAILS.</b>
198	Sen. Shannon	<b>MOTION: Moves to ADOPT HB 2431-A8 amendments dated 6/15/99.</b>

		<b>VOTE: 4-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Starr</b>
	<b>Chair Derfler</b>	<b>The motion CARRIES.</b>
<b>204</b>	<b>Sen. Shannon</b>	<b>MOTION: Moves HB 2431-A to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>205</b>		<b>VOTE: 4-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Starr</b>
	<b>Chair Derfler</b>	<b>The motion CARRIES.</b>  <b>SEN. WILDE will lead discussion on the floor.</b>
210	Chair Derfler	Closes the work session on HB 2431-A and opens a work session on HB 3595-A.
<b><u>HB 3595-A WORK SESSION</u></b>		
211	Brian Smith	Committee Administrator. Gives a brief description of the bill. Indicates that the ñA5 amendments ( <b>EXHIBIT C</b> ) further clarify the bill by stating that, for tax purposes, a person is not practicing law if he or she only conducts business in a courthouse in a given city or county. Mentions that Rep. Karen Minnis, the chief sponsor of the bill, supports the amendments.
<b>229</b>	<b>Sen. Shannon</b>	<b>MOTION: Moves to ADOPT HB 3595-A5 amendments dated 6/14/99.</b>
		<b>VOTE: 4-0-1</b>  <b>EXCUSED: 1 - Starr</b>
	<b>Chair Derfler</b>	<b>Hearing no objection, declares the motion CARRIED.</b>

233	Sen. Shannon	<b>MOTION: Moves HB 3595-A to the floor with a DO PASS AS AMENDED recommendation.</b>
236		<b>VOTE: 4-0-1</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Starr</b>
	<b>Chair Derfler</b>	<b>The motion CARRIES.</b>  <b>SEN. WILDE will lead discussion on the floor.</b>
243	Sen. Dukes	Declares that the bill has been successfully resuscitated through the efforts of those who drafted the amendments.
246	Chair Derfler	Reiterates that the meeting for 3605 will be carried over. Closes the work session on HB 3595-A and adjourns the meeting at 4:40 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brian Smith,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ HB 2431, -A10 amendments, Sen. Joan Dukes, 4 pp.**

**B ñ HB 2431, -A8 amendments, staff, 4 pp.**

**C ñ HB 3595, -A5 amendments, staff, 1 p.**