

SENATE COMMITTEE ON PUBLIC AFFAIRS

July 13, 1999 Hearing Room B

3:00 p.m. Tapes 95 - 98

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Marylin Shannon

Sen. Veral Tarno

Sen. Thomas Wilde

STAFF PRESENT: Brian Smith, Administrator

Marjorie Taylor, Administrator

Ray Kelly, Administrator

Patrick Brennan, Administrative Support

MEASURES HEARD: HB 3633 Public Hearing

HB 1337 Work Session

HB 2406 Work Session

HB 2140 Reconsideration and Work Session

HB 2830 Public Hearing and Work Session

HB 3492 Public Hearing and Work Session

HB 3629 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
TAPE 95, A		

003	Chair Starr	Calls the meeting to order at 3:03 p.m. Opens a public hearing on HB 3633.
<u>HB 3633 PUBLIC HEARING</u>		
020	Harvey Matthews	Speaker's Office. Testifies in support of HB 3633. Discusses provisions of the measure. Describes the education leadership team.
034	Sen. Dukes	Indicates there have been other attempts to do something similar to this measure. Asks how HB 3633 compares to previous attempts.
037	Matthews	Suggests that HB 3633 outlines a unique attempt to outline education accountability. Indicates that membership of the committee will take charge on reviewing accountability.
054	Greg McMurdo	Representative, Superintendent of Public Instruction. Commends the Speaker for introducing the measure. Expresses concern over funding in the measure.
064	Sen. Shannon	Agrees there are concerns about funding.
067	Laurie Wimmer	Representative, Oregon Education Association. Explains that laws passed in 1997 attempt to accomplish similar tasks. Expresses support for the measure.
086	Sen. Dukes	Suggests that the bill be amended to reference the laws Ms. Wimmer referred to.
090	Chair Starr	Asks where the bill must be amended.
091	Wimmer	Explains that the original bill would be amended in Section 3, subsection 5. Suggests that Legislative Counsel could create the amendment.
104	Chair Starr	Indicates that the measure will be heard again so that amendments can be drafted.
106	Sen. Dukes	Agrees that it makes sense to allow the Department of Education to continue to address the issue in question.
115	Sen. Shannon	Comments that there is no need for another education leadership team when the members are not education experts. Suggests that there be trade missions to states where kids top the charts on standardized tests. Indicates that another study is a waste of tax payer money.
145	Chair Starr	Closes the public hearing on HB 3633 and opens a work session on SB 1337.
<u>SB 1337 WORK SESSION</u>		

147	Brian Smith	Committee Administrator. Explains that if HB 2082 is referred to the people by petition, then the election will be held during the May 2000 primary. Indicates that HB 2082 increases the gas tax and passenger registration fees.
172	Sen. Wilde	Asks why the issue of tax increases will be addressed at a primary election when the voter participation is not significant.
175	Sen. Shannon	Explains that there is a possibility that HB 2082, if it is passed, might be referred to the people for their approval.
185	Sen. Dukes	Expresses opposition to the measure indicating that there are a number of assumptions being made related to this issue.
196	Sen. Shannon	Asks that the committee wait to vote on the measure until they hear more testimony.
215	Chair Starr	Recesses the work session on SB 1337 and declares the meeting to be in recess at 3:20 p.m.
-----RECESS-----		
222	Chair Starr	Reconvenes the meeting at 4:27 p.m. Opens a work session on HB 2406.
<u>HB 2406-C WORK SESSION</u>		
230	Ray Kelly	Committee Administrator. Provides a brief description of the bill, proposed amendments, and conceptual amendment. (EXHIBIT A)
262	Sen. Wilde	MOTION: Moves to FURTHER AMEND HB 2406-C7 amendments on page 1, line 23, by inserting "(1)" after "ORS 197.763".
271	Chair Starr	Hearing no objections, declares the motion CARRIED.
275	Sen. Wilde	MOTION: Moves to ADOPT HB 2406-C7 amendments dated 7/13/99 as conceptually amended.
282	Chair Wilde	Hearing no objections, declares the motion CARRIED.
286	Sen. Wilde	MOTION: Moves HB 2406 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0

		AYE: 5 - Dukes, Shannon, Tarno, Wilde, Starr
292	Chair Starr	The motion CARRIES. SEN. WILDE will lead discussion on the floor.
295	Chair Starr	Closes the work session on HB 2406 and reconvenes the work session on SB 1337.
<u>SB 1337 WORK SESSION</u>		
300	Mark Nelson	Representative, Association of Oregon Industries. Indicates that opponents to the gas tax would like to refer the issue to the ballot if the legislature approves it. Explains that the referendum would normally show up on the November ballot, but industry would like the funds to move sooner, therefore a May election would be advantageous.
324	Sen. Dukes	Asks if the Constitution mandates when a petition will have an election.
344	Nelson	Confirms the Constitution outlines election dates. Explains that SB 1337 only requires that the election be held in May, if it is to be held.
357	Sen. Dukes	Asks if this procedure has ever been done before.
360	Nelson	Suggests that it possibly has.
367	Sen. Shannon	Comments that having an election sooner would help the industry.
373	Nelson	Agrees that it would be of assistance if the measure is referred.
380	Sen. Shannon	MOTION: Moves SB 1337 to the floor with a DO PASS recommendation.
		VOTE: 3-2 AYE: 3 - Shannon, Tarno, Starr NAY: 2 - Dukes, Wilde
391	Chair Starr	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
394	Sen. Dukes	Comments that it is strange that the legislature is taking this action.

409	Chair Starr	Closes the work session on SB 1337 and opens a work session on HB 2140.
<u>HB 2140 WORK SESSION</u>		
412	Sen. Tarno	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2140.
		VOTE: 5-0 AYE: 5 - Dukes, Shannon, Tarno, Wilde, Starr
428	Chair Starr	The motion CARRIES.
432	Sen. Tarno	MOTION: Moves to RECONSIDER the vote by which HB 2140 was sent to the floor with a do pass recommendation.
432	Sen. Tarno	VOTE: 5-0 AYE: 5 - Dukes, Shannon, Tarno, Wilde, Starr
015	Chair Starr	The motion CARRIES.
TAPE 96, A		
018	Marjorie Taylor	Committee Administrator. Provides a brief description of the bill and the -B14 conflict amendments. (EXHIBIT B)
031	Sen. Dukes	Discusses provisions of the -B14 amendments.
042	Sen. Wilde	Indicates that a licensee must not have been functioning pursuant to uniform standards and practices.
050	Mark Nelson	Representative, 7-11 stores. Explains the approach taken by the bill. Discusses the "Responsible Vendor Program".
063	Barb Hutchinson	Public Affairs, Oregon Liquor Control Commission (OLCC). Indicates that the conflict amendment is related to SB 115 which addresses uniform decoy operations. Discusses entrapment.
074	Sen. Dukes	Asks why the provisions of the -B14 amendment would be a conflict amendment.
075	Hutchinson	Provides information on the conflict amendment.

079	Sen. Dukes	Asks what happens when an employee sells to a minor.
083	Hutchinson	Indicates that there is a penalty schedule in place, but only the licensee is held responsible. Explains that there is no provision for clerks.
094	Sen. Dukes	Confirms that if an employee gets training, then the licensee won't be fined for the violation.
097	Hutchinson	Indicates that OLCC will need to adopt rules related to the responsible vendor program.
104	Sen. Dukes	Asks what happens to repeat offenders.
106	Hutchinson	Explains the license cancellation process.
116	Sen. Tarno	MOTION: Moves to ADOPT HB 2140-B14 amendments dated 7/12/99.
119	Chair Starr	Hearing no objections, declares the motion CARRIED.
120	Sen. Tarno	MOTION: Moves HB 2140 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: 5 - Dukes, Shannon, Tarno, Wilde, Starr
135	Chair Starr	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
138	Chair Starr	Closes the work session on HB 2140 and opens a public hearing on HB 2830.
<u>HB 2830 PUBLIC HEARING</u>		
140	Rep. Jeff Kropf	House District 37. Testifies in support of the bill (EXHIBIT C). Explains that the goal is for Oregon OSHA to be able to visit the most dangerous workplaces or industries for inspection. Indicates that the bill directs OSHA to develop a "worst first" basis for inspections, allowing for random ones as well, within a specified methodology. Comments on consultative services. Explains that OSHA's resources are limited, but this inspection method may prevent more injuries.
234	Peter DeLuca	Administrator, Oregon OSHA. Testifies in support of the measure. Describes the

		"worst-first" concept. Reiterates it is important to do random inspections to keep people on their toes. (EXHIBIT D)
301	Brian Doherty	Miller Nash law firm. Testifies in support of the bill. Explains that the bill focuses limited resources on a worst-first basis. The measure still allows random inspections. Expresses support for notice provisions. Expresses support for the -A9 amendments.
338	Rep. Kropf	Expresses appreciation for the support from the work group. States that the -A9 amendments (EXHIBIT E) have been worked on and agreed to by that group.
350	Lisa Trussel	Representative, Association of Oregon Industries. Testifies in support of the bill. Appreciates the work of the others. Encourages passage with the ñA9 amendments.
360	Chair Starr	Closes the public hearing on HB 2830 and opens a work session on HB 2830.
<u>HB 2830 WORK SESSION</u>		
364	Sen. Wilde	MOTION: Moves to ADOPT HB 2830-A9 amendments dated 7/9/99.
368	Chair Starr	Hearing no objection, declares the motion CARRIED.
370	Sen. Wilde	MOTION: Moves HB 2830 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: 5 - Dukes, Shannon, Tarno, Wilde, Starr EXCUSED: 0
383	Chair Starr	The motion CARRIES. SEN. WILDE will lead discussion on the floor.
385	Chair Starr	Closes the work session on HB 2830 and opens a public hearing on HB 3492.
<u>HB 3492 PUBLIC HEARING</u>		
394	Rep. Barbara Ross	House District 35. Discusses provisions of the measure. Expresses opposition to removing local control or regulation of smoking indoors. Mentions that the amendment will exempt Corvallis, but the measure should be rejected anyway. Stresses the importance of local control.

TAPE 95, B

032	Bill Perry	Representative, Oregon Restaurant Association. Testifies in support of the ñB16 amendments to the bill (EXHIBIT F) . Argues that the amendments give adults the right to choose to smoke or not. Expresses concern for economic impacts of smoking bans and competitive disadvantages. Cites a California study charting a drop in revenue following smoking bans. Customers will be confused. Indicates that the state already regulates alcohol and lottery machines which are located in bars that could ban smoking.
098	Sen. Shannon	Expresses opposition to the bill.
108	Perry	Explains that owners of establishments are penalized for selling, however the people buying and selling are not penalized.
128	Sen. Shannon	States that two wrongs don't make a right. Suggests that kids who are going to be bad, are going to be bad.
140	Perry	Indicates that few people are losing licenses.
170	Pete Shepherd	Special Counsel to the Attorney General, Department of Justice. Expresses support for HB 3492, but opposition to the -B16 amendments. Discusses the gray marketing of cigarettes. Discusses safety measures in the bill. Indicates that the Department of Justice does not support the -B16 amendment, and would encourage the Governor to oppose the amendment.
216	Sen. Dukes	Asks why the Department of Justice would support suspending licenses of teenage drivers.
222	Shepherd	Indicates that there has not been enough flexibility in the industry to establish a graduated sanction.
238	Sen. Dukes	Asks if programs have had any rate of success.
240	Shepherd	Discusses sanctions against youth.
265	Sen. Dukes	Asks how a drivers' license could be suspended for a weekend. Suggests that there could be a huge fiscal impact.
276	Phillip Fell	Representative, League of Oregon Cities. Testifies in opposition to the -B16 amendments. Discusses the Corvallis ban of smoking in bars. Describes their decision making process. Stresses the importance of local control.
364	Tom Novick	Oregon Health Leadership Against Tobacco. Testifies in opposition to the ñB16 amendments. Provides written materials to the committee. (EXHIBIT G) .

		Discusses the effects of a smoking ban in Corvallis.
TAPE 96, B		
023	Shepherd	Provides the committee with materials related to Colorado laws.
030	Sen. Cliff Trow	Senate District 18. Testifies in opposition to the amendments. Explains that the Corvallis city council voted on an ordinance which was reaffirmed by a vote of the people. Stresses the importance of local control and preserving the democratic process. Indicates that the issue focuses on the health of a community.
074	Larry Harvey	American Cancer Society. Suggests that the -B16 amendments will not reach the desired goal. Discusses rules related to posting notice of prohibition of minors. Indicates that there are no architectural requirements to divide smoking and non-smoking sections of restaurants and bars.
130	Chair Starr	Closes the public hearing and opens a work session on HB 3492.
<u>HB 3492 WORK SESSION</u>		
133	Sen. Wilde	Discusses the issue of local control. Explains that there are good reasons for state control of certain practices. Says tobacco is legal and individuals should have the right to use it.
170	Sen. Wilde	MOTION: Moves to ADOPT HB 3492-B16 amendments dated 7/13/99.
176	Chair Starr	Hearing no objections, declares the motion CARRIED.
180	Sen. Wilde	MOTION: Moves HB 3492 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 4-0 AYE: 4 - Shannon, Tarno, Wilde, Starr EXCUSED: 1 - Dukes
195	Chair Starr	The motion CARRIES.
200	Chair Starr	Closes the work session on HB 3492 and opens a public hearing on HB 3629.

HB 3629 PUBLIC HEARING

220	Rep. Bruce Starr	House District 3. Testifies in support of the bill. Recognizes the role played by safety officers and the dangers they face with Hepatitis. Explains that the scope of the original bill has been narrowed. States that the sunset provision is wise. Stresses the dangers of working with blood on the job. Amendments were submitted to the committee (EXHIBIT H) .
268	Bob Livingston	Oregon State Fire Fighters Council. Testifies in support of the measure. Describes the ways a person can be exposed to Hepatitis B and C. Public safety officers are exposed on a daily basis. Shares statistics related to contracting Hepatitis. Indicates that there are safeguards in the bill for employees and employers. Provides written testimony to committee members. Mentions workers' compensation issues and stresses that Hepatitis is an occupational disease. (EXHIBIT I)
TAPE 97, A		
017	Susan Dobrof	Legal Advisor to Fire and Police Disability and Pension Fund, City of Portland. Testifies in support of the measure. Explains that the Center for Disease Control has issued information about Hepatitis C. Mentions statistics related to intravenous drug users and public safety workers. (EXHIBIT J)
052	Pat West	President, Oregon State Fire Fighters Council. States that the -A9 amendments correct a typographical error. Discusses MLAC (Management Labor for Workers' Comp. Advisory Committee).
085	Lisa Gilliam	Sharing Plough Pharmaceuticals. Expresses support for the measure. States that the pharmaceutical company is the only one making a treatment for Hepatitis C. Addresses fiscal concerns by explaining that the Oregon Health Plan covers Hepatitis C as a priority on the plan. States that the sooner a person receives treatment, the less expensive the whole treatment.
118	Brian DeLashmutt	Oregon Council of Police Associations, Association of Oregon Corrections Employees, and the Federation of Oregon Parole and Probation Officers. Testifies in support of the measure. Describes how corrections officers come into contact with Hepatitis C. Expresses the difficulty in identifying who exposes someone to Hepatitis C.
145	Mary Botkin	American Federation of State, County, & Municipal Employees. Testifies in support of the measure. Suggests that corrections employees are often exposed to diseases on purpose. States that all employers and citizens pay the cost through higher insurance costs.
205	Hasina Squires	Special Districts Association of Oregon, Oregon Fire District Directors Association. Testifies in opposition to the measure. (EXHIBIT K) States that Hepatitis B and C are currently compensable under the current workers' compensation system. Explains that the legislation shifts the burden of proof from the employee to the employer who will need to disprove that an employee did not contract the disease on the job. Discusses statistics of contracting

		Hepatitis. Indicates that the shift of burden of proof also applies to volunteer safety workers, and the bill does not address private sector EMTs. Discusses the cost shift to health insurance. Continues to discuss provisions of the measure. States some employers are required to train employees about the dangers of blood borne pathogens. Suggests that health care workers are at a higher risk of exposure than safety workers.
398	Lisa Trussell	Representative, Association of Oregon Industries. Testifies in opposition to the measure. States that the bill is a significant shift in claim burden to the employer, rather than the employee. Explains that OSHA standards have been in place to require a record of exposure and medical evaluation. Indicates that records do not show that claims have been denied.
TAPE 98, A		
030	Trussell	Discusses the "Sherlock Holmes" rule of evidence. States opposition to the measure.
051	Fred Cuthbertson	Director, Risk Management, City of Portland. (EXHIBIT L) States that the opposition is not to deny coverage to employees. Emphasizes that the Centers for Disease Control have identified low probability of exposure in the workplace. Stresses that more employees other than safety workers are exposed to hazardous situations and there are other ways to transmit Hepatitis B and C.
090	Maria Keltner	Representative League of Oregon Cities and Association of Oregon Counties. Testifies in opposition to the bill.
094	Chair Starr	Stresses the importance of the issue and indicates that amendments are being discussed. Closes the public hearing and adjourns the meeting at 6:35 p.m. Additional testimony was received by the committee (EXHIBIT M) .

Submitted By, Reviewed By,

Marjorie Taylor, Jennifer Peck,

Committee Administrator Senate Committee Coordinator

EXHIBIT SUMMARY

A ñ HB 2406, -C7 amendments, Staff, 3 pp.

B ñ HB 2140, -B14 amendments, Staff, 2 pp.

C ñ HB 2830, Written testimony, Rep. Kropf, 1 pg.

D ñ HB 2830, Written testimony, Peter DeLuca, 2 pp.

E ñ HB 2830, -A9 amendments, Staff, 2 pp.

F ñ HB 3492, -B16 amendments, Staff, 2 pp.

G ñ HB 3492, Written materials, Tom Novick, 15 pp.

H ñ HB 3629, -A9 amendments, Staff, 1 pg.

I ñ HB 3629, Written testimony, Bob Livingston, 2 pp.

J ñ HB 3629, Written testimony, Susan Dobrof, 2 pp.

K ñ HB 3629, Written materials, Hasina Squires, 39 pp.

L ñ HB 3629, Written testimony, Fred Cuthbertson, 2 pp.

M ñ HB 3629, Written materials, Staff, 3 pp.