

SENATE COMMITTEE ON RULES AND ELECTIONS

June 14, 1999 Hearing Room B

8:00 a.m. Tapes 94 ñ 96

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Lee Beyer

Sen. Peter Courtney

Sen. Veral Tarno

MEMBER EXCUSED: Sen. Randy Miller, Vice-Chair

STAFF PRESENT: Brian E. Smith, Administrator

Jan McComb, Administrator

Marjorie Taylor, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: SB 1327 Public Hearing and Work Session

HB 2683B Public Hearing and Work Session

HB 3031A Public Hearing and Work Session

HB 2585A Public Hearing and Work Session

HB 2140A Public Hearing and Work Session

HJM 4 Public Hearing and Work Session

HJM 6 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.

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TAPE/#	Speaker	Comments
TAPE 94, A		
000	Chair Starr	Opens the meeting at 8:07 a.m. and opens a work session on SB 1327.
<u>SB 1327 PUBLIC HEARING</u>		
007	Sen. Neil Bryant	Senate District 27. Testifies in support of SB 1327 which requires a water supplier serving more than 10,000 people to fluoridate its water supply. Notes that fluoridating water can save significant money through the prevention of dental disease.
048	Sen. Bryant	Explains that past objections to fluoridation were unfounded. Reviews the program costs and funding sources.
085	Dr. Rick Wilson	President, Oregon Dental Association. Presents (EXHIBIT A) and testifies in support of SB 1327. Reviews studies on the reduction of tooth decay due to fluoridation of water supplies.

125	Wilson	Comments on the benefits of fluoridation, particularly to lower income children. Notes that only 24 percent of Oregonians live in areas where the water is fluoridated.
175	Wilson	Reviews the groups in support of fluoridation of public water supplies (page 6 of the exhibit).
188	Sen. Beyer	Asks what levels of fluoridation would lead to health risks.
191	Wilson	Responds that the level would be between .7 and 1 parts per million. Adds that some states, not including Oregon, have naturally occurring fluoridation.
205	Jane Myers	Oregon Dental Association. Testifies in support of SB 1327.
217	Lynn Ironside	Oregon Dental Hygienists Association. Presents (EXHIBIT B) and testifies in support of SB 1327.
238	Larry Jacoby	Dentist, Hood River. Testifies in support of SB 1327. Notes that lower income patients without adequate access to dental care usually wind up in emergency rooms with serious dental problems which are expensive to treat. Emphasizes that fluoridation represents the most cost-effective method for solving this problem.

- 271 Willie Tiffany League of Oregon Cities. Presents (**EXHIBIT C**) and testifies in opposition to SB 1327. States that the decision to fluoridate a community water supply should be made at the local level. Adds that the bill is an unfunded mandate on local governments.
- 292 Susan Schneider City of Portland. Testifies that Portland is neutral on the issue of fluoridation but opposes the bill because it is a mandate on local governments.
- 297 Sen. Beyer Asks what the ongoing costs would be for fluoridation.
- 299 Tiffany Responds that the ongoing costs per year would be approximately \$10,000 per year for chemicals, or approximately \$1 per person.
- 301 Schneider Adds that Portland estimates a cost of \$.50 per person annually.
- 304 Sen. Bryant Explains that the equipment is primarily self-operating.
- 309 Chair Starr Closes the public hearing and opens a work session on SB 1327.

SB 1327 WORK SESSION

- 314 Sen. Beyer **MOTION: Moves SB 1327 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Miller, Tarno

Chair Starr The motion CARRIES.

- 333 Chair Starr Closes the work session and opens a public hearing on HB 2683B.

HB 2683B PUBLIC HEARING

- 387 Rep. Tim Kropf House District 37. Testifies in support of HB 2683B which allows the Lebanon School District to enter into agreements with community foundations or corporations for completion of school facility projects.

TAPE 95, A

- 002 Rep. Kropf Presents (**EXHIBIT D**) and explains the provisions of the ñB9 amendments.
- 010 Bob Shiprack Oregon Building and Construction Trades Council. Testifies in support of HB 2683 and the ñB9 amendments.
- 021 Chair Starr Closes the public hearing and opens a work session on HB 2683B.

HB 2683B WORK SESSION

- 022 Sen. Beyer **MOTION: Moves to ADOPT HB 2683B-9 amendments dated 6/7/99 (EXHIBIT D).**
- Chair Starr **Hearing no objection, declares the motion CARRIED.**
- 027 Sen. Courtney **MOTION: Moves HB 2683B to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Miller, Tarno

- Chair Starr **The motion CARRIES.**
- SEN. COURTNEY will lead discussion on the floor.**

- 037 Chair Starr Closes the work session and opens a public hearing on HB 3013A.

HB 3013A PUBLIC HEARING

- 043 Rep. Bruce Starr House District 3. Testifies in support of HB 3013A which modifies the examination requirements for children who are taught by a parent, legal guardian or private teacher. Presents (**EXHIBIT E**) and explains the provisions of the ñA8 amendments.
- 081 Dorothy Karman Oregon Christian Home Education Association Network. Presents (**EXHIBIT F**) and testifies in support of HB 3013A. Reviews home school students test scores compared to public school students (page 5 of the exhibit).
- 137 Karman Explains that achievement tests are designed to reflect public school curriculum. Adds that the purpose of the legislation is to recognize that home schools are not

public schools by removing notification and testing requirements.

- 164 Sen. Beyer Asks for the primary objection to the required annual testing.
- 168 Karman Answers that the primary objection is to the cost. Adds that the tests administered are assessment tools and not designed as a pass/fail measurement.
- 192 Chair Starr Asks how many home schooled students were remanded to public classrooms in the past year.
- 194 Karman Responds that there were four students remanded to public schools.
- 199 Rodger Williams Oregon Christian Home Education Association Network. Presents (**EXHIBIT G**) and testifies in support of HB 3013A. Summarizes the collaborative process of drafting HB 3013A but expresses disappointment that remanding has remained in the bill.
- 253 Chair Starr Closes the public hearing and opens a work session on HB 3013A.

HB 3013A WORK SESSION

- 264 Sen. Courtney **MOTION: Moves to ADOPT HB 3013A-8 amendments dated 6/11/99 (EXHIBIT E).**
- Chair Starr **Hearing no objection, declares the motion CARRIED.**
- 271 Sen. Beyer Expresses his opposition to HB 3013A.
- 274 Sen. Courtney **MOTION: Moves HB 3013A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 3-1

AYE: 3 - Courtney, Tarno, Starr

NAY: 1 - Beyer

EXCUSED: 1 - Miller

Chair Starr The motion CARRIES.

SEN. STARR will lead discussion on the floor.

310 Chair Starr Closes the work session and opens a public hearing on HB 2585A.

HB 2585A PUBLIC HEARING

366 Marjorie Taylor Administrator. Explains the provisions of HB 2585A which modifies the conflict of interest disclosure requirements for members of the Legislative Assembly and other appointed and elected public officials. Presents (**EXHIBIT H**) and outlines the provisions of the ñA2 amendments.

TAPE 94, B

011 Sen. Beyer Discusses the ñA2 amendments with the committee and administrator, particularly the provisions requiring that a possible conflict be mentioned only once.

064 Chair Starr Recesses the public hearing and opens a public hearing on HB 2140A.

HB 2140A PUBLIC HEARING

082 Bill Linden Oregon Restaurant Association and the Southland Corporation. Testifies in support of HB 2140A which increases the civil penalty authority of the Oregon Liquor Control Commission (OLCC) to a maximum of \$5,000.

121 Linden Presents (**EXHIBIT I**) and explains the provisions of the ñA9 amendments which expand a responsible vendor program. Presents (**EXHIBIT J**) and explains that the ñA10 amendments are conforming amendments.

139 Bill Calder Portland Police Bureau. Testifies in opposition to HB 2140A and the proposed amendments. Notes that the mandated training needs to occur prior to the sale of alcohol to a minor.

174 Sen. Courtney Asks if the Police Bureau would have any objection if training were mandated prior to an illegal sale.

182 Calder Responds that the Police Bureau supports mandatory training.

199 Sen. Courtney Comments that mistakes will be made even with training.

212 Calder Notes that the problem is with repeat offenders.

225	Sen. Beyer	Asks for the specific objection.
231	Calder	Responds that the current law allows four violations in a two-year period. Expresses strong objection to provisions mandating that a licensee can never lose a license if they participate in the responsible vendor program.
271	Calder	Emphasizes that the objective is to prevent sales of alcohol to minors and not to close down licensees.
284	Sen. Beyer	Asks if the bill would act as a "carrot" to prevent sales of alcohol to minors.
297	Calder	Responds that the "carrot" may be effective but there needs to be provisions for enforcement.
313	Sen. Tarno	Asks if the Portland Police Bureau agrees with the overall intent of HB 2140A.
329	Calder	Answers that the Portland Police Bureau has major objections to Section 7 of the bill but agrees that mandating training is important. Emphasizes that a liquor license in Oregon is a privilege, not a right.
344	Rep. Tom Butler	House District 60. Testifies in support of HB 2140A. Explains that current law punishes the licensee for actions of the employee.
398	Rep. Butler	Remarks that a \$500 fine is significant to most store employees.

TAPE 95, B

002	Rep. Butler	Discusses the incentives contained within HB 2140A.
048	Rep. Butler	Concludes that HB 2140A will act as a responsible vendor incentive.
073	Barb Hutchison	OLCC. Testifies that the OLCC has no objection to HB 2140A and the ñA9 and ñA10 amendments. Points out that the OLCC introduced legislation to mandate training for package store clerks.
121	Hutchison	Notes that the OLCC would still retain the authority to fine and cancel licensees.
131	Sen. Beyer	Asks if HB 2140A would allow OLCC to fine package store employees in a similar fashion as they fine alcohol servers.
143	Hutchison	Responds that is correct but does not have the details on the specific fines levied by the OLCC.
157	Calder	Outlines the provisions for civil penalties contained in HB 2140A.

180 Chair Starr Closes the public hearing and opens a work session on HB 2140A.

HB 2140A WORK SESSION

186 Sen. Tarno **MOTION: Moves to ADOPT HB 2140A-9 amendments dated 6/11/99 (EXHIBIT I).**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

188 Sen. Tarno **MOTION: Moves to ADOPT HB 2140A-10 amendments dated 6/11/99 (EXHIBIT J).**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

192 Sen. Tarno **MOTION: Moves HB 2140A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Miller

Chair Starr **The motion CARRIES.**

SEN. TARNO will lead discussion on the floor.

207 Chair Starr Closes the work session and reopens a public hearing on HB 2585A.

HB 2585A PUBLIC HEARING

211 Rep. Kevin Mannix House District 32. Testifies in support of HB 2585A and explains the provisions of the ñA2 amendments which includes language suggested by the Standards and Practices Commission.

231 Sen. Beyer Asks if a public official would have to mention a possible conflict of interest only once, and if this provision would preclude a member of the legislature from mentioning a possible conflict of interest both in committee and on the floor.

248 Rep. Mannix Answers that this section of the bill does not apply to a member of the state legislative assembly. Discusses the term "occasion" with Sen. Beyer and notes

that it has a slightly broader meaning than "meeting."

274 Chair Starr Closes the public hearing and opens a work session on HB 2585A.

HB 2585A WORK SESSION

284 Sen. Courtney **MOTION: Moves to ADOPT HB 2585A-2 amendments dated 5/26/99 (EXHIBIT H).**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

290 Sen. Courtney **MOTION: Moves HB 2585A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Miller

Chair Starr **The motion CARRIES.**

SEN. COURTNEY will lead discussion on the floor.

302 Chair Starr Closes the work session and opens a public hearing on HJM 4.

HJM 4 PUBLIC HEARING

304 Sen. Gene Timms Senate District 30. Testifies in support of HJM 4A which urges the President and Congress of the United States and Secretary of the Interior to ensure that federal agencies operate or direct operation of the Klamath Project in accordance with Oregon's system for allocation of water rights.

340 Rep. Rob Patridge House District 50. Testifies in support of HJM 4A. Notes that the legislation stems from the belief that the federal government has no right to subvert Oregon's water rights.

373 Martha Pagel Director, Water Resources Department. Testifies in support of the active language of HJM 4A.

390 Doug Myers Klamath Tribes. Testifies in opposition to HJM 4A. Notes that there are ongoing

efforts to resolve the issues without adjudication.

TAPE 96, A

008 Sen. Courtney MOTION: Moves HJM 4 be sent to the floor with a BE ADOPTED recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Miller

Chair Starr The motion CARRIES.

SEN. TARNO will lead discussion on the floor.

016 Chair Starr Closes the work session and opens a public hearing on HJM 6.

HJM 6 PUBLIC HEARING

023 George Buckner Oregon Department of Fish and Wildlife. Testifies in support of HJM 6 which requests the federal government to refrain from listing the Canadian lynx as a threatened species in Oregon.

050 Chair Starr Closes the public hearing and opens a work session on HJM 6.

HJM 6 WORK SESSION

054 Sen. TARNO: MOTION: Moves HJM 6 be sent to the floor with a BE ADOPTED recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Miller

Chair Starr The motion CARRIES.

SEN. STARR will lead discussion on the floor.

061 Chair Starr Closes the work session and adjourns the meeting at 10:02 a.m.

Submitted By, Reviewed By,

Gary Roulier, Jan McComb,

Administrative Support Administrator

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Reviewed by, Reviewed by,

Brian Smith Marjorie Taylor

Administrator Administrator

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EXHIBIT SUMMARY

A ñ SB 1327, written testimony, Rick Wilson, 7 pp

B ñ SB 1327, written testimony, Lynn Ironside, 1 p

C ñ SB 1327, written testimony, Willie Tiffany, 2 pp

D ñ HB 2683B, amendments, staff, 2 pp

E ñ HB 3013A, amendments, staff, 4 pp

F ñ HB 3013A, written testimony, Dorothy Karman, 5 pp

G ñ HB 3013A, written testimony, Rodger Williams, 2 pp

H ñ HB 2585A, amendments, staff, 1 p

I ñ HB 2140A, amendments, staff, 5 pp

J ñ HB 2140A, amendments, staff, 3

K ñ HJM 6, written testimony submitted prior to meeting, staff, 21 pp

L ñ HJM 6, written testimony submitted prior to meeting, staff, 3 pp

M ñ HB 3013A, report submitted at meeting, staff, 24 pp