

SENATE RULES AND ELECTIONS COMMITTEE

June 17, 1999 Hearing Room B

8:00 AM Tapes 104 - 105

MEMBERS PRESENT:

Sen. Charles Starr, Chair

Sen. Lee Beyer, Vice-Chair

Sen. Peter Courtney

Sen. Marylin Shannon

Sen. Veral Tarno

MEMBER EXCUSED:

STAFF PRESENT: Ray Kelly, Administrator

Brian Smith, Administrator

Marjorie Taylor, Administrator

Sandy Thiele-Cirka, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

HB 3556A Public Hearing and Work Session

HB 2875A Work Session

Measure Drafting and Introductions

SB 99 Public Hearing and Work Session

HB 2238B Public Hearing and Work Session

HB 3383A Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 104,A		
004	Chair Starr	Opens meeting at 8:05 AM. Opens public hearing on HB 3556A.
<u>HB 3556A PUBLIC HEARING</u>		
009	Rep. Dan Gardner	House District 13. HB 3556A requires licensing for persons repairing or installing elevators. Supports HB 3556A. Explains that because of the heavy usage of elevators in our society, their repair and safe installation would be ensured by licensed persons.
029	John Gervais	International Union of Elevator Constructors. States HB 3556A would require mechanical training for a licensee. Explains the ñ3 and the ñ4 amendments by the department. Says this is a very important safety bill.
037	Chair Starr	Asks for questions.
046	Joe Brewer	Administrator, Building Codes Division (BCD). Supports HB 3556A with amendments. Presents (EXHIBIT A).
064	Chair Starr	Asks if the ñ4 and ñ3 amendments are combined.
065	Gervais	Says he thinks both ñ3 and ñ4 amendments are needed.
073	Marjorie Taylor	Committee Administrator. Clarifies the ñ3 amendments are incorporated into the ñ4 amendments. Submits (EXHIBIT B).
074	Chair Starr	Suggests moving the ñ4 amendments. Asks for any additional questions. Closes public hearing and opens work session on HB 3556A.
<u>HB 3556 A WORK SESSION</u>		
075	Sen. Courtney	MOTION: Moves to ADOPT HB 3556A-4 amendments dated 6/16/99.
		VOTE: 5-0 EXCUSED: 1 - Sen. Beyer

076	Chair Starr	Hearing no objection, declares the motion CARRIED.
075	Sen. Courtney	MOTION: Moves HB 3556A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 1 - Sen. Beyer
076	Chair Starr	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
077	Chair Starr	Closes work session on HB 3556A and opens a work session on HB 2875A.
<u>HB 2875A WORK SESSION</u>		
088	Marjorie Taylor	Committee Administrator. Explains the bill previously heard at a public hearing on June 4, and the ñ4 amendments which move the safety language to another part of ORS Chapter 498. Submits (EXHIBIT C) .
089	Chair Starr	Asks for discussion.
090	Sen. Shannon	Suggests moving the ñ4 amendments to the floor.
091	Chair Starr	Asks if there are any objections.
092	Allie Miller	States she objects. Describes herself as a diversified Oregonian from the Tom McCall era.
100	Chair Starr	States this is a work session.
103	Allie Miller	Complains that she has not had an opportunity to speak on this issue. Says she is not from Portland and that she is a cattle rancherís daughter.
105	Chair Starr	States the committee has Millerís written testimony on file.

106	Allie Miller	Asks if the written testimony has been reviewed.
107	Chair Starr	Answers that he has reviewed it.
108	Allie Miller	Questions the trophy issue on cougars. Asks if it is true that cougar trophies receive \$6,000 a head. Asks if professional trophy hunters are capturing cougars and bears.
109	Chair Starr	Answers that he has no idea. States the witness is out of order and will be removed from the room if she does not voluntarily leave.
110	Allie Miller	Responds that she will leave in a moment, but as a tax-paying citizen, she wants some answers. Says she will ask these questions in the newspaper.
113	Sen. Shannon	MOTION: Moves to ADOPT HB 2875A-4 amendments dated 6/15/99.
		VOTE: 4-0 EXCUSED: 2 - Beyer, Courtney
114	Chair Starr	Hearing no objection, declares the motion CARRIED.
115	Sen. Tarno	MOTION: Moves HB 2875A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 EXCUSED: 2 - Beyer, Courtney
116	Chair Starr	Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
117	Chair Starr	Closes work session on HB 2875A. Opens work session for consideration of a drafting request.
<u>DRAFT REQUEST WORK SESSION</u>		

135	Chair Starr	State requests for drafting a memorial for former Rep. Leo Thornton, who recently passed away, and another to draft and introduce a Sine Die resolution.
136	Sen. TARNO:	MOTION: Moves that drafting and introduction requests concerning a memorial for Rep. Leo Thornton and a resolution for Sine Die BE APPROVED.
		VOTE: 4-0 EXCUSED: 2 - Beyer, Courtney
137	Chair Starr	Hearing no objection, declares the motion CARRIED.
140	Chair Starr	Closes work session on drafting requests. Opens public hearing on SB 99.
<u>SB 99 PUBLIC HEARING</u>		
160	Ray Kelly	Committee Administrator. Gives background on SB 99 and explains the ñ3 amendments. Submits (EXHIBIT D).
204	Dave Hunnicutt	Oregonians in Action. Supports ñ3 amendments of SB 99. States that SB 99 is an attempt to solve the problems arising from zoning ordinances and public health and safety issues.
238	Ron Eber	Department of Land Conservation and Development (DLCD). Explains how land use decisions are made with crowds of people (mass gatherings) for short periods of time.
245	Chair Starr	Asks if there is opposition.
246	Hunnicutt	Says he does not believe so.
250	Art Schlack	Association of Oregon Counties (AOC). Says they have not had an opportunity to review this amendment. States there is a concern to have the counties review this and he will send this bill out to them.
253	Chair Starr	Comments that this bill will be moved and can be addressed later. Closes public hearing on SB 99 and opens work session on SB 99.
<u>SB 99 WORK SESSION</u>		

254	Sen. Shannon	MOTION: Moves to ADOPT SB 99-3 amendments dated 6/15/99.
		VOTE: 4-0 EXCUSED: 2 ñ Beyer, Courtney
255	Chair Starr	Hearing no objection, declares the motion CARRIED.
256	Sen. Shannon	MOTION: Moves SB 99 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 EXCUSED: 2 ñ Beyer, Courtney
257	Chair Starr	Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
258	Chair Starr	Closes work session on SB 99. Opens public hearing on HB 2238B.
<u>HB 2238B PUBLIC HEARING</u>		
279	Rep. Vicki Walker	House District 41. Supports HB 2238B. Gives background on HB 2238B which passed the House 38 to 20. Explains that Sections 4 and 5 will designate pharmacists independent contractors, and that unemployment benefits should be extended to women who are victims of domestic violence under certain circumstances.
330	Sen. Shannon	Comments that police should enforce laws restraining violent spouses and convicted felons.
350	Rep. Walker	Responds in agreement. Explains HB 2238B clarifies the existence of good cause.
TAPE 105, A		
043	Nancy Kaib	Pharmacist. Supports HB 2238B. Broker for independent pharmacists. Explains that the current interpretation does not allow pharmacists to work as independent

		contractors. Refers to letters from independent pharmacists asking for the classification to work as contractors. Presents (EXHIBIT E) .
101	Rep. Kevin Mannix	House District 32. Sponsor of HB 2238B. Testifies in support of HB 2238A. States that there are 30 to 50 pharmacists in the state who would benefit from this measure.
151	Sen. Beyer	Asks if all professional services should be excluded from the unemployment requirements.
160	Rep. Mannix	Responds affirmatively. Suggests an interim study of exclusions for licensed professionals.
170	Sen. Beyer	Asks if exclusions should include services of any licensed pharmacists.
172	Rep. Mannix	Explains the difference between independent pharmacists versus employed pharmacists.
180	Sen. Beyer	Asks if those who work for temporary services should be excluded.
185	Rep. Mannix	States an interim study would provide assistance. Encourages granting this exclusion.
220	Rep. Walker	Explains the test for independent contractors. Comments on Sen. Shannonís concern for unemployment compensation for victims of violence.
235	Tom Holt	Represents Oregon State Pharmacists Association. States there are over 230 independently owned pharmacies. Notes support of the bill. Suggests further inquiry into issues of independent contractors.
255	Annette Talbott	Employment Department. Discusses that the 1989 Legislature created the statutory test establishing independent contractor guidelines. States the department opposes Sections 4 and 5 regarding pharmacists. Opposes HB 2238B at present. Suggests if the committee removes Sections 4 and 5, the Employment Department will support HB 2238B. Presents (EXHIBIT F) .
TAPE 104, B		
007	Tricia Smith	Represents Oregon Public Schools and Public Employee Union. Supports the first 3 sections of HB 2238B. Requests removal of Sections 4 and 5. Emphasizes the importance of allowing victims to be safe from abusers and states this bill will provide victims of abuse an additional safety mechanism.
050	Chair Starr	Closes the public hearing on HB 2238B. Opens a work session on HB 2238B.

HB 2238B WORK SESSION

062	Sen. Tarno	Suggests the floor could debate the issues in Sections 4 and 5.
064	Sen. Courtney	Remarks on the limitations of debate on the Senate floor.
075	Chair Starr	States questions on Sections 4 and 5 have been previously addressed. Notes that further study is necessary.
090	Sen. Beyer	Asks Kaib if she is the only business brokering pharmacies. Questions the structure of her business.
096	Kaib	Responds there is a California business. Explains the bookkeeping process.
104	Sen. Beyer	Asks if she issues withholding statements on the pharmacists' salaries.
106	Kaib	Responds that she files 1099 forms on her employees.
110	Sen. Beyer	Questions how many times per year an employee works for a pharmacy.
112	Kaib	Comments the pharmacists do not work in the same place consistently.
113	Sen. Tarno	MOTION: Moves HB 2238B to the floor with a DO PASS recommendation.
		VOTE: 4-0 EXCUSED: 1 n Shannon
114	Chair Starr	Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
115	Chair Starr	Closes work session on HB 2238B. Opens public hearing on HB 3383A.

HB 3383A PUBLIC HEARING

155	Rep. Gary Hansen	House District 17. Supports HB 3383A. States there are no amendments to this bill, and it is a good bill and should pass. The vote in the House was 58-0.
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160	Joe Brewer	Administrator, Building Codes Division (BCD). Explains that this bill gives additional responsibility and additional administrative rules will be added. BCD requests 2.5 full time positions at a \$250,000 cost per biennium. Presents (EXHIBIT G) .
170	Chair Starr	Says the bill has been to Ways and Means Committee. Closes public hearing on HB 3383A and opens work session on HB 3383A.
<u>HB 3383A WORK SESSION</u>		
171	Sen. Beyer	MOTION: Moves HB 3383A to the floor with a DO PASS recommendation.
		VOTE: 4-0 EXCUSED: 1 - Shannon
172	Chair Starr	Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.
173	Chair Starr	Adjourns meeting at 9:20 AM.

Submitted By, Reviewed By,

Nancy Masee, Brian Smith

Administrative Support Administrator

Reviewed by, Reviewed by,

Ray Kelly Marjorie Taylor

Administrator Administrator

Reviewed by,

Sandy Thiele-Cirka

Administrator

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EXHIBIT SUMMARY

A ñ HB 3556A, Written testimony, Joe Brewer, 2 pp

B ñ HB 3556A. ñA4 Amendments, Staff, 3 pp

C ñ HB 2875A, -A4 Amendments, Staff, 1 p

D ñ SB 99, -3 Amendments, Staff, 5 pp

E ñ HB 2238B, Written testimony, Nancy Kaib, 4 pp

F ñ HB 2238B, Written testimony, Annette Talbott, 7 pp

G ñ HB 3383A, Written testimony, Joe Brewer, 1 p