

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 41

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Randy Miller, Vice-Chair
Sen. Ken Baker
Sen. Jeannette Hamby
Sen. Peter Sorenson
Sen. Dick Springer
Sen. Shirley Stull

STAFF PRESENT:

M. Max Williams II, Committee Counsel
Julie Clemente, Committee Assistant

MEASURES HEARD: Public Hearing & Work Session: SB 317
Public Hearing: SJR4

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , SIDE A

03 CHAIR BRYANT: Calls Committee to order at 3:00 p.m.
Reminds those in attendance that at 4:00 p.m., the public hearing on SJR4
will begin due to time constraints of some of the legislative witnesses.

OPENS PUBLIC HEARING ON SB 317

Witnesses: John DiLorenzo, Jr., Hagen, Dye, Hirschy & DiLorenzo,
representing The Chemical Specialties Manufacturers Association
Pat McCormick, Conkling, Fiskum & McCormick, Inc. representing The Chemical
Specialties Manufacturers Association
Lynn Tylczak
Terry Witt, Oregoneons for Food & Shelter

15 JOHN DiLORENZO, Jr., Hagen, Dye, Hirschy & DiLORENZO, representing The
Chemical Specialties Manufacturers Association: Begins reading testimony
in favor of SB 317. Tab #1 - [EXHIBIT A]

56 Continues reading testimony. In 1991, the Oregon Legislature enacted the
Toxic Household Products Act which required the addition of a bittering
agent to antifreeze.

107 The bill also includes an emergency clause.

129 SEN. SPRINGER: Not aware of any other manufacturer that has made the
comment you make.

135 DiLORENZO: Normally, it is the industry that asks government to add a
chemical to its products.

160 The bill does not deprive potential plaintiffs of a remedy.

197 Finally, passage of this law will set a national standard and a national model.

234 Language fails to conform with the provisions of the settlement agreement which was negotiated in good faith.

256 In conclusion, SB 317 is a very good policy bill.

264 SEN. SORENSON: Interested in knowing if you are aware of any state laws that require certain conduct on the part of a manufacturer where a limitation on immunity is attached.

DiLORENZO: Not aware of any Oregon law which compels a manufacturer to add a chemical to their products.

336 SEN. SPRINGER: Are there any antifreeze manufactures in the State of Oregon?

DiLORENZO: We have a number of formulators in the State of Oregon.

370 SEN. SPRINGER: Comments about small families inability to get into court against multi-billion dollar companies.

DiLORENZO: If that is your concern, the legislature should reevaluate its decision to force manufacturers to include DNB.

408 LYNN TYLCZAK: Testifies in opposition of SB 317.

TAPE 39, SIDE A

28 Continues testimony. "Bottom line, the antifreeze industry wants you to do politically what it can't do scientifically." Believes that passing this bill would send a misleading message to all Americans. No proof that aversives are unsafe.

81 CHAIR BRYANT: I presume your comments would be equally critical of the Poison Task Force Agreement.

85 TYLCZAK: " My fear is that this bill is going to be used in other states to present an image that there is a danger." Wants some form of protection from the CSMA that they will not use the immunity issue against further legislation.

95 CHAIR BRYANT: Let me understand your testimony then.

100 TYLCZAK: Afraid of what they are going to do with this bill.

160 Continues with testimony regarding her wanting to pass legislation and obstacles she is encountering when trying to attend the necessary meetings.

SEN. SPRINGER: Was there any suggestion that the Open Meetings Law didn't apply?

198 CHAIR BRYANT: There are 7 or 8 exceptions to the public meeting law.

201 SEN. SPRINGER: Your view was that you weren't allow to observe that process.

222 TYLCZAK: Was simply told she couldn't attend.

275 Continues testimony stating that the belief of people she has spoken to feel uneasy about immunity and they assume it is given for cause.

292 SEN. HAMBY: I congratulate you. You have obtained national interest.

339 CLOSSES PUBLIC HEARING ON SB 317

OPENS PUBLIC HEARING ON SJR4

Witnesses: Senator Gene Timms, Senate District #30
Representative Lynn Lundquist, House District #59
Phil Keisling, Secretary of State
Scott S. Tighe, Election's Manager
David Yaden, Independent Consultant
Representative Liz Vanleeuwen, House District #37
Tim Raphael, Program Director, Oregon State Public Interest Research Group
Bill Sizemore, Oregon Taxpayers United
Russ Farrell, Coalition for Petition Rights
Phil Dreyer, Issues Chair, Oregon Common Cause

341 SEN. GENE TIMMS, Senate District #30: Presents testimony in favor of SJR

4. Submits -1 amendments to SJR4. [EXHIBIT B]

417 REP. LYNN LUNDQUIST, House District #59: Using a map of the State of Oregon as a visual aid, proceeds with testimony in favor of SJR4. States that there is a real problem with representation throughout the state of Oregon. Proceeds to explain his concept. [EXHIBIT E]

61 Continues: If all Oregonians are part of the process, there are parts of the state with some commonalties. In addition, maintain the one person, one vote concept. Will unite Oregon by making all a part of the process.

TAPE 38, SIDE B

119 SEN. BAKER: Why not go with Sen. Timms' suggestion and go by districts? Why have another artificial structure?

124 REP. LUNDQUIST: Refers to the Congressional District lines which are changed every ten years. His concept is forever - no redistricting.

142 SEN. SORENSON: On both proposals, do we have a sense of what kinds of transaction costs would be involved?

164 REP. LUNDQUIST: I do not have a figure.

209 SEN. TIMMS: Thinks it is going to be up to committee. Has no problem with making it more restrictive. Likes Lundquist's idea. Knows that his (Timms) idea will work for sure.

253 PHIL KEISLING, Secretary of State: Testifies in support of SJR4. [EXHIBIT C]

312 Supports the geographic distribution requirement for constitutional amendments, but not for statutory changes.

355 Discusses a 12% signature requirement for constitutional amendments.

403 Does not see the mere number of initiatives to be the biggest challenge -- but the nature of those initiatives.

475 Finally, I want to applaud the sponsors of this bill.

TAPE 39, SIDE B

36 SEN. SORENSON: Specifically on the proposal that Senator Timms testified on, do you have any comment on the number of dollars involved? Any additional costs that we should be mindful of?

41 KEISLING: I don't know if we have done a fiscal impact for this bill.

51 SCOTT S. TIGHE, Elections Manager: We calculated it to be marginal.

81 DAVID YADEN, Independent Consultant: Presents as his testimony, a report on the results of a survey on attitudes of Oregon voters towards the initiative process [EXHIBIT D].

111 Survey results say that while Oregonians are deeply protective of the initiative process, there is strong sentiment for reform.

150 Continues with results of survey.

206 REPRESENTATIVE LIZ VANLEEUEWEN, House District #37, (Co-sponsor of SJR 4), testifies in favor of SJR4.

230 SEN. SORENSON: Discusses the inclusion of Linn County in the Willamette Valley and Lane County in the Coast was putting Lane County in with a group with which it didn't have much in common. .

251 REP. VANLEEUEWEN: Lane County does include the coast.

274 TIM RAPHAEL, Program Director, Oregon State Public Interest Research Group: Submits testimony in opposition of SJR4 [EXHIBIT F].

339 SEN. SORENSON: Your comments about relating this measure to 1994's Ballot Measure 9; this wouldn't affect Measure 9 at all.

RAPHAEL: No, because it is statutory.

370 SEN. SPRINGER: Would the geographic proportionality requirement assist people who are running campaigns?

RAPHAEL: It would make campaigns more reliant on paid petitioning to get those signatures.

404 SEN. STULL: Being a state-wide organization, shouldn't you have participation by people statewide in deciding what kind of issues you undertake?

RAPHAEL: Very much so. In terms of kinds of issues and also in terms of all voters having a say.

454 BILL SIZEMORE, Oregon Tax Payers United: Testifies in opposition to SJR 4.

TAPE 40, SIDE A

55 Makes reference to [EXHIBIT D]. Would never hire this pollster.

137 CLOSES PUBLIC HEARING ON SJR4

REOPENS PUBLIC HEARING ON SB 317

150 PAT McCORMICK, Conkling, Fiskum & McCormick, Inc. representing The Chemical Specialties Manufacturers Association: Testifies in favor of SB 317. [EXHIBIT A & EXHIBIT F] Refers to a letter from Lynn Tylcsak [EXHIBIT F].

190 SEN. SPRINGER: Questions the relevancy regarding what Ms. Tylcsak might have said in the past.

199 McCORMICK: Continues.

256 TERRY WITT, Oregonians for Food and Shelter: Presents testimony in favor of SB 317.

295 This bill deals potentially with any toxic household product to be included in with anti-freeze.

CLOSES PUBLIC HEARING ON SB 317

OPENS WORK SESSION ON 317

MOTION: SEN. HAMBY: Moves SB 317 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, Senators Baker, Hamby, Miller, Stull and Chair Bryant vote AYE. Senators Sorenson and Springer vote NAY.

CHAIR BRYANT: The motion CARRIES.

CHAIR BRYANT will lead discussion on the Floor.

SENATORS SPRINGER AND SORENSON SERVE NOTICE OF A MINORITY REPORT.

369 CLOSES WORK SESSION ON SB 317

383 REOPENS PUBLIC HEARING ON SJR4

TAPE 41, SIDE A

7 SIZEMORE: Thinks what Secretary of State Keisling suggests will result in more initiatives on the ballot.

15 SEN. SORENSON: Asks about the relationship between the campaign to get the initiatives and the campaign to get it passed.

21 SIZEMORE: In the good old days, yes. In the days of electronic media, no.

31 RUSS FARRELL, Coalition for Petition Rights: Testifies in opposition to SJR4.

110 Continues testimony.

139 PHIL DREYER, Issues Chair, Oregon Common Cause: Presents written testimony in opposition to SJR4. [EXHIBIT H].

219 SORENSON: Responds regarding how easy it is to get a bill through the Legislature compared to getting an initiative passed.

242 DREYER: Continues with his testimony.

CLOSES PUBLIC HEARING ON SJR4

CHAIR BRYANT: Adjourns at 5:45 p.m.

Submitted by:

Reviewed by:

Julie A. Clemente
Committee Assistant

M. Max Williams II
Committee Administrator/Counsel

EXHIBIT LOG:

A - Testimony on SB 317 - John DiLorenzo, Jr. & Pat McCormick - bound book
B - Proposed Amendments SJR4-1 - Sen. Eugene Timms - 4 pages
C - Testimony on SJR4 - Secretary of State Phil Keisling - 4 pages
D - Survey of Voter Attitudes (SJR4) - David V. Yaden - 7 pages
E - Proposed Amendments to SJR4-2 - Rep. L. Lundquist - 5 pages
F - Testimony on SJR4 - Tim Raphael - 2 pages
G - Letter from Lynn Tylczak (SB 317) - Pat McCormick - 1 page
H - Testimony on SJR4 - Phil Dreyer - 3 pages

