

SENATE COMMITTEE ON BUSINESS AND LABOR

March 17, 2003
1:00 PM

Hearing Room C
Tapes 34-37

MEMBERS PRESENT: Sen. David Nelson, Chair
Sen. Vicki Walker, Vice-Chair
Sen. Roger Beyer
Sen. Rick Metsger

STAFF PRESENT: Dennis Dotson, Committee Administrator
Romy Dye, Committee Assistant

MEASURE/ISSUES HEARD: HB 2055A –Work Session
SB 252 – Work Session
SB 284 – Public Hearing
SB 739 – Public Hearing and Work Session
SB 824 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 34, A		
005	Chair Nelson	Calls meeting to order at 1:03 PM. Opens a work session on HB 2055A.
<u>HB 2055A – WORK SESSION</u>		
007	Dennis Dotson	Committee Administrator. Provides overview of HB 2055A.
011	Sen. Metsger	Asks for explanation of -4 amendments.
015	Dotson	Provides explanation of -4 amendments. (EXHIBIT J)
017	Chair Nelson	MOTION: Moves to ADOPT HB 2055A-A4 amendments dated 03/17/03.
018		VOTE: 3-0 EXCUSED: 1 - Sen. Walker Hearing no objection, declares the motion CARRIED.
020	Chair Nelson	MOTION: Moves HB 2055A to the floor with a DO PASS AS AMENDED recommendation.
022		VOTE: 3-0 EXCUSED: 1 - Sen. Walker Hearing no objection, declares the motion CARRIED. SEN. WINTERS will lead discussion on the floor.
025	Chair Nelson	Closes the work session on HB 2055A and opens a work session on SB 252.
<u>SB 252 – WORK SESSION</u>		
027	Dotson	Provides overview of SB 252.
028	Chair Nelson	MOTION: Moves to ADOPT SB 252-A2 amendments dated 03/05/03. (EXHIBIT K)
029		VOTE: 4-0 Hearing no objection, declares the motion CARRIED.
030	Chair Nelson	MOTION: Moves SB 252 to the floor with a DO PASS AS AMENDED recommendation.
035		VOTE: 4-0

	Chair Nelson	Hearing no objection, declares the motion CARRIED.
		SEN. METSGER will lead discussion on the floor.
036	Chair Nelson	Closes the work session on SB 252 and opens a public hearing on SB 284.
<u>SB 284 – PUBLIC HEARING</u>		
042	Dotson	Provides overview of SB 284.
051	Lisa Trussell	Associated Oregon Industries. Testifies in support of SB 284. Comments on background of SB 284.
065	Dan Harmon	Vice President of General Counsel, Hoffman Corporation. Testifies in favor of SB 284. Summarizes SB 284.
133	Paula Barran	Attorney- Barran, Leibman, Attorney at Law. Testifies in favor of SB 284. Provides details of SB 284. Discusses changes and proposals of SB 284. Comments on ways to defeat a drug test. Discusses last chance agreements.
271	Chair Nelson	Closes the public hearing on SB 284 and opens a public hearing on SB 739.
<u>SB 739 – PUBLIC HEARING</u>		
295	Dotson	Provides overview of SB 739.
300	Julie Brandis	Associated Oregon Industries (AOI). Testifies in support of SB 739. Claims SB 466 and SB 739 should be discussed together. Submits written material (EXHIBITS A, B).
377	Chair Nelson	Closes the public hearing on SB 739 and opens a work session on SB 739.
<u>SB 739 – WORK SESSION</u>		
389	Sen. Metsger	MOTION: Moves SB 739 to the floor with a DO PASS recommendation.
395		VOTE: 3-0
		EXCUSED: 1 - Sen. Walker
	Chair Nelson	Hearing no objection, declares the motion CARRIED.
		SEN. MINNIS will lead discussion on the floor.
399	Chair Nelson	Closes the work session on SB 739 and reopens the public hearing on SB 284.
<u>SB 284 – PUBLIC HEARING</u>		
413	Patrick Green	Oregon AFL-CIO. Testifies in opposition of SB 284. Discusses reasons opposing SB 284:
		<ul style="list-style-type: none"> • Feels SB 284 unnecessary and an area of law largely settled • Crosses line between on the job obligations and off the job behavior
TAPE 35, A		
048	Dave Fidangue	American Civil Liberties Union (ACLU). Testifies in opposition of SB 284. Elaborates on previous discussion. Feels if change rules more likely for a constitutional challenge.
134	Sen. Metsger	Asks for explanation of SB 284 regarding searches.
145	Fidangue	Refers to subsection 10, page 4.
158	Sen. Metsger	Asks for clarification.
163	Fidangue	Responds issue is how should the requirement for someone currently receiving unemployment compensation to look for suitable work be interpreted. States one effect of SB 284 would be to eliminate discretion on part of the employment department. Provides examples.
208	Sen. Metsger	Asks whether other issues with subsection 9 are constitutionally problematic.
217	Green	Responds not sure if unconstitutional.

221	Fidangue	Provides follow-up on subsection 9. Explains sections of the rules.
272	Sen. Metsger	States satisfied but would have to hear from Employment Department if rules affected or not.
280	Fidangue	Responds lots of jobs do not fall under categories where drug testing may be required and unemployment compensation not disqualified because of refusal to submit to testing or apply for job in the future. Expresses concerns with provision on page 5 stating urine testing is a problem because it tests drug use not impairment at work.
296	Jerry Gjesvold	Manager of Employer Services, Serenity Lane. Testifies in favor of SB 284. Discusses personal experience with drug recovery.
374	Tom Byerley	Assistant Director for Unemployment Insurance, Employment Department. Asks for clarification for various sections of SB 284.

TAPE 34, B

007	Sen. Metsger	Asks whether Employment Department currently does other areas not mentioned previously.
011	Byerley	Responds that is true and in the current policy.
014	Chair Nelson	Closes the public hearing on SB 284 and opens a public hearing on SB 824.

SB 824 – PUBLIC HEARING

028	Dotson	Provides overview of SB 824.
029	Vicki Walker	Oregon State Senator. Testifies in support of SB 824. Presents news video on wired glass. States safety film can be applied to structures without needing steel grading on windows to protect them. Comments experts need to get message across to those who make codes and laws. Submits written material (EXHIBIT C).
155	Walker	Presents video of a victim breaking through wall of wired glass. Discusses examples of injury victims of wired glass.
250	Greg Abel	Abel & Associates. Testifies in support of SB 824. Provides personal example of son's injury with wired glass. Discusses background of wired glass. Submits written material (EXHIBITS D, E, F).

TAPE 35, B

005	Abel	States there are alternative less-expensive products to wired glass.
012	Jarred Abel	Oregon resident. Testifies in favor of SB 824 with personal injury example due to wired glass.
044	Walker	Explains -1 and -2 amendments. Discusses injury data. Expresses concern with how industry can keep putting out such an unsafe product and justifying it.
078	Tom Mewbourne	Director of Technical Services, AFG Industries. Testifies in opposition of SB 824. Provides background of wired glass. Presents videotape showing procedure of impact testing. Comments aware of injuries and work being done to correct instances. States wire provides a safe product for life safety.
144	Tom Zaremba	Lobbyist- Roetzel and Andress, Toledo, Ohio. Testifies in opposition of SB 824. Provides examples of fire instances and wired glass. States many inadequate answers still out there. States \$20 million and as much as \$200 million needed to implement what is being proposed in the legislation.
314	Jeff Johnson	Attorney. Testifies in opposition of SB 824. States wired glass is

		not dangerous. Says SB 824 will outlaw all wired glass with no need for legislation due to other safety alternatives. Comments on need to strive for more safety but SB 824 is a bad idea lacking an alternative and needing a balance.
424	Walker	Suggests SB 824 is being misinterpreted because it does not get rid of all wired glass and needs to be reread by Mr. Johnson.
436	Johnson	Responds provision talks about foreseeable human impact and SB 824 is not limited to athletic facilities as drafted.
TAPE 36, A		
005	Kate Steel	O'Keefe's Incorporated and member of ANSI Z97.1 Committee. Testifies in favor of SB 824. Discusses ANSI Z97.1 Committee and struggle with wire glass issue for several years. Provides overhead material on Centro Glass. States there are safer alternative products to wired glass in the market currently used in other countries. States one alternative is glass where the film does not affect the fire performance.
097	Walker	Asks how long on ANSI Committee.
100	Steel	Responds seven years and five as a main member.
104	Walker	Asks if wired glass industry ever came to committee to do something or objected to anything the committee chooses to do and voluntarily said glass unsafe and people are being injured or paralyzed.
107	Steel	Responds injuries have been denied and misleading statistics provided.
123	Walker	Asks when Centro Glass put safety exception on website.
128	Steel	Responds within last six months.
132	Walker	Asks whether out of four manufacturers who put something on website about not being a safety glass.
134	Steel	Discusses Pyroshield regular and Pyroshield Safety in the United Kingdom. Expresses concern with Zaremba's video that glass through Mr. Abel's investigation was the stronger glass from the United Kingdom when it was claimed to be glass from the United States.
154	Walker	States seeking an investigation on the matter.
158	Steel	Comments on insurance agency saying to remove the glass. Discusses how cost is lower when it comes down to saving others from being injured.
164	Walker	Comments on \$350 to retrofit gymnasiums. Asks whether gymnasiums built prior to 1969 or 1977.
168	Steel	Responds negatively.
170	Walker	Asks if they were built recently.
172	Steel	Responds yes. States has asked Mr. Zaremba for data for schools and has not yet received it.
180	Mark Long	Administrator of Building Codes. Discusses separation between new construction requirements and retrofit. Discusses code change admitted to rule hearing and code adoption.
202	Sen. Metsger	Asks whether committee determined need to make changes for use of wired glass.
209	Long	Responds that is correct.
213	Sen. Metsger	Asks whether committee asking for changes because they have determined with human impact as possibility that harm of that outweighs the current standard and needs to be changed.
218	Long	Responds that is correct.
225	Greg Abel	States decided to remove exemption for all occupancies subject

		to human impact in new construction. Adds two committees voted unanimously to move forward for the change.
265	Walker	Asks whether accurately reflects on what Building Code Department has been doing. .
268	Long	Responds that is the understanding. States appropriate actions have been taken and looking for an opportunity to move forward with what structural code committee has done.
274	Chair Nelson	Refers to line 12, subsection C in SB 824 on whether rule exists at this time.
280	Long	Responds not aware of one but others may be.
285	Walker	Asks whether it is true that Building Code Department cannot draft code provisions regarding existing building structures.
291	Long	Responds that is correct. Suggests looking to set up a system of enforcement and action for the retrofit and moving SB 824 forward.
303	Walker	Asks how Oregon Occupational Safety and Health Administration (OSHA) deals with code enforcement issues without staff to enforce them.
305	Long	Discusses proactive action with staff checking sights or compliance enforcement provision providing necessary incentive for folks to meet the standards adopted through the legislature. Willing to work with others to set up something to either increase fines or set up a program to compel action. States if expectation for Building Codes Division exists then a program needs to be established and cost has not been determined.
323	Walker	Refers to section 5. Asks if department would be involved in fund to remove dangerous glass.
351	Long	States willing to discuss options.
361	Walker	Asks if familiar with case where a type of siding for housing was sold in the United States that was tested and sold causing a lot of problems and costing consumers a lot of money.
382	Long	Comments familiar with the case as a home-owner only. Summarizes new construction elements best placed in administrative code and would like opportunity to amend the bill and work with proponents to come up with an idea for maintenance of retrofit.
412	Roch Evoniuk	Concerned citizen. Testifies in favor of SB 824. Summarizes a letter to accept responsibilities for actions involving wired glass.
TAPE, 37, A		
005	Kathy Abel	Concerned citizen and parent. Summarize letter of a parent of child injured by wired glass. Feels there are wired glass alternatives and this needs to be stopped.
021	Walker	Asks how many hours husband spends on wired glass issue and whether motivated by greed or something else.
032	Abel	Responds it is motivated by the fact of not wanting other people to go through a wired glass injury and see depression son had go through. States it has consumed their lives.
The following prepared testimony is submitted for the record without public testimony for SB 824:		
	Drew Gilliland	Submits written testimony (EXHIBIT G)
	Jonathan Lauch	Submits written testimony (EXHIBIT H)
	William Koffel	Submits written testimony (EXHIBIT I)
046	Chair Nelson	Closes the public hearing on SB 824. Adjourns the meeting at 3:34 PM.

EXHIBIT SUMMARY

- A – SB739, written summary and metal underwear picture, Julie Brandis, 2 pp**
- B – SB 739, diagram of path of stolen goods, Julie Brandis, 1 p**
- C – SB 824, written letters, Senator Vicki Walker, 9 pp**
- D – SB 824, wired glass packet, Greg Abel, 69 pp**
- E – SB 824, written letter and safety glazing handout, Greg Abel, 5 pp**
- F – SB 824, data sheet on inaccurate wired glass injuries, Greg Abel, 1 p**
- G – SB 824, additional written material for the record, Drew Gilliland, 1 p**
- H – SB 824, additional written material for the record, Jonathan Lauch, 1 p**
- I – SB 824, additional written material for the record, William Koffel, 1 p**

The following exhibit is listed out of order in the body of the tape log:

- J – HB 2055A, -4 amendments dated 03/17/03, staff, 2 pp**
- K – SB 252-A2, -A2 amendments dated 03/05/03, staff, 1 p**