

SENATE COMMITTEE ON RULES

May 1, 2003
3:00 pm

Hearing Room 343
Tapes 44 - 47

MEMBERS PRESENT: **Sen. Kate Brown, Co-chair**
 Sen. Bev Clarno, Co-chair
 Sen. Jason Atkinson Vice-chair
 Sen. Ginny Burdick Vice-chair
 Sen. Roger Beyer
 Sen. Tony Corcoran

STAFF PRESENT: **Jim Stembridge, Committee Administrator**
 Pam Cox, Committee Assistant

MEASURE/ISSUES HEARD: **HCR 3 A – Public Hearing and Work Session**
 HCR 5 – Public Hearing and Work Session
 HCR 7 – Public Hearing and Work Session
 HB 3010 – 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>
<u>TAPE 44, A</u>		
005	Chair Brown	Calls the committee meeting to order at 3:09 p.m. Opens a public hearing on HCR 3A.
<u>HCR 3A – PUBLIC HEARING</u>		
003	Jim Stembridge	Committee Administrator. Summarizes HCR 3A.
005	Rep. Gillman	House District 55. Offers information on Benjamin (Kip) Lombard Jr.
010	Jim Stembridge	Reads a statement in favor of HCR 3 from Sen. Hannon on the recognition of Kip Lombard describing his many years of service to Oregon (EXHIBIT A).
010	Chair Brown	Closes the public hearing on HCR 3A and opens the work session on HCR 3A.
<u>HCR 3A – WORK SESSION</u>		
011	Sen. Clarno	MOTION: Moves HCR 3A be sent to the floor with a BE ADOPTED recommendation.
012	Chair Brown	VOTE: 5-0 EXCUSED: 1 - Sen. Burdick Hearing no objection, declares the motion CARRIED. SEN. HANNON will lead discussion on the floor.
015	Chair Brown	Closes the work session on HCR 3A and opens the public hearing on HCR 5.
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<u>HCR 5 – PUBLIC HEARING</u>		
030	Jane Glasser	Submits testimony in favor of HCR 5 informing the committee about Mary Baker Eddy noting that her ideas, achievements and accomplishments influenced both men and women (EXHIBIT B).
120	Chair Brown	Closes the public hearing on HCR 5 and opens the work session

on HCR 5.

HCR 5 – WORK SESSION

121 Sen. Clarno

MOTION: Moves HCR 5 be sent to the floor with a BE ADOPTED recommendation.

122

VOTE: 4-0

Chair Brown

EXCUSED: 2 - Atkinson, Beyer

Hearing no objection, declares the motion CARRIED.

SEN. METSGER will lead discussion on the floor.

122 Chair Brown

Closes the work session on HCR 5 and opens the public hearing on HCR 7.

HCR 7 PUBLIC HEARING

123 John Black

Association of Oregon Community Development Organizations. Testifies in favor of HCR 7 which is a memorial for Gerald J. Bieberle and further describes the non-profit affordable housing that he established for low income families.

134 Phyllis Brand

Testifies in favor of HCR 7 by submitting written testimony and offering information on Gerald J. Bieberle describing his advocating for seniors and the disabled (**EXHIBIT C**).

154 Rep. Merkley

District 47. Testifies in favor of HCR 7 offering written testimony and explains the experiences he had with Jerry Bieberle noting Jerry had a mission for the poor, the under privileged and education for all and he dedicated his life to those goals (**EXHIBIT D**).

238 Sen. Corcoran

Offers information regarding Jerry Bieberle and an egg bill he was carrying.

The following prepared testimony is submitted for the record without public testimony for HCR 7:

Ellen C. Lowe

Submits written testimony (**EXHIBIT E**).

Bonnie Davidson

Submits written testimony (**EXHIBIT F**).

244 Chair Brown

Closes the public hearing on HCR 7 and opens the work session on HCR 7.

HCR 7 – WORK SESSION

249 Sen. Clarno

MOTION: Moves HCR 7 be sent to the floor with a BE ADOPTED recommendation.

250

VOTE: 5-0

Chair Brown

EXCUSED: 1 - Sen. Burdick

Hearing no objection, declares the motion CARRIED.

SEN. CORCORAN will lead discussion on the floor.

251 Chair Brown

Closes the work session on HCR 7 and opens the public hearing on HB 3010

HB 3010 – PUBLIC HEARING

274 Jim Stembridge

Committee Administrator. Summarizes HB 3010.

276 Rep. Berger

House District 20. Testifies in support of HB 3010 and offers information on the federal regulations for steel erectors and states that workers doing these jobs should be the ones telling us how it should be done.

313 Carson Carney

Project Manager, Reedsport, Oregon. Testifies in support of HB 3010 and offers his experiences in steel construction and informs the committee on regulations, limitations and equipment.

408 Pete DeLuca

Administrator, Oregon Occupational Safety and Health Administration (OSHA). Offers written testimony as a neutral party on HB 3010 and explains the incredible arguments on both sides of this issue but notes if the bill is adopted the amendments should be also be adopted, (**EXHIBIT G**).

TAPE 45, A

121	Chair Brown	Asks how long was the rule making process on The Steel Erection Negotiating Rulemaking Advisory Committee (SENRAAC).
124	DeLuca	Responds it was two days, 2-hours one day and 1.5-hours the other day.
135	Chair Brown	Asks if there have been any accidents since this rule was adopted.
137	DeLuca	Responds that he is not aware of any.
153	Sen. Beyer	Asks if he drafted the -1 amendments and notes there is a five year sunset in them.
155	Deluca	States it does offer a five year period to look at the whole thing.
166	Jeff Carlson	Offers testimony in favor of HB 3010. Provides information on the rule making process and states this is not about safety, it is about bidding and urges the passage of HB 3010 (EXHIBIT H).
309	Paul Phillips	Northwest Ironworkers. Testifies in favor of SB 3010 and explains these rules will make steel erections a lot safer.
356	Paddy Barry	Financial Secretary /Business Manager of Ironworkers. Testifies in support of HB 3010 submitting written testimony and states that the unions meet and formed these rules and explains those that lost their lives had been wearing fall protection (EXHIBIT I).
449	Sen. Corcoran	Asks if the ten foot rule is being adopted in other states.
450	Barry	States California has adopted a similar proposal. For most other states it is about 50-50
460	Sen. Corcoran	Asks Mr. Carlson about the photographs that were submitted with written testimony.

TAPE 44, B

030	Phillips	Provides information on the photographs.
066	Sen. Burdick	Asks Mr. Barry about the accident incident he had and asks if OSHA developed some sort of standard to deal with this issue.
078	Barry	Notes the accident happened because the operator pushed the wrong button.
089	Carlson	States this is a scary business but with HB 3010 it will allow us time to get out of harms way.
092	Sen. Burdick	Indicates some companies require a tie off at less than ten feet, asks how do you deal with that.
099	Carlson	Answers they comply with that company's rules, it is a matter of lessening the exposure of risk.
109	Chair Brown	Asks if the construction companies Baugh and Hoffman require a six foot tie off.
111	Carlson	Notes it is not always the general contractor sometimes the client's rules are what you have to conform to.
119	Sen. Burdick	Asks why the bill isn't prohibiting tying off at lower than thirty feet.
122	Carlson	Responds having trouble with overruling other company's standards that we try to hit a middle ground.
134	Sen. Burdick	Asks why don't the insurance companies state it is safe not to tie off.
139	Carlson	States HB 3010 will create a safer environment.
143	Chair Brown	Asks since the ten foot rule, have there been any serious injuries or deaths.
145	Carlson	Answers none since the 2002 when the Oregon rules were developed.
153	Chair Brown	Asks if it is more important to be tied off or to have more

		mobility.
158	Carlson	Answers it is different in each circumstance and explains it is safer for the connector to have mobility.
194	Jessica Harris	Associated General Contractors. Testifies in opposition of HB 3010 and notes this bill is about safety and states safety should not be a political issue. (EXHIBITS J, R, S).
281	Sen. Corcoran	Asks if they lobbied against HB 3010 in the House.
284	Harris	Answers affirmatively.
286	Sen. Corcoran	Asks if it was split politically in the vote.
293	Harris	Responds no it was not.
294	Sen. Corcoran	Asks if their organization on the federal level participated in the SENRAC discussions.
300	Harris	Answers affirmatively.
301	Sen. Corcoran	Asks how long the sessions were.
302	Harris	Responds quite lengthy.
303	Sen. Corcoran	Asks what was the conclusion.
304	Harris	Answers they were adopted.
306	Pat O'Brien	Construction Laborer/Contractor. Testifies in opposition of HB 3010 and explains working with ironworkers and he informs making the job sight safe is his number one goal. Gives examples of accidents that have happened.
423	Chair Brown	Asks what was the footage of tying off in these particular accidents.
445	O'Brien	Answers twenty-five feet.
447	Chair Brown	Asks if the insurance rates are different according to the height where these workers tie off.
449	O'Brien	Responds no, not unless someone was in an accident and they were not tied off.
453	Sen. Burdick	Asks if the insurance companies have done studies on tying off.
463	O'Brien	Expresses that to an insurance company a long term injury is worse to them then a death.
473	Harris	Notes this is not about money and describes acclaim.
TAPE 45, B		
043	Chair Brown	Asks in determining what is safe why not ask those that are at risk.
054	O'Brien	Informs the committee on all the different trades that are on a job site and notes the difference is just the material.
056	Sen. Corcoran	Asks why not listen to an ironworker as oppose to another trade.
065	O'Brien	Notes the contractor is responsible for safety and that means being able to understand all trades.
086	Sen. Corcoran	Asks if Mr. O'Brien has any ironworkers in his employment.
087	O'Brien	Answers no he does not.
088	Sen. Corcoran	Asks if he testified at the SENRAC hearings.
089	O'Brien	Answers no he did not.
090	Sen. Corcoran	Asks if he has done ironworks as a connector.
091	O'Brien	Responds yes he has.
094	Adam Hoffard	Describes the incident which paralyzed him and explains there are certain areas in construction you cannot tie off.
102	Chair Brown	Asks how old he is and how long he has been in construction.
103	Hoffard	Responds he is twenty-seven and he has been in construction ten years.
104	Harris	Asks for passage of the -2 amendment if this bill is passed.
126	Steve Rank	Testifies in favor of HB 3010 and informs the committee on accidental deaths. Provide information on the major part of these

381	Ed Glad	accidents were not because of tying off but because of other kinds of steel erection incidents. Provides a PowerPoint presentation on SENRAC's regulations and requirements. Pacific Northwest Carpenters. Testifies in opposition of HB 3010 and explains they are heavily vested in safety and they oppose weakening safety standards (EXHIBIT K).
TAPE 46, A		
040	Sen. Beyer	Asks if ten feet is arbitrary.
042	Glad	Noting from above ten feet the worker needs to make a conscious decision on how the fall protection would be applied.
075	Sen. Beyer	Asks why OSHA raised tie off heights from six feet to ten feet.
092	Chair Brown	Responds they were probably looking for a uniform standard that was easy to enforce.
089	Bill Walden	Pacific Northwest Regional Council of Carpenters. Testifies in opposition to HB 3010 discussing insurance issues and suggests that fall protection should be used for all industries (EXHIBIT L).
134	Jim Pauley	Testifies in favor of HB 3010 and offers information on the ironworker having the choice to tie off when needed because the workers understand when and when not to tie off.
154	Michael Salber	Testifies in favor of HB 3010 and offers the experience of a friend being killed because of the tie off regulations.
199	Robert Clerihew	Testifies in favor of HB 3010 and notes he has been an ironworker for many years and states this bill is about ironworker's safety. Workers will always use the safest way to do the work but being tethered is not always best.
245	Daniel Sabatino	President, American Society of Safety Engineers/Columbia Willamette Chapter. Testifies in opposition of HB 3010 submitting written testimony and explains that seat belts save lives and people were uncomfortable when the first started wearing them. States the greater hazard to construction workers is to fall (EXHIBIT M).
390	Sen. Corcoran	Asks Mr. Sabatino for information on the accident where the worker was not tied off but survived the Portland Airport accident.
356	Walter Want	Owner, Norwest Marketing. Testifies in favor HB 3010 and offers information on near misses where the workers were attached and survived.
426	Sen. Atkinson	Asks if the falls explained in his testimony were caused by steel connecting.
428	Want	Responds no there were various types of work being done.
TAPE 47, A		
004	Chair Brown	Inquires about the tie off limit in other states.
006	Want	Notes the men need to comply with other states standards.
007	Sen. Corcoran	Notes that makes it sound like an economic issue.
008	Want	Responds that may be.
010	Sen. Atkinson	Asks did the nineteen falls happen to carpentry work or steel connecting.
030	Want	Answers he has knowledge of sites but cannot remember the trades.
038	T. Joe Miller	Manager, Safety and Loss Control, Associated General Contractors. Testifies the rule is a flawed process and explains that as a safety inspector fall protection saves lives (EXHIBIT N).

073	Lee Worley	Coordinator, Ironworkers Local 29. Testifies in support of HB 3010 and offers a mission statement.
106	Richard Salber	Testifies in favor of HB 3010 and explains the process of hooking and unhooking. Comment that the federal rule is safer.
142	Bob Shiprack	Electrician. Testifies in favor of HB 3010 and explains a lot of the people testifying on this bill have never preformed this kind of work.
292	Chair Brown	Asks if he wants the six foot rule back.
296	Dan Arties	Ironworker. Testifies in support of HB 3010 and describes for the committee a near death experience while working on the Dornbecher's Hospital.
315	Al Arguedas	Safety Director, Skanska Baugh Construction. Testifies in favor of HB 3010 submits written testimony explaining this bill.
403	Bruce Poinsette	Chair, Governmental Affairs, American Society of Safety Engineers. Testifies in opposition of HB 3010 and explains there is no reason to expose someone to a dangerous fall (EXHIBIT O).
432	Ken Greenhill	Safety Professional. Testifies in opposition of HB 3010 . Submits written testimony on the statistics regarding deaths caused by falls and how many people were saved by fall equipment (EXHIBIT P).
TAPE 46, B		
078	Lisa Trussel	Association of Oregon Industries (AOI). Testifies in opposition of HB 3010 and offers the perspective of a constructional problem and equipment failure. States this bill does not get to the just cause and offers OSHA'S statistics on fatalities.
191	Greenhill	Notes that the ironworkers testifying today do not represent all the people that do dangerous work.
130	Sen. Atkinson	Notes all the people here make a voice and it makes a tremendous difference in making Oregon's process important.
The following prepared testimony is submitted for the record without public testimony for HCR 7:		
	Dan Quatier	Submits written testimony (EXHIBIT R).
154	Chair Brown	Closes the public hearing on HB 3010 and adjourns committee meeting at 6:06 p.m.

EXHIBIT SUMMARY

- A – HCR 3A, written testimony, Sen. Hannon 1 p**
- B – HCR 5, written testimony, Jane Glasser, 2 pp**
- C – HCR 7, written testimony, Phyllis Brand, 1 p**
- D – HCR 7, written testimony, Rep. Merkley, 5 pp**
- E – HCR 7, written testimony, Ellen C. Lowe, 7 pp**
- F – HCR 7, written testimony, Bonnie Davidson, 2 pp**
- G – HB 3010, written testimony, Peter DeLuca, 2 pp**
- H – HB 3010, written testimony, Jeff Carlson, 6 pp**
- I – HB 3010, written testimony, Paddy Barry, 2 pp**
- J – HB 3010, written testimony, Jessica Harris, 15 pp**
- K – HB 3010, written testimony, Ed Glad, 2 pp**
- L – HB 3010, written testimony, Bill Walden, 2 pp**
- M – HB 3010, written testimony, Daniel Sabatino, 2 pp**
- N – HB 3010, written testimony, T. Joe Miller, 2 pp**
- O – HB 3010, written testimony, Bruce Poinsette, 1 p**

P – HB 3010, written testimony, Ken Greenhill, 12 pp
Q – HB 3010, written testimony, Rex D. Smith, 1 p
R – HB 3010, written testimony, Dan Quatier, 1 p
S – HB 3010, oversized exhibit, Jessica Harris, CD