## **SENATE COMMITTEE ON RULES**

June 17, 2003 3:00 P.M.

## Hearing Room HR B Tapes 65 - 66

MEMBERS PRESENT:	Sen. Bev Clarno, Co-chair, Presiding Sen. Kate Brown, Co-chair Sen. Jason Atkinson, Vice-chair Sen. Roger Beyer Sen. Tony Corcoran
MEMBER EXCUSED:	Sen. Ginny Burdick, Vice-chair
STAFF PRESENT:	Jim Stembridge, Committee Administrator Patricia Nielsen, Committee Assistant
MEASURE/ISSUES HEAR	<ul> <li>Executive Appointments</li> <li>Commission for the Blind Frank Armstrong Donald Dartt Irvin Handelman Edward Ripplinger Elizabeth Rousseau-Rooney</li> <li>Oregon Board of Maritime Pilots Katy Eymann Charles Yates</li> <li>Board of Medical Examiners Clifford Deveney</li> <li>SB 901 – Public Hearing and Work Session SB 139 – Public Hearing HB 3010 – Work Session</li> </ul>

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation marks reports a speaker's exact words.</u> For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
<b>TAPE 65, A</b>		
005	Co-chair Clarno	Calls the meeting to order at 3:10 p.m. Opens work session on Executive Appointments.
WORK SES	SION	
010	Jim Stembridge	Committee Administrator. Provides summary of qualifications of appointees.
065	Sen. Brown	MOTION: Moves that the appearances be waived and that the committee recommend the following appointments and reappointments be confirmed by the Senate, with multiple appointments made to a single board or commission to be considered en bloc:

		POINTMENT OF DONALD DARTT AND EDWARD POINTMENT OF FRANK ARMSTRONG, IRVIN
		BETH ROUSSEAU-ROONEY (EXHIBIT A)
		OTS – APPOINTMENT OF CHARLES YATES AND
RE	APPOINTMENT OF KA	TY EYMANN (EXHIBIT B)
BOARD OF M	EDICAL EXAMINERS -	APPOINTMENT OF CLIFFORD DEVENEY (EXHIBIT C)
070		<b>VOTE: 4-0</b>
		EXCUSED: 2 - Beyer, Burdick
	Co-chair Clarno	Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.
085	Co-chair Clarno	Closes work session on Executive Appointments. Opens public hearing on SB 901.
<u>SB 901 – PUBL</u>		
090	Jim Stembridge	Committee Administrator. Presents overview of SB 901, which sets procedure for statewide special election on Senate Joint Resolution 13 (2003). Presents -1 amendments dated 6-17-03 (EXHIBIT D).
105	John Lindback	Director of Elections, Secretary of State. Testifies as neutral on SB 901 and -1 amendments. Offers to answer questions.
115	Stembridge	Advises the measure does not have a subsequent referral, but because of the \$1.5 million impact, it should go to Ways and Means.
120	Co-chair Clarno	Closes public hearing on SB 901. Opens work session on SB 901.
<u>SB 901 – WOR</u>	K SESSION	
125	Sen. Brown	MOTION: Moves to ADOPT SB 901-1 amendments dated 6/17/03.
		VOTE: 4-0 EXCUSED: 2 - Beyer, Burdick
	Co-chair Clarno	Hearing no objection, declares the motion CARRIED.
130	Sen. Brown	MOTION: Moves SB 901 to the floor with a DO PASS AS AMENDED recommendation and BE
		<b>REFERRED</b> to the committee on Ways and
		Means.
		VOTE: 4-0
		EXCUSED: 2 - Beyer, Burdick
100	Co-chair Clarno	Hearing no objection, declares the motion CARRIED.
	Co-chair Clarno	Recesses the committee at 3:23 p.m. RECESS
140	Co-chair Clarno	Reconvenes the committee at 3:25 p.m. Opens public hearing on SB 139.
<u>SB 139 – PUBL</u>		
143	Jim Stembridge	Committee Administrator. Presents overview of SB 139, which establishes Elections Operating Account. Discusses -2 amendments dated 6-3-03, -3 amendments dated 6-11-03, and -4 amendments dated 6-12-03 (EXHIBITS E, F, G).

165	Andi Miller	Oregon Common Cause. Testifies in support of SB 139 with -4 amendments. Discusses need for Voter's Pamphlet Account. Expresses concern over cost of putting measures on the ballot. Suggests sunsetting prices and evaluating at the end of the 2006 election cycle.
220	Kappy Eaton	League of Women's Voters. Testifies in support of SB 139 with
295	Janice Thompson	-4 amendments. Submits written testimony (EXHIBIT H). Money in Politics Research Action Project. Raises concerns about SB 139:
		• The voter's pamphlet is an important election education resource which is worthy of public support
		• Pamphlet credibility comes from completeness and fairness, so adjusting size and content options undermines the credibility
		Changes should be sunsetted
350 370	Sen. Brown Eaton	Discusses -2 amendments related to ballot measure statements. Asks about fee increase as barrier to local and smaller races. Responds the smaller groups sometimes do not appear in the voter's pamphlets; fees for county or city pamphlets have not been increased. Refers to HB 2747.
385	Sen. Brown	Asks if statewide candidates can afford the proposed fees.
390	Eaton	Acknowledges it is unfortunate but necessary. Recommends
		guarding against denying access by fees which are too high.
405	Co-chair Brown	Takes gavel. Advises the measure will be reviewed.
The following p	Steve Lanning	tted for the record without public testimony for SB 139: AFL-CIO. Submits written testimony (EXHIBIT I).
<b>TAPE 66, A</b>		
010	Co-chair Brown	Closes public hearing on SB 139. Recesses the committee at 3:43 p.m.
**********	*****	<b>RECESS</b> ***********************************
012	Co-chair Brown	Reconvenes the committee at 3:45 p.m. Opens work session on HB 3010.
<u>HB 3010 – WC</u>	DRK SESSION	
015 025	Jim Stembridge Sen. Corcoran	Committee Administrator. Presents overview of HB 3010, which requires Director of Department of Consumer and Business Services to adopt rules conforming to federal regulations relating to steel erection. Describes -1 amendments dated 4-30-03, and -2 amendments dated 5-1-03 (EXHIBITS J, K). MOTION: Moves to ADOPT HB 3010-1 amendments dated 4/30/03.
		VOTE: 5-0
	Co-chair Brown	EXCUSED: 1 - Burdick Hearing no objection, declares the motion CARRIED.

030	Sen. Beyer	MOTION: Moves to ADOPT HB 3010-2 amendments dated 5/1/03.
035	Co-chair Clarno	Returns and takes gavel.
040	Sen. Beyer	Discusses -2 amendments. Gives details about liability
		exemption for employers.
055	Sen. Corcoran	Advises he will vote no on the -2 amendments.
060	Stembridge	Discusses discrepancies between the two amendments. Clarifies result if both are adopted.
070	Sen. Brown	Asks whether an employer is allowed to require a stricter standard.
075	Sen. Beyer	Asks Oregon Occupational Safety and Health Division (OR- OSHA) to appear and discuss.
080	Meg Reinhold	Senior Policy Advisor, Department of Consumer and Business Services (DCBS). Affirms an employer would be able to impose stricter standard than 30 feet without consequence.
085	Sen. Beyer	Asks whether, if OR-OSHA rules say 10 feet (she affirms), and if legislature defines the 30-foot rule as safer, would an employer be subject to penalty.
090	Reinhold	Explains OROSHA is under federal standards, and must be at least as safe as federal standards. Discusses response of federal Occupational Safety and Health Administration (OSHA) and OR- OSHA if the legislature decided the rule was 30 feet, and someone petitions federal OSHA that 10-foot level is safer.
125	Sen. Beyer	Asks about industry standard and potential employer liability for using a different standard put in place by legislative action.
145	Sen. Corcoran	Suggests ways to defend a company against liability claims.
155	Sen. Brown	Points out there are arguments on either side.
160	Sen. Beyer	Suggests if employer puts protection in place, and employee decides not to use it, the employer should not be liable. <b>VOTE: 3-2</b>
		AYE: 3 - Atkinson, Beyer, Clarno
		NAY: 2 - Corcoran, Brown EXCUSED: 1 - Burdick
	Co-chair Clarno	EXCUSED: 1 - Burdick The motion FAILS.
175	Sen. Atkinson	MOTION: Moves HB 3010 to the floor with a DO PASS AS
		AMENDED recommendation.
190	Sen. Beyer	Explains he is undecided, but wants safest situation for workers. Refers to injury data, which shows most injuries are from objects hitting workers, not from falls; however, most fatalities are from falls. Advises he will vote against the bill with only the -1 amendments, to avoid putting liability onto employers.
235	Co-chair Clarno	Reiterates public policy question how best to protect workers and also protect employers from liability.

240	Sen. Corcoran	Expresses same ambivalence because the passion ironworkers brought was impressive.
265	Sen. Beyer	Points out trip hazards should also be addressed.
270	Sen. Brown	Expresses concern that larger companies can enforce different safety rules than smaller employers. Predicts with the current job market, all employers will have greater latitude. Expresses confidence in court system to decide cases appropriately.
290	Sen. Atkinson	Describes HB 3010 as captivating because of the public policy issue. Suggests there may not be much change in liability with new rules. Expresses support. VOTE: 4-1
		AYE: 4 - Atkinson, Corcoran, Brown, Clarno
		NAY: 1 - Beyer
		EXCUSED: 1 - Burdick
	Co-chair Clarno	The motion CARRIES.
		SEN. CORCORAN will lead discussion on the floor.
320	Co-chair Clarno	Closes work session on HB 3010. Adjourns the meeting at 4:08 p.m.

## **EXHIBIT SUMMARY**

A – Commission for the Blind, staff and Governor's office, 21 pp

- B Oregon Board of Maritime Pilots, staff and Governor's office, 8 pp
- C Board of Medical Examiners, staff and Governor's office, 27 pp
- D SB 901, -1 amendments (6-17-03), staff, 1 p
- E SB 139, -2 amendments (6-3-03), staff, 13 pp
- F SB 139, -3 amendments (6-11-03), staff, 12 pp
- G SB 139, -4 amendments (6-12-03), staff, 22 pp
- H SB 139, written testimony, Kappy Eaton, 1 p
- I SB 139, written testimony, Steve Lanning, 1 p
- J HB 3010, -1 amendments (4-30-03), staff, 4 pp
- K HB 3010, -2 amendments (5-1-03), staff, 3 pp