

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

April 14, 1999 Hearing Room E

8:15 a.m. Tapes 85 - 86

MEMBERS PRESENT: Rep. Roger Beyer, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Tim Knopp, Vice-Chair

Rep. Jason Atkinson

Rep. Bill Morrisette

Rep. Terry Thompson

Rep. Lynn Lundquist

STAFF PRESENT: Keith Putman, Administrator

Frances Thomas, Administrative Support

MEASURE/ISSUES HEARD: HB 3590 Work Session

HB 2830 Public Hearing

HB 3098 Work Session

HB 3308 Public Hearing and Work Session

HB 2978 Public Hearing and Work Session

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.

TAPE/#	Speaker	Comments

TAPE 85, A

001	Chair Beyer	Calls the meeting to order at 8:15 a.m., and opens a work session on HB 3590.
<u>HB 3590 WORK SESSION</u>		
005	Rep. Gardner	Comments that he will not vote for this bill because of safety concerns.
011	Chair Beyer	Comments on the definition of "ground water" in the bill. Explains that the definition used in HB 3590 ensures that well pumps can not be used to take water from rivers.
016	Rep. Knopp	MOTION: Moves HB 3590 to the floor with a DO PASS recommendation.
025		VOTE: 5-1 AYE: 5 - Atkinson, Knopp, Lundquist, Morrisette, Beyer NAY: 1 ñ Gardner EXCUSED: 1 ñ Thompson
	Chair Beyer	The motion CARRIES. REP. LUNDQUIST will lead discussion on the floor.
032	Chair Beyer	Closes the work session on HB 3590, and opens a public hearing on HB 2830.
<u>HB 2830 PUBLIC HEARING</u>		
035	Keith Putman	Administrator. Presents overview of HB 2830. Explains that it modifies Occupational Safety and Health Division (OSHA) inspection requirements. Requires Director of Oregon OSHA to prioritize inspection schedule. Requires director to believe that employer knew, or should have known, of employees exposure to

		unsafe condition before issuing citation for a violation.
056	Rep. Jeff Kropf	District 37. Testifies in support of HB 2830. States HB 2830 will create more cooperation between employers and employees.
105	Rep. Kropf	Highlights the bad relationship between OHSA and businesses. Notes that he will submit ñ1 amendments.
160	Rep. Gardner	Asks about provisions in HB 2830.
165	Rep. Kropf	Responds.
170	Rep. Gardener	Asks about potential problems with a drop in OHSA inspections.
172	Rep. Kropf	Refers to language in bill about flexibility for the Director of OSHA.
194	Rep. Lundquist	Asks about prioritized scheduling that is required by HB 2830.
199	Rep. Kropf	Explains that prioritizing by industry will insure that the more dangerous industries are more carefully scrutinized.
215	Rep. Lundquist	Continues discussion about prioritizing. Asks if the history of the employer is considered.
231	Rep. Kropf	Responds that he has no influence on what will be given higher consideration on the priority list.
243	Rep. Thompson	Asks how HB 2830 would deal with industries, such as fishing, that have a "high built-in" accident rate.
266	Rep. Kropf	Explains that inspectors should have a deep knowledge of the industries they are inspecting.
299	Rep. Thompson	Asks if this would effect the building standards within industries.
313	Rep. Kropf	Responds that some industries are dangerous.
331	Rep. Kropf	Speaks to the concerns of industry.

360	Peter De Luca	Administrator, Oregon Occupational Safety and Health Division, Oregon OSHA. (EXHIBIT A) Testifies as a neutral on HB 2830. States HB 2830 provides for statutory changes in OSHA's operating procedures as set out in its Division 1 administrative rules.
TAPE 86, A		
027	De Luca	Continues explanation of the process for rule changes.
065	De Luca	States that he will be filing the new rules proposals on April 15, 1999 with the Secretary of State.
098	De Luca	States that the agency will be holding public meetings about the changes this coming May.
122	De Luca	Projects that there should be new rules by the first of June.
127	Rep. Lundquist	Asks why the stakeholders rejected prioritizing by the OSHA Director.
145	De Luca	Explains the concept they were interested in was to use an established methodology to target the worst violators. States that this concept was rejected.
190	Rep. Lundquist	Summarizes that De Luca's department is trying to set up a system that does not unfairly penalize small businesses.
195	Rep. Morrisette	Asks if De Luca has ever done a drop in inspection of a business that has had no violations and found violations.
205	De Luca	States that this situation does occur.
211	Rep. Morrisette	Asks if the priority list will make the department too busy to re-inspect businesses that have had violations.
215	De Luca	Responds that with the priority list, oversights will undoubtedly happen.
239	Chair Beyer	Asks if the number of violations has gone down with the number of accidents cited.

250	De Luca	Replies he does not know the answer.
256	Rep. Kevin Mannix	District 32. Testifies in support of HB 2830.
301	Rep. Mannix	States ñ1 amendments will be introduced.
359	Rep. Thompson	Introduces Council General from Canada, Roger Simons. (Roger Simons does not give testimony.)
370	Frank Hudson	Attorney, City of Portland. Testifies in support of HB 2830. Testifies regarding Section 4 of HB 2830. (EXHIBIT B)
436	Hudson	Addresses citations issued by Oregon OSHA.
452	Fred Cuthbertson	Risk Management, City of Portland. Testifies in support of HB 2830.
TAPE 85, B		
028	Dave Heida	Associated Oregon Loggers. Testifies in support of HB 2830.
050	Brad Witt	Treasurer, AFL-CIO. Testifies in opposition to HB 2830. (EXHIBIT C)
101	Lyle Schellenberg	Utility Contractors Association. Testifies in support of HB 2830. (EXHIBIT D)
124	Joe Miller	Associated General Contractors. Testifies in support of HB 2830. (EXHIBIT E)
140	Rep. Lundquist	Asks if the work group has taken position on HB 2830.
146	Schellenberg	States HB 2830 was not discussed by work group.
155	Tim Pope	Testifies in a neutral position on HB 2830. Explains that his concern is that HB 2830 will not work well with process of Division 1.
184	Mike Dewey	Oregon Wheat Growers League. Testifies in support of HB 2830.

223	Joel Burt	Risk manager, Copenhagen Utilities and Construction. Testifies in support of HB 2830. Encourages concept of inspections for "worst first."
270	Burt	Summarizes by stating that this bill clarifies issues of accountability.
310	Craig Smelter	Vice president, NW Earth Movers. Testifies in support of HB 2830. Suggests that Oregon OSHA should develop criteria for mobile work sites.
357	George Goodman	Attorney. Testifies in support of HB 2830. States that the courts support this bill because it should create a more regular system of inspections.
390	Goodman	Explains how the OHSA enforcement tends to change with changes in leadership.
430	Goodman	Continues testimony.
458	Trisha Smith	Oregon School Employees Association. Testifies in opposition to HB 2830.
TAPE 86, B		
015	Trisha Smith	Explains opposition is based on the loss of privacy for employee testimony.
049	Rich Peppers	Oregon Public Employee Union. Testifies in opposition to HB 2830. States that the "worst first" concept will take emphasis away from complaints.
069	Chair Beyer	Closes public hearing on HB 2830, and opens a work session on HB 3098.
<u>HB 3098 WORK SESSION</u>		
076	Chair Beyer	States that ñ6 and ñ7 amendments will be distributed.
082	John Van Landingham	Represents low income tenants in Lane County. States he is the drafter of HB 3098.

086	Shawn Miller	Oregon Rental Housing Association. Supports HB 3098. Explains amendments.
093	Chair Beyer	Explains that he requested the ñ6 and ñ7 amendments in order to incorporate SB 1088. States that there are three errors in the ñ7 amendments. States that it is his intention to conceptionally change the ñ7 amendments.
106	Rep. Morrisette	Asks what is meant by the second section of the ñ7 amendments.
117	Van LANDINGHAM	Explains the problems with eviction based on the condition of a home.
125	Rep. Thompson	Asks if the committee could have more time to review amendments.
131	Rep. Gardner	Agrees with Rep. Thompson's comments.
135	Chair Beyer	States that he would like to move bill today.
144	Rep. Thompson	Reiterates requests for more time.
147	Chair Beyer	Comments that this bill is needed by both the landlords and tenants.
151	Miller	Comments that he was involved in negotiation agreement with manufactured housing.
164	Putman	Asks about changes in ñ7 amendment.
170	Van LANDINGHAM	Responds that the -7 addresses park residence issues.
181	Rep. Morrisette	States that he feels concerns have been answered.
182	Rep. Gardner	Comments that he reserves the right to look at HB 3098 more closely.
210	Rep. Morrisette	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending -7 amendments.

		VOTE: 7-0
215	Rep. Gardner	MOTION: Moves to ADOPT HB 3098-7 amendments dated 4/13/99 and that the measure be FURTHER AMENDED on page 1, line 15, by deleting comma after "to" and on page 1, line 15, by inserting comma after "of", on page 3, line 18, by deleting "tenancy" after "agreement", on page 3, line 29, by deleting "in good faith" after "lienholder", and inserting "in good faith" after "notice".
217		VOTE: 7-0
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
225	Rep. Gardner	MOTION: Moves to ADOPT -7 amendments as conceptually amended by committee dated 4/13/99. (EXHIBIT G)
		VOTE: 7-0
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
231	Rep. Gardner	MOTION: Moves to ADOPT HB 3098-6 amendments dated 4/9/99.
		VOTE: 7-0
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
236	Rep. Gardner	MOTION: Moves HB 3098 to the floor with a DO PASS AS AMENDED recommendation.

240		<p>VOTE: 7-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p>
	Chair Beyer	<p>The motion CARRIES.</p> <p>REP. MORRISSETTE, AND REP. BEYER will lead discussion on the floor.</p>
255		Closes work session on HB 3098, and opens public hearing on HB 3308.
<u>HB 3308 PUBLIC HEARING</u>		
277	Rep. Thompson	House District 4. Testifies in support and as the sponsor of HB 3308. Explains background of bill.
298	Annette Talbott	Legislative Coordinator, Employment Department. Testifies as a neutral on HB 3308. Explains what HB 3308 will do.
328	Chair Beyer	Comments on Relating to clause.
333	Rep. Thompson	Responds.
338	Chair Beyer	Closes public hearing on HB 3308, and opens a work session on HB 3308.
<u>HB 3308 WORK SESSION</u>		
360	Rep. Knopp	MOTION: Moves HB 3308 to the floor with a DO PASS recommendation.
		<p>VOTE: 7-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p>

	Chair Beyer	The motion CARRIES.
400	Chair Beyer	Closes work session on HB 3308, and opens a public hearing on HB 2978.
<u>HB 2978 PUBLIC HEARING</u>		
410	Chair Beyer	Asks if there is anyone who wants to testify on HB 2978. Closes the public hearing on 2978, and opens a work session on 2978.
<u>HB 2978 WORK SESSION</u>		
415	Chair Beyer	Explains the bill and ñ2 amendment.
420	Putman	Explains that the ñ2 amendment has not been included in the fiscal impact that is before the committee.
425	Talbott	Legislative Coordinator, Employment Department. States that the ñ2 amendment would create a small fiscal impact.
250	Rep. Gardner	MOTION: Moves to ADOPT HB 2978-2 amendments dated 3/29/99.
260		VOTE: 7-0
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
270	Rep. Gardner	MOTION: Moves HB 2978 to the floor with a DO PASS AS AMENDED recommendation.
275		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.

	Chair Beyer	The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.
280	Chair Beyer	Closes work session on HB 2978, and adjourns meeting at 10:30 A.M.

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,
Administrative Support Administrator

Transcribed By,

SCOTT D. GRAHAM
Support Staff

-

EXHIBIT SUMMARY

A ñ HB 2830, written testimony, Peter De Luca, 2pp

B ñ HB 2830, written testimony, Frank Hudson, 2pp

C ñ HB 2830, written testimony, Brad Witt, 3 pp

D ñ HB 2830, written testimony, Lyle Schellenberg, 2 pp

E ñ HB 2830, written testimony, Joe Miller, 2 pp

F ñ HB 3308, submitted letter, Annette E. Talbott, 2 pp

G ñ HB 2098, conceptually changed ñ7 amendments, Staff, 4 pp

H ñ HB 2830, submitted testimony, Rosie Neisz, 1 p