

**HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS**

**June 1, 1999 Hearing Room D**

**3:30 P.M. Tapes 72 - 75**

**MEMBERS PRESENT: Rep. Mark Simmons, Chair**

**Rep. Richard Devlin, Vice-Chair**

**Rep. Bruce Starr, Vice-Chair**

**Rep. Jason Atkinson**

**Rep. Chris Beck**

**Rep. Roger Beyer**

**Rep. Randall Edwards**

**Rep. Dan Gardner**

**Rep. Kevin Mannix**

**Rep. Kitty Piercy**

**Rep. Jim Welsh**

**Rep. Max Williams**

**STAFF PRESENT: Cletus B. Moore, Jr., Administrator**

**Kevin E. Wells, Administrative Support**

**MEASURES HEARD: SCR 12 Public Hearing and Work Session**

**SCR 13 Public Hearing and Work Session**

**SB 1061A Public Hearing and Work Session**

**SB 912 Public Hearing**

**HB 2830 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.

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TAPE/#	Speaker	Comments
<b>TAPE 72, A</b>		
003	Vice-Chair Starr	Calls meeting to order at 3:30 p.m. Opens public hearing on SCR 12.
<b><u>SCR 12 PUBLIC HEARING</u></b>		
013	Cletus Moore	Administrator. Gives a brief overview of Sen. Anthony Yturri's life ( <b>EXHIBIT A</b> ).
017	Gary Wilhelms	Staff, President of the Senate's Office. Testifies in support of SCR 12.
035	Lee Hazelwood	Legislative Coordinator, Governor's Commission on Senior Services. Testifies in support of SCR 12.
043	Vice-Chair Starr	Closes public hearing on SCR 12. Opens public hearing on SCR 13.
<b><u>SCR 13 PUBLIC HEARING</u></b>		
044	Moore	Distributes ( <b>EXHIBIT B</b> ).
045	Lee Hazelwood	Testifies in support of SCR 13 ( <b>EXHIBIT C</b> ). Discusses the legislative career of Rep. Boivin.
063	Wilhelms	Supports SCR 13. Relates personal experiences with Rep. Boivin.
080	Rep. Piercy	Reads quotes from newspaper article about Rep. Boivin.
092	Vice-Chair Starr	Closes public hearing on SCR 13. Opens public hearing on SB 1061A.
<b><u>SB 1061A PUBLIC HEARING</u></b>		
98	Cara Filsinger	Administrator. Staff submits ( <b>EXHIBIT D</b> ). Presents brief overview of SB 1061A. Presents ñA2 amendments.
106	Jon Chandler	Director of Government Affairs, Oregon Building Industry. Testifies in support of SB 1061A ( <b>EXHIBIT E</b> ). Explains SB 1061A specifies how System Development Charges (SDC) can be used.
150	Chandler	Continues to discuss the need for SB 1061A.

199	Rep. Beck	Asks what if a small town grows dramatically.
209	Chandler	Explains, in such a situation, exiting residents need to help pay for their share of parks development.
217	Rep. Beck	Asks if that is what SB 1061A says.
219	Chandler	States that is what is intended in the SB 1061ñA2 amendments.
227	Rep. Beck	Suggests that the bill and amendments need further work.
237	Chandler	States that he is open to refining the language of SB 1061A. Explains that new residents should not need to subsidize improvements to park systems.
263	Rep. Devlin	Discusses the case of Sherwood. Asks if existing residents should pay for parks to serve new residents.
280	Chandler	Makes the distinction between new residents paying for services equal to what exists, and needing to pay for entirely new services.
304	Rep. Devlin	Asks if Oregon League of Cities supports this measure.
307	Chandler	Answers yes.
314	Rep. Welsh	Asks if Chandler is familiar with how the city of Salem is dealing with growth.
315	Chandler	Replies he is not.
317	Rep. Welsh	Explains that Salem citizens and officials believe that SB 1061A limits what they can do for parks development.
328	Vice-Chair Starr	Recesses public hearing on SB 1061A and opens public hearing on SB 912.
<b><u>SB 912 PUBLIC HEARING</u></b>		
334	Sen. Cliff Trow	Senate District 18. Testifies in support of SB 912. Discusses the need for human service districts.
360	Rep. Barbara Ross	House District 35. Testifies in support of SB 912. Explains SB 912 provides a stable budget for community services.

392	Rep. Piercy	Asks what was discussed in the Senate General Government Committee.
395	Rep. Ross	States there was no adverse testimony.
407	Vice-Chair Starr	Closes public hearing on SB 912. Opens work session on SCR 12.
<b><u>SCR 12 WORK SESSION</u></b>		
433	Rep. BECK	<b>MOTION: Moves SCR 12 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 7-0</b>  <b>EXCUSED: 5 - Rep. Simmons, Rep. Beyer, rep. Edwards, Rep. mannix, Rep. Williams</b>
	Vice-Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. BECK will lead discussion on the floor.</b>
445	Vice-Chair Starr	Closes work session on SCR 12. Opens work session on SCR 13.
<b><u>SCR 13 WORK SESSION</u></b>		
447	Rep. WELSH:	<b>MOTION: Moves SCR 13 be sent to the floor with a BE ADOPTED recommendation.</b>
449		<b>VOTE: 7-0</b>  <b>EXCUSED: 5 - Rep. Simmons, Rep. Beyer, Rep. Edwards, Rep. Mannix, Rep. Williams</b>
	Vice-Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. HARPER will lead discussion on the floor.</b>
<b>TAPE 73, A</b>		

010	Vice-Chair Starr	Closes work session on SCR 13. Opens work session on SB 1061A.
<b><u>SB 1061A WORK SESSION</u></b>		
020	Wendy Kroger	Marion County. Testifies in opposition to SB 1061A ( <b>EXHIBIT F</b> ). Explains the negative impacts on Salem.
081	Betsy Belshaw	Vice President, Salem Parks and Recreation Advisory Board. Testifies in opposition to SB 1061A. Explains that SDC cannot be used for deficit funding.
093	Rep. Beck	Asks Belshaw what the amendment means.
103	Belshaw	Comments on the ñA2 amendments. Explains the structure of the Salem master parks plan.
122	David Engen	Member, Salem Parks and Recreation Advisory Board (SPRAB). Testifies in opposition to SB 1061A. Discusses how SB 1061A hinders adequate funding for improvements to Salem's park system.
157	Rep. Piercy	Asks for Legislative Counsel to explain the ñA2 amendments.
165	Larry Delk	Salem resident. Testifies in opposition to SB 1061A.
192	Dan Saucy	SPRAB. Testifies in opposition to SB 1061A. Discusses changes in demographics and habits necessitate changes in park systems. States that SB 1061A is an issue best dealt with locally.
222	Rep. Beck	Asks for further explanation of what SB 1061A would do to Salem's parks plan.
231	Saucy	Explains the goal of Salem's park system.
251	Rep. Beck	Asks how Saucy interprets the ñA2 amendments.
258	Saucy	Explains the ñA2 amendments create delayed costs for Salem.
274	Lynn McNamara	League of Oregon Cities. Testifies in support of SB 1061A. Explains what SB 1061A addresses and how it works.
307	Vice-Chair Starr	Asks if the ñA2 amendments conflict with the goals of Salem's park system.
308	McNamara	Replies the amendment does not conflict with Salem's policy goals.

322	Rep. Beck	Asks for clarification on the phrase "level of service."
341	McNamara	Answers with examples.
354	Rep. Beck	Asks a hypothetical question about a development scenario.
370	McNamara	Answers Rep. Beck's question.
377	Rep. Devlin	Asks if current law determines apportionment of costs between new developments and existing residents.
400	McNamara	Indicates that there is no clear answer to that question.
404	Rep. Devlin	Asks if McNamara's counsel has read SB 1061A.
<b>TAPE 72, B</b>		
004	McNamara	Responds that the League's counsel has not read the legislation.
008	Dave Hunnicutt	Oregonians in Action. Testifies in support of SB 1061A. States that SB 1061A sets levels of payment for new and existing residents.
055	Rep. Piercy	Asks if all parks need to be at equal levels of service.
069	Hunnicutt	Responds that SB 1061A does not require that all residents have the same level of parks service.
072	Rep. Piercy	States she believes that is what the intent of the sponsors is, however she is not convinced SB 1061A allows for unequal levels of service.
074	Rep. Beck	Asks how SB 1061A accommodates future changes.
100	Hunnicutt	Explains how SB 1061A allows for future changes.
110	Rep. Piercy	Asks about SB 1061A and the A2 amendments.
114	Joe Barkofski	Legislative Counsel. Explains that the language is a result of a compromise. Explains what the amendments do.
141	Rep. Piercy	Asks for clarification on Barkofski's explanation. Asks if services need to be uniform throughout the jurisdiction.

154	Barkofski	Answers yes.
163	Rep. Piercy	Asks if that is different from the intention of the sponsors.
168	Barkofski	Comments on the issue.
188	Hunnicut	States he does not have the answer to Rep. Piercy's question.
196	Vice-Chair Starr	Closes public hearing on SB 1061A. Opens public hearing on SB 912.
<b><u>SB 912 PUBLIC HEARING</u></b>		
200	Rep. Lane Shetterly	House District 34. Testifies in support of SB 912 ( <b>EXHIBIT G</b> ).
228	Dennis Mulvihill	Unified Sewerage Agency Board of Directors (USABD), Washington County. Supports of SB 912 ( <b>EXHIBIT H</b> ). Explains that the proposed amendment protects the USABD from a pending ballot initiative.
280	Mulvihill	Explains how SB 912 changes water management districts. Proposes a conceptual amendment.
318	Vice-Chair Starr	Closes public hearing on SB 912. Opens public hearing on HB 2830.
<b><u>HB 2830 PUBLIC HEARING</u></b>		
340	Staff	Distributes ( <b>EXHIBIT I</b> ).
347	Peter De Luca	Administrator, Oregon Occupational Safety and Health Division (OSHA). Explains HB 2830 ( <b>EXHIBIT J</b> ).
400	De Luca	Continues testimony.
<b>TAPE 73, B</b>		
010	De Luca	Continues testimony.
065	Vice-Chair Starr	Asks De Luca to conclude.
068	Rep. Beyer	Asks if De Luca supports HB 2830.

070	De Luca	States that, as drafted, HB 2830 is difficult for OSHA to support.
084	Rep. Mannix	Explains that HB 2830 addresses legitimate concerns. Asks about frequency of inspections and relation between distance traveled and inspection sites.
117	De Luca	Replies that OSHA tries to place inspectors where workers are. Agrees that inspections happen more often near inspection offices.
135	Rep. Welsh	Asks if "worst first" is an agreeable concept to OSHA.
140	De Luca	Responds that OSHA is agreeable to the "worst first" concept. Adds that OSHA agrees with several of the provisions in HB 2830.
153	Rep. Piercy	Asks if there is better language to achieve the "worst first" goal.
161	De Luca	Indicates that better language may be available.
168	Rep. Piercy	Asks if that was discussed in the work group.
170	De Luca	Answers that it was not discussed.
182	Brad Witt	AFL-CIO. Testifies in opposition to HB 2830. Explains that HB 2830 guarantees the employers' right to have counsel present for inspection, effectively negating the possibility of surprise inspections. Discusses the possibility of retaliation for reporting an employer to OSHA.
230	Witt	Stresses that worker safety and protection is worth the effort.
265	Gary Richter	Risk Manager, North Clackamas School District. Testifies in support of HB 2830 <b>(EXHIBIT K)</b> . Relates bad experiences with OSHA.
320	Richter	Suggests that OSHA's fines are revenue driven.
379	Rep. Gardner	Asks what the violations lead to Richter's experience with OSHA.
381	Richter	Explains the violations, including denying OSHA access to the school.
388	Rep. Gardner	Asks if denying access is cooperative.
389	Richter	Explains the circumstances of that particular inspection.



**TAPE 74, A**

007	Rep. Gardner	Asks when consultative services are available.
009	Richter	Answers the consultative services are available most of the time.
011	Ray Stalnaker	St. Vincent De Paul Rehabilitation Services. Testifies in support of HB 2830. Discusses the operation of OSHA.
060	Stalnaker	Continues to discuss HB 2830. Explains that HB 2830 limits citations.
116	Joe Miller	Safety and Loss Control Manager, Associated General Contractors. Testifies in support of HB 2830 ( <b>EXHIBIT L</b> ). States that employees are uncomfortable with the option of having a representative present.
175	Rep. Gardner	Asks about other aspects of the interview which might inhibit the employee from speaking freely.
176	Miller	Discusses the issue and situation. Points out changing attitudes in the construction industry.
183	Rep. Gardner	Asks if the attitudes in the industry have changed because of OSHA's random inspections.
196	Miller	Explains that OSHA still has many avenues to schedule inspections without notification.
219	Rep. Piercy	Asks why OSHA needs to be changed if it has done a good job.
241	Miller	Replies that HB 2830 is not a major change to OSHA.
267	Tricia Smith	Oregon School Employees Association. Testifies in opposition to HB 2830. Discusses Sections 3 and 5 of HB 2830.
318	Rich Peppers	Oregon Public Employees Union. Testifies in opposition to HB 2830. Explains the importance of private interviews and random inspections.
362	Bob Shiprack	Oregon State Building and Construction Trades. Opposes HB 2830. Explains changes that OSHA has made. States that the "worst first" concept does not work for multi-employer work sites.
410	Shiprack	Emphasizes that workers want representation and private interviews. Suggests that OSHA not be codified too strictly or narrowly.

TAPE 75, A		
025	Rep. Welsh	Asks if OSHA would be more useful as expert consultants.
059	Shiprack	Agrees that a safe business is good business, so that is an important function of OSHA.
073	Matt Stopher	Insurance Agent, KPD Insurance. Testifies in support of HB 2830. States that OSHA takes an adversarial role with employers. Notes that private interviews are not confidential.
120	Stopher	Explains that employers and employees do not know their rights.
157	Brian Doherty	Lawyer. Testifies in support of HB 2830. Explains that OSHA is only one tool in making work places safer.
210	Doherty	Stresses that OSHA should concentrate on consultative services. Points out that it is illegal for employers to retaliate against employees.
260	Doherty	Explains the need to have counsel present for inspections.
276		Staff submits <b>(EXHIBIT M)</b> .
277	Rep. Jeff Kropf	House District 37. Testifies in support of HB 2830. Explains the five amendments provide that employees will be informed of their rights in private. Stresses the importance of OSHA concentrating on consultative services.
334	Rep. Devlin	Closes public hearing on HB 2830. Adjourns meeting.

Submitted By, Reviewed By,

Kevin E. Wells, Jennifer Peck,

Administrative Support Committee Coordinator

Transcribed By,

Scott D. Graham,

Support Staff

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**EXHIBIT SUMMARY**

**A ñ SCR 12, newspaper articles, staff, 5 pp**

**B ñ SCR 13, newspaper articles, staff, 5 pp**

**C ñ SCR 13, written testimony, Lee Hazelwood, 1 p**

**D ñ SB 1061, written testimony, staff, 3 pp**

**E ñ SB 1061, written testimony, Jon Chandler, 1 p**

**F ñ SB 1061, written testimony, Wendy Kroger, 2 pp**

**G ñ SB 912, written testimony, Rep. Lane Shetterly, 1 p**

**H ñ SB 912, written testimony, Dennis Mulvihill, 2 pp**

**I ñ HB 2830, written testimony, staff, 2 pp**

**J ñ HB 2830, written testimony, Peter DeLuca, 2 pp**

**K ñ HB 2830, written testimony, Gary Richter, 3 pp**

**L ñ HB 2830, written testimony, Joe Miller, 2 pp**

**M ñ HB 2830, -5 amendments, staff, 2 pp**