

SENATE COMMITTEE ON GENERAL GOVERNMENT

May 4, 1999 Hearing Room C

3:00 p.m. Tapes 74 - 75

MEMBERS PRESENT: Sen. Verne Duncan, Chair

Sen. Cliff Trow, Vice-Chair

Sen. John Lim

Sen. Marilyn Shannon

Sen. Frank Shields

STAFF PRESENT: Marjorie Taylor, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: HB 2586 Public Hearing and Work Session

HB 2634 Public Hearing and Work Session

HB 3334 Public Hearing and Work Session

HB 3025-A Public Hearing and Work Session

HB 2084-A 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 74, A		
004	Chair Duncan	Calls the meeting to order at 3:03 p.m. Opens a public hearing on HB 2586.
<u>HB 2586 PUBLIC HEARING</u>		
013	Rep. Randy Leonard	House District 21. Reviews provisions of the 1997 legislation that updated Oregon's smoke detector law. States he believes the 10-year battery and "hush" feature will save many lives. Explains the hush feature.

045	Chair Duncan	Asks if there is more than one 10-year battery on the market.
048	Rep. Leonard	States Bob Garrison will answer the question. Explains HB 2586 is a technical correction to unintended consequences of the current law. States discussions about 10-year batteries took place last session and have no place in discussions today. States if HB 2586 does not pass, the 1997 legislation is still on the books.
073	Sen. Lim.	Asks if the bill applies to apartments or other dwellings.
077	Robert Garrison	Chief Deputy State Fire Marshal. Testifies in support of HB 2586. States the 1997 legislation was intended to apply to residential applications, not commercial buildings. There is concern the bill, the way it was passed, went beyond that. Submits and presents testimony in support of HB 2586 [EXHIBIT A] . Reviews the revisions to the 1997 law that HB 2586 would accomplish if it passes.
130	Garrison	Explains the difference between "smoke alarms" and "smoke detectors."
154	Chair Duncan	Asks if there are major hotel fires.
156	Garrison	States big hotel fires occur annually, but most of them do not occur in the United States.
158	Chair Duncan	Asks if the big hotel fires can be averted with today's technology.
159	Garrison	States hotel sprinkler systems put fires out before they become a problem. States fires may occur where smoke alarm systems are installed and there is no loss of life, even though there may not be a sprinkler system. Comments on the 1997 legislation exceptions for manufactured housing.
210	Garrison	Discusses the exceptions created by HB 2586 for recreational vehicles, commercial vehicles, and others. Urges the committee's support of HB 2586.
245	Sen. Lim	Asks if HB 2586 applies to public buildings.
248	Garrison	States HB 2586 does not apply to public buildings, which use smoke detectors hooked up to fire alarm panels. Clarifies HB 2586 applies to residences.
258	Chair Duncan	Recesses the public hearing on HB 2586. Opens a public hearing on HB 2634.
<u>HB 2634 PUBLIC HEARING</u>		
257	Rep. Lane Shetterly	House District 34. Testifies in support of HB 2634, which repeals Oregon's Anti-Apartheid Act of 1987. States our country's relationship has changed very favorably with South Africa and the anti-apartheid law is no longer needed.
303	Chair Duncan	Recesses the public hearing on HB 2634. Reopens the public hearing on HB 2586.
<u>HB 2586 PUBLIC HEARING</u>		
325	Jim Crawford	Fire Marshal, City of Portland, and 1 st Vice President, International Fire Marshals Association. Submits testimony in support of HB 2586 [EXHIBIT B] . Recaps the previous witnesses' testimony. Reiterates HB 2586 is a technical fix and

		encourages the committee's support of the bill.
344	Sen. Lim	Asks about the cost of a 10-year battery.
346	Crawford	States a 10-year battery with a hush feature costs \$15 to \$20.
351	Sen. Lim	States it might be costly for those who have large apartment buildings.
355	Crawford	States the Multifamily Housing Council and the Oregon Apartment Association support HB 2586 and the 1997 legislation.
365	Rep. Leonard	States Emily Cedarleaf was instrumental in drafting the law in its current form and is very protective of it.
384	Sen. Trow	Asks if there is opposition to the bill and why.
387	Rep. Leonard	States there is opposition from some battery manufacturers. States he has done considerable study and is convinced there are 10-year batteries. Believes criticism of the law is misplaced.
418	Sen. Trow	Asks if there is validity to the criticism.
419	Rep. Leonard	States there is absolutely no validity to the criticism.
424	Sen. Lim	Asks if HB 2586 requires a 10-year battery.
428	Rep. Leonard	States SB 874 (1997) requires a 10-year battery and the hush feature. Reiterates HB 2586 makes technical corrections to the existing law and does not deal with the 10-year battery.
TAPE 75, A		
008	Ed Wilson	Division Chief, Emergency Operations Division, Portland Fire and Rescue, and President, Oregon Fire Chiefs Association. Submits and presents testimony in support of HB 2586 [EXHIBIT C] . States HB 2586 has full support of the Portland Fire Bureau, Oregon Fire Chiefs Association, and the Joint Fire Service Legislative Committee. Comments on the value of having working smoke alarms in homes. Encourages the committee's support of the bill.
030	Burton Weast	Oregon Fire District Directors Association, Oregon Fire Marshals Association, and the Joint Fire Service Legislative Committee. States the associations support HB 2586. Discusses consequences of Measure 50 and other resource limiting legislation.
055	Brian Boe	National Electrical Manufacturers Association (NEMA). Submits and presents testimony in opposition to HB 2586 [EXHIBIT D] . States NEMA has no quarrel with the intent of HB 2586. Reviews policy and practical implications to HB 2586.
110	Boe	Reviews the information on the 10-year battery requirement on page 2. Reviews information from Ultralife Batteries, Inc., on 9-volt lithium batteries.
164	Sen. Trow	States Mr. Boe is referring to the existing law and asks if he has amendments to change the existing law.

166	Boe	States he will suggest amendments, but they are not drafted. Discusses issues revolving around 10-year battery warranties. States First Alert is opposed to HB 2586. States why Section 12 of HB 2586 needs to be changed. Comments on smoke alarms manufactured by First Alert.
246	Sen. Trow	Asks if existing law already bans the units.
247	Boe	States existing law bans the units from Oregon. States the existing law was flawed in its original iteration and does not believe it has been actively enforced.
252	Sen. Trow	States HB 2586 does not change existing law, but fixes unintended consequences. Asks Boe if he wants to use HB 2586 as a vehicle to change existing law.
257	Boe	States dry cell battery issues are arcane and obscure. States there would not be a request to exempt photoelectric alarms if all parties had been at the table for the 1997 legislation. Speaking to the stakeholders group and the work done prior to this legislative session, states the industry was represented. States the information on how Ultralife arrives at the conclusion that their battery lasts ten years was not submitted to NEMA until late December 1998.
290	Sen. Trow	Asks if Ultralife claims the battery is a 10-year battery.
292	Boe	States they warranty the battery to last 10 years. States the Fire Marshal is relying on the warranty. States there is no existing Underwriter's Laboratory or other standard for a 10-year battery. Reviews provisions of the warranty.
302	Sen. Trow	States it will be someone's responsibility to advise people to check their batteries in about seven years because the batteries may or may not last 10 years. Asks if the law needs to be changed. States the batteries may be called 10-year batteries even if they last only 8.33 years.
315	Boe	States what Sen. Trow mentioned is an inherent problem with the existing law that would be remedied by eliminating Section 12 of HB 2586.
331	Chair Duncan	Asks if Mr. Boe's technical assistants have met with the Fire Marshal and fire chiefs to discuss concerns.
337	Boe	States he has not been provided with technical data, but his people have participated in meetings.
345	Russ Spencer	Duracell. States Duracell was not involved in discussions. States Duracell is concerned because an existing, proven life saving product will be removed from the market. States Duracell believes it would be appropriate to let the standard making process run its course rather than leaping ahead. States Duracell buys Ultralife's product, but will not sell it as a 10-year battery. States he believes the bill should have a reporting requirement if the committee passes it.
413	Sen. Trow	Clarifies the witness's amendment would be to delete Section 12, which would change the existing law by doing away with the 10-year battery and the hush feature requirements.
420	Spencer	States the amendment would create a free-market situation.
422	Sen. Trow	States the amendments would be going back to the status quo before passage of the

		1997 legislation.
423	Spencer	States his agreement.
TAPE 74, B		
006	Joe Brewer	Administrator, Building Codes Division, Department of Consumer and Business Affairs (DCBS). Submits and presents testimony in support of HB 2586 [EXHIBIT E]. Reviews proposed amendments in his written testimony.
017	Chair Duncan	Asks if Legislative Counsel is drafting the proposed amendments.
018	Brewer	States the proposed amendments were offered in the House, but were not addressed. States DCBS does not feel the amendments are significant enough to slow down HB 2586, and the department will address its concerns during the interim with the State Fire Marshal.
022	Chair Duncan	States the committee could request the amendments be drafted. Asks the committee members for their opinion.
024	Sen. Trow	States he would not have the amendments drafted until he knew more about them.
026	Brewer	States he has discussed the amendments with Rep. Leonard and DCBS is comfortable with addressing them during the interim and in administrative rule.
029	Sen. Trow	Asks if Mr. Brewer if his amendments deal with the same issues discussed by Spencer and Boe.
030	Brewer	States the amendments are strictly clarifications.
032	Sen. Trow	Clarifies the amendments can be handled administratively. Asks Mr. Brewer what he thinks about the argument that a 10-year battery is an 8.33-year battery on average.
035	Brewer	States he is not certain.
038	Sen. Trow	Asks the State Fire Marshal what will be done to alert people that the batteries may only last 8.33 years.
041	Garrison	States that following the House hearings, a battery manufacturer bought 19 smoke alarms off the shelf and submitted them to a testing lab. States 15 of the 19 passed muster. States some ongoing testing has shown the batteries will last beyond 10 years. Comments on testing of batteries from BRK Brands. States there is a long list of smoke alarms available that have gone back to Underwriters Laboratory for a waiver on their battery requirements to allow them to be sold as a 10-year battery. States it is important to remember products occasionally fail. States smoke alarms are required to have a battery level-sensing device that emits a chirping sound when the battery is low.
069	Chair Duncan	States a device may start emitting a chirp at 8.333 years.
070	Garrison	States that could happen.

076	Chair Duncan	Recesses the public hearing on HB 2586. Reopens the public hearing on HB 2634.
<u>HB 2634 PUBLIC HEARING</u>		
080	Jo Ann Bowman	House District 19. Testifies in support of HB 2634. Comments on lessons to be learned from the repeal of apartheid in South Africa, such as their constitutional development. Urges the committee's support of HB 2634.
114	Sen. Shannon	Asks Rep. Bowman if she knows how Treasurer Jim Hill feels about HB 2634.
115	Rep. Bowman	States Jim Hill testified in favor of the bill before the House committee.
121	Chair Duncan	Closes the public hearing on HB 2634. Reopens the public hearing on HB 2586.
<u>HB 2586 PUBLIC HEARING</u>		
125	Dave Barrows	Ultralife Batteries, Inc. Submits a letter to Rep. Jim Hill from Mr. Garrison [EXHIBIT F] that was written in response to Raymond Balfour and Mr. Boe's testimony before the House Trade and Economic Development Committee. States there are companies that purchase 9-volt batteries from Ultralife and then relabel the batteries and sell them as 10-year batteries. States the House committee questioned whether the 10-year battery was good for poor people. States the 10-year battery is a cost-saver.
180	Barrows	States he has provided the committee the March 1999 Ultralife test performed by a firm in Arizona. States the professionals think Oregon's current law is far-reaching and visionary. States Rep. Leonard has indicated he has never seen a fire death on property where there was a working smoke alarm. States Oregon's law will become, especially with passage of HB 2586, the national model.
213	Sen. Trow	Refers to the modifications taking care of the unintended consequences of the current law. Asks Mr. Barrows to review those issues.
217	Barrows	States he defers to Mr. Garrison to answer Sen. Trow's question.
222	Sen. Trow	Asks if the changes in the bill will affect other companies adversely.
224	Barrow	States he believes the bill will help companies, not hurt them, unless you can argue the current law hurts people.
234	Sen. Trow	Requests Mr. Garrison to review the changes.
235	Garrison	Reviews the list of changes on the second page of his testimony.
259	Sen. Trow	Asks Mr. Garrison if he thinks the changes are improvements to the existing law.
260	Garrison	States he thinks the changes are improvements and the stakeholders agree.
262	Chair Duncan	Closes the public hearing on HB 2586. Opens a work session on HB 2586
<u>HB 2586 WORK SESSION</u>		

268	Chair Duncan	States it appears the issues revolving around the legislation have been worked out so it is not necessary for the parties to get together. Asks the committee if they want to consider the issues discussed by Mr. Boe and Spencer or deal with the bill as it is.
285	Sen. Trow	States he thinks the committee should deal with the bill as it is.
287	Sen. Lim	States he thinks the committee should deal with the 10-year warranty issue.
289	Chair Duncan	States the 10-year warranty issue relooks at the 1997 legislation.
292	Sen. Trow	Asks Sen. Lim if he wants to amend the bill to change the 1997 legislation.
294	Sen. Lim	States he does if it makes the 1997 legislation better.
298	Sen. Shields	States he is okay with the bill as it is.
300	Chair Duncan	States he is okay with the bill as it is and is not anxious to review at the 1997 legislation.
305	Sen. Trow	MOTION: Moves HB 2586 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Shannon
		Chair Duncan The motion CARRIES. SEN. TROW will lead discussion on the floor.
317	Chair Duncan	Closes the work session on HB 2586.
319	Sen. Shields	As a vote explanation, states one should go with those they trust when they do not have the time to fully comprehend an issue. States he trusts his colleagues on the committee.
328	Chair Duncan	Opens a work session on HB 2634.
<u>HB 2634 WORK SESSION</u>		
330	Sen. Shields	MOTION: Moves HB 2634 to the floor with a DO PASS recommendation.
337	Sen. Trow	States he was in the legislature when they voted to implement the ban on apartheid. States it is wonderful that things have changed to be able to vote on HB 2634.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye.

		EXCUSED: 1 - Shannon
	Chair Duncan	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
352	Chair Duncan	Closes work session on HB 2634. Opens a public hearing on HB 3334.
<u>HB 3334 PUBLIC HEARING</u>		
362	Hasina Squires	Special Districts Association of Oregon (SDAO). Submits and presents testimony in support of HB 3334 [EXHIBIT G] . States HB 3334 is neither anti-union, nor anti-employee, but standardizes the process for all local governments. Reviews provisions of HB 3334 and ORS 440.330.
432	Sen. Trow	Asks Ms. Squires if there is concern that the bill could be retroactive, in that an employee already on a board could be removed from the board by the district.
TAPE 75, B		
004	Squires	States a provision of the bill is that a resolution must be in place one year prior to the election of the board member.
008	Sen. Trow	Asks how long a term is served. States if a person has a four-year term, they could be forced off a board.
013	Robert Carnahan	Assistant Fire Chief, Clackamas County Fire District No. 1 and SDAO. States the situation could arise, but a member would need to vote on the resolution within their four-year term prior to running for re-election.
021	Sen. Trow	Clarifies a board could remove someone who was elected for a term before the term was over.
024	Squires	States the measure has no known opposition. Comments on the vote in the House Chamber.
028	Carnahan	Commends the committee on their action on HB 2586. Submits and presents testimony in support of HB 3334 [EXHIBIT H] . Reviews his involvement in local government. Urges the committee's support of HB 3334.
061	Sen. Trow	Asks if there are horror stories where employees have caused problems for districts.
066	Carnahan	States there are horror stories, but also success stories. States there are problems when one is not only an employee of a CEO, but the CEO employer. States he was in that position at one time.
073	Sen. Trow	States a bill was passed in the Senate that put a CEO on the board.
074	Carnahan	Explains there is a potential for problems in communities, small local governments, and special districts where there is one interest to grind the local government to a halt.

083	Sen. Shields	Asks Ms. Squires if she has talked with any of the "no" votes in the House to determine their concerns with the bill.
086	Squires	States she believes Rep. Bowman did not understand the current existing conflict of interest statute. Comments on her conversations with Rep. Bowman. States Rep. Taylor had indicated she was going to vote for the bill and is not sure why she changed her mind. Indicates the president of the SDAO lives in Rep. Taylor's district.
110	Chair Duncan	Closes the public hearing on HB 3334. Opens a public hearing on HB 3025-A
<u>HB 3025-A PUBLIC HEARING</u>		
116	Rep. Richard Devlin	House District 24. Testifies in support of HB 3025-A. States he sponsored the bill because of his concern for people with disabilities for whom the current law regarding notarization is an impediment. States the bill has the full support of the Oregon Disabilities Commission and the Secretary of State's Office, and has 19 co-sponsors. Urges the committee's support of the bill.
132	Chair Duncan	Introduces Eugene Organ's testimony in support of HB 3025-A [EXHIBIT II] .
138	Rep. Devlin	Requests Sen. Fisher be allowed to carry the bill if the committee passes it to the floor.
142	Sen. Lim	Asks how one would know for sure the blind person is the correct person with the rubberstamp.
144	Rep. Devlin	States the individuals would need to go through the same documentation process as anyone else.
149	Chair Duncan	Closes the public hearing on HB 3025-A. Opens a work session on HB 3025-A.
<u>HB 3025-A WORK SESSION</u>		
151	Sen. Trow	MOTION: Moves HB 3025A to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
Chair Duncan		The motion CARRIES. SEN. FISHER will lead discussion on the floor. See Tape 75, B, 425, for Sen. Shannon's final vote on HB 3025-A.
159	Chair Duncan	Closes the work session on HB 3025-A. Opens a work session on HB 3334.
<u>HB 3334 WORK SESSION</u>		
164	Sen. Shields	MOTION: Moves HB 3334 to the floor with a DO PASS recommendation.

167	Sen. Trow	States at times it makes sense to have those with special knowledge on boards. Comments on legislation that allows a faculty member to serve on the Board of Higher Education. States the legislation is very permissive. States he thinks there are those who serve with great benefit to a board. States he will support the bill.
179	Chair Duncan	States he will support the bill. States he would probably go for a stronger bill. States it is hard to be the boss and a board member also. Comments on problems that could occur in the private sector.
190	Sen. Shields	Referring to the no votes in the House, states he hopes something is not hidden. States he will support the bill.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
		Chair Duncan The motion CARRIES. SEN. DUNCAN will lead discussion on the floor. See Tape 75, B, 417, for Sen. Shannonís final vote on HB 3334.
203	Chair Duncan	Closes the work session on HB 3334. Opens a public hearing on HB 2084-A.
<u>HB 2084-A PUBLIC HEARING</u>		
211	Lynn Schoessler	Deputy Director, Housing and Community Services Department. Explains the bill deals with the Housing Development and Guarantee Account (Oregon Housing Trust Fund) and proposes to allow trust fund awards to be either awarded as a grant or a loan. States the statutes currently require disbursements as grants. Reviews instances where grants have not been in the best interests of a housing project. Explains the issue of possible abuse by the department came up during discussions in the House. Comments on the issue of interest rates. States the conflicts have been worked out, and the Oregon Bankers Association supports the bill as amended.
259	Sen. Trow	Asks if it always makes sense to allow the awardee to decide whether the disbursement should be a grant or a loan.
265	Schoessler	States the provision makes sense for the reason he previously mentioned. States the department is comfortable with the provision.
278	Sen. Trow	Asks if the department would make different choices if they could determine whether someone received a grant or a loan.
284	Schoessler	States the department currently does a lot of preliminary commitments to a project and ask the awardees to finalize their finance package and identify their tax credit signatory, their long-term lender, and their construction lender. States the bill provides the opportunity of making a commitment and allowing the awardee to decide which avenue to pursue.
293	Chair Duncan	Reads from a March 29 letter from the Governorís Commission on Senior Services, in which they express concern about some language in the bill. States he understands the commission is now satisfied with the bill. Asks Mr. Schoessler if he has talked with the commission.

309	Schoessler	States he has talked with them and the commission is comfortable with the department's process.
313	Sen. Shields	States it is possible that in early conversations the department could express whether they think it is to the awardee's benefit to accept a grant or a loan. Asks Mr. Schoessler if the department is prohibited from talking about choices.
329	Schoessler	States Sen. Shields' comments are accurate, but advocates wanted the assurance it would be the sponsor's election, not the department's dictating to them.
333	Sen. Shields	States the department still has the power as to who gets the awards.
336	Sen. Trow	Asks if the department has been doing loans already.
336	Schoessler	States the current statutes require grants and the department cannot do loans.
340	Sen. Shields	States the bill gives the department the opportunity to provide advice, if not direction. States if he was with a corporation asking for help to build low-income housing, he would listen to the suggestions from those people with the money to loan.
350	Sen. Lim	Asks how the committee will address the issues in the letter Chair Duncan read.
353	Chair Duncan	States the issues were already resolved.
354	Sen. Lim	Requests an explanation.
363	Marjorie Taylor	Committee Administrator. States the commission was concerned the awardee would make the decision to receive a grant or a loan after having been awarded the funds.
369	Schoessler	States the department wants the awardee to make the choice. States the department's award is a commitment to the awardee that the money is available. States the actual disbursement is different than the award. States he understands the letter to pertain to the actual disbursement.
381	Chair Duncan	States the parties involved are happy. Closes the public hearing on HB 2084-A. Opens a work session on HB 2084-A.
<u>HB 2084-A WORK SESSION</u>		
386	Sen. Trow	MOTION: Moves HB 2084A to the floor with a DO PASS recommendation.
		VOTE: 5-0
		AYE: In a roll call vote, all members present vote Aye.
		Chair Duncan
		The motion CARRIES.
		SEN. SHIELDS will lead discussion on the floor.
404	Chair Duncan	Closes the work session on HB 2084-A.

408	Sen. Shannon	Requests the opportunity to vote on some of the bills because she supports them.
417	Chair Duncan	Opens a work session on HB 3334.
<u>HB 3334 WORK SESSION</u>		
419	Chair Duncan	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SHANNON to BE RECORDED as voting AYE on the motion to send HB 3334 to the floor with a DO PASS recommendation.
		VOTE: 5-0
		Hearing no objection, declares the motion CARRIED.
421	Chair Duncan	Closes the work session on HB 3334. Opens a work session on HB 3025-A.
<u>HB 3025-A WORK SESSION</u>		
423	Chair Duncan	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SHANNON to BE RECORDED as voting AYE on the motion to send HB 3025-A to the floor with a DO PASS recommendation.
		VOTE: 5-0
		Hearing no objection, declares the motion CARRIED.
425	Chair Duncan	Closes the work session on HB 3025-A. Adjourns the meeting at 4:52 p.m.
		On behalf of the Bob Livingston, Oregon State Fire Fighters Council, staff submits written testimony in support of HB 2586 [EXHIBIT J] .

Submitted By, Reviewed By,

Valerie Luhr, Marjorie Taylor,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2586, written testimony, Robert Garrison, 8 pp.

B ñ HB 2586, written testimony, Jim Crawford, 1 p.

C ñ HB 2586, written testimony, Ed Wilson, 1 p.

D ñ HB 2586, written information, Brian Boe, 19 pp.

E ñ HB 2586, written testimony, Joe Brewer, 2 pp.

F ñ HB 2586, written information, Dave Barrows, 8 pp.

G ñ HB 3334, written testimony, Hasina Squires, 5 pp.

H ñ HB 3334, written testimony, Robert Carnahan, 3 pp.

I ñ HB 3025, written testimony, staff, 1 p.

J ñ HB 2586, written testimony, staff, 1 p.