

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

June 2, 1997 Hearing Room E

2:00 P.M. Tapes 111 - 112

**MEMBERS PRESENT: Rep. Leslie Lewis, Chair**

**Rep. Frank Shields, Vice-Chair**

**Rep. Michael Fahey**

**Rep. Mike Lehman**

**Rep. Dennis Luke**

**Rep. Mark Simmons**

**Rep. Jim Welsh**

**STAFF PRESENT: Pat Zwick, Policy Analyst**

**Marjorie Taylor, Administrative Support**

**MEASURE/ISSUES HEARD: SB 791 Work Session**

**HB 3586 Work Session**

**HB 2774 Work Session**

**SB 379 Work Session**

**SB 185 Work Session**

**SB 588 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 111, A</b>		
003	Chair Lewis	Calls the meeting to order at 2:08 p.m. and opens a work session on SB 791.
<b><u>SB 791</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
		<b>MOTION: Moves to SUSPEND the rules for the purpose of</b>

006	Rep. Welsh	<b>RECONSIDERING the vote on SB 791.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Shields</b>
019	Chair Lewis	<b>The motion CARRIES.</b>
020	Rep. Welsh	<b>MOTION: Moves to RECONSIDER the vote by which SB 791 was sent the to floor with a do pass as amended recommendation.</b>
024	Chair Lewis	Explains the reason for reconsideration of the bill.
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Luke, Shields</b>
032	Chair Lewis	<b>The motion CARRIES.</b>
035	Chair Lewis	Indicates that the -A4 amendments clear conflicts and were presented by legislative counsel.
038	Rep. Luke	Asks what the conflict is.
040	Pat Zwick	Policy Analyst. Explains the conflict with HB 2509.
054	Rep. Luke	<b>MOTION: Moves to ADOPT SB 791-A4 amendments dated 5/30/97. (EXHIBIT A)</b>
057	Chair Lewis	<b>Hearing no objections, declares the motion CARRIED.</b>
058	Rep. Luke	<b>MOTION: Moves SB 791 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Shields</b>
064	Chair Lewis	<b>The motion CARRIES.</b> <b>REP. WELSH will lead discussion on the floor.</b>
068	Chair Lewis	Closes the work session on SB 791 and opens a work session on HB 3586.
<b><u>HB 3586</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
070	Pat Zwick	Policy Analyst. Describes provisions on the bill and indicates that the bill was passed from the Parks Subcommittee to the full committee for

		the purposes of being sent to the Revenue Committee.
077	Rep. Simmons	<b>MOTION: Moves HB 3586 BE REFERRED to the committee on Revenue WITHOUT RECOMMENDATION as to passage.</b>
082	Rep. Lehman	Explains opposition to the bill. Suggests that it is a bandaid for a major problem. Indicates that it is a minor step in the right direction. States the necessity for long-term funding for the parks system.
098	Rep. Simmons	Suggests that the intent of the bill is misrepresented. Indicates that the bill will allow the parks problems to be addressed.
		<b>VOTE: 5-2</b>  <b>AYE: 5 - Fahey, Luke, Simmons, Welsh, Lewis</b>  <b>NAY: 2 - Lehman, Shields</b>
112	Chair Lewis	<b>The motion CARRIES.</b>
113	Chair Lewis	Closes the work session on HB 3586 and opens a work session on HB 2774.
<b><u>HB 2774</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
129	Jon Chandler	Director, Governmental Affairs, Oregon Building Industry Association. Describes provisions of the -A4 amendments.
150	Rep. Luke	Asks what type of lawsuit would be unconstitutional according to the amendments.
154	Chandler	Explains that they are land use decisions.
160	Rep. Luke	Verifies that the bill applies to local governments only.
163	Chandler	Answers affirmatively.
164	Rep. Lehman	Asks how many land use decisions have been based on unconstitutional grounds.
165	Chandler	Not very many.
179	Rep. Luke	<b>MOTION: Moves to ADOPT HB 2774-A4 amendments dated 5/30/97. (EXHIBIT B)</b>
190	Rep. Fahey	Asks about a hypothetical legal situation.
195	Chandler	Doesn't think that the legal situation would occur.
205	Chair Lewis	<b>Hearing no objections, declares the motion CARRIED.</b>
208	Rep. Luke	<b>MOTION: Moves HB 2774 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-1</b>  <b>AYE: 5 - Fahey, Lehman, Luke, Welsh, Lewis</b>

		<b>NAY: 1 - Shields</b>
		<b>EXCUSED: 1 - Simmons</b>
236	Chair Lewis	<b>The motion CARRIES.</b> <b>REP. SIMMONS will lead discussion on the floor.</b>
241	Chair Lewis	Closes the work session on HB 2774 and opens a work session on SB 379.
<b><u>SB 379</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
253	Rep. Lehman	Discusses the actions of the work group and the provisions of the -A3 amendments.
286	Rep. Luke	<b>MOTION: Moves to ADOPT SB 379-A3 amendments dated 5/27/97. (EXHIBIT C)</b>
294	Chair Lewis	<b>Hearing no objections, declares the motion CARRIED.</b>
297	Rep. Luke	<b>MOTION: Moves SB 379 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Fahey, Shields</b>  <b>Rep. Fahey and Rep. Shields vote "NAY" later in the meeting.</b>
307	Chair Lewis	<b>The motion CARRIES.</b> <b>REP. WELSH will lead discussion on the floor.</b>
335	Chair Lewis	Closes the work session on SB 379 and opens a work session on SB 185.
<b><u>SB 185</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
390	Chuck Herrick	Member, Sanitarian Registration Board.
391	Rep. Luke	Asks how many registered sanitarians there are.
392	Herrick	Fewer than 400.
397	Rep. Luke	Expresses frustration with Mr. Herrick's testimony.
400	Susan Wilson	Administrator, Health Division Licensing Boards and Programs.
403	Rep. Luke	Asks how many people are registered with the Sanitarian Registration Board.

404	Wilson	Approximately 270.
<b>TAPE 112, A</b>		
002	Rep. Luke	Asks what the fee for registration is.
003	Wilson	The annual registration fee is \$80.
005	Rep. Luke	Asks if the sanitarians are a registration or licensing board.
006	Wilson	It is a registration board, but the term registration is the same as licensing.
009	Rep. Luke	Under the construction industry definitions of registration and licensing, asks if the sanitarians are a registration or licensing board.
010	Wilson	They are a licensing board.
012	Rep. Luke	Asks if the Sanitarian Registration Board administers exams.
014	Wilson	Answers affirmatively.
015	Rep. Luke	Asks for a description of how a person becomes a licensed sanitarian.
017	Wilson	Describes the process.
025	Chair Lewis	Explains that -4 amendments are available.
027	Rep. Shields	Indicates that he had the -4 amendments drafted, but he is not satisfied by them.
030	Chair Lewis	Suggests that changes to the amendments occur in conference committee
033	Rep. Shields	Expresses the desire to have the Health Division comment on the -4 amendments.
060	Joni Low	Representative, League of Oregon Cities. Expresses concerns with the broadness of the bill. Indicates that the -4 amendments will narrow the scope. There are more conceptual amendments.
077	Rep. Lehman	In the -4 amendments, line 1, delete "whose", insert "while employed in a", line 2, delete "duties do" and insert "that did"
086	Chair Lewis	Asks if the language was suggested by legislative counsel.
087	Low	Answers affirmatively.
095	Eleanor Hall	Administrator, State Health Division. Expresses neutrality on SB 185, but there are concerns related to public health. Indicates that there are concerns about how the bill would work in practice.
121	Rep. Lehman	Asks if there is evidence of a problem that would require unregistered employees to be registered.
126	Hall	Indicates that there is controversy about what professions, and who the Sanitation Board would cover.
136	Rep. Lehman	Indicates that people in local governments have not been required to be registered, but now out of fear, they must be.
141	Low	Answers affirmatively. Suggests that the proposed rule from the Sanitarian Board would be broad enough to cover local government employees.

154	Rep. Luke	Asks if the health division contracts out restaurant inspections to local governments.
159	Hall	Answers affirmatively.
160	Rep. Luke	Asks if the qualifications for a restaurant inspector are in administrative rules.
163	Hall	Does not know.
168	Tom Johnson	Assistant Administrator, Oregon Health Division. The requirements for registered sanitarian are not in administrative rule.
174	Rep. Luke	Asks if qualifications for a restaurant inspector are in administrative rules.
178	Johnson	No. Explains that they have relied on the Sanitarian Registration Board.
183	Rep. Luke	Asks if SB 185 changes the standard.
185	Johnson	No.
189	Rep. Shields	Verifies that the Health Division has relied upon the Sanitarian Board to provide a standard by which restaurant inspectors operate.
193	Johnson	Answers affirmatively.
194	Rep. Shields	Verifies that SB 185 will not have an effect on that standard. Asks how the amendments will affect the bill.
198	Johnson	Does not know for sure.
208	Rep. Luke	Describes the bill and amendments. Asks why employees should be under registration, if they aren't registered now.
228	Johnson	Expresses concern with language, but agrees with the concepts.
235	Rep. Lehman	Expresses frustration with testimony and desires to move the amendments.
245	Rep. Lehman	<b>MOTION: Moves to FURTHER AMENDED SB 185-4 amendments dated 6/2/97 on page 1, line 2, by deleting "whose job" and inserting "while employed in a job that did" and on page 1, line 3, by deleting "duties do".</b>
255	Rep. Luke	Suggests that if the Health Division has problems with the amendments, he will request that the Senate not concur on the bill.
261	Chair Lewis	<b>Hearing no objections, declares the motion CARRIED.</b>
269	Rep. Lehman	<b>MOTION: Moves to ADOPT SB 185-4 amendments dated 6/2/97. (EXHIBIT D)</b>
271	Chair Lewis	<b>Hearing no objections, declares the motion CARRIED.</b>
274	Rep. LEHMAN:	<b>MOTION: Moves SB 185 be sent to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>

		<b>EXCUSED: 1 - Simmons</b>
283	Chair Lewis	<b>The motion CARRIES. REP. LEHMAN will lead discussion on the floor.</b>
285	Chair Lewis	Closes the work session on SB 185.
292	Rep. Luke	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. FAHEY AND REP. SHIELDS to VOTE on SB 379. REP. FAHEY and REP. SHIELDS vote NAY on SB 379.</b>
303	Chair Lewis	Opens a work session on SB 588.
<b><u>SB 588 WORK SESSION</u></b>		
319	Ron Eber	Representative, Department of Land Conservation and Development. Discusses the -A6 amendments to SB 588.
350	Chair Lewis	Restates the actions of the amendments for Rep. Luke.
363	Eber	Describes the key amendments.
385	Chair Lewis	Verifies what Mr. Schlack wants done with the amendments.
405	Art Schlack	Land Use Specialist, Association of Oregon Counties. Expresses concern with deletion of language related to greyhounds.
<b>TAPE 111, B</b>		
002	Schlack	Continues to discuss amendments to SB 588.
013	Chair Lewis	Asks if Mr. Eber approves of conceptual amendments offered by Mr. Schlack.
017	Eber	Answers affirmatively.
019	Dave Hunnicutt	Representative, Oregonians in Action. Discusses amendments to the bill.
027	Eber	Describes what effects the amendments have.
036	Hunnicutt	Indicates that amending the bill is fine.
054	Eber	Indicates that replacing language will maintain the existing law.
061	Chair Lewis	Asks what the committee would like to do with the bill.
075	Rep. Luke	Suggests adoption of the -A6 amendments now and add language later.
078	Rep. Luke	<b>MOTION: Moves to ADOPT SB 588-A6 amendments dated 6/2/97. (EXHIBIT E)</b>
080	Chair Lewis	<b>Hearing no objections, declares the motion CARRIED.</b>
083	Chair Lewis	Closes the work session on SB 588 and adjourns the meeting at 3:11 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

**EXHIBIT SUMMARY**

**A - SB 791, -A4 amendments, Committee Staff, 1 p.**

**B - HB 2774, -A4 amendments, Committee Staff, 3 pp.**

**C - SB 379, -A3 amendments, Committee Staff, 2 pp.**

**D - SB 185, -4 amendments, Committee Staff, 1 p.**

**E - SB 588, -A6 amendments, Committee Staff, 2 pp.**