

—

SENATE COMMITTEE ON LIVABILITY

May 13, 1997 Hearing Room C

3:00 P.M. Tapes 66 - 68

MEMBERS PRESENT:

Sen. Ted Ferrioli, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Kate Brown

Sen. Ginny Burdick

Sen. Eileen Qutub

MEMBER EXCUSED:

STAFF PRESENT:

Christin Smith, Administrator

Nora Carlson, Administrative Support

MEASURE/ISSUES HEARD:

SB 999 Public Hearing and Work Session

SB 822 Public Hearing and Work Session

HB 3283 Public Hearing and Work Session

HB 2236 Public Hearing and Work Session

HB 2178 Public Hearing and Work Session

HB 2039 Public Hearing and Work Session

HB 2641 Public Hearing and Work Session

HB 3130 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.

Tape/#	Speaker	Comments
TAPE 66, A		
005	Chair Ferrioli	Calls meeting to order at 3: 18 p.m. Opens public hearing on SB 999.
<u>SB 999</u> <u>PUBLIC</u> <u>HEARING</u>		
007	Michael Mills	Representing the Oregon Restaurant Association, submits and provides testimony in support of SB 999 (EXHIBIT A).
024	Chair Ferrioli	Observes that the bill would allow Oregon Liquor Control Commission (OLCC) to report any observed drug use; asks if this would put OLCC agents at more risk than they are now.
034	Mills	Responds that he does not believe it will put them at any more risk and further explains that there have been instances in which OLCC agents have observed and reported drug activities on licensed premises.
036	Sen. Joan Dukes	District 1, submits proposed amendments and written materials in support of SB 999 (EXHIBIT B).
089	Sen. Burdick	Asks if she is concerned about putting OLCC agents into the role of law enforcement officers.
090	Sen. Dukes	Responds that OLCC inspectors have the authority of a peace officer.
098	Chair Ferrioli	Asks if it is the intent of the -2 amendments to limit enforcement activities to the premises.
115	Sen. Dukes	Confirms intent.
120	Paul Williamson	Representing OLCC, submits and provides testimony in opposition to SB 999 (EXHIBIT C), issues discussed: * regulation requirements * neighborhood livability law

		* license interaction
148	Sen. Qutub	Asks to define the words "serious and persistent" in the bill, and how this criteria relates to enforcing sanctions against an establishment.
155	Williamson	Responds that licensees have one viewpoint concerning this term, and cities and counties have another, that it is a tough standard to meet; takes more than a single incident.
170	Sen. Qutub	Asks about the success rate in closing other establishments.
172	Williamson	Responds that there are other premises within the state where the local communities want the establishments closed.
185	Sen. Burdick	Asks for clarification regarding the ability of OLCC inspectors, under current law, to close down an establishment.
190	Williamson	Responds that at the time of an incident, an agent is unable to discontinue license privileges, but that they can start the process to close down the establishment.
181	Chair Ferrioli	Asks if passage of the bill would expedite the process.
198	Williamson	Respond that more time is required to review the amended bill and expresses concern that it would not speed things up; legal standards must be met and processes must be followed.
204	Chair Ferrioli	Asks about OLCC's concern with the issue of people who were not patrons of an establishment and who could trigger enforcement activities.
205	Williamson	Responds that it is an issue for the OLCC.
218	Sen. Brown	Refers to definition of "serious and persistent" drug problems and asks if there is regulation that defines it further.
220	Williamson	Responds that there are no further regulations in that area.
210	Sen. Dukes	Refers to line 16 of the bill which reads "...the commission shall revoke the license if.." and comments that a licensee can have their license "unrevoked" if immediate and corrective actions are taken to prevent further, unlawful drug use.
230	Chair Ferrioli	Closes public hearing on SB 999; opens work session on SB 822.
SB 822 WORK SESSION		
265	Sen. Kintigh	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 822 by which SB 822 was moved to the floor with a DO PASS AS AMENDED recommendation."
268	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye.

		The motion CARRIES.
260	Ed Gormley	Representing the Plumbing, Heating and Cooling Contractors and the Plumbing Piping Industry Council, submits and provides testimony in support of the proposed amendments to SB 822 (EXHIBIT D).
310	Gormley	Continues with testimony, issues discussed: * applications for certification * pilot programs * competitive wages
370	Gormley	Continues with testimony on criteria and selection of inspectors.
390	Sen. Qutub	Asks about the wage requirements for inspectors.
410	Gormley	Responds that salaries begin at \$20 an hour plus benefits.
415	Sen. Qutub	Asks if the public will be able to afford the cost.
420	Gormley	Responds that most cities within Oregon use the state rates.
425	Sen. Qutub	Asks for clarification that most municipalities are collecting moneys and are using the revenue for other purposes.
430	Gormley	Clarifies.
TAPE 67, A		
014	John Gervais	Representing the National Electrical Contractor's Association, provides testimony in support of the proposed amendments.
024	Bill Cross	Representing the Oregon Building Officials Association, provides testimony in support of SB 822.
052	Bob Kelly	Representing Washington County, provides testimony in support of SB 822.
070	Sen. Qutub	Comments on wages for plumbing inspectors.
080	Sen. Brown	MOTION: Moves to ADOPT SB 822-10 amendments dated 5/12/97 and that the measure be FURTHER AMENDED by incorporating the -7 amendments dated 5/7/97.
090	Sen. Kintigh	Asks what language is included in the -10 proposed amendments that is not included in the -7 amendments.
090	Sen. Brown	Refers to Section 3 language regarding plumbers.
102	Christin Smith	Administrators, explains that the -7 amendments removes the plumbers from the bill and that the -10 amendments include the plumbers and allow for recognition of out-of-state experience for electricians from all 50 states.
115	Sen. Brown	MOTION: Moves to WITHDRAW previous MOTION.
118	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
		MOTION: Moves to ADOPT SB 822-10 amendments dated 5/12/97

090	Sen. Brown	and that the measure be FURTHER AMENDED on page 2, by deleting all of SECTION 3.
145	Sen. Qutub	Asks about the impact to the plumbers if they are left in the bill.
148	Gormley	Responds that plumbers want to provide the best quality to the consumer; they are very conservative in their effort to try to protect the consumer.
152	Chair Ferrioli	Ask if his position is that, in recognizing the national certification process, building officials could overturn state certification process.
154	Gormley	Responds that there are systems already in place.
154	Weast	Representing Oregon Association of Plumbers, comments that the bill takes authority away from the Plumbing Board, and allows a lay board to make decisions about certification and the quality of inspectors. Also comments that the plumbers believe that the place for making the decisions on qualifications belong with the Plumbing Board and not with the legislature.
177	Chair Ferrioli	VOTE: 4-1 AYE: 4 - Brown, Burdick, Kintigh, Qutub NAY: 1 - Ferrioli
180	Chair Ferrioli	The motion CARRIES.
185	Sen. Brown	MOTION: Moves SB 822 to the floor with a DO PASS AS AMENDED recommendation.
190	Chair Ferrioli	VOTE: 4-1 AYE: 4 - Brown, Burdick, Kintigh, Qutub NAY: 1 - Ferrioli The motion CARRIES. SEN. Brown will lead the floor discussion.
194	Jane	League of Oregon Cities, written testimony in support of the proposed

	Cummins	amendments, submitted but not read (EXHIBIT E).
200	Chair Ferrioli	Closes work session on SB 822; opens public hearing on HB 3283.
<u>HB 3283 PUBLIC HEARING</u>		
210	Rep. Jim Welsh	District 43, provides testimony in support of HB 3283, issues discussed: * elimination of need-for-power standard * emission standards
260	Mike Katz	Chairman, Energy Facility Siting, provides testimony in support of HB 3283, issues discussed: * energy facilities * statutory findings
310	Katz	Continues with testimony on power plant emission standards.
360	Katz	Continues with testimony on task force recommendations.
372	Sen. Kintigh	Comments on the elimination of the need-for-power standard.
382	Dan Meek	Representing the Utility Reform Project, Don't Waste Oregon Council, provides testimony in opposition to HB 3283.
420	Meek	Continues with testimony on the selection of power plants.
<u>TAPE 66, B</u>		
020	Meek	Continues with testimony on independent gas-fired power plants.
067	Michael Grainey	Assistant Director, Oregon Office of Energy, submits and provides testimony in support of HB 3283 (EXHIBIT F).
112	Robert Hall	Representing Portland General Electric Company, submits and provides testimony in support of HB 3283 (EXHIBIT G).
133	Peter West	Representing Renewable Northwest Project, submits and provides testimony in support of HB 3283 (EXHIBIT H).
155	Mark Nelson	Representing the City of Klamath Falls, provides support of HB 3283.
157	Tom Gallagher	Lobbyist, mirrors support of HB 3283.
158	Chair Ferrioli	Closes public hearing on HB 3283; opens work session on HB 3283.
<u>HB 3283 WORK SESSION</u>		
170	Sen. Kintigh	MOTION: Moves HB 3283 to the floor with a DO PASS recommendation.

172	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown
175	Chair Ferrioli	The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
180	Chair Ferrioli	Closes work session on HB 3283; opens work session on SB 999.
<u>SB 999 WORK SESSION</u>		
185	Sen. Burdick	MOTION: Moves to ADOPT SB 999-2 amendments dated 5/13/97.
187	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown The motion CARRIES.
190	Sen. Burdick	MOTION: Moves SB 999 to the floor with a DO PASS AS AMENDED recommendation.
192	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown
195	Chair Ferrioli	The motion CARRIES. SEN. DUKES will lead discussion on the floor.
200	Chair Ferrioli	Closes work session on SB 999; opens public hearing on HB 2236.
<u>HB 2236 PUBLIC HEARING</u>		
210	Frank Brawner	President, Oregon Bankers Association, submits and provides testimony in support of HB 2236 (EXHIBIT I).
248	Larry Campbell	Representing Oregon Association Chiefs of Police, submits proposed amendments (-1) and provides testimony in support of HB 2236 (EXHIBIT J). Further provides opposition to the -2 amendments.
295	Sen. Burdick	Asks if private security guards are armed.
286	Campbell	Responds that security guards can be both armed and unarmed.

315	Sen. Burdick	Refers to his opposition to the -2 proposed amendments; asks if the individuals covered by the amendments would be armed.
319	Campbell	Responds that the guards would not be armed.
328	Chair Ferrioli	Asks about the purpose of the proposed -3 amendments.
333	Campbell	Responds that the -3 amendment language puts credit unions into the bill, but that financial institutions are already covered in the original bill.
330	Theresa Martin	Representing Board on Public Safety Standards and Training and Private Security Advisory Committee, submits and provides testimony in support of HB 2236 (EXHIBIT K).
360	Russ Spencer	Representing the Oregon State Sheriffs' Association, provides testimony in support of HB 2236.
390	Sen. Burdick	Asks Mr. Spencer if he favors the -1 proposed amendments.
393	Spencer	Provides support of the -1 proposed amendments.
395	Sen. Qutub	Asks if he supports the -2 proposed amendments.
399	Spencer	Provides opposition to the -2 proposed amendments.
410	Julie Brandis	Representing Associated Oregon Industries and the Oregon Retail Council, submits proposed amendments (-2) and provides testimony in support of HB 2236 (EXHIBIT L), issues discussed: * exemption of proprietary officers * duplication of state and internal programs
TAPE 67, B		
020	Brandis	Continues with testimony on reviews of state retail associations.
056	Sen. Qutub	Asks for clarification of whether a person who works in a hospital and hires a security officer would have to be licensed.
058	Brandis	Responds that this is their interpretation of the law.
067	Sen. Burdick	Asks if there would be a supervising security officer.
070	Brandis	Responds that it depends on the size of the organization.
072	Sen. Burdick	Observes that HB 2839 includes issues similar to HB 2236 and asks to describe the difference; asks about the status of HB 2839.
074	Brandis	Responds that their amendments exempt proprietary officers, while HB 2236 exempts banking security officers and that there is duplication in amendments regarding injured workers. Further responds that HB 2839 is on its way to Full Judiciary Committee.
082	Ted Hughes	Representing Oregon Credit Union League & Affiliates, submits proposed amendments (-3) and testimony in support of HB 2236 (EXHIBIT M).

090	Chris Davie	Representing SAIF Corporation, submits testimony and provides support of -1 proposed amendments to HB 2236 (EXHIBIT N).
124	Fred VanNatta	Representing Liberty Northwest, provides testimony and support of the proposed -1 amendments, issues discussed: * workers compensation carriers * contracting with retired individuals * providing security for helicopters
170	Sen. Qutub	Asks if retired individuals employed as security guards keep watch from their mobile homes.
172	VanNatta	Responds that a recreational vehicle (RV) is placed within the vicinity of the helicopter; that the guards are also furnished with a radio to radio assistance if needed.
180	Gary Andeen	Oregon Independent College Association, provides testimony and support of the -2 proposed amendments to HB 2236.
210	Sen. Qutub	Asks if he is also interested in HB 2839.
212	Andeen	Responds that they are following the bill.
208	Larry Campbell	Comments on pre-paid training provided by community colleges.
235	Chair Ferrioli	Closes public hearing on HB 2236; opens work session on HB 2236.
<u>HB 2236</u> <u>WORK</u> <u>SESSION</u>		
240	Sen. Burdick	MOTION: Moves to ADOPT HB 2236-1 amendments dated 4/21/97.
242	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown The motion CARRIES.
248	Sen. Burdick	Asks if the -3 amendments could be included into the bill.
254	Christin Smith	Administrator, responds that the Legislative Counsel would have to address the issue.
265	Sen. Burdick	MOTION: Moves to ADOPT HB 2236-3 amendments dated 5/13/97.
		AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown

268	Chair Ferrioli	The motion CARRIES.
270	Sen. Burdick	MOTION: Moves HB 2236 to the floor with a DO PASS AS AMENDED recommendation.
272	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown
274	Chair Ferrioli	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
275	Chair Ferrioli	Closes work session on HB 2236; re-opens work session on SB 999.
<u>SB 999 WORK SESSION</u>		
280	Chair Ferrioli	Announces that SB 999 needs to be referred to Ways and Means due to the fiscal impact of \$205,529.
185	Sen. Kintigh	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 999 by which SB 999 was moved to the floor with a DO PASS AS AMENDED recommendation."
285	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
290	Sen. Kintigh	MOTION: Moves SB 999 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
292	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
300	Chair Ferrioli	Calls meeting to recess at 5:02 p.m. Reconvenes meeting at 5:10 p.m.
303	Chair Ferrioli	Opens public hearing on HB 2178.
<u>HB 2178 PUBLIC HEARING</u>		
305	Lydia Taylor	Deputy Director, Department of Environmental Quality, submits and provides testimony in support of HB 2178 (EXHIBIT O).
335	Burton	Representing the Oregon Fire Chiefs Association, Special Districts Association and the Plumbers Association, provides testimony in

	Weast	support of support of HB 2178.
350	Joni Low	Representing the League of Oregon Cities, submits and provides testimony in support of HB 2178 (EXHIBIT P).
359	Chair Ferrioli	Closes public hearing on HB 2178; opens work session on HB 2178.
<u>HB 2178 WORK SESSION</u>		
385	Sen. Kintigh	MOTION: Moves HB 2178 to the floor with a DO PASS recommendation.
387	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Burdick
390	Chair Ferrioli	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
390	Chair Ferrioli	Closes work session on HB 2178; opens public hearing on HB 2039.
<u>HB 2039 PUBLIC HEARING</u>		
409	Ken Keudell	Administrator, Construction Contractor's Board (CCB), submits and provides testimony on HB 2039 (EXHIBIT Q).
430	Chair Ferrioli	Asks if the bill allows the CCB to refuse to accept claims if the amount in controversy is less than \$250.
TAPE 68, A		
005	Keudell	Responds that the changes were from a recent performance audit which indicates that too much time was spent on small claims; authorizes the CCB to define the kinds of small claims they might refuse to accept.
010	Chair Ferrioli	Closes public hearing on HB 2039; opens work session on HB 2039.
<u>HB 2039 WORK SESSION</u>		
015	Sen. Qutub	MOTION: Moves HB 2039A to the floor with a DO PASS recommendation.
020	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Burdick
		The motion CARRIES.

024	Chair Ferrioli	SEN. KINTIGH will lead discussion on the floor.
025	Chair Ferrioli	Closes work session on HB 2039; opens public hearing on HB 2501.
<u>HB 2501 PUBLIC HEARING</u>		
026	Chair Ferrioli	Closes public hearing on HB 2501 (no witnesses signed up for testimony). Opens public hearing on HB 2641.
<u>HB 2641 PUBLIC HEARING</u>		
040	Don Miner	Representing Oregon Manufactured Housing Association, submits and provides testimony in support of HB 2641 (EXHIBIT R), issues discussed: * minimum acreage ordinances * regulating exterior siding and roofing materials
068	Sen. Qutub	Asks how many manufactured dwellings can be placed on an acre.
070	Miner	Indicates six per acre.
070	Frank Burluson	Representing Coalition of Mobile Home Park Residents Association, provides testimony in support of HB 2641.
076	Chair Ferrioli	Closes public hearing on HB 2641; opens work session on HB 2641.
<u>HB 2641 WORK SESSION</u>		
080	Sen. Kintigh	MOTION: Moves HB 2641 to the floor with a DO PASS recommendation.
082	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Burdick
085	Chair Ferrioli	The motion CARRIES. SEN. QUTUB will lead discussion on the floor.
090	Chair Ferrioli	Closes work session on HB 2641; opens public hearing on HB 3130.
<u>HB 3130 PUBLIC HEARING</u>		

097	Hasina Cassim	Representing Oregon Fire Chiefs Association and Special Districts Association, provides testimony in support of HB 3130, issues discussed: * combustible materials * hazard abatement requirements
126	Sen. Kintigh	Asks if the bill would dovetail with SB 360.
135	Cassim	Responds that it would.
132	Sen. Qutub	Refers to bill language which reads that the fire chief will specify a time for hazard removal; asks if there are more specifics.
147	Cassim	Responds that most municipalities allow between 60 and 120 days to abate a hazard.
146	Sen. Kintigh	Asks if there is an appeal process if a landowner disagrees that there is a hazard.
150	Darrel Churchill	Fire Chief, Black Butte Ranch Rural Fire Protection District, responds that there is no appeal process and that it has never been contested.
162	Cassim	Responds that rural fire districts have an elected Board of Directors for appeal process.
167	Chair Ferrioli	Asks if there is a definition for combustible materials; would it include an accumulation of debris; does it also include shrubs, brush and overstocked timberlands.
173	Churchill	Confirms that combustible materials would include all of the above-referenced items and comments that this is a large problem in Black Butte Ranch area.
183	Sen. Kintigh	Asks about shrubs; whether this would include a person who had healthy green shrubbery.
190	Churchill	Indicates that it applies to non-landscaped areas.
198	Sen. Qutub	Asks if Black Butte has a homeowners association that could address their concerns.
200	Churchill	Responds that they have an architectural review committee that is attempting to mitigate their problems.
200	Chair Ferrioli	Asks how the bill fared in the House.
209	Cassim	Responds that the bill passed with less than three no votes.
208	Churchill	Requests to submit a proposed amendment to include an emergency clause so that provisions could be implemented immediately.
210	Sen. Kintigh	Responds that there is some risk involved in that the bill, if amended, would have go back through the House committee process.
226	Sen. Qutub	Asks if a homeowner does not remove debris from their yard after being told that they have a number of days to remove the debris, whether the homeowner would receive an estimate of cost to have the fire department remove the debris.

240	Cassim	Responds that some cities include estimates along with a warning but it is not required.
245	Sen. Qutub	Asks about the purpose of the bill; if some municipalities currently have this requirement.
258	Cassim	Responds that cities and counties have the authority, but rural districts do not.
261	Sen. Qutub	Asks if the bill language is similar to language contained in a city ordinance.
265	Cassim	Responds that the language is taken from the City of Corvallis' Uniform Fire Code.
260	Chair Ferrioli	Asks if he has ever had occasion to compel a landowner to thin standing timber to meet the requirements.
269	Churchill	Responds that he has not compelled landowners, but on occasion have requested and have had refusals.
275	Chair Ferrioli	Asks if, in the instance of refusal, whether the fire chief would begin the necessary process to implement the thinning requirements.
285	Churchill	Responds that they do not have the authority at this time.
290	Chair Ferrioli	Asks if there has ever been occasion to compel a landowner to do anything beyond removal of brush.
292	Churchill	Responds in the affirmative.
295	Chair Ferrioli	Asks about the cost for reimbursement if a lien is filed against the property.
297	Cassim	Responds that under the provisions of the bill, a lien would be filed if the landowner did not abate the hazard.
294	Kristina McNitt	Representing the Oregon Farm Bureau, provides testimony in opposition to HB 3130, issues discussed: * modification of a landowner's timber practice * recourse if there is disagreement * costs estimates
339	Sen. Qutub	Asks if SB 360 covers similar issues as those in HB 3130.
340	Chair Ferrioli	Responds that he believes SB 360 affects areas outside of rural fire protection districts.
342	Sen. Kintigh	Clarifies that it can apply to areas in forest protection districts and in rural districts.
350	McNitt	Clarifies Sen. Kintigh's comment.
355	Chair Ferrioli	Adjourns meeting at 6:44 p.m.

Submitted By, Reviewed By,

Nora Carlson, Christin Smith,

Administrative Support Administrator

-

EXHIBIT SUMMARY

A - SB 999, written testimony, Michael Mills, 2 pp

B - SB 999, proposed amendments and written materials, Joan Dukes, 7 pp

C - SB 999, written testimony, Paul Williamson, 3 pp

D - SB 822, written testimony, Ed Gormley, 1 p

E - SB 822, written testimony, Committee staff, 1 p

F - HB 3283, written testimony, Michael Grainey, 2 pp

G - HB 3283, written testimony and materials, Robert Hall, 6 pp

H - HB 3283, written testimony, Peter West, 3 pp

I - HB 2236, written testimony, Frank Brawner, 6 pp

J - HB 2236, proposed amendments and written testimony, Larry Campbell, 3 pp

K - HB 2236, written testimony, Theresa Martin, 2 pp

L - HB 2236, proposed amendments and written testimony, Julie Brandis, 18 pp

M - HB 2236, proposed amendments and written testimony, Ted Hughes, 2 pp

N - HB 2236, written testimony, Chris Davie, 1 p

O - HB 2178, written testimony, Lydia Taylor, 3 pp

P - HB 2178, written testimony, Joni Low, 2 pp

Q - HB 2039, written testimony, Ken Keudell, 1 p

R - HB 2641, written testimony, Don Miner, 3 pp
