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SENATE COMMITTEE ON LIVABILITY

May 15, 1997 Hearing Room C

3:00 P.M. Tapes 69 - 70

MEMBERS PRESENT:

Sen. Ted Ferrioli, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Ginny Burdick

Sen. Eileen Qutub

MEMBER EXCUSED: Sen. Kate Brown

STAFF PRESENT:

Christin Smith, Administrator

Nora Carlson, Administrative Support

MEASURE/ISSUES HEARD:

SB 938 Public Hearing and Work Session

SB 585 Public Hearing

HB 3023 Public Hearing and Work Session

HB 3024 Public Hearing and Work Session

SB 999 Work Session

HB 2937 Public Hearing and Work Session

HB 2102 Public Hearing and Work Session

HB 3091 Public Hearing and Work Session

HB 3571 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 69, A		
003	Chair Ferrioli	Calls meeting to order at 3:15 p.m. Opens public hearing on SB 585 and SB 938.
<u>SB 938 AND SB 585 PUBLIC HEARING</u>		
005	Jackie Bloom	Government Relations, City of Portland, provides testimony in support of SB 938, issues discussed: * community right to know programs * assessment and collection of fees
007	Bill Bench	Portland Fire Bureau, submits and provides testimony on SB 938 [EXHIBIT A]. * hazardous substance billing fees * benefits to business that report hazardous substances * changing hazardous possession fees
057	Chair Ferrioli	Asks about fees paid to support environmental programs.
060	Bench	Describes the number of businesses surveyed that are billed a hazardous possession fee.
067	Sen. Kintigh	Asks about mechanisms used to determine billing.
072	Bob Albers	Manager, State Fire Marshal's Hazardous Services Program, submits and presents testimony in support of SB 938 [EXHIBIT B]. Describes methods used to assess fees.
		Continues with testimony, issues discussed:

125	Albers	* hazardous substance possession fees * misreporting of fees * storage warehouses for hazardous substances
148	Chair Ferrioli	Asks about companies that perform "just in time" deliveries that require a lot of time in transit of hazardous substances.
150	Albers	Responds that most companies will not store hazardous products at their facilities resulting in an increase in hazardous substances being transported; comments that 60% percent of hazardous substance incidents occur on the road.
180	Chair Ferrioli	Asks if there will be a fee per page charge on hazardous materials that are submitted.
185	Albers	Confirms that there will be a fee per page charge.
194	Sen. Kintigh	Asks if there is a limit on how much information can be put on one page.
197	Albers	Responds that every customer has to supply particular demographic information and that additional pages are for reporting specific chemicals.
208	Sen. Burdick	Asks about fee per page revenues.
213	Albers	Responds that SB 938 contains a requirement that fees can only generate the amount of money that is approved by the legislature.
218	Sen. Burdick	Asks if there are companies that will be brought into the system that do not currently pay into the fund.
221	Albers	Responds that there are currently over 5,000 companies that are required to support a system that benefits approximately 36,000 companies.
227	Sen. Burdick	Asks if companies who are currently paying fees would drop out of the system.
234	Albers	Responds that a percentage of current fee payers would receive an increase and the other percentage would receive a reduction; comments on a company that has 800 substances that does not pay a fee.
245	Sen. Burdick	Asks why the company is not charged a fee.
247	Albers	Responds that the company has hazardous substances below the billable quantity range.
249	Sen. Kintigh	Asks for clarification on the fee per page charges.
251	Albers	Responds that under the new system companies will pay up to a maximum of \$2000 per program and that currently companies can be assessed fees up to \$13,000 per year.
257	Sen. Burdick	Comments on the goal to encourage companies to use less chemicals and asks how the proposed legislation would compare to that effort.
		Responds that companies can reduce their fees by reducing the

260	Albers	amount of hazardous products kept at their facilities, but that would require the product to be transported more frequently.
275	Albers	Continues with testimony on fee schedules for toxic programs and benefits for those companies who participate in the program.
285	Ted Hughes	Representing Pacific Northwest Paint Council, provides testimony in support of SB 585 and SB 938. Suggests maintaining payers at the same schedule, removing the toxic use reduction program, and finding alternate sources of funding.
320	Hughes	Proposes that SB 938 be amended to include "with a population of 350,000 or more" on line 44, page 2 of the bill.
333	Scott Ashcom	Representing Pacific Northwest Paint Council, provides that he would support SB 938 with proposed amendment language, or if language cannot be amended, proposes that SB 585 with the -1 proposed amendments be approved [EXHIBIT C].
369	Sen. Qutub	Asks about the "compelling need" for the bill.
472	Ashcom	Refers to HB 3515 passed in 1989 which was a government preemption of community right to know programs.
430	Ashcom	Continues with testimony on the expansion of local programs.
TAPE 70, A		
025	Stan Martin	Valley Fire Control, submits proposed amendments and testimony on SB 938 [EXHIBIT D].
063	Chair Ferrioli	Asks if he objects to the public policy change of hazardous substance reporting requirements from a reporting issue to a possession issue.
084	Martin	Responds that his objection is with hazardous substances that are actually handled. Continues with testimony on hazard reporting.
092	Lana Butterfield	Northwest Propane Gas Association, submits and provides testimony on SB 938 [EXHIBIT E]. Also provides testimony and proposed amendments to SB 938 on behalf of Jim Craven, representing American Electronics Association [EXHIBIT F].
120	Terry Witt	Executive Director, Oregonians for Food and Shelter, provides support of the proposed amendments to SB 585.
132	Sen. Kintigh	Asks about the process for identifying materials as hazardous.
144	Witt	Responds that identification would be in an accompanying Material Safety Data Sheet (MSDS) which identifies a substance as being potentially hazardous, or a material can be identified as hazardous at the direction of the State Fire Marshal.
160	Sen. Kintigh	Asks about the process to reclassify materials as non-hazardous.
163	Witt	Responds that it would be a complicated process.
165	Mary Wahl	Waste Management and Clean Up, Department of Environmental Quality (DEQ), provides supports for continued funding of toxic

		programs.
170	Sen. Burdick	Asks whether SB 938 is a preferable alternative to SB 585.
176	Wahl	Responds that they don't have a preference on the funding approach so long as the two programs are funded.
173	Sen. Burdick	Asks about DEQ's official position on the bill; asks if they have had an opportunity to look at the proposed amendments to SB 585.
195	Wahl	Responds that she has not seen the proposed amendments.
200	Chair Ferrioli	Asks if she is familiar with the fiscal report on SB 585 [EXHIBIT G].
210	Wahl	Responds that her understanding is that SB 938 would provide funding for the two programs and SB 585 would eliminate them.
219	Chair Ferrioli	Asks about the proposed amendment language that would limit local fee assessments to cities with a population of 350,000 or more.
235	Jim Crawford	Fire Marshal, City of Portland, responds that proposed language would not affect the City of Portland, but may affect other smaller jurisdictions.
262	Sen. Kintigh	Asks if there is anything that can be done to remove items from a hazardous materials list.
269	Albers	Responds that the Occupational Safety and Health Administration (OSHA) requires an MSDS to be developed if a substance presents a physical hazard, a health hazard, or a hazard to the environment.
295	Sen. Kintigh	Comments on whether statutory requirements could be changed, or whether OSHA could change their reporting requirements.
297	Albers	Responds that it is an OSHA requirement by law; provides example of an emergency responder encountering an unknown substance.
312	Sen. Kintigh	Ask if a fireman would look at an MSDS list before entering a building that was on fire.
315	Albers	Responds that fireman have the ability to electronically dial up the information while they are on the fire scene.
305	Chair Kintigh	Closes public hearing on SB 585 and SB 938; opens public hearing on HB 3023.
<u>HB 3023</u> <u>PUBLIC</u> <u>HEARING</u>		
330	Lynn Schoessler	Housing and Community Services Department, provides testimony in support of HB 3023 which proposes the financing of mixed commercial/residential space.
398	Sen. Kintigh	Asks about the financing percentage.
405	Schoessler	Identifies a 25% ratio.
418	Chair Kintigh	Closes public hearing on HB 3023; opens public hearing on HB 3024.
TAPE 69, B		

<u>HB 3024 PUBLIC HEARING</u>		
008	Lynn Schoessler	Housing and Community Services Department, provides testimony in support of HB 3024.
032	Sen. Qutub	Refers to SB 675 which provides that an individual only need an income equal to two times the rent per month; asks if there is any relation to HB 3024.
041	Schoessler	Responds that there is a relationship but no direct impact to HB 3024.
048	Sen. Kintigh	Asks if the bill would lower the loan-to-value ratio.
050	Schoessler	Responds that current loan guarantees are restricted by median incomes and that the bill would eliminate those restrictions.
057	Sen. Kintigh	Asks if the bill would be a disadvantage for individuals with very low incomes.
060	Schoessler	Responds that applications received to date are all in the upper end of the income range.
062	Chair Ferrioli	Closes public hearing on HB 3024; opens work session on HB 3024.
<u>HB 3024 WORK SESSION</u>		
060	Sen. Qutub	MOTION: Moves HB 3024 to the floor with a DO PASS recommendation.
062	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. QUTUB will lead discussion on the floor.
065	Chair Ferrioli	Closes work session on HB 3024; opens work session on HB 3023.
<u>HB 3023 WORK SESSION</u>		
070	Sen. Kintigh	MOTION: Moves HB 3023A to the floor with a DO PASS recommendation.
072	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

		SEN. KINTIGH will lead discussion on the floor.
075	Chair Ferrioli	Closes work session on HB 3023; opens work session on SB 999.
<u>SB 999 WORK SESSION</u>		
080	Sen. Qutub	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 and BE REFERRED to the committee on Ways and Means.
084	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
102	Sen. Joan Dukes	District 1, submits proposed amendments and provides testimony in support of SB 999 [EXHIBIT H].
122	Sen. Kintigh	Asks if she would consider including language of "not less than" number of days for which the license of a licensed premise could be suspended.
125	Sen. Dukes	Responds that the Oregon Liquor Control Commission (OLCC) suggested including one day but that she would not object to a "minimum" number of days.
140	Steve Brinkhoff	Regional Manager, OLCC, provides testimony on SB 999, issues discussed: * allowing OLCC to set minimum suspension period * license suspension or cancellation requirement
174	Chair Ferrioli	Asks Sen. Dukes if she will object to including "or cancellation" language to the proposed amendments.
176	Sen. Dukes	Responds that she would oppose the amendment because the bill would then read that if a sale were to occur within someone's premises, they would lose their license. Suggests that amendments be drafted in the House which would allow for cancellation if there are multiple violations.
192	Sen. Qutub	Asks if there has been discussion with Legislative Counsel on the issue of double jeopardy.
199	Sen. Dukes	Explains that the issue was not discussed and that there are currently two ways to revoke a license and this would provide a third.
216	Sen. Burdick	Expresses concern about the double jeopardy issue; asks about cancellation language.
230	Brinkhoff	Responds that OLCC will support Sen. Dukes' recommendation that the "cancellation" law only be used if there are multiple violations.

260	Sen. Burdick	Asks about his concern with the "cancellation" issue.
268	Brinkhoff	Suggests the use of a guiding principal where, if compliance could not be achieved, a license would be canceled.
262	Sen. Burdick	Asks Sen. Dukes if she will reconsider including "cancellation" language which will protect the OLCC from risk of double jeopardy since their intent is to cancel only in the case of multiple violations.
268	Sen. Dukes	Provides continuing opposition to "or revoke" proposed language.
300	Sen. Kintigh	MOTION: Moves to ADOPT SB 999-4 amendments dated 5/15/97.
302	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
305	Sen. Burdick	MOTION: Moves SB 999 to the floor with a DO PASS AS AMENDED recommendation.
307	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. DUKES will lead discussion on the floor.
305	Chair Ferrioli	Closes work session on SB 999; opens public hearing on HB 2937.
<u>HB 2937</u> <u>PUBLIC</u> <u>HEARING</u>		
309	Sen. Joan Dukes	District 1, submits proposed amendments and testimony on behalf of Rep. Jackie Taylor, District 1 [EXHIBIT I]. Provides support of proposed amendments to HB 2937, issues discussed: * emission testing requirements * exemption for "non-commuting" vehicles
369	Chair Ferrioli	Asks if she supports the proposed amendments.
370	Sen. Dukes	Responds that she and Rep. Taylor both support the proposed amendments, which were drafted by the Department of Environmental Quality (DEQ).
382	Chris Hagerbaumer	Program Director, Oregon Environmental Council, submits and provides testimony in opposition to HB 2937 [EXHIBIT J].

402	Sen. Kintigh	Asks about the "sworn statement" requirement for people who do not commute and who work outside the Portland Metropolitan area.
416	Hagerbaumer	Responds that it would be difficult to assure whether an individual is or is not commuting.
TAPE 70, B		
002	Chair Ferrioli	Comments on the issue of veracity.
006	Sen. Kintigh	Comments that it should be simple to verify an individual's place of employment.
009	Sen. Qutub	Comments on the enforcement issue; asks for verification that Rep. Lewis supports the bill.
018	Sen. Dukes	Comments that numerous discussions were held with Rep. Lewis and Rep. Taylor and that Rep. Taylor formed a work group to develop the proposed amendments.
030	Sen. Dukes	Comments on DEQ findings of Scappoose's air pollution contribution to the Portland airshed.
049	Kevin Dull	Legislative aide to Rep. Lewis, submits testimony on behalf of Rep. Lewis who supports the -2 amendments to HB 2937 [EXHIBIT K].
053	Chair Ferrioli	Asks if there are estimates available on the number of people who commute.
048	Annette Liebe	Acting manager, DEQ, responds that original estimates were based on census data, and that the bill has a sunset provision for the year 2001 which will provide new census data on the percentage of the population that is commuting into the area.
065	Chair Ferrioli	Asks how enforcement authorities will verify commuters.
067	Liebe	Responds that the enforcement issue continues to be a concern, but believes that there is enough flexibility in the amendments to resolve the issue through the rulemaking process.
070	Sen. Kintigh	Suggests the use of exempt stickers for non-commuting vehicles.
072	Liebe	Responds that the use of stickers is one area that is being considered.
074	Chair Ferrioli	Closes public hearing on HB 2937; opens work session on HB 2937.
<u>HB 2937</u> <u>WORK</u> <u>SESSION</u>		
076	Sen. Qutub	MOTION: Moves to ADOPT HB 2937-2 amendments dated 5/7/97.
078	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
080	Sen. Qutub	MOTION: Moves HB 2937 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-1

082	Chair Ferrioli	<p>AYE: 3 - Kintigh, Qutub, Ferrioli</p> <p>NAY: 1 - Burdick</p> <p>EXCUSED: 1 - Brown</p>
085	Chair Ferrioli	<p>The motion CARRIES.</p> <p>SEN. DUKES will lead discussion on the floor.</p>
092	Chair Ferrioli	Closes public hearing on HB 2937; opens work session on SB 938.
<u>SB 938 WORK SESSION</u>		
100	Sen. Qutub	<p>MOTION: Moves to ADOPT SB 938-1 amendments dated 5/15/97 and that the measure be FURTHER AMENDED on page 2, line</p> <p>44, by inserting "with a population of 350,000 or more after local governments".</p>
105	Chair Ferrioli	<p>VOTE: 3-1</p> <p>AYE: 3 - Kintigh, Qutub, Ferrioli</p> <p>NAY: 1 - Burdick</p> <p>EXCUSED: 1 - Brown</p> <p>The motion CARRIES.</p>
110	Sen. Kintigh	MOTION: Moves SB 938 to the floor with a DO PASS AS AMENDED recommendation.
112	Chair Ferrioli	<p>AYE: In a roll call vote, all members present vote Aye.</p> <p>The motion CARRIES.</p> <p>SEN. LEONARD will lead discussion on the floor.</p>
115	Chair Ferrioli	Closes work session on SB 938; opens public hearing on HB 2102.
<u>HB 2102 PUBLIC HEARING</u>		
		Monmouth Board of Public Safety Standards and Training, provides testimony in support of HB 2102, issues discussed:

125	Erik Gabliks	* certification for fire service professionals * certification statutes
147	Chair Ferrioli	Closes public hearing on HB 2102; opens work session on HB 2102.
<u>HB 2102 WORK SESSION</u>		
150	Sen. Burdick	MOTION: Moves HB 2102A to the floor with a DO PASS recommendation.
152	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
157	Chair Ferrioli	Closes work session on HB 2102; opens public hearing on HB 3091.
<u>HB 3091 PUBLIC HEARING</u>		
175	Peter Grundfossen	Representing Association of Oregon Housing Authorities, submits and provides testimony in support of HB 3091 (EXHIBIT L), issues discussed: * inclusion of commercial facilities in housing projects * property taxation for commercial properties
194	Sen. Qutub	Asks how the bill will differ from HB 3023.
196	Grundfossen	Responds that HB 3023 seeks authority to finance the units and HB 3091 provides the authority to build the structures.
199	Chair Ferrioli	Closes public hearing on HB 3091; opens work session on HB 3091.
<u>HB 3091 WORK SESSION</u>		
215	Sen. Qutub	MOTION: Moves HB 3091A to the floor with a DO PASS recommendation.
		AYE: In a roll call vote, all members present vote Aye.

217	Chair Ferrioli	The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
224	Chair Ferrioli	Closes work session on HB 3091; opens public hearing on HB 3571.
<u>HB 3571</u> <u>PUBLIC</u> <u>HEARING</u>		
227	John Ledger	Representing Associated Oregon Industries, submits proposed amendments and provides testimony in support of HB 3571 [EXHIBIT M], issues discussed: * environmental audits * self-audits to correct problems
253	Don Haagensen	Attorney, Cable, Houston, Benedict and Haagensen, provides testimony in support of HB 3571.
276	Alan Willis	Port of Portland, provides testimony and support of the proposed amendments to HB 3571.
295	Chair Ferrioli	Asks if the bill or proposed amendment language would prevent a prospective purchaser from obtaining an environmental report.
299	Willis	Responds that the bill would encourage the process without waiving the privilege.
290	Sen. Kintigh	Asks if transactions would be kept in confidence.
299	Willis	Responds that agreements would require the buyer to maintain confidentiality.
315	Chair Ferrioli	Asks if purchase agreements presently include non-disclosure language.
317	Willis	Confirms that they do.
325	Chair Ferrioli	Closes public hearing on HB 3571; opens work session on HB 3571.
<u>HB 3571</u> <u>WORK</u> <u>SESSION</u>		
334	Sen. Qutub	MOTION: Moves to ADOPT HB 3571A-2 amendments dated 5/15/97.
336	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
338	Sen. Qutub	MOTION: Moves HB 3571A to the floor with a DO PASS AS AMENDED recommendation.

340	Chair Ferrioli	VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Burdick, Brown
344	Chair Ferrioli	The motion CARRIES. SEN. KINTIGH will lead discussion on the floor.
348	Chair Ferrioli	Adjourns meeting at 4:55 p.m.

Submitted By, Reviewed By,

Nora Carlson, Christin Smith,

Administrative Support Administrator

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EXHIBIT SUMMARY

written testimony, proposed amendments

A - SB 938, written testimony, Bill Bench, 4 pp

B - SB 938, written testimony, Bob Albers, 7 pp

C - SB 585, proposed amendments, Committee staff, 1 p

D - SB 938, written testimony, Stan Martin, 1 p

E - SB 938, written testimony, Lana Butterfield, 1 p

F - SB 938, written testimony and proposed amendments, Jim Craven, 2 pp

G - SB 585, fiscal analysis report, Committee staff, 1 p

H - SB 999, proposed amendments, Joan Dukes, 1 p

I - HB 2937, written testimony and proposed amendments, Joan Dukes, 5 pp

J - HB 2937, written testimony, Chris Hagerbaumer, 2 pp

K - HB 2937, written testimony, Kevin Dull, 1 p

L - HB 3091A, written testimony, Peter Grundfossen, 1 p

M - HB 3571, proposed amendments, John Ledger, 5 pp
