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SENATE COMMITTEE ON LIVABILITY

April 29, 1997 Hearing Room C

3:00 P.M. Tapes 53 - 55

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 734 Public Hearing and Work Session

SB 186 Public Hearing and Work Session

SB 374 Public Hearing and Work Session

SB 585 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 53, A		
003	Chair Ferrioli	Calls meeting to order at 3:15 p.m. Opens public hearing on SB 734.
<u>SB 734 PUBLIC HEARING</u>		
005	Barb Hutchison	Representing the Oregon Liquor Control Commission, provides testimony in support of SB 734.
030	Chair Ferrioli	Asks about the extent of the problem.
032	Hutchison	Responds that SB 734 is a housekeeping measure.
036	Sen. Kintigh	Asks how much dollar volume per year is involved.
040	Hutchison	Responds that she does not know the exact amount but that there will not be any cost to the state.
050	Chair Ferrioli	Closes public hearing on SB 734; opens work session on SB 734.
<u>SB 734 WORK SESSION</u>		
058	Sen. Brown	MOTION: Moves SB 734 to the floor with a DO PASS recommendation.
060	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2- Burdick, Qutub
062	Chair Ferrioli	The motion CARRIES. SEN. BROWN will lead discussion on the floor.
059	Chair Ferrioli	Closes work session on SB 734; opens public hearing on SB 186.
<u>SB 186 PUBLIC HEARING</u>		

075	Ed Woods	Representing the Department of Environmental Quality, submits proposed amendments and provides testimony in support of SB 186 (EXHIBIT A).
093	Sen. Kintigh	Asks if the \$25 fee for training classes is per individual.
095	Woods	Responds that the fee is for each person.
100	Chair Ferrioli	Closes public hearing on SB 186; opens a work session on SB 186.
SB 186 WORK SESSION		
102	Sen. Burdick	MOTION: Moves to ADOPT SB 102-1 amendments dated 4/21/97.
104	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
106	Sen. Burdick	MOTION: Moves SB 186 to the floor with a DO PASS AS AMENDED recommendation.
107	Sen. Kintigh	Asks if the bill should be referred to Ways and Means.
108	Christin Smith	Comments that the bill does not create new fees; would not impact local governments.
112	Carolyn Young	Assistant to the Director of the Department of Environmental Quality, confirms that the bill does not create new fees and that the impact will be \$5,000.
128	Sen. Kintigh	Asks for clarification regarding impact of fees.
130	Woods	Responds that additional revenues replace current revenues collected from test fees.
135	Chair Ferrioli	Responds that he will verify the revenue impact of the bill.
142	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
145	Chair Ferrioli	Closes work session on SB 186; opens public hearing on SB 374.

SB 374 PUBLIC HEARING		
172	Sen. Neil Bryant	District 27, submits proposed amendments and provides testimony in support of SB 374 (EXHIBIT B), issues discussed: * waiver of building code requirements * site-specific construction
210	Chair Ferrioli	Comments on an experience with construction of a railing for high school bleachers.
230	Sen. Burdick	Questions concerning liability implications.
278	Jane Cummins	Representing League of Oregon Cities, provides testimony in opposition to SB 374.
319	Bill Cross	Oregon Building Officials Association, provides testimony in opposition to SB 374.
340	John Gervais	Representing National Electrical Contractor's Association, provides testimony in opposition to SB 374 (EXHIBIT C).
400	Gervais	Continues with testimony on standards.
410	Sen. Burdick	Questions concerning lawsuit actions arising from code requirements.
TAPE 54, A		
013	Gary Wright	Representing Local 290 Plumbers and Pipefitters, provides testimony in opposition to SB 374.
040	Sen. Kintigh	Comments on safety issues.
042	Gervais	Responds that the way the bill is written it does not speak to the issue of safety.
070	Don Miner	Representing Oregon Manufacturing Housing Association, provides testimony in opposition to SB 374, issues discussed: * common sense code issues * uniformity of the state building code * waiver for preemptive codes
089	Cross	Submits written correspondence on behalf of the Oregon Paralyzed Veterans of America, (EXHIBIT D), issues discussed: * alternate methods for modification * waiver of specific-code applications
095	Eugene Organ	Executive Director of the Oregon Disabilities Commission, testimony on SB 374, submitted but not read (EXHIBIT E).

137	Chair Ferrioli	Closes public hearing on SB 374; opens public hearing on SB 585.
<u>SB 585 PUBLIC HEARING</u>		
152	Ted Hughes	Representing the Pacific Northwest Paint Council, submits testimony and proposed amendments in support of SB 585 (EXHIBIT F), issues discussed: * materials data sheet * alternate funding options
213	Scott Ashcom	Representing Pacific Northwest Paint Council, provides testimony on SB 585, issues discussed: * DEQ funding * orphan site account * toxic use reduction program
272	John Buckinger	Chairman, Pacific Northwest Paint Council, provides testimony in support of SB 585.
310	Don Cruickshank	President of Chemical Distributors Incorporated, provides testimony in support of SB 585.
354	Hughes	Suggests that bill be referred to the Ways and Means Committee.
362	Chair Ferrioli	Comments on program funding.
385	Mary Wahl	Administrator, Department of Environmental Quality, submits and provides testimony in opposition to SB 585 (EXHIBIT G).
420	Wahl	Continues with testimony on program elimination.
<u>TAPE 53, B</u>		
018	Wahl	Continues with testimony, issues discussed: * hazardous waste management * orphan site cleanup
048	Sen. Brown	Asks if she would have supported the modifications to SB 146, passed by the committee, in light of SB 585.
052	Wahl	Responds that DEQ supported the modifications to programs in SB 146 and that SB 585 would remove funding for one of those programs.
056	Chair Ferrioli	Questions concerning equity issues.
085	Chair Ferrioli	Asks if a beneficiary who wanted to reduce their toxic use could ask for and receive direct services and also pay for those services.

110	Wahl	Agrees and further explains that most companies are not aware of all requirements they need to comply with the hazardous waste laws.
125	Wahl	Continues with response on equity issues and explains that there are no general fund dollars in the DEQ budget for the toxic use reduction program.
159	Sen. Brown	Comments on lottery dollars used to fund orphan sites and asks about funding in the next biennium budget.
162	Wahl	Responds that this is what is proposed in the governor's budget.
204	Chair Ferrioli	Questions concerning existing and proposed debt fees.
246	Jim Craven	Representing the American Electronics Association (AEA), provides testimony on SB 585.
295	Craven	Continues with testimony on fees.
335	Craven	Continues with testimony on existing fee structure.
350	Sen. Qutub	Asks about costs to AEA members who report hazardous substances.
352	Craven	Responds that he has never tried to add up all of the association fees but that there are caps on costs.
375	Stan Martin	Owner, Valley Fire Control Incorporated, submits and provides testimony on SB 585 (EXHIBIT H).
422	Martin	Continues with testimony on fees.
TAPE 54, B		
025	Martin	Continues with testimony on hazardous substance reporting fees.
075	Martin	Continues with testimony on fire protection services.
130	Bob Westcott	Owner, Wosco Parts Cleaners, provides testimony in opposition to SB 585.
164	Paul Engelking	Lowell resident, submits and provides testimony in opposition to SB 585 (EXHIBIT I).
192	Sen. Qutub	Comments that the issue of survey registration fees has already been amended from the bill.
211	Ruth Daemler	Representing Eugene-Springfield Metro Waste Water Commission, provides testimony in opposition to SB 585.
260	Sen. Qutub	Comments on fees for service.
270	Sen. Kintigh	Comments on testimony given and observes that many substances are not truly hazardous.
318	Jim Crawford	Portland Fire Marshall, provides testimony on SB 585.
324	Chair Ferrioli	Asks about the number of people paying for services and the per page processing fee.
330	Crawford	Describes their efforts to change the method of fee collection.

348	Bob Albers	Manager, State Fire Marshall's Hazardous Substances Program, provides testimony on SB 585 (EXHIBIT J).
410	Albers	Continues with testimony, issues discussed: * collection of hazardous substance information * fee assessment
TAPE 55, A		
030	Albers	Continues with testimony on the decrease in the number of hazardous substances kept at sites and the subsequent increase in the amount of hazardous substances being transported.
055	Sen. Qutub	Asks if the per page processing fee would pay for all three programs previously referred to: the Orphan site program, the Toxic Use Reduction program, and the Community Right to Know program.
058	Albers	Responds that the processing fees could be applied to all of the programs or portions of each program.
079	Lana Butterfield	Representing the Northwest Propane Gas Association, provides testimony on SB 585.
098	Chair Ferrioli	Asks if there is a prognosis to incorporate some of the issues of SB 585 with SB 938.
110	Ted Hughes	Responds that he thought SB 938 would be referred to the Livability Committee but that it was sent to Ways & Means Committee which is where they are suggesting that SB 585 be referred.
114	Chair Ferrioli	Comments that it his desire to combine both bills for consideration.
120	Hughes	Comments that SB 988 and SB 585 contain similar issues.
126	Chair Ferrioli	Closes public hearing on SB 585; opens work session on SB 585.
SB 585 WORK SESSION		
130	Sen. Qutub	MOTION: Moves to ADOPT SB 585-1 amendments dated 4/14/97.
132	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1- Burdick The motion CARRIES.
135	Sen. Qutub	MOTION: Moves SB 585 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.

137	Sen. Brown	Comments that her preference is that SB 938 be referred to the Livability Committee to address policy issues. It is her understanding that committees are responsible for policy decision making and Ways and Means committees are responsible for fiscal decision making, and for that reason she will vote no on referral.
140	Chair Ferrioli	VOTE: 3-1 AYE: 3 - Kintigh, Qutub, Ferrioli NAY: 1 - Brown EXCUSED: 1 - Burdick The motion CARRIES.
260	Chair Ferrioli	Adjourns meeting at 5:18 p.m.

Submitted By, Reviewed By,

Nora Carlson, Christin Smith,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 186, proposed amendments, Ed Woods, 1 p

B - SB 374, proposed amendments and written materials, Neil Bryant, 3 pp

C - SB 374, written testimony and written materials, John Gervais, 37 pp

D - SB 374, written materials, Bill Cross, 1 p

E - SB 374, written testimony, Committee staff, 2 pp

F - SB 585, testimony and written materials, Ted Hughes, 17 pp

G - SB 585, testimony and written materials, Mary Wahl, 11 pp

H - SB 585, testimony and written materials, Stan Martin, 7 pp

I - SB 585, testimony and written materials, Paul Engleking, 4 pp

J - SB 585, testimony and written materials, Bob Albers, 39 pp
