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SENATE COMMITTEE ON LIVABILITY

May 1, 1997 Hearing Room C

3:00 P.M. Tapes 56 -58

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 585 Reconsideration and Work Session

SB 874 Public Hearing

SB 822 Public Hearing and Work Session

SB 823 Public Hearing and Work Session

SB 824 Public Hearing and Work Session

SB 588 Public Hearing and Work Session

SB 862 Public Hearing and Work Session

SB 626 Public Hearing and Work Session

SB 831 Public Hearing and Work Session

SB 944 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 56, A		
005	Chair Ferrioli	Calls meeting to order at 3: 08 p.m. Opens work session on SB 585.
<u>SB 585</u> <u>RECONSIDERATION</u> <u>AND WORK SESSION</u>		
008	Sen. Brown	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering SB 585.
010	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Burdick, Qutub The motion CARRIES.
035	Chair Ferrioli	Closes work session on SB 585; opens a public hearing on SB 822, SB 823 and SB 824.
<u>SB 822, SB 823, AND SB 824 PUBLIC HEARING</u>		
040	Bill Cross	Representing the Oregon Building Officials Association, provides working group status report and requests that more time be allowed to seek agreement on proposed amendments.

062	Chair Ferrioli	Closes public hearing on SB 822, SB 823, and SB 824; opens public hearing on SB 874.
SB 874 PUBLIC HEARING		
110	Shawn Miller	Oregon Rental Housing Association, provides working group status report.
121	Sen. Randy Leonard	District 9, submits proposed amendments to SB 874 (EXHIBIT A).
125	Stacey Chamberlain	Legislative Assistant to Sen. Leonard, provides testimony on the proposed amendments which redefine smoke detectors.
166	Chair Ferrioli	Comments on a product that temporarily dampens or disables a smoke detector without permanently disabling the unit.
183	Sen. Kintigh	Asks how difficult would it be for someone to remove lithium batteries from a smoke detector.
185	Miller	Responds that batteries can be removed but that they would be useless for any other battery-operated items.
187	Sen. Kintigh	Asks about the cost to purchase this type of smoke detector.
200	Emily Cedarleaf	Representing Family Housing Council, responds that there are two on the market that meet the requirements: Life Saver Gold and First Alert.
220	Sen. Kintigh	Asks about the cost to replace the lithium battery.
222	Cedarleaf	Responds that the batteries range between \$5 and \$9.
226	Sen. Qutub	Asks if the two detectors brought for display to the committee include the "hush" feature (hush feature stops a smoke detector from going off for 15 minutes).
228	Cedarleaf	Responds that they both have the hush feature and that if there is a fire with true smoke it will override the hush feature.
230	Sen. Burdick	Asks how a detector can tell the difference between cooking fumes and a real fire.
234	Cedarleaf	Responds that the detector senses particles in the air and smoke density.
252	Chair Ferrioli	Refers to line 24 of the -9 amendments and asks about title transfers and smoke detectors.
255	Cedarleaf	Responds that in the State Fire Marshall's report for 1996 there were 47 reported deaths and about 25 percent were in a manufactured home dwelling.
285	Chair Ferrioli	Asks about the five year notice given for compliance.
290	Cedarleaf	Responds that housing, including rental property, will be affected by the bill.

307	Don Miner	Oregon Manufacturing Housing Association, provides testimony in support of SB 874 and on the impact to manufactured dwellings.
331	Chair Ferrioli	Asks if the net effect of the bill would be to bring the state into compliance with federal standards.
340	Miller	Agrees and responds that statute should comply with state building codes.
348	Cedarleaf	Provides report on deaths caused by fire.
363	Chair Ferrioli	Asks if the suggested amendments would affect the findings of the working group.
365	Cedarleaf	Responds that they would not affect the findings.
368	Chair Ferrioli	Asks if there would be objection to amendments to incorporate compliance standards.
374	Joe Brewer	Building Codes Division, Department of Business and Consumer Affairs, responds that the division would be happy to work with the work group on amendment language.
394	Chair Ferrioli	Asks the work group to incorporate Mr. Miner's concerns into the -9 amendments.
420	Chair Ferrioli	Closes public hearing on SB 874; opens public hearing on SB 588, and SB 862.
TAPE 57, A		
<u>SB 588, SB 862 PUBLIC HEARING</u>		
010	Don Schellenberg	Oregon Farm Bureau, submits proposed amendments provided by the working group (EXHIBIT B).
015	Ron Eber	Department of Land Conservation and Development, discusses the effects of the proposed amendments, issues discussed: * farm-based processing activities and zoning * breeding and raising of greyhounds
040	Greg Zerzan	Representing the Oregon Greyhound Breeders Association, expresses support for SB 588 which addresses issues contained in SB 862.
052	Sen. Kintigh	Asks if greyhound breeding will be allowed anywhere within the state.
056	Zerzan	Responds that greyhound breeding is considered to be animal husbandry and is currently a permitted use in the state.
062	Sen. Kintigh	Asks why the bill was proposed.
		Responds that tax courts provide greyhound breeders

065	Zerzan	with permitted use but they did not qualify for special assessments.
076	Dave Hunnicut	Representing Oregonians in Action, provides support for the proposed amendments to SB 588 and asks that the committee provide clear language definition on the difference between siting standards and approval standards.
108	John McCulley	Representing Oregon Fairs Association, provides support of the proposed amendments to SB 588.
124	Don Schellenberg	Oregon Farm Bureau, provides support of proposed amendments on SB 588.
135	Chair Ferrioli	Asks if the amendments deal with processing.
140	Schellenberg	Agrees that they have incorporated Mr. Hunnicutt's concern into the -4 amendments.
159	Sen. Burdick	Asks if the bill does not pass, whether there would be other vehicles that could deal with the processing issue.
162	Schellenberg	Identifies two bills: SB 1029 and SB 862.
168	Ron Eber	Clarifies that siting standards deal with where, on a particular piece of ground, a use is sited, and that approval standards decide whether or not a use can go forward.
186	Carey Theil	Testifying on behalf of Pet Lodge Adoptions, submits and provides testimony in opposition to SB 588 and SB 862 (EXHIBIT C).
240	Theil	Continues with testimony on animal abuse.
300	Theil	Continues with testimony on the greyhound industry.
313	Sen. Brown	Asks if Mr. Zerzan is aware of SB 512 which relates to administrative procedures and would address his tax assessment concerns.
315	Zerzan	Responds that he is not aware of the bill.
336	Chair Ferrioli	Closes public hearing on SB 588 and SB 862; opens public hearing on SB 626.
SB 626 PUBLIC HEARING		
372	Brad Higbee	Representing Metro Council, provides testimony in support of SB 626.
375	Lisa Naito	Government Affairs, Metro Council, submits and provides testimony in support of SB 626 (EXHIBIT D).
420	Sharon Timko	Representing Multnomah County, provides testimony in support of SB 626.

TAPE 56, B		
013	Sen. Qutub	Refers to Page 2, line 17 of the bill and asks why they are clarifying "acquisition through title transfer" language.
015	Higbee	Responds that it was to address concerns from a variety of park representatives that Metro could become aggressively involved in parks.
025	Chair Ferrioli	Comments on correspondence received expressing support of SB 626.
028	Chair Ferrioli	Closes public hearing on SB 626; opens a work session on SB 626.
SB 626 WORK SESSION		
030	Sen. Qutub	MOTION: Moves to ADOPT SB 626-1 amendments dated 4/28/97.
032	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Kintigh The motion CARRIES.
035	Sen. Qutub	MOTION: Moves SB 626 to the floor with a DO PASS AS AMENDED recommendation.
038	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Kintigh
040	Chair Ferrioli	The motion CARRIES. SEN. QUTUB will lead discussion on the floor.
045	Chair Ferrioli	Closes work session on SB 626; opens public hearing on SB 831.
SB 831 PUBLIC HEARING		
055	Paul Romain	Representing the Oregon Beer and Wine Distributors Association, submits and provides testimony on SB 831 (EXHIBIT E).
110	Romain	Continues with testimony on the purchase of alcoholic beverages through mail order catalogs.
170	Romain	Continues with testimony on out-of-state shippers; proposes enforcing penalties for illegal shipments.

195	Sen. Burdick	Refers to Mr. Romain's proposal to make shipping violations a felony and asks whether that would include a jail sentence.
200	Romain	Responds that most situations are business situations; that the threat of a felony would prevent anyone from shipping into the state and doubts that there would be any prosecution.
235	Gino Cuneo	Cuneo Cellars in Yamhill, Oregon, provides testimony in opposition to SB 831.
300	Cuneo	Continues with testimony on limits placed on United Parcel Service (UPS) which carries their products.
322	Sen. Burdick	Asks how limits on UPS would impact his business.
324	Cuneo	Responds that without UPS they would not be able to reach their customers.
328	Sen. Burdick	Asks if he would be opposed to someone other than UPS being their carrier.
335	Cuneo	Responds that they would not be opposed to another carrier.
345	Sandra Bishop	Representing the Wine Institute, submits and provides testimony in opposition to SB 831 (EXHIBIT F).
410	Bishop	Continues with testimony on reciprocal shipping agreements.
TAPE 57, B		
020	Bishop	Continues with testimony on direct sales to customers.
049	Chair Ferrioli	Comments on the issue of transportation and sale of untaxed alcohol products in Oregon and asks if there is an alternative.
050	Bishop	Responds that there are sufficient laws in place to prosecute anyone who is violating the law.
90	Bishop	Continues with testimony on felony penalties.
104	Sen. Kintigh	Asks if Ms. Bishop has concerns that a 15-year-old can order wine through the mail.
106	Bishop	Responds that this was an isolated incident; that a parent actually ordered the wine, and if it were a problem, the Oregon Liquor Control Commission (OLCC) would be more than willing to intervene.
126	Paul Williamson	Portland OLCC representative, responds to the issue of whether minors can purchase liquor by mail.
		Asks how accessible ordering information is for young

159	Sen. Brown	people and if there is sufficient law or regulations to address the issue.
170	Williamson	Responds that if a young person is interested they can get the information.
172	Sen. Brown	Asks if there are statute regulations in place that address the issue.
174	Williamson	Responds that it is a growing area of concern.
196	Sen. Brown	Asks why Mr. Williamson would be neutral on a bill that would deny access to minors.
200	Williamson	Responds that they are not certain if the bill is the appropriate tool.
210	Chair Ferrioli	Asks if the issue is whether or not reciprocity is at risk.
212	Williamson	Agrees that reciprocity is one issue but that the other issue is that of discontinued carrier service.
217	Sen. Qutub	Asks about the process involved to license UPS carriers and the impact on OLCC.
220	Williamson	Responds that the licensing would be simplified but that the difficulty would be in enforcing the provisions.
222	Williamson	Submits written communication by UPS (EXHIBIT G).
260	Gary Conkling	Representing the Oregon Wine Growers Association, submits and provides testimony in opposition to SB 831 (EXHIBIT H).
310	Conkling	Continues with testimony on illegal shipments.
362	Chair Ferrioli	Close public hearing on SB 831; opens work session on SB 588.
SB 588 WORK SESSION		
370	Sen. Qutub	MOTION: Moves to ADOPT SB 588-4 amendments dated 5/1/97.
372	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Burdick, Kintigh The motion CARRIES.
375	Sen. Qutub	MOTION: Moves SB 588 to the floor with a DO PASS AS AMENDED recommendation.
378	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye.

		EXCUSED: 2 - Burdick, Kintigh
380	Chair Ferrioli	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
389	Chair Ferrioli	Closes work session on SB 588; opens public hearing on SB 944.
TAPE 58, A		
SB 944 PUBLIC HEARING		
002	Sharon Hill	Legislative Assistant, submits testimony on behalf of Sen. Avel Gordly in support of SB 944 (EXHIBIT I).
028	William Thomas	Disabled citizen, submits and provides testimony in support of SB 944 (EXHIBIT J).
080	Thomas	Continues with testimony on license for electricians.
111	Thomas	Continues with testimony on certification programs for disabled citizens.
130	Chair Ferrioli	Encourages Mr. Thomas to continue helping to educate people on disability issues.
141	Thomas	Comments on the implementation of the ADA (American with Disabilities Act).
150	Chair Ferrioli	Closes public hearing on SB 944; reopens work session on SB 588.
SB 588 WORK SESSION		
185	Sen. Burdick	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 588.
187	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Qutub The motion CARRIES.
190	Sen. Burdick	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BURDICK to BE RECORDED as voting NAY on the MOTION: "Sen. Qutub Moves SB 588 to the floor with a DO PASS AS AMENDED recommendation."

192	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
194	Chair Ferrioli	Closes work session on SB 588. Defers SB 1027 over to 5/8/97.
199	Chair Ferrioli	Adjourns meeting 5:20 p.m.

Submitted By, Reviewed By,

Nora Carlson, Christin Smith,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 874, proposed amendments, Randy Leonard, 4 pp

B - SB 588, proposed amendments, Don Schellenberg, 2 pp

C - SB 588 and SB 862, written testimony, Carey Theil, 6 pp

D - SB 626, written testimony, Lisa Naito, 2 pp

E - SB 831, proposed amendments and written materials, Paul Romain, 13 pp

F - SB 831, written testimony, Sandra Bishop, 4 pp

G - SB 831, written correspondence, Paul Williamson, 1 p

H - SB 831, written testimony, Gary Conkling, 1 pp

I - SB 944, written testimony, Sharon Hill, 2 pp

J - SB 944, written testimony, William Thomas, 4 pp