

063 CHAIR TIERNAN: Do you need legislation to do this?

065 MS. KIRBY: Yes, because all the accounts are statutorily required.

078 CHAIR TIERNAN: Requests Ms. Kirby provide a list of other agencies that could benefit from this legislation.

078 REP. ROBERTS & Ms. Kirby: Discuss implementation of the SFMS.

REP. JOHNSTON : Arrives at 1:18 p.m.

106 REP. MARKHAM: Why not combine this bill with SB 181.

108 MS. KIRBY: SB 184 reduces cash accounts, but it also deals with voting machine acquisitions. It streamlines the process and makes accounting more

simplified for the counties and the Secretary of State's office. We felt it was more appropriate to keep that bill with the Elections Division.

138 CHAIR TIERNAN: Closes the public hearing and opens the work session on HB 2157.

147 MOTION: REP. MARKHAM moves that HB 2157 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REPS. ADAMS, HAYDEN AND ROSS ARE ABSENT.

154 CHAIR TIERNAN: Declares the motion PASSED. REP. JOHNSTON will lead discussion on the Floor.

158 CHAIR TIERNAN: Opens the public hearing on HB 2118.

153 HB 2118 - PUBLIC HEARING

161 GREG MOORE, Counsel, reviews preliminary staff measure summary and proposed amendments (EXHIBIT C).

202 REP. LEHMAN: Will the amendments make the bill prospective only?

204 MR. MOORE: The amendment would only apply to rule making in the future, after the effective date of the act.

220 JACK POMPEI, Administrator, Oregon Occupational Safety and Health Division (OR-OSHA), Department of Consumer and Business Services: I feel strongly both ways on this bill. During my tenure at OSHA I have tended to

adopt rules as is so as not to burden our employers, especially those who have businesses in other states; they are then know the rules in every state.

245 > with amendments the bill is more acceptable

> I have white paper to give committee on rules that have been developed over the years (EXHIBIT D)

> how would we handle OSHA bills when our mandate from federal OSHA is to be more stringent or as effective as.

> if I were to adopt federal rules, we would have higher penalties in this state.

> because of small employers, have opted to have a low penalty of \$300 instead of \$1,200 which federal OSHA mandates

>the logging rule the federal government promulgated is more stringent and OR-OSHA has worked with Association of Oregon Loggers; parts of the federal

bill are more stringent and parts of Oregon's bill is more stringent

>as administrator, has told federal OSHA we will keep our logging bill

Rep. Ross: Arrives at 1:30 p.m.

285 CHAIR TIERNAN: The intent of the bill was not to put you beyond the federal standards. If you choose to go under a federal standard for a reasonable purpose, I don't that that is what this bill is addressing.

289 MR. POMPEI: I think "as effective as" would be in the eyes of the beholder. I tend to not be more stringent and that was my commitment to

both labor and management eight years ago. I do rework a lot of bills and I put a little bit of Oregon addendums to the federal bills to make them effective for Oregon. I tend to keep our bills but tend to go through this

justification.

330 You are toward more of a palatable bill for me by excluding Section 3 and I have no problem working out Section 2. My question is "as effective as".

332 CHAIR TIERNAN: The amendments have been suggested by people who testified and may not see the light of day. We have the original bill and anybody can propose amendments to it.

340 MR. POMPEI: I think Section 3 of the original bill is absolutely terrible. The white paper (EXHIBIT D) shows that OSHA has many rules and regulations that were accomplished by labor/management cooperation, firefighters, agricultural rules, farm labor camp rules--and these were done over the years by a consensus committee. By doing this, you might be getting rid of rules that there are no federal rules for that Oregon has decided over the years to do.

359 CHAIR TIERNAN: If there is no federal rule, this would not apply. The questions is whether the rule is reasonable as compared to the federal equivalent. I believe this bill says if it goes higher than the federal standard, then you must justify it. How the rule got there is one question; the reasonableness is something else. What are some of the reasons you don't like the bill?

376 MR. POMPEI: I had concern with Section 3 going back over the years and diluting or reducing the protection we already have for the workers in this state. I don't think we are overly punitive or regulatory. Cites examples of more stringent rules for firefighters and agriculture.

402 MR. POMPEI, IN RESPONSE TO CHAIR TIERNAN: Cites the pulp and paper mill rules as an example of Oregon rules chosen over federal rules. Some parts of our rules are stricter and some part of the federal rules are stringent.

Under the term, "as effective as", we negotiate with the federal Department of Labor, OSHA, and say we are going to keep our rules.

435 CHAIR TIERNAN: Does OR-OSHA have a general duty clause?

435 MR. POMPEI: Yes, we do. That is the clause we use for citations when there are no specific rules.

TAPE 33, A

004 CHAIR TIERNAN AND MR. POMPAI: Continue to discuss the "general duty" clause.

013 CHAIR TIERNAN: How do you make decisions on fines. Where do fines go to?

MR. POMPAI: We have the lowest amount of fines in the 50 states; we average approximately \$400 per major violation. A low is \$300 and a high \$7,000. When you take the \$7,000 and \$300 minimum, I did not adopt the federal matrix in between. Because we are a small employer state, I told them we are not going to use their matrix. We have their maximums and mini

ums in law, but we used a lower matrix and our penalties are lowest in country.

037 REP. MARKHAM:

MR. POMPAI: discusses fines.

074 REP. MARKHAM AND MR. POMPAI: Discuss penalties against employers.

133 Discussion continues on ORSHA rules, fines and enforcement.

140 REP. STROBECK:

MR. POMPAI:

161 REP. ROBERTS:

191 chair tiernan: HAVE inspector come in next Wednesday and have report in
by Friday.

240 IRV FLETCHER: Amy Clair's comments should be made a part of the
committee records on family leave.

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214 EUGENE ORGAN, Oregon Disabilities Commission, submits and paraphrases a
prepared statement (EXHIBIT D).

342 REP. LEHMAN:

MR. ORGAN:

TIM RAPHAEL, Program Director, OSPiRG, submits and reads a prepared
statement (EXHIBIT F).

tape 32, b

041 KEN MILLER, Director of Program and Finance, Department of Human
Resources, summarizes a prepared statement previously submitted by Mr.
Concannon (EXHIBIT G)

090 chair tiernan: Get back

JOHN O. HILDNER, Oregon Health Division, AND DIRECTOR OF DHR FOR CLACKAMAS

COUNTY: This legislation was not drafted looking at human resources, but I

appaud the efforts. The amendments in -1 get us to where local government
officials want to go. The real key is that any agency imposing additional
restrictions or creating a new federal grant program. If read it to say,
we have great discretion at state level in designing a program that is
effective for Oregon. I think it makes a lot of sense to explain what and
why we are doing something differently. That allows those affected to
challenge what we are saying. I think in the human resources area we can
live with the -1 amendments, but it could be simplified by saying what is
different and why.

130 CHAIR TIERNAN: they would have to explain it.

MR. HILTNER: The idea of saying why it is going to be different and what is
different makes total sense.

159 REP. JOHNSTON:

176 REP. ROSS: Who should decide whether our standards should be higher?

MR. HILDNER:

193 CHAIR TIERNAN:

200 JOHN CHARLES, Oregon Environmental Council, asks what the problem is
that the bill is trying to solve. line 8, where it says "impose or
recommend" I don't know why you would want the state bound by the
recommendation

"unique" is one of a kind; that is a pretty high standard

so different -different from what
line 11, federal law or rule may miss the point

289 Section 3,
SIP is an unbelievably convoluted process.

325 CHAIR TIERNAN AND MR. CHARLES: Discuss rules adopted for implementation
of SIPs.

345 DENISE MCPHAIL, PGE: GOING AHEAD WITH SECTION 2 WITHOUT SECTION 3 IS A
CONCERN.

371 rep. johnston:

ms. mcphail

413 MS. MCPHAIL:

TAPE 33, B

014 JANE MEYER: Amendment -I would take care of our concerns. The board is allowed (EXHIBIT H)

033 LIZ FRENKEL, Oregon Chapter, Sierra, opposed to HB 2118 but have not seen amendments.
(submits prepared statement (EXHIBIT i)).

067 MS. FRENKEL:

FISH AND WILDLIFE (EXHIBIT J)

BOB ALBERS, STATE FIRE MARSHALL'S OFFICE:

216 REP. MARKHAM:

268 CHAIR TIERNAN: Rep. Lehman and Strobeck will work together to achieve the goal of the state as this started out.

283 CHAIR TIERNAN closes the hearing on HB 2118 and declares the meeting adjourned at 2:54 p.m.