

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

June 29, 1991 Room 137 1:30 p.m. Tapes 68 and 69

MEMBERS PRESENT: Rep. Greg Walden, Chair Rep. Peter Courtney,
Vice-Chair Rep. Ray Baum Rep. Margaret Carter Rep. Ron Cease Rep.
Beverly Clarno Rep. Carl Hosticka Rep. Fred Parkinson Rep. Bill Markham

MEMBER EXCUSED: Rep. Tom Mason Rep. Randy Miller

STAFF PRESENT: Greg Leo, Committee Administrator Carol Wilder,
Committee Assistant

MEASURES CONSIDERED: SB 1220 WS SB 1204 PH & WS SB 638 WS
SB 754 WS

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 68, SIDE A

007 CHAIR WALDEN calls the meeting to order at 5:25 p.m. and opens a
work session on SB 1220.

SB 1220 - RELATING TO COLUMBIA RIVER RESOURCE TASK FORCE, PUBLIC HEARING

Witnesses: Sen. Joan Dukes Fred Hansen, Department of Environmental
Quality

The Legislative Fiscal Analysis and Senate Staff Measure Summary are
hereby made a part of these minutes (EXHIBIT A).

008 SEN. JOAN DUKES: The Senate created a Columbia River Resource Task
Force this session to look at what we would do if a species of fish in
the Columbia River is listed, what the recovery plan would likely look
at, what would it do to Oregon, and how could we mitigate some of those
effects. The task force requested SB 1220. It creates a four-state
Columbia River Task Force. The states would be Washington, Oregon,
Idaho and Montana. The bill doesn't cost anything unless members are
appointed. It uses existing staff. We would look at the Columbia
River. The idea is that the four states should sit down and work on the
river that is so important to all of us. Our membership would not occur
unless two other states had already approved similar legislation or made
appointments. If we made appointments, the money for per diem would
come out of our existing legislative budget.

030 REP. CEASE: I don't have any problems with this per se, but I am

confused. How does this relate to the bi-state commission of Washington and Oregon in reference to water quality and other issues along the river that are currently being funded to the tune of about \$200,000 a year on the Oregon side.

032 SEN. DUKES: Technically, it doesn't. This is a legislative task force. We went around the state earlier this session on this. One request was that we create a four-state task force to deal with this. We looked at the possibility of the Northwest Power Planning Council doing it and the recommendation made to us was it should be a legislative group because we have the authority to bring people to the table and we have the ability to negotiate and make recommendations back to the Legislature. I would expect this group to work with every other group.

It is set up in terms of long range looks at the Columbia River. The first thing they will deal with is the salmon issue, then others as it goes.

049 REP. CEASE: We have the budget for DEQ on the Floor this morning and I noticed the money to continue the work of the bi-state commission between Washington and Oregon has been assured. What is your sense of relationship of these two bodies?

054 FRED HANSEN, Director, Department of Environmental Quality: I have not been following SB 1220. The efforts of the bi-state commission on water quality relate to river mile 145 down. Certainly the efforts that have been had by that body have related to other institutions. I would assume it would be able to relate to this. I sense this covers a broader part of the river than the water quality piece.

062 REP. CEASE: I am not interested in holding this up but I have a concern about the relationship. I am a strong believer in these regional approaches, but creating these when one doesn't relate to the other is simply going to create problems. We need on record that we have an expectation that these two bodies would cooperate and coordinate their efforts and we would expect at some point that their respective roles would be looked at for future response.

075 SEN. DUKES: I'm delighted to have that on the record. It only makes sense to work together.

079 REP. CLARNO: I want to echo what Rep. Cease said; I too am concerned. I support what Sen. Dukes is trying to do. I do encourage the cooperation.

095 CHAIR WALDEN closes the public hearing and opens the work session on SB 1220.

095 MOTION: REP. CARTER moves that SB 1220 be sent to the Floor with a DO PASS recommendation.

097 VOTE: In a roll call vote, all members present vote AYE. REPS. BAUM, MASON and MILLER are EXCUSED.

104 CHAIR WALDEN declares the motion PASSED.

108 CHAIR WALDEN opens a public hearing on SB 1204.

(Tape 68, Side A) SB 1204 - REQUIRES CERTAIN EMPLOYERS TO SUBMIT REPORT

TO EMPLOYMENT DIVISION WHEN PERSON IS HIRED, REHIRED OR RETURNS TO WORK.
- PUBLIC HEARING

Witnesses: Joe Gilliam, National Federation of Independent Business
Geronimo Tagatec, Legislative Fiscal John Gervais, National Electrical
Contractors Association and Construction Industry Committee Ray
Gribbling, Oregon Automobile Dealers Association, Northwest Line
Constructors Association, Oregon Bankers Association Sen. Mae Yih

110 CHAIR WALDEN: We have some amendments to SB 1204.

112 REP. PARKINSON: Have we had testimony from any small business
people?

114 CHAIR WALDEN: A representative is here and may wish to testify.

117 JOE GILLIAM, National Federation of Independent Business: We had
worked on a similar bill through the NFIB Washington Chapter. The
amendments would not be out of line with what we agreed on in
Washington. The key piece in these amendments is you're still limiting
the pilot program to the five SIC codes. That was a key factor in our
agreement in Washington and would also be in this state.

137 REP. CEASE: Do the -B14 amendments (EXHIBIT C) go back to the pilot
project arrangement?

139 MR. GILLIAM: I believe that is correct.

131 CHAIR WALDEN: The committee conceptually adopted the amendments and
those are now before the committee. They committee also has a fiscal
statement that is changed (EXHIBIT D).

149 REP. CEASE: Are the witnesses saying that the program in Washington
state is a pilot project and NFIB would have no objection to working
with a pilot project in Oregon on the same kind of arrangement?

151 MR. GILLIAM: On the same kind of arrangement, with the limits shown
in the amendments keeping the SIC codes down, we wouldn't have any
objection to working with a pilot program.

155 Issues discussed: >Cost of pilot project indicated in -B14
amendments (EXHIBIT C) and revised Legislative Fiscal Analysis (EXHIBIT
D).

174 GERONIMO TAGATAC, Legislative Fiscal: As the bill was originally
introduced the cost for the contract with the Employment Division would
have been closer to \$300,000. It has come down to \$241,977. With the
amendments that have been proposed to the B-Engrossed version of the
bill, limiting it to employers of 50 or more people, it would probably
lower the number of employers in the population that would be affected.
However, at this point it is difficult to fine tune those numbers down.
Legislative Fiscal recommends leaving the numbers that are
hand-engrossed in this bill and introduce an amendment to Section 11 of
the bill which would require the Employment Division to come to the
Emergency Board and report its actual cost. At that point an adjustment
could be made.

216 REP. CEASE: Could we decide if we want to have the pilot project or
stay with the 50 full time employee arrangement?

221 REP. HOSTICKA: We could adopt the -B14 amendments and Rep. Cease can move to delete (1) of Section 1 or delete "over 50 full time employees" to see where the committee is.

228 CHAIR WALDEN: Would the motion be to adopt the -B14 amendments.

228 REP. HOSTICKA: Yes, with the hand-engrossed Section 11 and the numbers from Legislative Fiscal (EXHIBIT D).

230 CHAIR WALDEN: That would be Sections 6, 7 and 11.

235 REP. CARTER: I would like to hear John Gervais' response to the -B14 amendments.

237 MOTION: REP. HOSTICKA moves that the -B14 amendments (EXHIBIT D) BE ADOPTED.

239 JOHN GERVAIS, National Electrical Contractors Association and Construction Industry Committee: I have reviewed the -14 amendments. We do not feel there is a need for a pilot program. Washington has been working on it. Either it works or it doesn't and if it is good enough for us, it is good enough everybody. We would be violently opposed to the bill if it did not include everybody. The State of Alaska just passed a bill where they pay every employer \$1 for every report they file. It doesn't cover the total cost, but it does help reimburse businesses for some of the things they are doing.

On the basis of 1.3 million new hires every year in Oregon, it would be a fairly large fiscal impact. The auditor testified that with the existing systems and law they can capture \$5.4 million. With the bill as passed by the Senate Labor Committee, you only capture \$1.4 million more.

271 REP. CARTER: Are you saying B-Eng. SB 1204 is the most acceptable to the business community as opposed to the -B14 amendments.

274 MR. GERVAIS. The -B14 amendments are far superior, if you include all employers. I think some of the people I have been working for are still strongly opposed to the bill.

284 REP. CEASE: Do you have an indication of what the 50 employee figure would exclude?

295 MR. GERVAIS: I heard the Employment Division say something like 65% to 70% of the employers would have less than 50 employees.

313 RAY GRIBBLING, Oregon Automobile Dealers Association, Northwest Line Constructors Association: If this bill were to be expanded to all the SIC codes, then I am speaking on behalf of the Oregon Bankers Association also. It appears Section 1 (1) language is all-inclusive. It says every employer. Page 2 in the B-Engrossed bill says "except as provided in subsection (2) of this section, all employers with over 50 full time employees doing business in this state. On page 2 of the B-Engrossed bill it says employers included in the standard industrial codes are the five that are listed there. My clients are listed in those five and we don't need any more company than that. If you are going to have a pilot program, let's confine it to the five SIC codes that are there. The proposed amendments by Rep. Clarno are satisfactory to us.

The bill, as it reads with the exception of Section 1(1), we can accept.

351 CHAIR WALDEN: What if we modified that language to read "except as provided in subsection (2) of this section, all employers identified in subsection (5) of this section with over 50 full time...doing business in this state shall report."

354 MR. GRIBBLING: That would be acceptable.

372 CHAIR WALDEN declares the meeting in recess at 5:45 p.m. for the purpose of attending the House Floor Session.

374 CHAIR WALDEN reconvenes the meeting at 6:15 p.m. and resumes the work session on SB 1204.

382 REP. CARTER calls for the question.

384 CHAIR WALDEN: The motion before the committee is to adopt the -B14 amendments to SB 1204 as amended in Section 1 to say that "except as provided in this subsection, all employers identified in subsection 5 of this section..... Legislative Counsel can prepare the proper language.

396 REP. CEASE: Does that leave the 50 figure in?

397 CHAIR WALDEN: Yes it does.

397 REP. CLARNO: Is there a sunset clause?

399 CHAIR WALDEN: Yes. It is 1993.

402 SEN. MAE YIH: This bill is to require employers to report newly hired employees for the purpose of getting quick information about where the absent parents are to enforce child support. If you exempt the employers who hire less than 50 employees you can't get to a lot of the absent parents. I would prefer you take the amendment out so we can reach all absent parents as much as possible.

Having been in the Legislature for 14 years, I have a history of working with businesses and wouldn't think of imposing more paper burden on them unless it is absolutely necessary. If the committee takes the amendment out, I will work with them to lessen any paperwork if at all possible.

432 CHAIR WALDEN: In one of our work sessions there was a lot of discussion about trying to restrict who would be involved. We have had testimony this evening from some organizations that now support the bill because of that restriction and the limiting nature. If a quorum of the committee returns, we can try to take that out.

TAPE 69, SIDE A

041 VOTE: CHAIR WALDEN, hearing no objection to the motion, declares the motion ADOPTED.

045 REP. CEASE: This will be a conceptual amendment because I want to be sure the pieces fit together. We now have a pilot project where we eliminate the reference to 50 which would then mean that the pilot project would work for all the employees within the project employers.

049 CHAIR WALDEN declares the meeting in recess at 6:25 p.m. for the purpose of attending the House Floor Session under a Call of the House.

069 CHAIR WALDEN reconvenes the meeting at 6:44 p.m., closes the work session on SB 1204 and opens the public hearing on SB 241 .

(Tape 69, Side A) SB 241 - INCREASES FEE FOR DISPOSAL OF HAZARDOUS WASTE. - PUBLIC HEARING

Witnesses: Fred Hansen, Department of Environmental Quality Dan Ten Eyck, Reynolds Metals Company Jean Cameron, Oregon Environmental Council Joe Gilliam, National Federation of Independent Business

063 FRED HANSEN, Director, Department of Environmental Quality: Since we want very much for this bill to pass as it is, I will be very brief. This is a \$10 surcharge on waste at Arlington to pay for different activities related to hazardous waste in Oregon. Ninety-two percent of the waste going to Arlington comes from out of state. The \$10 surcharge would apply equally to in-state and out-of-state. In-state companies, by specific amendments in this bill, when they also pay a fee under the hazardous waste generator program, are able to offset the fee dollar for dollar against the fee they pay for the generator. The fee goes to small business to assist them in better handling their hazardous waste.

A prepared statement submitted by Mr. Hansen is hereby made a part of these minutes (EXHIBIT B).

086 REP. MARKHAM: What does this do to the mom and pop cleaning establishment?

090 MR. HANSEN: They have wastes that are not subject, unless they ship to Arlington. They benefit from this because the funds that come from this help us run a small business assistance program for what are called conditionally exempt generators.

097 REP. CEASE: A portion of this additional fee would also go into educational programs for the small generators.

098 MR. HANSEN: That is a part of our outreach to small businesses.

098 CHAIR WALDEN: Dan Ten Eyck has the -8 amendments (EXHIBIT C).

100 DAN TEN EYCK, Reynolds Metals Company: Reynolds is the largest generator of hazardous waste with plants in Washington and Oregon. The bill without an amendment will cost Reynolds Metal Company \$845,000. With the amendment that would apply a cap on generations in excess of 5,000 tons per year, the cost would be \$292,000. There is a cap in the fresh air bill. So the philosophy of the cap is not unique. Northwest Aluminum at The Dalles joins us with the amendment. They would not be affected by the cap in normal years. Their concurrence in the cap is that the aluminum industry is being asked to subsidize the small business program and the aluminum industry will not receive any assistance under the small business program. The aluminum industry is in bad shape right now. We are in a down turn in the economy and plan to shut down three pot lines at our Troutdale plant and lay off 450 people this fall.

With the cap we would still pay \$292,000. We feel the money is to pay DEQ to hire ten more people to run the small business program. We believe the cap is fair. It gives DEQ enough room to raise money for the small business assistance program. A cap would give more incentive for cleanups to take place if it weren't so expensive.

A prepared statement, operating statistics, and a fiscal analysis of SB 241 submitted by Mr. Ten Eyck is hereby made a part of these minutes (EXHIBIT D).

Issues discussed: >Interstate hazardous wastes. >Industry is economic benefit to region.

246 CHAIR WALDEN: Could someone address the amendments for the 5,000 ton cap?

251 JEAN CAMERON, Policy Director, Oregon Environmental Council: My opposition to the cap is based on the fact that I see that as a quantity discount for hazardous waste that does not encourage waste reduction. Oregon, Washington, Idaho, Montana and Alaska have joined on the Pacific Hazardous Waste Advisory Council in setting a 50 percent reduction goal by 1995. I don't see how such a cap would help any of the states reach that goal.

251 JOE GILLIAM, National Federation of Independent Business: We oppose the cap. The funding of the program is very badly needed for the small business community. The funds this program generates are very important.

275 CHAIR WALDEN closes the public hearing and opens the work session on SB 241.

275 MOTION: REP. BAUM moves that B-Eng. SB 241 be sent to the Floor with a DO PASS recommendation.

281 REP. HOSTICKA calls for the question.

282 VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO, MASON, MILLER and PARKINSON are EXCUSED.

288 CHAIR WALDEN declares the motion ADOPTED.

288 CHAIR WALDEN opens a work session on SB 1204.

(Tape 69, Side A) SB 1204 - REQUIRES CERTAIN EMPLOYERS TO SUBMIT REPORT TO EMPLOYMENT DIVISION WHEN PERSON IS HIRED, REHIRED OR RETURNS TO WORK.
- WORK SESSION

294 MOTION: REP. CEASE moves that SB 1204, as amended, be sent to the Floor with a DO PASS recommendation.

302 REP. CEASE: I don't like the 50 in there. I think the real choice is to have a pilot project and no limit on the employees, or you cover everybody with a limit on the employees.

310 REP. CEASE withdraws his motion.

314 CHAIR WALDEN acknowledges that the committee does not have a quorum and the committee is under a Call of the House. He declares the meeting in recess at 7:04 p.m.

320 CHAIR WALDEN reconvenes the meeting at 7:40 p.m. and reopens the work session on SB 1204.

329 REP. CEASE: I had withdrawn my motion.

336 REP. PARKINSON: I had a further concern on the bill.

345 CHAIR WALDEN closes the work session on SB 1204 temporarily and opens a work session on SB 638.

(Tape 69, Side A) SB 638 - PROVIDES THAT PERSON COMMITS CRIME OF UNLAWFUL USE OF WEAPON IF PERSON DISCHARGES FIREARM OR DANGEROUS WEAPON FROM VEHICLE OR UPON PUBLIC RIGHT OF WAY OR IN PUBLIC PLACE AT OR IN DIRECTION OF PERSON, BUILDING, STRUCTURE OR VEHICLE. WORK SESSION

349 MOTION: REP. BAUM moves that the SB 638-All amendments (EXHIBIT E) be amended on lines 12 and 22 by deleting "air rifles" and that the amendments BE ADOPTED.

374 REP. DWYER: On page 2, line 7, the bill references air rifles in regard to penalties. I would like to have it removed there and again in line 15. I have no objection to leaving it in Section 2, line 15, because you are talking about confiscation. If kids are shooting lights, etc. with their BB guns, I think they ought to take them, but we shouldn't charge them with felonies.

398 REP. BAUM: In Section 2, it is just a violation, not a felony. It would have a fine of \$250.

431 VOTE: CHAIR WALDEN, hearing no objection to the motion, declares the motion PASSED.

440 MOTION: REP. HOSTICKA moves that SB 638, as amended, be sent to the Floor with a DO PASS recommendation.

445 VOTE: In a roll call vote, all members present vote AYE. REPS. MASON and MILLER are EXCUSED.

454 CHAIR WALDEN declares the motion PASSED. REP. BAUM will lead discussion on the Floor.

TAPE 68, SIDE B

043 CHAIR WALDEN opens a work session on SB 754.

SB 754 - RELATING TO WAYS OF NECESSITY. - WORK SESSION

Witness:Rep. Rod Johnson

022 REP. ROD JOHNSON submits the SB 754-C13 amendments (EXHIBIT F).

052 REP. HOSTICKA: Wouldn't it be easier to just describe the latitude and longitude of the property?

056 CHAIR WALDEN: There is an existing attorney general opinion.

054 REP. JOHNSON: Many of the bills passed through this body have sunset clauses. This bill has a 30-day sunset clause in lines 6 through 8 of the -C13 amendments. From discussions, it has been suggested we change that to 15 days. (3) makes it clear if the petition is filed within 15 days, they may continue through the process notwithstanding the fact that the rest of the terms of the bill have been repealed effective after the 15th day.

092 REP. CEASE: I don't like it, but I understand the purpose of it and I think in terms of the two particular cases at point, they are unusual. I will vote to help put it out but won't vote for it on the Floor.

098 MOTION: REP. PARKINSON moves that the SB 754-C13 amendments (EXHIBIT F), with the changes on page 1, in lines 6 and 8 changing "30" to "15," BE ADOPTED.

105 VOTE: CHAIR WALDEN, hearing no objection to the motion, declares the amendments, as amended, ADOPTED. REPS. MASON and MILLER are EXCUSED.

105 MOTION: REP. PARKINSON moves that SB 754, as amended, be sent to the Floor with a DO PASS recommendation.

109 REP. MARKHAM calls for the question.

109 VOTE: In a roll call vote REPS. BAUM, CEASE, CLARNO, HOSTICKA, MARKHAM, PARKINSON, COURTNEY and CHAIR WALDEN vote AYE. REP. CARTER votes NO. REPS. MASON and MILLER are EXCUSED.

114 CHAIR WALDEN declares the motion ADOPTED. REP. ROD JOHNSON will lead discussion on the Floor.

135 CHAIR WALDEN opens a work session on SB 1204.

(Tape 68, Side B) SB 1204 - REQUIRES CERTAIN EMPLOYERS TO SUBMIT REPORT TO EMPLOYMENT DIVISION WHEN PERSON IS HIRED, REHIRED OR RETURNS TO WORK.
- WORK SESSION

Witness: John Gervais, National Electrical Contractors Association

137 REP. PARKINSON: I think the penalty in SB 1204 is too heavy and I would like to change it to \$25.

139 MOTION: REP. PARKINSON moves that SB 1204 be further amended to reduce the civil penalty to \$25 on page 2, line 16.

144 VOTE: CHAIR WALDEN, hearing no objection to the motion, declares the amendment ADOPTED. REP. MASON and MILLER are EXCUSED.

146 JOHN GERVAIS, National Electrical Contractors Association: On page 2 of the -B14 amendments, lines 5 through 12 should be taken out.

150 CHAIR WALDEN declares the meeting in recess at 7:55 p.m. due to a Call of the House.

153 CHAIR WALDEN reconvenes and immediately declares the meeting adjourned at 10:35 p.m.

Transcribed and submitted by,

Annetta Mullins Assistant

EXHIBIT SUMMARY

A -SB 1220, Legislative Fiscal Analysis and Senate Staff Measure Summary, staff B -SB 241, prepared statement, Fred Hansen C -SB 1204, SB

1204-B14 amendments, unknown D -SB 1204, SB 1204-B14 amendments including revised Legislative Fiscal Office amendments E -SB 241, prepared statement, operating statistics, proposed amendment, and a fiscal analysis of SB 241, Dan Ten Eyck F -SB 638, SB 638-A11 amendments, Rep. Baum G -SB 754, SB 754-C13 amendments, Rep. Rod Johnson