

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

August 5, 2003 Hearing Room E
1:30 PM Tapes 108 - 109

MEMBERS PRESENT: **Rep. Dan Doyle, Chair**
 Rep. Linda Flores, Vice-Chair
 Rep. Laurie Monnes Anderson, Vice Chair
 Rep. Vic Backlund
 Rep. Phil Barnhart
 Rep. Betsy L. Close
 Rep. Joanne Verger

STAFF PRESENT: **Cara Filsinger, Administrator**
 Janet Adkins, Administrator
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: **SCR 8 – Public Hearing and Work Session**
 SB 666 A – Public Hearing and Work Session
 SB 906 A – 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 108, A 004	Chair Doyle	Calls meeting to order at 1:34 p.m., announces order agenda items will be considered, and opens a public hearing on SCR 8.
<u>SCR 8 – PUBLIC HEARING</u>		
014	Major General Dave Ferre	Director of Installations, Oregon Military Department. Introduces Brigadier General Staryl Austin, Retired.
019	Staryl Austin, Brigadier General, Retired	Comments on working with Major General Anderson during crises in Oregon and the development of the emergency command center. Describes the new emergency management center and comments on recognition by federal agencies of Oregon's advanced system. Explains that naming the new center after Major General Donald N. Anderson is fitting.
083	Rep. Barnhart	Comments on his new realization of services that protect him and the public.
073	Chair Doyle	Closes the public hearing and opens a work session on SCR 8.
<u>SCR 8 – WORK SESSION</u>		
102	Rep. Flores	MOTION: Moves SCR 8 be sent to the floor with a BE ADOPTED recommendation.
105		VOTE: 7-0-0
	Chair Doyle	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
		REP. FLORES will lead discussion on the floor.
110	Chair Doyle	Closes the work session on SCR 8 and opens a public hearing on SB 666 A.
<u>SB 666 A – PUBLIC HEARING</u>		
105	Chair Doyle	Notes that the committee has received the SB 666-A2 amendments (EXHIBIT A).
123	Sen. Joan Dukes	District 16. Comments on constituents who regularly transport

older veterans from Clatsop County to the Veterans Hospital in Portland. Explains that the group asked permission from ODOT to continue to use their studded tires past the deadline for removal of studded tires. Nothing in state law allows ODOT to make that kind of exemption. Comments on accident on Highway 26. This bill would allow regularly scheduled medical transport services an exemption on studded tires; ODOT will adopt administrative rules to allow the transporters to use their discretion. Adds there are several exemptions in the statute and this would be added to the list of exemptions.

147 Rep. Vic Backlund District 25. Presents the SB 666-A2 amendments (**EXHIBIT A**). Explains that the amendments are designed to solve a problem with statewide implications and at the same time allow cities the leeway to fix the problem. Explains that golfers drive their carts on the residential streets to the golf course. ORS 810.070 says the local road authority, typically the city council, has to pass an ordinance permitting this practice. The 10 cities in the Mid-Willamette Valley have not adopted ordinances and are asking what the amendments would provide (**EXHIBIT B**). States that a number of people live more than one-half mile from their golf course and the Keizer City Council would prefer a legislative fix. States that the council has had a public hearing on the issue and their Transportation Committee has dealt with it three different times. The local golf course also made a presentation to the city council to solve this dilemma. States the council has not passed an ordinance because there is a problem of determining what really constitutes the one-half mile limit.

216 Rep. Backlund Explains that the SB 666-A2 amendments (**EXHIBIT A**) do what the mayors of the 10 Mid-Willamette Valley cities have asked him to bring forward.

223 Rep. Barnhart Asks if golf carts have a slow-moving vehicle sign on them.
Rep. Backlund Responds they do not and thinks owners will voluntarily put something on their carts, but it is not required.
Chair Doyle Asks if the warning signs would also be decided by the local councils.

248 Backlund Responds it is something they could include in the ordinances.
Rep. Barnhart Asks if councils could restrict the carts to day time or good weather.

258 Rep. Backlund States he presumes the city councils could consider any restriction.
Rep. Monnes Ask if ODOT decided it would be up to individuals to use studded tires.
Anderson Responds that if a transport vehicle is in regularly scheduled medical transport, they would have the option.
Sen. Dukes

272 Rep. Verger Comments she believes there is a safety concern when carts are driven where they cannot be seen. Hopes that each city looks at the safety issues before they write the ordinance.

301 Rep. Backlund States to his knowledge there have been no accidents on residential streets. Believes the city councils will address the safety issues.

285 Chair Doyle Closes the public hearing and opens a work session on SB 666 A.

SB 666 A – WORK SESSION

314 Rep. Flores **MOTION: Moves to ADOPT SB 666-A2 amendments dated**

7/7/03.

326 Rep. Barnhart Asks if the language in Section 2(3) means that a city ordinance could not require the carts to have lights or a slow-moving vehicle, etc.

336 Doug Tindall State Maintenance Engineer, Oregon Department of Transportation. Responds that the vehicle equipment requirements are extensive and include windshields, etc. States he would not interpret this to mean they could not ask for any of the requirements; they just could not ask that the vehicle be street legal.

346 Rep. Monnes Anderson Comments that the language does not say the city councils do not have the option to require some things.
VOTE: 7-0-0
Chair Doyle Hearing no objection, declares the motion CARRIED.

358 Rep. Flores **MOTION: Moves SB 666 A to the floor with a DO PASS AS AMENDED recommendation.**

361 **VOTE: 7-0-0**
Chair Doyle AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

368 Chair Doyle **MOTION: Moves SB 666 A be placed on the CONSENT CALENDAR.**

368 Chair Doyle **VOTE: 7-0-0**
Chair Doyle Hearing no objection, declares the motion CARRIED.

371 Chair Doyle Closes the work session on SB 666 A and opens a public hearing on SB 906 A.

SB 906 A – PUBLIC HEARING

388 John DiLorenzo Hoyt Street Properties. Explains that SB 906 A encompasses a number of bills, which all originated in the House and were in House Business, Labor and Consumer Affairs Committee and all passed overwhelmingly. The bills were referred to a Senate committee. SB 906 A includes further consensus amendments that satisfy all interests, including the agencies’.

429 DiLorenzo Summarizes statement (**EXHIBIT C, pages 4-8**) in support of Sections 68-77 of SB 906 A.

TAPE 109, A

028 Shawn Miller Associated Builders and Contractors and Independent Electrical Contractors. Testifies in support of Sections 54-60 of SB 906 A (**EXHIBIT D**).

078 Jerod Broadfoot PacWest Communications, representing the National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers (IBEW), Plumbing and Mechanical Contractors Association, and United Association of Plumbers and Steamfitters Local 290. Testifies in support of Sections 61-67 of SB 906 A and sections dealing with the Residential Structures Board and the Mechanical Board.

091 Broadfoot Comments on the requirement for wearing identification and the exemption that says if there is a danger to the worker’s or the public’s health, they would not have to wear it, requirements and restrictions on advertising, and the ability of the Building Codes Division to write rules to establish a conflict of interest for

		individuals who act not only as electrical inspectors, but as electrical contractors as well. Explains problems they have had with a person inspecting his own work and inspecting their competitor's work.
111	Boardfoot	Explains that the establishment of the Residential Structures Board and the Mechanical Board came from two sessions of work. Speaks in opposition to the SB 906-A7 amendment (EXHIBIT F) that would replace the public member on the board with a mechanical engineer. Adds that they are concerned that any amendment would cause the bill to die this late in session.
133	Rep. Verger	Asks if anything in the original four bills has changed.
141	DiLorenzo	Responds that every single concern the Construction Contractors Board had on licensed developers has been addressed in SB 906 A. Explains changes.
150	Miller	Responds there were three changes on the sections relating to prompt payments; it is the owner's responsibility and liability to provide notice of alternative billing cycle. Originally, the bill dealt with public contracts, but public contracting has its own prompt payment provisions in current law and local governments think that is working well. Language on page 36 in line 34 excludes the public contracts.
175	Miller	Explains that the changes in lines 35-37 on page 36 on low income housing have been made because this involves federal money, they had to make the exception because it would be confusing.
195	Rep. Monnes	Asks if this would cause a conflict with public entities doing their own contracting.
200	Anderson DiLorenzo	Responds that public entities do not develop property for resale, and he does not believe they would be required to obtain a construction contractor's license.
200	Marshall Coba	American Council of Engineering Companies of Oregon. Presents a prepared statement (EXHIBIT E) in support of SB 906 A with the SB 906 A7 amendments (EXHIBIT F) . Comments on engineers being on other boards listed in SB 906 A.
266	Rep. Monnes	Asks if it is possible that a member of the board might have a mechanical engineer background.
273	Anderson Coba	Responds that he does not know what background a municipal inspector would be required to have. The public member would not be someone who would be working in the field on a daily basis, making decisions, staying abreast of the latest technology and continuing to work toward maintaining public health and safety.
286	Rep. Monnes	Asks if someone from the board is present and can provide information about whether there is anyone on the board that is a mechanical engineer.
296	Anderson Coba	Comments they are seeking a licensed mechanical engineering on the Mechanical Board.
303	Mark Long	Administrator, Building Codes Division. States he does not know if there is a mechanical inspector that has an engineering background, but suspects there is someone in the larger jurisdictions. It is not a requirement to get the certification. Adds that other members may have an engineering background.

		States they are not uncomfortable with working with Coba to put preference for a mechanical engineer in one of the board positions.
304	Ron Murray	United Association of Plumbers and Steamfitters Local 290, and the American Society of Sanitary Engineers. Explains that he sits on the Tri-County Industry Advisory Board, which has a mechanical subcommittee where people from the industry, installers, contractors, etc., bring questions to the committee to ensure code consistency and conformity throughout the entire tri-county area. The individual the HVAC contractors select is a mechanical engineer. Almost any of the positions on the Mechanical Board could be filled by a mechanical engineer. States they are not opposed to having a mechanical engineer on the board but would like to see the bill move forward in its present form.
363	Rep. Barnhart	Asks if there is a reason for excluding a public member from this board.
	Coba	Responds there is no reason. States they have had discussions and the agency likes the nine members on the board.
386	Rep. Verger	Comments she would not want to remove a public member. Thinks it looks like a bill that has had a great deal of work and time spent on it. Four bills have been put into one. Believes there has been time in the process to get the mechanical engineer on before now. If there is some leeway in one of the positions, they can bring on a mechanical engineer when the term is up and she is eager to move the bill today.
409	Rep. Barnhart	Comments this is a new board and perhaps the issue could be dealt with upfront at the time of appointment.
415	Coba	Notes that two public members are being removed from the Building Codes Structures Board.
426	Rep. Verger	Responds that she believes they wanted the public member to be a person who represents disabilities.
431	Rep. Backlund	States there is nothing in the bill that would include a person being a mechanical engineer.
443	Coba	Responds that we need someone who is working on a daily basis to ensure public health and safety.
468	Vice Chair Flores	Enters into the record a letter dated August 5, 2003 from Oregon Rural Electric Cooperative Association (EXHIBIT G).
472	Vice-Chair Flores	Closes the public hearing and opens a work session on SB 906 A.
TAPE 108, B		
<u>SB 906 A – WORK SESSION</u>		
002	Rep. Backlund	MOTION: Moves SB 906 A be sent to the floor with a DO PASS recommendation.
006	Rep. Monnes Anderson	Comments she thinks those involved with the new mechanical board probably have taken an interest and will consider this in the appointment. Believes the makeup of the board is extremely important.
014	Rep. Barnhart	Comments he thinks Coba has made a good case for inclusion of a mechanical engineer on the board and under different circumstances would support that as an amendment. Also thinks it is important to have a public member on the board. Adds that he is concerned about the removal of the public members from the Building Codes Structural Board. Believes at least one public member should have been retained.

038 050	Rep. Backlund	Comments that he will support the bill without the amendment. VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Doyle
055	Vice Chair Flores	The motion CARRIES. REP. CLOSE will lead discussion on the floor.
057	Vice-Chair Flores	Closes the work session on SB 906 A and adjourns the meeting at 2:36 p.m.

EXHIBIT SUMMARY

- A – SB 666, SB 666-A2 amendments, Rep. Backlund, 2 pp**
- B – SB 666, letter signed by Valley mayors, Rep. Backlund, 2 pp**
- C – SB 906, prepared statement, John DiLorenzo, 14 pp**
- D – SB 906, prepared statement, Shawn Miller, 1 p**
- E – SB 906, prepared statement, Marshall Coba, 1 p**
- F – SB 906, SB 906-A7 amendment, Marshall Coba, 1 p**
- G – SB 906, Oregon Rural Electric Cooperative Association letter, staff, 1 p**