

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 20, 1999 Hearing Room D

1:15 p.m. Tapes 90 - 91

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Steve Harper

Rep. Bruce Starr

Rep. Ron Sunseri

Rep. Terry Thompson

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

MEASURES HEARD: SB 567 Public Hearing and Work Session

SB 1081-A Public Hearing and Work Session

SB 180-A Public Hearing

SB 1107-A Public Hearing and Work Session

SB 180-A Work Session

SB 512-A Work Session

SB 1192 Reconsideration and Work Session

SB 398-B Public Hearing and Work Session

SB 543 Public Hearing and Work Session

SB 115 Work Session

SB 813 Work Session

SB 879-A Work Session

SB 912 Work Session**SJM 9 Work Session****SB 273-A Work Session****SB 276-A Work Session****SB 1061-A Work Session****SB 194 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 90, A		
004	Chair Wilson	Opens meeting at 1:32 p.m., and opens public hearing on SB 567.
<u>SB 567 PUBLIC HEARING</u>		
005	Cara Filsinger	Committee Administrator. Summarizes provisions of SB 567. Indicates this bill relates to collective bargaining unit representation elections.
020	Richard Schwarz	Executive Director, American Federation of Teachers-Oregon (AFT). Testifies in support of SB 567. Submits and summarizes written testimony (EXHIBIT A). Clarifies "contract bars."
072	Schwarz	Discusses principles of collective bargaining. Indicates that Oregon's public sector labor legislation mirrors federal private sector labor law. Remarks that SB 567 amendments to ORS 243.692 conform to federal law.
093	Chair Wilson	Closes public hearing on SB 567, and opens work session on SB 567.
<u>SB 567 WORK SESSION</u>		
105	Rep. Bowman	MOTION: Moves SB 567 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: Atkinson, Beck, Bowman, Harper, Starr, Sunseri, Wilson

		EXCUSED: 2 - Deckert, Thompson
	Chair Wilson	The motion CARRIES. REP. BOWMAN will lead discussion on the floor.
112	Chair Wilson	Closes work session on SB 567, and opens public hearing on SB 1081-A.
<u>SB 1081-A PUBLIC HEARING</u>		
115	Filsinger	Summarizes provisions of SB 1081-A. Indicates this bill requires field evaluations of industrial electrical equipment.
122	Grover Simmons	Independent Employer Association, and Pacific Printing and Imaging Association. Testifies in support of SB 1081-A. Submits and summarizes written testimony (EXHIBIT B). Discusses the current limitation of industrial electrical certification programs.
172	Simmons	Reports on the cost of current requirements to businesses. Indicates a model program will be implemented through administrative rule.
211	Gary Wilson	Chief Electrical Inspector, Building Codes Division, Department of Consumer and Business Services (DCBS). Testifies in support of SB 1081-A. Submits and summarizes written testimony (EXHIBIT C). States that SB 1081-A allows cities and counties to recover the costs associated with inspections and reports.
240	Chair Wilson	Closes public hearing on SB 1081-A, and opens work session on SB 1081-A.
<u>SB 1081-A WORK SESSION</u>		
257	Rep. Atkinson	MOTION: Moves SB 1081A to the floor with a DO PASS recommendation and BE REFERRED to the Committee on Ways and Means.
		VOTE: 7-2 AYE: 7 - Atkinson, Beck, Deckert, Harper, Starr, Sunseri, Wilson NAY: 2 - Bowman, Thompson

	Chair Wilson	The motion CARRIES.
271	Chair Wilson	Closes work session on SB 1081-A, and opens public hearing on SB 180-A.
<u>SB 180-A PUBLIC HEARING</u>		
289	Jack Roberts	Commissioner, Bureau of Labor & Industries (BOLI). Explains that BOLI enforces Oregon's prevailing wage laws. Comments that SB 180-A allows BOLI to give notice of claim for wages against a public works contractor's bond for wages due employees. Discusses the complexity in determining prevailing wage. Indicates that most claims require a few months to resolve.
336	Roberts	Explains payment to workers during the bond period.
343	Rep. Atkinson	Asks if this process can be accomplished currently under the 10-day rule.
348	Roberts	Answers yes. Explains the complexity in determining prevailing wage.
362	Rep. Starr	Asks for clarification of unidentified workers.
369	Roberts	Explains the claim process.
385	Rep. Atkinson	Objects to putting a "John Doe" claim against the bond.
393	Roberts	Indicates that this occurs only when BOLI has reason to believe workers have not been paid appropriately.
401	Cindy Catto	Associated General Contractors. Testifies in opposition to SB 180-A. Submits and summarizes written testimony (EXHIBIT D). Indicates that this bill allows BOLI to assert claims on behalf of unidentified workers. Describes the detrimental effect SB 180-A will have on a contractor's ability to bond future work.
444	Catto	States that claims against payment bonds are not an appropriate enforcement tool. Adds that this process should be reserved for instances when a known violation has occurred.
TAPE 91, A		
041	Rep. Bowman	Asks how workers are notified of underpayment on a public works contract if BOLI is unable to file a bond claim.

044	Catto	Indicates that workers "talk to each other." Discusses claim filing time limitations.
049	Rep. Bowman	Asks if a worker must hire an attorney and proceed through the legal process at the expiration of the claim filing time limit.
053	Catto	Explains that a claim is filed with BOLI, and BOLI proceeds on behalf of the worker.
056	Bob Shiprack	Oregon Building Trades Council. Testifies in support of SB 180-A. Addresses the prevailing wage system. Discusses bid specification rates. Indicates that when wages are not paid, it is usually deliberate. Comments on the need for evidence that a worker has not been paid prior to filing a claim.
101	Chair Wilson	Refers to the "tying up" of payments bonds. Asks for clarification.
103	Roberts	Explains the bond claims process.
128	Rep. Starr	Asks how many cases occur per year.
133	Roberts	Replies that he does not know.
143	Rep. Starr	Asks about the time limit for conducting an investigation.
147	Roberts	Explains time limitations. Adds that liability litigation extends the time period. Indicates that investigations typically take 45-60 days.
158	Rep. Starr	Asks if a worker should assume some responsibility to ensure correct payment.
163	Roberts	Replies yes. Indicates public works contracts are complicated, and incentives for cheating are great. Discusses a 1997 Umatilla County case.
190	Chair Wilson	Closes public hearing on SB 180-A, and opens public hearing on SB 1107-A.
<u>SB 1107-A PUBLIC HEARING</u>		
195	Sen. Joan Dukes	District 1. Testifies in support of SB 1107-A. Provides to members written testimony from Skip Hauke, Clatsop, Oregon (EXHIBIT E). Describes acceptable identification (ID) for purchasing alcoholic beverages under current Oregon law.
237	Sen. Dukes	Explains that SB 1107-A authorizes the seller of alcoholic beverages to accept an out-of-state ID card or any United States military ID card.

255	Mike Bullis	Owner, Kaleidoscope Tavern, Salem; also National Federation of the Blind. Speaks in support of SB 1107-A. Submits and summarizes written testimony (EXHIBIT F) . States that under currently law, a nondriver ID from another state is not acceptable for the purchase of alcoholic beverages. Indicates that passage of this bill would allow businesses to comply with the Americans with Disabilities Act.
288	Barb Hutchison	Oregon Liquor Control Commission (OLCC). Indicates OLCC is neutral on SB 1107-A. Discusses ID falsification and safeguards. Supports ID that bears a picture and includes other information.
312	Chair Wilson	Closes public hearing on SB 1107-A, and opens work session on SB 1107-A.
<u>SB 1107-A WORK SESSION</u>		
321	Rep. Bowman	MOTION: Moves SB 1107A to the floor with a DO PASS recommendation.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
		Chair Wilson The motion CARRIES. REP. BOWMAN will lead discussion on the floor.
330	Chair Wilson	Closes work session on SB 1107-A, and opens work session on SB 180-A.
<u>SB 180-A WORK SESSION</u>		
335	Rep. Thompson	MOTION: Moves SB 180A to the floor with a DO PASS recommendation.
		VOTE: 6-3 AYE: 6 - Beck, Bowman, Deckert, Harper, Thompson, Wilson NAY: 3 - Atkinson, Starr, Sunseri
		Chair Wilson The motion CARRIES.

		REP. THOMPSON will lead discussion on the floor.
345	Chair Wilson	Closes work session on SB 180-A, and opens work session on SB 512-A.
<u>SB 512-A WORK SESSION</u>		
355	Filsinger	Provides SB 512-A5 amendments to members.
369	Ray Phelps	Metro. Explains proposed changes to SB 512-A5 amendments (EXHIBIT G).
416	Phelps	Refers to errors in SB 512ñA5 amendments. Directs members to page 2, line 17, and page 3, line 24, changing "received" to "appropriated."
TAPE 90, B		
012	Rep. Harper	Asks for clarification of the change from "received" to "appropriated."
013	Phelps	Explains this relates to surcharge permits which generate revenue.
021	Filsinger	Indicates SB 512-A has a subsequent referral to Ways and Means.
024	Jane Cummins	League of Oregon Cities. Testifies in support of SB 512-A5 amendments. Discusses uniform statewide code which controls the flow of dollars.
048	Joe Brewer	Administrator, Building Codes Division. Speaks in support of SB 512 ñA5 amendments.
062	Rep. Starr	MOTION: Moves to SUSPEND the rules for the purpose of adopting conceptual amendments.
		VOTE: 8-0 EXCUSED: 1 - Deckert
Chair Wilson		Hearing no objection, declares the motion CARRIED.
067	Rep. Starr	MOTION: Moves to AMEND the SB 512A-5 amendments on page 2, after line 17, inserting "In line 13, delete "received" and insert "appropriated," and on page 3, line 24, delete "received" and insert "appropriated."

		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Deckert
	Chair Wilson	The motion CARRIES.
086	Rep. Starr	MOTION: Moves to ADOPT conceptually amended SB 512A-5 amendments dated 5/20/99.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Deckert
	Chair Wilson	The motion CARRIES.
095	Rep. Starr	MOTION: Moves SB 512A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Deckert
	Chair Wilson	The motion CARRIES.
111		Closes work session on SB 512-A, and opens work session on SB 1192.
<u>SB 1192 WORK SESSION</u>		
116	Rep. Bowman	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 1192.

		VOTE: 8-0 EXCUSED: 1 - Deckert
	Chair Wilson	Hearing no objection, declares the motion CARRIED .
121	Rep. Bowman	MOTION: Moves to RECONSIDER the vote by which SB 1192 was sent to the floor do pass as amended.
		VOTE: 8-0 EXCUSED: 1 - Deckert
	Chair Wilson	Hearing no objection, declares the motion CARRIED .
129	Rep. Bowman	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote to adopt the SB 1192 -1 amendments.
		Hearing no objection, declares the motion CARRIED .
133	Rep. Bowman	MOTION: Moves to RECONSIDER the vote on SB 1192-1 amendments.
		VOTE: 9-0
	Chair Wilson	Hearing no objection, declares the motion CARRIED .
140	Rep. Bowman	MOTION: Moves to ADOPT SB 1192-2 amendments (EXHIBIT H) dated 5/20/99.
		VOTE: 9-0
	Chair Wilson	Hearing no objection, declares the motion CARRIED .

149	Rep. Bowman	MOTION: Moves SB 1192 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Wilson	The motion CARRIES. REP. ATKINSON will lead discussion on the floor.
158	Chair Wilson	Closes work session on SB 1192, and opens public hearing on SB 398-B.
<u>SB 398-B PUBLIC HEARING</u>		
165	MardiLyn Saathoff	Department of Justice. Speaks in support of SB 398-B. Submits and summarizes written testimony (EXHIBIT I). Explains the four areas SB 398-A modifies in current statute.
203	Saathoff	Explains the purpose of allowing exemptions from legal sufficiency review. Discusses the nature of opposition to this bill in the Senate.
230	Saathoff	Explains the current statutory thresholds that require Attorney General review of contracts. Indicates personal services contract limit is \$75,000; \$100,000 for all others.
248	Saathoff	Cites examples of cases from Department of Human Resources that would necessitate exemption from legal sufficiency review.
269	Rep. Starr	Refers to Section 1, paragraph 5 (B). Asks who determines if "circumstances exist."
275	Saathoff	Explains it is the Attorney General's determination, set by rule.
280	Rep. Starr	Asks if the rules are subject to review.
284	Saathoff	Replies that rules are adopted under a public comment process.
286	Bob Mink	Department of Human Resources (DHR). Testifies in support of SB 398-B.

		Submits and summarizes written testimony (EXHIBIT J). Explains how SB 398-B impacts the way DHR conducts business. Cites examples of typical DHR cases.
320	Don Charlton	DHR. Testifies in support of SB 398-B.
342	Chair Wilson	Closes public hearing on SB 398-B, and opens work session on SB 398-B.
<u>SB 398-B WORK SESSION</u>		
360	Rep. Bowman	MOTION: Moves SB 398B to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Beck, Thompson
	Chair Wilson	The motion CARRIES. REP. BECK will lead discussion on the floor.
405	Chair Wilson	Closes work session on SB 398-B, and opens public hearing on SB 543.
<u>SB 543 PUBLIC HEARING</u>		
436	Jon Chandler	Oregon Building Industry Association. Testifies in support of SB 543-2 amendments (EXHIBIT K). Indicates this bill modifies the periodic review process of local government comprehensive plans and land use regulations. Describes the work group that developed amendments.
470	Chandler	Refers members to SB 543-2 amendments, page 2, lines 25-29. Indicates the real challenge to Oregon's land use laws lies inside the urban growth boundary (UGB). States that this bill allows DLCD to request the Department of Housing and Community Services (DHCS) to review local government inventory and analysis of housing and commercial industrial lands.
TAPE 91, B		
033	Burton Weast	Special Districts Association of Oregon. Testifies in support of SB 543. Discusses the periodic review process relative to small jurisdictions.

064	Richard Benner	Department of Land Conservation and Development (DLCD). Testifies in support of SB 543. Submits and summarizes written testimony (EXHIBIT L). Explains effects of SB 543's amendments. Indicates that passage of this bill will not prevent a local government from amending its comprehensive plan.
098	Robin McArthur-Phillips	Governor's Office. Testifies in support of SB 543. Discusses work group participation and results.
105	Rep. Bowman	Asks for clarification of fiscal impact.
107	Benner	Replies that this bill will have no fiscal impact on local government.
116	Rep. Bowman	Asks about replacement language regarding community involvement.
121	Benner	Replies that most language has been incorporated into DLCD rules.
140	Art Schlack	Association of Oregon Counties (AOC). Testifies in support of SB 543-2 amendments. Describes work group participation and results. Expresses concern that small jurisdictions retain state support for local planning through periodic review.
176	Phillip Fell	League of Oregon Cities (LOC). Testifies in support of SB 543-2 amendments. Wants the focus on urban goals.
193	Mike Collmeyer	1000 Friends of Oregon. Testifies in opposition to SB 543. Submits and summarizes written testimony (EXHIBIT M). Indicates that SB 543 as amended exempts many cities and counties from periodic review. Comments that this is the only established process for review required by statute.
241	Collmeyer	Addresses inconsistencies between out-of-date local regulations and recently adopted state standards.
266	Chair Wilson	Closes public hearing on SB 543, and opens work session on SB 543.
<u>SB 543 WORK SESSION</u>		
274	Rep. Atkinson	MOTION: Moves to ADOPT SB 543-2 amendments dated 5/20/99.
		VOTE: 8-0 EXCUSED: 1 - Sunseri

	Chair Wilson	Hearing no objection, declares the motion CARRIED.
283	Rep. Atkinson	MOTION: Moves SB 543 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-1 AYE: 7 - Atkinson, Beck, Deckert, Harper, Starr, Thompson, Wilson NAY: 1 - Bowman EXCUSED: 1 - Sunseri
	Chair Wilson	The motion CARRIES. REP. WILSON will lead discussion on the floor.
298	Chair Wilson	Closes work session on SB 543, and opens work session on SB 115,
<u>SB 115 WORK SESSION</u>		
312	Rep. Atkinson	MOTION: Moves SB 115A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Rules, Elections & Public Affairs.
		VOTE: 8-0 EXCUSED: 1 - Sunseri
	Chair Wilson	Hearing no objection, declares the motion CARRIED.
320	Chair Wilson	Closes work session on SB 115-A, and opens work session on SB 813.
<u>SB 813 WORK SESSION</u>		
322	Rep. Atkinson	MOTION: Moves SB 813 to the floor WITHOUT RECOMMENDATION as to passage and BE

		REFERRED to the Committee on Rules, Elections & Public Affairs.
		VOTE: 8-0 EXCUSED: 1 - Sunseri
	Chair Wilson	Hearing no objection, declares the motion CARRIED.
326	Chair Wilson	Closes work session on SB 813, and opens work session on SB 879-A.
<u>SB 879-A WORK SESSION</u>		
328	Rep. Atkinson	MOTION: Moves SB 879A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Rules, Elections & Public Affairs.
		VOTE: 8-0 EXCUSED: 1 - Sunseri
	Chair Wilson	Hearing no objection, declares the motion CARRIED.
332	Chair Wilson	Closes work session on SB 879-A, and opens work session on SB 912.
<u>SB 912 WORK SESSION</u>		
335	Rep. Atkinson	MOTION: Moves SB 912 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Rules, Elections & Public Affairs.
		VOTE: 8-0 EXCUSED: 1 - Sunseri
	Chair Wilson	Hearing no objection, declares the motion CARRIED.

344	Chair Wilson	Closes work session on SB 912, and opens work session on SJM 9.
<u>SJM 9 WORK SESSION</u>		
346	Rep. Beck	MOTION: Moves SJM 9 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Elections & Public Affairs.
350	Rep. Bowman	VOTE: 6-2 AYE: 6 - Atkinson, Beck, Harper, Starr, Thompson, Wilson NAY: 2 - Bowman, Deckert EXCUSED: 1 - Sunseri
	Chair Wilson	The motion CARRIES.
355	Chair Wilson	Closes work session on SJM 9, and opens work session on SB 273-A.
<u>SB 273-A WORK SESSION</u>		
358	Rep. Beck	MOTION: Moves SB 273-A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Elections & Public Affairs.
364		VOTE: 7-1 AYE: 7 - Atkinson, Beck, Deckert, Harper, Starr, Thompson, Wilson NAY: 1 - Bowman EXCUSED: 1 - Sunseri
	Chair Wilson	The motion CARRIES.
367	Chair Wilson	Closes work session on SB 276-A, and opens work session on SB 276-A.

SB 276-A WORK SESSION

371		MOTION: Moves to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Elections & Public Affairs.
		VOTE: 7-1 AYE: 7 - Beck, Bowman, Deckert, Harper, Starr, Thompson, Wilson NAY: 1 - Atkinson EXCUSED: 1 - Sunseri
	Chair Wilson	The motion CARRIES.
378	Chair Wilson	Closes work session on SB 276-A, and opens work session on SB 1061-A.

SB 1061-A WORK SESSION

381	Rep. Beck	MOTION: Moves SB 1061A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Elections & Public Affairs.
		VOTE: 6-2 AYE: 6 - Atkinson, Beck, Harper, Starr, Thompson, Wilson NAY: 2 - Bowman, Deckert EXCUSED: 1 - Sunseri
	Chair Wilson	The motion CARRIES.
392	Chair Wilson	Closes work session on SB 1061-A, and opens work session on SB 194.

SB 194 WORK SESSION

396		MOTION: Moves to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Elections & Public Affairs.
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		VOTE: 7-1 AYE: 7 - Beck, Bowman, Deckert, Harper, Starr, Thompson, Wilson NAY: 1 - Atkinson EXCUSED: 1 - Sunseri
		Chair Wilson The motion CARRIES.
405	Chair Wilson	Closes work session on SB 194. Adjourns the meeting at 3:36 p.m.

Transcribed By, Reviewed By,

Susan M. Pettey, Cara Filsinger,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 567, written testimony, Richard Schwarz, 3 pp.
B ñ SB 1081-A, written testimony, Grover Simmons, 2 pp.
C ñ SB 1081-A, written testimony, Gary Wilson, 1 p.
D ñ SB 180-A, written testimony, Cindy Catto, 1 p.
E ñ SB 1107-A, written testimony, Sen. Joan Dukes, 4 pp.
F ñ SB 1107-A, written testimony, Mike Bullis, 1 p.
H ñ SB 512-A, written testimony, Ray Phelps, 4 pp.
G ñ SB 512-A5 amendments, staff, 4 pp.
H ñ SB 1192-2 amendments, staff, 6 pp.
I ñ SB 398-B, written testimony, MardiLyn Saathoff, 3 pp.
J - SB 398-B, written testimony, Bob Mink, 4 pp.
K ñ SB 543-2 amendments, staff, 16 pp.

L - SB 543, written testimony, Richard P. Benner, 6 pp.

M - SB 543, written testimony, Michael K. Collmeyer, 2 pp