

SENATE COMMITTEE ON BUSINESS & CONSUMER AFFAIRS

March 24, 1999 Hearing Room C

1:00 P.M. Tapes 69 - 70

MEMBERS PRESENT: Sen. David Nelson, Chair

Sen. Lee Beyer, Vice-Chair

Sen. Rick Metsger

Sen. Randy Miller

Sen. Charles Starr

MEMBER EXCUSED:

STAFF PRESENT: Y. Sherry Sheng, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 556 Work Session

SB 523 Public Hearing and Work Session

HB 2059 Public Hearing

HB 2060 Public Hearing and Work Session

HB 2061 Public Hearing and Work Session

SB 827 Public Hearing

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 69, A

003

Chair Nelson

Opens meeting at 1:00 PM. Opens work session on SB 556.

SB 556 WORK SESSION

014

Sherry Sheng

Gives background on SB 556 and previous public hearing. Says amendments have been consolidated and Doug McKeen will explain them.

028

Doug McKeen

Legislative Counsel. Explains 2 amendments to SB 556. Discusses Section 3 which has no retroactive effect. Section 4 adds an emergency clause. Subsection 2 says Section 1 of bill does not apply as long as the person does not use the titles or initials in Section 1. States that there is redundancy in subsection 2 of Section 2 and in Section 1. Presents **(EXHIBIT A)**.

087

Chair Nelson

Asks for questions.

090

Sen. Beyer

Asks why there is an emergency clause.

092

McKeen

Says July 1 was requested as an effective date, but there may be some retroactive problem, therefore an emergency clause was added.

095

Sen. Beyer

Asks why not wait until 90 days after adjournment.

099

Chair Nelson

Asks what the problems are with subsection 2 of Section 2.

104

McKeen

Subsection 2 of Section 2 refers to titles not being used.

118

Chair Nelson

Suggests that since the committee has been directed to adopt only legislative counsel amendments and the committee is not comfortable with Section 4, the committee hold over this bill for another work session.

146

Sen. Metsger

Asks if subsection 2 of Section 2 is redundant.

150

Chair Nelson

Says delete Sections 2 and 4 and the committee will hold another work session with it. Closes work session on SB 556. Opens public hearing on SB 523.

SB 523 PUBLIC HEARING

184

Rob Bovett

Assistant County Counsel, Lincoln County. Explains SB 523 which permits specified non-retail customers to dispense fuel during an emergency. Describes the emergency situation in 1995. Presents **(EXHIBIT B)**

203	Chair Nelson	Asks what penalty would be assessed if cited by the State Fire Marshall.
218	Bovett	Says, theoretically, there could be a severe penalty. SB 523 conforms the law to what the actual practice is. States the Fire Marshall's office was contacted to ensure safety measures are followed.
220	Chair Nelson	Asks for questions.
222	Sen. Miller	Comments that the current law restricts self-serving during an emergency.
225	Chair Nelson	Closes public hearing on SB 523. Opens work session on SB 523.
<u>SB 523 WORK SESSION</u>		
259	Sen. Beyer	MOTION: Moves SB 523 to the floor with a DO PASS recommendation.
		VOTE: 5-0
260	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
262	Chair Nelson	Closes public hearing on SB 523 and opens public hearing on HB 2059.
<u>HB 2059 PUBLIC HEARING</u>		
273	Ken Keudell	Administrator, Landscape Contractors Board (LCB). Explains the difference between LCB and Construction Contractors Board (CCB). In 1987 the governor consolidated the LCB and CCB. There are 43,000 contractors and about 1,200 licensed landscapers. The LCB has a claims program and an enforcement program similar to CCB. There are three bills changing the current law to be consistent with the CCB. Presents (EXHIBIT C).
340	Larry Harvey	Oregon Landscape Contractors Association. The association supports HB 2059. Presents (EXHIBIT D .)
345	Chair Nelson	Asks if there has been a big problem.

348	Keudell	Says the law has been changed for simplification in processing for the counties.
359	Sen. Beyer	Asks if the three bills are separate.
368	Sen. Metsger	On HB 2059, line 11, asks about ORS 671.703, subsection 4, that currently says ten days. Asks if ten days is too short.
378	Keudell	Responds that 20 days would have been put in, but it came out of legislative counsel within ten days.
TAPE 70, A		
008	Keudell	Says the contractor has 20 days to make payment.
018	Sen. Metsger	Says, for consistency, change to 20 days.
021	Chair Nelson	Says we will send this to Legislative Counsel to be consistent with the time element.
027	Sen. Metsger	Says the nurserymen want this to be 20 days.
035	Chair Nelson	Asks to have the bill changed from ten days to 20 days. Closes public hearing on HB 2059. Opens public hearing on HB 2060.
<u>HB 2060 PUBLIC HEARING</u>		
044	Keudell	Landscape Contractors Board. First, claims against landscape businesses have priority. Describes breaking claims into 90-day periods for claims against bonds to ensure that the first claimant does not get all of a claim.
062	Harvey	Oregon Landscapers Association. Supports SB 2060. Says the association has no objections to this bill.
066	Chair Nelson	Closes public hearing on HB 2060 and opens work session.
<u>HB 2060 WORK SESSION</u>		
067	Sen. Beyer	MOTION: Moves HB 2060 to the floor with a DO PASS recommendation.
		VOTE: 5-0

068	Chair Nelson	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. STARR will lead discussion on the floor.</p>
070	Chair Nelson	Closes work session on HB 2060. Opens public hearing on HB 2061.
<u>HB 2061 PUBLIC HEARING</u>		
078	Keudell	Explains that this bill authorizes the LCB to cease contractor's work for violation of registration requirements.
092	Harvey	Oregon Landscape Contractors Association. Discusses licensure geared to consumer protection which is supported by HB 2061. Supports HB 2061. Presents (EXHIBIT E) .
111	Chair Nelson	Asks for questions.
112	Sen. Metsger	Asks if the homeowner suffers when work is stopped midway in a project.
123	Keudell	Says that "may" is used in the language to cover individuals. Says there is a problem in construction also. Stopping work part way is a situation that could cause problems.
140	Chair Nelson	Asks for questions. Closes public hearing on HB 2061. Opens work session on HB 2061.
<u>HB 2061 WORK SESSION</u>		
143	Sen. Starr	MOTION: Moves HB 2061 to the floor with a DO PASS recommendation.
		<p>VOTE: 4-1</p> <p>AYE: 4 n Beyer, Metsger, Starr, Nelson</p> <p>NAY: 1 n Miller</p>
		The motion CARRIES.

		SEN. STARR will lead discussion on the floor.
145	Chair Nelson	Closes work session on HB 2061. Opens public hearing on SB 827.
<u>SB 827 PUBLIC HEARING</u>		
153	Keudell	Gives background on SB 827. Explains that SB 827 exempts landscape contractor who purchases nursery stock solely for landscaping business projects from nursery license requirement. Licensed landscape nurserymen make sure that the nursery stock is free of disease. The bill needs further language.
190	Harvey	Oregon Landscape Contractors. Says he is aware that the bill needs changes in the language. Says the association will work through the bill to clarify it with the nurserymen.
203	Chair Nelson	Asks for questions.
209	Sen. Miller	Asks on line 7, page 1, about the \$250. Suggests it should be larger.
225	Harvey	Says he will suggest the raising of the \$250 amount to the association.
228	Scott Ashcomb	Oregon Association of Nurserymen (OAN). Represents the production industry in Oregon. Other states' plant quarantines affect the state of Oregon sales. There is a large amount of exporting by this industry in Oregon. Inspection programs are supported by OAN. Believes that licensure programs will help keep the nursery stock disease-free.
289	Chair Nelson	States the bill will not be moved today and suggests the OLC and OAN and interested parties do their work to finalize the bill. Asks for questions. Adjourns meeting at 1:55 PM.

Submitted By, Reviewed By,

Nancy Masee, Y. Sherry Sheng,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 556, -2 Amendments, Staff, 2 pp.

B ñ SB 523, Written testimony, Rob Bovett, 1 p.

C - HB 2059, HB 2060, HB 2061, Letter, Ken Keudell, 3 pp.

D ñ HB 2059, HB 2060, Memo, Larry Harvey, 1 p.

E ñ HB 2061, Written testimony, Larry Harvey, 1 p.