

**SENATE COMMITTEE ON BUSINESS & CONSUMER AFFAIRS**

**April 28, 1999 Hearing Room C**

**1:00 PM Tapes 100-101**

**MEMBERS PRESENT: Sen. David Nelson, Chair**

**Sen. Rick Metsger**

**Sen. Randy Miller**

**Sen. Charles Starr**

**MEMBER EXCUSED: Sen. Lee Beyer, Vice-Chair**

**STAFF PRESENT: Y. Sherry Sheng, Administrator**

**Nancy Masee, Administrative Support**

**MEASURE/ISSUES HEARD: SB 272 Work Session**

**SB 448 Work Session**

**SB 1055 Work Session**

**SB 1086 Work Session**

**SB 1081 Work Session**

**SB 1310 Public Hearing and Work Session**

**SCR 4 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   |
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| TAPE 100, A |              |  |
| 003         | Chair Nelson | Opens meeting at 1:00 p.m. Opens work session on SB 272. |
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**SB 272 WORK SESSION**

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| 007 | Sherry Sheng  | Committee Administrator. States that all parties support SB 272. Submits <b>(EXHIBIT A)</b> .  |
| 020 | Dugan Petty   | Department of Administrative Services. Explains SB 272 -2 amendments. States that the ñ2 amendments would include criteria when considering responsibility. States that documentation was added and reasons for disqualification were dropped.           |
| 050 | Sen. Miller   | Asks about the words "integrity"and "performance."   |
| 059 | Petty         | Answers that integrity and performance would be used depending on the circumstance of the bid.   |
| 080 | Sen. Miller   | Asks how the bidder would demonstrate his/her integrity.   |
| 085 | Petty         | Answers that business ethics and business practices, would go beyond performance.  |
| 096 | Sen. Miller   | Asks what would happen if there were a dispute regarding the contract and an administrative hearing was judged against the bidder and how would this reflect the "record of integrity." Asks Petty to explain the notion of integrity.                   |
| 107 | Petty         | Answers, if a court did find a contract unsatisfactory, if this could be enough criteria and would not necessarily need a court of law to substantiate. This could be done with documentation, on file, stating that the performance was unsatisfactory. |
| 124 | Sen. Miller   | Asks, if a bidder finishes second or third on a bid for the reasons of "integrity", if they would be told this, if asked.  |
| 125 | Petty         | Answers, yes they would be told.   |
| 126 | Chair. Nelson | <b>MOTION: Moves to ADOPT SB 272-2 amendments dated 04/28/99.</b>  |
|     |               | <b>VOTE: 3-0</b><br><b>EXCUSED: 2 - Sen. Starr and Sen. Beyer</b>  |
|     | Chair Nelson  | <b>Hearing no objection, declares the motion CARRIED.</b>  |
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| 128                               | Chair Nelson | <b>MOTION: Moves SB 272 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|                                   |              | <b>VOTE: 3-0</b><br><b>EXCUSED: 2 - Sen. Starr and Sen. Beyer</b>  |
| 130                               | Chair Nelson | <b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>SEN. METSGER will lead discussion on the floor.</b>  |
| 133                               | Chair Nelson | Closes work session on SB 272. Opens work session on SB 448.   |
| <b><u>SB 448 WORK SESSION</u></b> |              |  |
| 169                               | Sheng        | Explains that SB 448 is the fee charged by public surveyors for cemetery plats. Mentions that only Section 2 remains after the ñ1 amendments. Submits <b>(EXHIBIT B)</b> . |
| 175                               | Chair Nelson | <b>MOTION: Moves to ADOPT SB 448-1 amendments dated 04/27/99.</b>  |
|                                   |              | <b>VOTE: 3-0</b><br><b>EXCUSED: 2 ñ Sen. Starr and Sen. Beyer</b>  |
|                                   | Chair Nelson | <b>Hearing no objection, declares the motion CARRIED.</b>  |
| 178                               | Chair Nelson | <b>MOTION: Moves SB 448 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|                                   |              | <b>VOTE: 3-0</b><br><b>EXCUSED: 2 ñ Sen. Starr and Sen. Beyer</b>  |
| 180                               | Chair Nelson | <b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>SEN. NELSON will lead discussion on the floor.</b>   |

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| 190                                | Chair Nelson | Closes work session on SB 448. Opens work session on SB 1055.   |
| <b><u>SB 1055 WORK SESSION</u></b> |              |   |
| 224                                | Sheng        | Explains SB 1055 and the ñ1 amendments, which are clarifications and restrictions to SB 1055. The ñ1 amendments clarify that the retail licensee make all purchase of alcoholic beverages from a wholesale brewery or winery in Oregon. Further narrows the concurrent service of the board of directors, limiting allowance only to parent companies. Submits <b>(EXHIBIT C)</b> .   |
| 225                                | Chair Nelson | <b>MOTION: Moves to ADOPT SB 1055-1 amendments dated 04/27/99.</b>  |
|                                    |              | <b>VOTE: 3-0</b><br><b>EXCUSED: 2 ñ Sen. Starr and Sen. Beyer</b>   |
|                                    |              | <b>Chair Nelson</b><br><b>Hearing no objection, declares the motion CARRIED.</b>  |
| 230                                | Chair Nelson | <b>MOTION: Moves SB 1055 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|                                    |              | <b>VOTE: 3-0</b><br><b>EXCUSED: 2 - Sen. Starr and Sen. Beyer</b>   |
| 235                                | Chair Nelson | <b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>SEN. MILLER will lead discussion on the floor.</b>  |
| 265                                | Chair Nelson | Closes work session on SB 1055. Opens work session on SB 1086.  |
| <b><u>SB 1086 WORK SESSION</u></b> |              |   |
| 260                                | Sheng        | Explains SB 1086. Relates to disclosing information about wage and employment to consumer reporting agencies. The ñ1 amendments clarify the credit reporting agency will bear all costs associated with revising incomplete or inaccurate wage records performed for the credit action. It also clarifies that the employment department does not bear any liability associated with the improper release of information by the consumer-reporting agency. Submits <b>(EXHIBIT D)</b> . |

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| 300                                | Annette Talbot | Employment Department. States that they will need employees to perform the work stated in the bill. States there would be need for an expenditure limit authorization for other funds.  |
| 350                                | Chair Nelson   | Asks how many new employees would need to be hired for this.  |
| 353                                | Talbot         | Explains the need for 2 individuals for office specialist, which would be permanent positions, and 1 person for contract development, which would be a temporary position, as well as I.S. individuals, which would also be temporary positions. States that, overall, there would be the need for 2 permanent and 3 temporary employees. |
| 380                                | Chair Nelson   | <b>MOTION: Moves to ADOPT SB 1086-1 amendments dated 04/28/99.</b>  |
|                                    |                | <b>VOTE: 4-0</b><br><b>EXCUSED: 1 ñ Sen. Beyer</b>  |
|                                    | Chair Nelson   | <b>Hearing no objection declares the motion CARRIED.</b>  |
| 382                                | Chair Nelson   | <b>MOTION: Moves SB 1086 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|                                    |                | <b>VOTE: 4-0</b><br><b>EXCUSED: 1 ñ Sen. Beyer</b>  |
| 384                                | Chair Nelson   | <b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>SEN. NELSON will lead discussion on the floor.</b>  |
| 385                                | Chair Nelson   | Closes work session on SB 1086. Opens work session on SB 1081.  |
| <b><u>SB 1081 WORK SESSION</u></b> |                |   |
| <b>TAPE 101, A</b>                 |                |   |
| 010                                | Sheng          | SB 1081 deals with the electrical specialty codes. Section 1 requires municipalities that have electrical specialty codes to hire or to provide field   |

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|     |                | inspections. Explains that, to-date, this is not uniformly available. SB 1081 will provide clarification to municipalities who need to provide inspection services and also provide inspections for industrial equipment. The ñ2 amendments would clarify the scope. Submits <b>(EXHIBIT E)</b> .   |
| 040 | Gary Wilson    | Chief Electrical Inspector, Oregon State. States that the ñ2 amendment change the language to accommodate cities and counties with no inspection programs. Points out that the amendment defines electrical equipment. Refers to page 6, line 7, which defines industrial electrical equipment. Explains that these entities establish standards for products. Recommends that on line 7, after the words, "separately certified components", insert "or uncertified components." |
| 086 | Sheng          | Language was to provided on page 6, line 6, to define electrical equipment. Explains that Legislative Counsel had intended to add Wilson's line, but they made the decision to change the language accordingly, due to legal reasons.   |
| 118 | Grover Simmons | Independent Employer Association. Agrees with Wilson and has helped negotiate the bill word-by-word. States that uncertified equipment is acceptable in certain circumstances and foreign products can come to U.S. with certified fuses. Mentions the cost for third party inspections is what has driven this bill.   |
| 150 | B.J. Smith     | Clackamas County. States that the Clackamas County inspector accepts this bill. Supports SB 1081.   |
| 159 | Chair Nelson   | Asks if the mandate is a problem.   |
| 166 | BJ Smith       | Responds that they are a willing partner in the uniform state billing code.   |
| 168 | Chair Nelson   | <b>MOTION: Moves to ADOPT SB 1081-1 amendments dated 04/28/99.</b>  |
|     |                | <b>VOTE: 3-0</b><br><b>EXCUSED: 1 ñ Sen. Beyer</b>  |
|     | Chair Nelson   | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 170 | Chair Nelson   | <b>MOTION: Moves SB 1081 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|     |                | <b>VOTE: 4-0</b><br><b>EXCUSED: 1 ñ Sen. Beyer</b>  |

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| 172                                  | Chair Nelson | <p>Hearing no objection, declares the motion <b>CARRIED</b>.</p> <p><b>SEN. BEYER will lead discussion on the floor.</b></p>  |
| 189                                  | Chair Nelson | Closes work session on SB 1081. Opens public hearing on SB 1310.  |
| <b><u>SB 1310 PUBLIC HEARING</u></b> |              |   |
| 227                                  | Genoa Ingram | Oregon Association of Realtors (OAR). SB 1310 is the OAR portion of what was contained in SB 182. The SB 1310 ñ1 amendments include the definition of commercial property, land that is available for commercial development. |
| 240                                  | Sheng        | States that the amendment takes care of a drafting error. Submits <b>(EXHIBIT F)</b> .  |
| 259                                  | Chair Nelson | Closes public hearing and opens work session.   |
| <b><u>SB 1310 WORK SESSION</u></b>   |              |   |
| 260                                  | Chair Nelson | <b>MOTION: Moves to ADOPT SB 1310-1 amendments dated 04/27/99.</b>  |
|                                      |              | <p><b>VOTE: 4-0</b></p> <p><b>EXCUSED: 1 ñ Sen. Beyer</b></p>   |
|                                      | Chair Nelson | Hearing no objection, declares the motion <b>CARRIED</b> .  |
| 265                                  | Chair Nelson | <b>MOTION: Moves SB 1310 to the floor with a DO PASS AS AMENDED recommendation.</b>   |
|                                      |              | <p><b>VOTE: 4-0</b></p> <p><b>EXCUSED: 1 ñ Sen. Beyer</b></p>   |
| 267                                  | Chair Nelson | <p>Hearing no objection, declares the motion <b>CARRIED</b>.</p> <p><b>SEN. BEYER will lead discussion on the floor.</b></p>  |
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| 268                              | Chair Nelson | Closes public hearing on SB 1310 and opens work session on SCR 4.   |
| <b><u>SCR 4 WORK SESSION</u></b> |              |   |
| 270                              | Sheng        | SCR 4 is requested to be transferred to the Rules & Election Committee with no recommendation.  |
| 273                              | Chair Nelson | <b>MOTION: Moves SCR 4 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules &amp; Elections.</b> |
|                                  |              | <b>VOTE: 4-0</b><br><b>EXCUSED: 1 - Sen. Beyer</b>  |
|                                  | Chair Nelson | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 285                              | Chair Nelson | Closes work session on SCR 4. Adjourns meeting at 2:00 p.m.   |

Submitted By, Reviewed By,

Nancy Masee, Y. Sherry Sheng,  
Administrative Support Administrator

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Transcribed By,



**EXHIBIT SUMMARY**

**A - SB 272, -2 amendments, staff, 6 pp**

**B ñ SB 448, -1 amendments, written testimony, staff, 4 pp**

**C ñ SB 1055, proposed amendments, staff, 1 p**

**D ñ SB 1086, proposed amendments, staff, 1 p**

**E ñ SB 1081, -1 amendments, staff, 7 pp**

**F ñ SB 1310, -1 amendments, staff, 1 p**