

SENATE COMMITTEE ON BUSINESS & CONSUMER AFFAIRS

May 21, 1999 Hearing Room C

1:00 PM Tapes 122 - 123

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:

HB 2608A Work Session

HB 2681A Work Session

HB 3501A Work Session

HB 2020A Work Session

SB 284 Work Session

HB 2486A Work Session

HB 2320A Work Session

SB 737 Work Session

HB 2661A Public Hearing and Work Session

HB 2589A Public Hearing and Work Session

HB 2827A Public Hearing and Work Session

HB 3234 Public Hearing and Work Session

HB 3384A Public Hearing and Work Session

HB 2821 Public Hearing and Work Session

HB 3144A Public Hearing and Work Session

HB 3590 Public Hearing and Work Session

SB 271 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 122, A		
004	Chair Nelson	Opens meeting at 1:00 PM. Opens work session on HB 2608A.
<u>HB 2608A WORK SESSION</u>		
015	Sherry Sheng	Committee Administrator. Gives background on HB 2608A and its public hearing on May 17.
030	Chair Nelson	MOTION: Moves HB 2608A to the floor with a DO PASS recommendation.
033		VOTE: 3-0 EXCUSED: 2 - Beyer, Metsger
034	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
036	Chair Nelson	Closes work session on HB 2608A. Opens work session on HB 2681A.
<u>HB 2681A WORK SESSION</u>		
040	Sheng	Gives background on HB 2681A and its public hearing May 17. The bill would direct Public Utility Commission (PUC) to regulate public water utilities that also provide wastewater services within a city. The bill's amendments would add an emergency clause and some minor adjustments to the bill. PUC and the proponents are in agreement with this bill and the bill's amendments. Submits (EXHIBIT A) .
090	Chair Nelson	MOTION: Moves to ADOPT HB 2681-A5 amendments

		dated 5/20/99.
092		VOTE: 3-0 EXCUSED: 2 - Beyer, Metsger
093	Chair Nelson	Hearing no objection, declares the motion CARRIED .
094	Chair Nelson	MOTION: Moves HB 2681A to the floor with a DO PASS AS AMENDED recommendation.
095		VOTE: 4-0 EXCUSED: 1 ñ Beyer
096	Chair Nelson	Hearing no objection, declares the motion CARRIED . SEN. BRYANT will lead discussion on the floor.
097	Sen. Miller	Says he voted yes with some concerns.
099	Chair Nelson	Closes work session on HB 2681A. Opens work session on HB 3501A.
<u>HB 3501A WORK SESSION</u>		
120	Sheng	Gives background on HB 3501A heard at a public hearing on May 17. Specifies procedures for transferring dead bodies from one state to another for burial. The committee is reconsidering the bill, as noticed on May 19, with the ñA7 amendments. Presents (EXHIBIT B).
175	Chair Nelson	MOTION: Moves to ADOPT HB 3501-A7 amendments dated 5/21/99.
176		VOTE: 4-0 EXCUSED: 1 ñ Miller
177	Chair Nelson	Hearing no objection, declares the motion CARRIED .

178	Chair Nelson	MOTION: Moves to ADOPT HB 3501-A6 amendments dated 5/17/99.
179		VOTE: 5-0
180	Chair Nelson	Hearing no objection, declares the motion CARRIED.
181	Sen. Miller	Asks about the -A6 amendments, which refer to "body or fetus."
182	Sheng	Says that it is the current language.
184	David Coe	Oregon Mortuary Board. Defines "fetus." Says he is not sure of the exact definition. Believes the definition is if a fetus is not born live, a "fetal certificate" is issued, not a birth certificate.
204	Sheng	Refers to the statute for definition of "dead body" or "fetal death."
218	Sen. Miller	Says he disputed a viable body being reverted to "fetus" status. Says he has objection to that.
220	Chair Nelson	MOTION: Moves HB 3501 to the floor with a DO PASS AS AMENDED recommendation.
222		VOTE: 4-1 AYE: 4 - Beyer, Metsger, Starr, Nelson NAY: 1 ñ Miller
223	Chair Nelson	The motion CARRIES. SEN. NELSON will lead discussion on the floor.
224	Chair Nelson	Closes work session on HB 3501A. Opens work session on HB 2020A.
<u>HB 2020A WORK SESSION</u>		
250	Sheng	Describes HB 2020A as a bill that changes construction contractor registration requirements. The new requirement is an examination for those persons seeking a license. This bill was passed out of the committee, but an amendment is needed. The ñ2 amendments are to resolve conflicts with other bills. Submits

		(EXHIBIT C).
252	Sen. Beyer	MOTION: Moves to SUSPEND THE RULES TO RECONSIDER HB 2020A.
255		VOTE: 5-0
256	Chair Nelson	Hearing no objection, declares the motion CARRIED.
257	Sen. Beyer	MOTION: Moves to RECONSIDER the vote by which HB 2020A was moved to the floor with a Do Pass.
258		VOTE: 3-0 EXCUSED: Metsger, Starr
259	Chair Nelson	Hearing no objection, declares the motion CARRIED.
260	Sen. Beyer	MOTION: Moves to ADOPT HB 2020-A2 amendments dated 5/21/99.
261		VOTE: 3-0 EXCUSED: Metsger, Starr
262	Chair Nelson	Hearing no objection, declares the motion CARRIED.
263	Sen. Beyer	MOTION: Moves HB 2020A to the floor with a DO PASS AS AMENDED recommendation.
264		VOTE: 3-0-2 EX: Metsger, Starr
265	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
266	Sen. Miller	Says his vote is a courtesy vote only.

267	Chair Nelson	Closes work session on HB 2020A. Opens work session on SB 284.
<u>SB 284 WORK SESSION</u>		
300	Sheng	Explains it was recommended SB 284 be referred to the Rules and Elections Committee with no recommendations.
305	Committee	Discusses where to refer SB 284, and decides on the Revenue Committee.
333	Sen. Miller	MOTION: Moves SB 284 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue.
334		VOTE: 5-0
335	Chair Nelson	Hearing no objection, declares the motion CARRIED.
338	Chair Nelson	Closes work session on SB 284. Opens work session on HB 2486A.
<u>HB 2486A WORK SESSION</u>		
440	Sen. Metsger	Explains why he thinks HB 2486A should die.
445	Sen. Miller	Says he has agreed to refer this bill with the understanding that there are discussions going on with the Governor.
449	Chair Nelson	MOTION: Moves HB 2486A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Public Affairs.
450		VOTE: 3-2 AYE: 3 - Miller, Starr, Nelson NAY: 2 - Beyer, Metsger
451	Chair Nelson	The motion CARRIES.
455	Chair Nelson	Closes HB 2486A work session. Opens work session on HB 2320A.

HB 2320A WORK SESSION

458	Sheng	Explains this bill was heard on May 19. Workers' compensation representatives had concerns which have led to amendments. Sen. Metsger will explain the amendments. Submits (EXHIBIT D).
TAPE 123, A		
012	Sen. Miller	Asks if the parties at the last hearing are in agreement with the amendments.
016	Sen. Metsger	Says there was a dispute that said there should not be access to consultation information. Explains the amendments while waiting for copies. The understanding was that OROSHA was not to be able to use these consultations against the employer.
040	Sheng	Explains Legislative Counsel's interpretation of the bill.
057	Sen. Beyer	Asks if the amendment accomplishes anything significant.
059	Sheng	Answers that Legislative Counsel does not see an issue as addressed by the workers' compensation representatives. Legislative Counsel does not see that the amendment is needed.
061	Sen. Beyer	Asks if there is a concern that injured workers might want to use the reports to further their case.
068	Sen. Miller	Says in asking the proponents of the amendments if these concerns had been raised in the House, they said it passed 57-0 in the House.
080	Lisa Trussell	Addresses the amendments, Section 2, and states they do not make sense. Associated Oregon Industries (AOI) wanted the consultation reports treated the same as the OROSHA reports. These consultations are those requested beyond what is required.
096	Sen. Beyer	Asks if the intent was to allow injured workers to use this information to further their claims.
120	Doug McKeen	Legislative Counsel. Clarifies that the amendment is not needed. It makes an awkward subsection. Proposes putting the amendment at the end.
128	Sen. MILLER	MOTION: Moves HB 2320A to the floor with a DO PASS recommendation.
130		VOTE: 5-0

131	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.
200	Chair Nelson	Closes work session on HB 2320A. Opens work session on SB 737.
<u>SB 737 WORK SESSION</u>		
210	Chair Nelson	MOTION: Moves SB 737 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED TO THE COMMITTEE ON PUBLIC AFFAIRS.
211		VOTE: 5-0
212	Chair Nelson	Hearing no objection, declares the motion CARRIED.
213	Chair Nelson	Closes work session on SB 737. Opens work session HB 2661A.
<u>HB 2661A PUBLIC HEARING</u>		
220	Stephen Kafoury	Architects Council of Oregon. Asks that this bill to be referred to the Rules and Elections Committee for amendments.
222	Chair Nelson	Asks for questions. Closes public hearing. Opens work session on HB 2661A.
<u>HB 2661A WORK SESSION</u>		
223	Chair Nelson	MOTION: Moves HB 2661A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on RULES AND ELECTIONS.
224		VOTE: 5-0

225	Chair Nelson	Hearing no objection, declares the motion CARRIED.
226	Chair Nelson	Closes work session on HB 2661A. Opens public hearing on HB 2589A.
<u>HB 2589A PUBLIC HEARING</u>		
255	Judy Bauman	Public member of the Plumbers Board. Explains concerns with HB 2589A. This issue deals with persons doing plumbing while not licensed plumbers.
275	Gary Wright	UA Local 290 and the contractors support this bill.
280	Joe Brewer	Administrator, Building Codes Division (BCD). Supports HB 2589A. Presents (EXHIBIT E) .
282	Chair Nelson	Closes public hearing on HB 2589A. Opens work session on HB 2589A.
<u>HB 2589A WORK SESSION</u>		
285	Chair Nelson	MOTION: Moves HB 2589A to the floor with a DO PASS recommendation.
286		VOTE: 3-0 EXCUSED: 2 - Beyer, Miller
287	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.
289	Chair Nelson	Closes work session on HB 2589A. Opens public hearing on HB 2827A.
<u>HB 2827A PUBLIC HEARING</u>		
292	John Gervais	Representing National Electrical Contractors Association and the International Brotherhood of Electrical Workers. Gives background on HB 2827A which transfers authority for enforcement of electrical specialty code, permit, and licensing regulations under one and two-family dwelling code to the Electrical and Elevator Board. Wants to return to the Electrical Elevator Board. Presents (EXHIBIT F) .

333	Joe Brewer	Building Codes Division. Supports HB 2827A. Says the bill will help streamline the compliance activities. Presents (EXHIBIT G) .
350	Chair Nelson	Closes public hearing on HB 2827A. Opens work session on HB 2827A.
TAPE 122, B		
<u>HB 2827A WORK SESSION</u>		
009	Chair Nelson	MOTION: Moves HB 2827A to the floor with a DO PASS recommendation.
010		VOTE: 4-0 EXCUSED: 1 ñ Miller
011	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
012	Chair Nelson	Closes work session on HB 2827A. Opens public hearing on HB 3234.
<u>HB 3234 PUBLIC HEARING</u>		
020	Cindy Robert	Timber Products Company. Supports HB 3234. Describes the company and employees. HB 3234 allows experienced workers to apply for an apprenticeship license. Apprenticeship committee has the final decision on issuing apprenticeship licenses.
065	Sen. Beyer	Asks if this bill is for millwrights who have been doing this work for years.
068	Robert	Responds that yes it is and many millwrights have the limited maintenance electricianís license, but there are some workers who do not.
077	Joe Brewer	BCD Administrator. Supports HB 3234. Says this will satisfy about 200 applicants for the license. Presents (EXHIBIT H) .
078	Chair Nelson	Closes public hearing on HB 3234. Opens work session on HB 3234.
<u>HB 3234 WORK SESSION</u>		

080	Chair Nelson	MOTION: Moves HB 3234 to the floor with a DO PASS recommendation.
081		VOTE: 5-0
082	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. HANNON will lead discussion on the floor.
083	Chair Nelson	Closes work session on HB 3234. Opens public hearing on HB 3384A.
<u>HB 3384A PUBLIC HEARING</u>		
100	Gary Wright	UA Local 290. Supports HB 3384A which expands the definition of plumbing for laws regulating plumbing activities.
107	Doug Curry	Heinz Mechanical. Supports HB 3384A. This is a bill for safety.
118	Joe Brewer	BCD Administrator. Supports HB 3384A. Says the board believes there should be a standard and inspection of these activities. Presents (EXHIBIT I) .
	Staff	Submits (EXHIBIT J) .
119	Chair Nelson	Closes public hearing on HB 3384A. Opens work session on HB 3384A.
<u>HB 3384A WORK SESSION</u>		
120	Chair Nelson	MOTION: Moves HB 3384A to the floor with a DO PASS recommendation.
121		VOTE: 5-0
122	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.

122	Chair Nelson	Closes work session on HB 3384A. Opens public hearing on HB 2821.
<u>HB 2821 PUBLIC HEARING</u>		
140	Tom Lindberg	Chairman, State Board of Boiler Rules. Says HB 2821 reduces the penalty amount for late payment of fees imposed by the Board of Boiler Rules. Presents (EXHIBIT K) .
145	Chair Nelson	Closes public hearing on HB 2821. Opens work session on HB 2821.
<u>HB 2821 WORK SESSION</u>		
142	Chair Nelson	MOTION: Moves HB 2821 to the floor with a DO PASS recommendation.
143		VOTE: 5-0
	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
145	Chair Nelson	Closes work session on HB 2821. Opens public hearing on HB 3144A.
<u>HB 3144A PUBLIC HEARING</u>		
181	Mike Smith	Chair, Structural Engineering Association of Oregon Legislative Committee. Says HB 3144A creates a structural engineering license. Says California and Washington have this law.
197	Jed Sampson	President, Structural Engineering Association of Oregon. Says HB 3144A would increase public safety. Says the bill will create better and safer structures in the future
210	William Elliott	Lake Oswego. Chairs the Seismic Safety Policy Advisory Commission. Comments on the types of losses from earthquakes that can be expected in the future. Says the seismic commission supports HB 3144A.
230	Sheng	Says the amendment clarifies that the bill affects only engineers. The bill does not affect architects.

245	Sen. Beyer	Asks if that means the structural engineer could practice civil engineering, but not the reverse.
250	Smith	Says the structural engineering license is in addition to the professional engineering license.
273	Stephen Kafoury	Architects Council of Oregon. Supports HB 3144A. Says the architects use structural engineers in their profession.
	Staff	Submits (EXHIBIT L).
274	Chair Nelson	Closes public hearing on HB 3144A. Opens work session on HB 3144A.
<u>HB 3144A WORK SESSION</u>		
275	Chair Nelson	MOTION: Moves to ADOPT HB 3144-A2 amendments dated 5/20/99.
276		VOTE: 5-0
277	Chair Nelson	Hearing no objection, declares the motion CARRIED.
278	Chair Nelson	MOTION: Moves HB 3144A to the floor with a DO PASS AS AMENDED recommendation.
279		VOTE: 5-0
280	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.
282	Chair Nelson	Closes work session on HB 3144A. Opens public hearing on HB 3590.
<u>HB 3590 PUBLIC HEARING</u>		
330	Jerry Schmidt	Representing Oregon Ground Water Association. Says HB 3590 authorizes a person licensed as a limited pump installation contractor to perform electrical work on ground water pumps. Presents (EXHIBIT M).

360	Sen. Beyer	Asks if there is a lot of wiring to hook up the pumps.
365	Schmidt	Describes the pumps and how they are set up.
380	Joe Brewer	BCD Administrator. Says the BCD is neutral on HB 3590. Expresses need for continuing education for the contractors. Presents (EXHIBIT N) .
385	John Gervais	National Electrical Contractors Association. Explains their concern is with safety for the individual. Working with high voltage and water present a concern. Says a training program should be set up.
TAPE 123, B		
002	Sen. Starr	Gives a personal story relating to his experience in selling pumps.
007	Gervais	Relates a story about the danger to loggers in the field.
014	Schmidt	Clarifies that the limited license is only issued to persons with at least one year's experience.
027	Gervais	Says the intent is right, but there is no training to get a license. They just need to be in the job a year.
035	Chair Nelson	Closes public hearing on HB 3590. Opens work session on HB 3590.
<u>HB 3590 WORK SESSION</u>		
037	Sen. Beyer	MOTION: Moves HB 3590 to the floor with a DO PASS recommendation.
038		VOTE: 5-0
039	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
048	Chair Nelson	Recesses meeting at 2:30 PM until 3:00 PM. At 3:00 PM the committee will meet to hear SB 271 which is noticed as Time Certain 3:00 PM.

140	Chair Nelson	Reconvenes meeting at 3:00 PM. Opens work session for SB 271.
<u>SB 271 WORK SESSION</u>		
145	Sheng	Explains the ñ1 amendments to SB 271. Submits (EXHIBIT O).
146	Sen. Beyer	MOTION: Moves to ADOPT SB 271-1 amendments dated 5/21/99.
147		VOTE: 3-0 EXCUSED: 2 - Miller, Starr
148	Chair Nelson	Hearing no objection, declares the motion CARRIED.
149	Sen. Beyer	MOTION: Moves SB 271 to the floor with a DO PASS AS AMENDED recommendation.
150		VOTE: 3-0 EXCUSED: 2 - Miller, Starr
151	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.
154	Chair Nelson	Adjourns meeting at 3:05 PM.

Submitted By, Reviewed By,

Nancy Masee, Y. Sherry Sheng,

Administrative Support Administrator

EXHIBIT SUMMARY

- A ñ HB 2681A, -A4, -A5 Amendments, Staff, 2 pp**
- B ñ HB 3501A, -A6, -A7, -A8 Amendments, Staff, 5 pp**
- C ñ HB 2020A, -A2 Amendments, Staff, 18 pp**
- D ñ HB 2320, -2 Amendments, Staff, 1 p**
- E ñ HB 2589, Written testimony, Joe Brewer, 1 p**
- F ñ HB 2827, Written testimony, John Gervais, 2 pp**
- G ñ HB 2827, Written testimony, Joe Brewer, 1 p**
- H ñ HB 3234, Written testimony, Joe Brewer, 1 p**
- I ñ HB 3384, Written testimony, Joe Brewer, 1 p**
- J ñ HB 3384, Written testimony, Staff, 1 p**
- K ñ HB 2821, Written testimony, Tom Lindberg, 1 p**
- L ñ HB 3144, Written testimony, Staff, 39 pp**
- M ñ HB 3590, Written testimony, J. Schmidt, 1 p**
- N ñ HB 3590, Written testimony, Joe Brewer, 1 p**
- O ñ SB 271, -1 Amendments, Staff, 9 pp**