

HOUSE COMMITTEE ON COMMERCE

June 11, 1997 Hearing Room 137

8:15 AM Tapes 69 - 70

MEMBERS PRESENT:

Rep. Eldon Johnson, Chair

Rep. Cynthia Wooten, Vice-Chair

Rep. Ron Adams

Rep. Roger Beyer

Rep. Richard Devlin

Rep. Jim Hill

Rep. Bob Montgomery

Rep. Jackie Taylor

Rep. Tom Whelan

STAFF PRESENT:

Julie Neburka, Administrator

Coben Tistadt, Administrative Support

MEASURE/ISSUES HEARD:

SB 378 - Public Hearing and Work Session

SB 470 - Public Hearing and Work Session

SB 475 - Public Hearing and Work Session

SB 578 - Public Hearing and Work Session

SB 815 - Public Hearing

SB 306 - Public Hearing and Work Session

SB 822 - Public Hearing and Work Session

SB 823 - 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 69, A		
001	Chair Johnson	Opens meeting at 8:37 AM. Opens public hearing on SB 470.
<u>SB 470</u> <u>PUBLIC</u> <u>HEARING</u>		
019	Chair Johnson	Explains that there is no one wishing to testify. Opens work session on SB 470.
<u>SB 470</u> <u>WORK</u> <u>SESSION</u>		
021	Rep. Wooten	MOTION: Moves SB 470 to the floor with a DO PASS recommendation.
041		VOTE: 6-0 EXCUSED: 3 - Adams, Montgomery, Whelan
043	Chair Johnson	Declares the motion CARRIED.
044		Closes work session on SB 470. Opens public hearing on SB 475.
<u>SB 475</u> <u>PUBLIC</u> <u>HEARING</u>		
046	Chair Johnson	Closes public hearing on SB 475. Opens work session on SB 475.
<u>SB 475</u> <u>WORK</u> <u>SESSION</u>		
050	Rep. Devlin	MOTION: Moves SB 475 to the floor with a DO PASS recommendation.
062		VOTE: 6-0 EXCUSED: 3 - Adams, Montgomery, Whelan
064	Chair Johnson	Declares the motion CARRIED.
061		Opens public hearing on SB 822.

<u>SB 822</u> <u>PUBLIC</u> <u>HEARING</u>		
070	Chair Johnson	Closes public hearing on SB 822. Opens public hearing on SB 378.
<u>SB 378</u> <u>PUBLIC</u> <u>HEARING</u>		
077	Sen. Bob Kintigh	District 22. Explains that he received an unsigned letter last year from his insurance company, saying that they could not insure him for liability, because he was a state senator.
105		Discusses his struggle to keep his liability insurance. Provides written testimony (EXHIBIT A).
119	Rep. Hill	Asks the Senator if he considers this to be a mandate on insurance companies?
125	Sen. Kintigh	No, they cannot refuse to insure for this reason.
129	Rep. Wooten	Asks if the suggestion is to deny discrimination against representatives due to "prior conditions."
132	Sen. Kintigh	Yes.
139	Rep. Beyer	States that he received a similar letter but it simply excluded coverage for his activities as a representative.
147	Chair Johnson	Asks if the issue is cancellation of existing insurance policies?
155	Sen. Kintigh	Yes.
156	Chair Johnson	Describes personal experience; stating that it makes no sense to cancel their "umbrella policy."
165	Rep. Hill	Asks if they will hear from an insurance company. Asks if other companies will provide the insurance.
171	Sen. Kintigh	Answers that another company did provide the insurance.
175	John Powell	State Farm Insurance. Testifies that they provide insurance to public officials. Suggests that the word "elected" be inserted before "officials" for clarity.
191	Rep. Wooten	Asks why it makes a difference.
195	Powell	Answers that the problem is with officials elected into office.
197	Rep. Wooten	Comments that if this extends to people appointed to office or in public office they should be fair about their coverage.
201	Rep. Hill	Asks if this is a mandate to insurance companies to cover elected officials.

207	Powell	Answers that it could be construed as a mandate.
215	Rep. Hill	Asks how it differs from other "mandate bills."
219	Powell	Answers that the bill requires no additional coverage, other than what is already being provided.
224	Chair Johnson	States that companies simply can't cancel existing policies.
229	Rep. Hill	Subsection (2) of Section 2 states that companies are required to provide coverage.
235	Chair Johnson	Recants.
238	Rep. Devlin	Asks if companies are prevented from evaluating risk in renewals.
244	Powell	Answers that they can evaluate, but that they can't use public service as a factor.
250	Chair Johnson	Opens work session on SB 378.
<u>SB 378 WORK SESSION</u>		
262	Rep. Wooten	MOTION: Moves SB 378 to the floor with a DO PASS recommendation.
265		VOTE: 7-0 EXCUSED: 2 - Montgomery, Whelan
261	Chair Johnson	Declares the motion CARRIED.
263		Closes work session on SB 378. Opens public hearing on SB 815.
<u>SB 815 PUBLIC HEARING</u>		
300	Sen. Veral Tarno	District 24. Comments that the bill has some flaws and asks if the chair would be willing to hear the bill tomorrow.
313	Chair Johnson	Concurs. Closes public hearing on SB 815. Opens public hearing on SB 578.
<u>SB 578 PUBLIC HEARING</u>		
350	Jackie Bloom	League of Oregon Cities. Explains that this bill allows cities to maintain lien records through on-line technology. Provides history of this legislation.
386	Rep. Hill	Asks if cities have a requirement to keep these records.

393	Bloom	States that the concerns were discussed in length by the counties.
400	Dan Vizzini	City of Portland. States that the city and the counties held discussions and that they decided that a memo be posted by counties of what property owners would need to know to buy and develop property.
TAPE 70, A		
019	Rep. Hill	Asks if title companies are in agreement.
021	Bloom	Answers yes, they are in agreement with the Senate amendments.
023	Rep. Beyer	Asks how a citizen can find out about a lien not recorded with the county.
025	Vizzini	Answers that 1995 law required cities to record counties at an early stage and provide electronic reference. Describes technology and upcoming internet connections. States that bill doesn't change where liens are recorded.
070	Rep. Devlin	States that this is public information.
072	Rep. Hill	Specifies that these are city liens.
075	Vizzini	States that anyone can request the information. Notes the issue that there is different information at the county and at the city level.
084	Chair Johnson	Closes public hearing on SB 578. Opens work session on SB 578.
<u>SB 578 WORK SESSION</u>		
094	Rep. Wooten	MOTION: Moves SB 578A to the floor with a DO PASS recommendation.
097		VOTE: 6-0 EXCUSED: 3 - Beyer, Montgomery, Whelan
100	Chair Johnson	Declares the motion CARRIED.
107	Chair Johnson	Closes work session on SB 578. Opens public hearing on SB 306.
<u>SB 306 PUBLIC HEARING</u>		
112	Bob Shiprack	Association of Builders. Explains that he opposes the bill. Cites experience in the field. Notes requirements for licensees set by the State Electrical Board. Objects to the low standards for the trainee card, noting 200-300 volts. Describes the dangers involved in the trade. States that the bill is "reckless." States that even the present standards are, in his opinion, inadequate.
179		Announces conflict of interest.

	Chair Johnson	
184	John Gervais	NECA. Mentions involvement in previous legislation. Notes that previous legislation "grandfathered" those already in the field. Opposes the bill.
214	Chair Johnson	Asks for a copy of the test.
218	Gervais	Answers that they could provide that.
222	Shiprack	Adds that they don't need to take the test under the bill.
230	Rep. Adams	Mentions the -A4 amendments, asks if they help?
239	Gervais	Answers that the amendments insufficiently deal with the problems.
246	Rep. Adams	Suggests that people are currently doing this anyway.
266	Rep. Devlin	Asks about an analogous situation with airlines.
273	Rep. Whelan	Asks for testimony from the Building Codes Division. Notes that electrical problems are largely responsible for fires.
291	Cross	States that the bill attempted to establish a scheme with formal training (EXHIBIT B). States that 80 hours of on-the-job training precludes participation in the program.
354	Rep. Adams	Asks if the legislation from two years ago was implemented.
365	Cross	Answers that the rules were adopted last October and that in the next months the tests will be implemented
388	Rep. Adams	Asks if it has been implemented.
392	Cross	Answers that it has been implemented, but that no one has been licensed under the program.
400	Rep. Adams	Notes the long period that has elapsed to implementation and that the witness is asking to alter something which hasn't been implemented.
TAPE 69, B		
010	Cross	Concurs. Mentions the different costs of training and that the costs will be a burden.
019	Rep. Adams	States that he "needs help" on the issue.
023	Chair Johnson	Notes the training necessary in this field. States that "hand-on" training will probably address safety issues. Comments that Mr. Brewers suggestion is a good one.
053	Rep. Adams	Asks if they remove florescent ballasts if it would reduce the risks.
059		States that the training would deal with that type of equipment.

	Chair Johnson	
061	Rep. Devlin	Asks for Chair Johnson's preference.
062	Chair Johnson	Comments that the proposed training would be adequate.
071	Rep. Taylor	Notes her caution in dealing with electrical fixtures. States that she will vote against the bill.
083	Chair Johnson	Closes public hearing on SB 306. Opens work session on SB 306.
<u>SB 306</u> <u>WORK</u> <u>SESSION</u>		
091	Rep. Beyer	MOTION: Moves SB 306 to the floor with a DO PASS AS AMENDED recommendation.
105		VOTE: 5-4 AYE: 5 - Adams, Beyer, Hill, Montgomery, Johnson NAY: 4 - Devlin, Taylor, Whelan, Wooten
	Chair Johnson	The motion CARRIES.
110	Rep. Devlin	Serves notice of possible minority report.
121	Chair Johnson	Closes work session on SB 306. Opens public hearing on SB 822.
<u>SB 822</u> <u>PUBLIC</u> <u>HEARING</u>		
129	Bill Cross	Building Officials Association. Provides written materials (EXHIBIT C). States that the bill would fast-track the certifying process for out-of-state applicants who want to become certified in this state.
155	John Gervais	Mentions SB 822, 823, 824 and that he is in support
158	Rep. Wooten	Asks for the position of the League of Oregon Cities.
163	Cross	States that the LOC supports SB 822.
167	Chair Johnson	Opens work session on SB 822.
<u>SB 822</u> <u>WORK</u> <u>SESSION</u>		
175		

	Rep. Wooten	MOTION: Moves SB 822A to the floor with a DO PASS recommendation.
		VOTE: 8-0
	Chair Johnson	Declares the motion CARRIED.
190		Closes work session on SB 822. Opens public hearing on SB 823A
<u>SB 823A</u> <u>PUBLIC</u> <u>HEARING</u>		
200	Cross	Submits written testimony (EXHIBIT D). Discusses using master plans and considerations of particular circumstances. States that they can assume liability by skipping the inspection of the plan by the government. Offers fast-track option for construction.
233	Rep. Beyer	Asks about the department's exemption the from liability and how that changes current law.
240	Cross	Answers that without the master plan there is some liability for the department (building codes division).
256	Rep. Adams	Asks where local governments are on the bill.
259	Cross	Notes support but discomfort with self-inspection of plans. Mentions the requirement for demonstration of compliance with codes. Notes that the brisk economy has made keeping up difficult for the division.
280	Rep. Beyer	Asks if the bill applies only to those established in the business of construction.
285	Cross	Answers that anyone can apply for a master plan, but self-review requires someone licensed by the state.
297	Chair Johnson	Expresses uncertainty with the bill.
306	Rep. Adams	Expresses surprise with local government's support. Notes that most complaints deal with this agency and "moving targets."
320	Stephen Kafoury	Architects Association. Agrees with Chair Johnson's comments. Opposes subsection (2).
330	Pam Triplett	Representing Architects and Engineers in the State of Oregon. Comments that they are opposed to this bill.
340	Chair Johnson	Closes public hearing on SB 823A. Opens work session on SB 823A.
370	Rep. Beyer	MOTION: Moves SB 823A to the floor with a DO PASS recommendation.
375		VOTE: 1-7 AYE: 1 - Beyer

		NAY: 7 - Adams, Devlin, Hill, Taylor, Whelan, Wooten, Johnson EXCUSED: 1 - Montgomery
	Chair	The motion FAILS.
382	Chair Johnson	Adjourns committee.

Submitted By, Reviewed By,

Coben Tistadt, Julie Neburka,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 378, written testimony and materials, Sen. Bob Kintigh, 3 pp.

B - SB 306A, written testimony, Bob Cross, 4 pp.

C - SB 822A, written testimony, Bob Cross, 2 pp.

D - SB 823A, written testimony, Bob Cross, 3 pp.