

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON BUSINESS**

April 15, 1997 Hearing Room 357

8:30 A.M. Tapes 36 - 37

**MEMBERS PRESENT:**

Rep. Roger Beyer, Chair

Rep. Richard Devlin

Rep. Bob Montgomery

Rep. Jackie Taylor

**MEMBER EXCUSED:**

**STAFF PRESENT:**

Keith Putman, Administrator

Timaree Whitty, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2026 Public Hearing

HB 2038 Public Hearing

HB 2347 Public Hearing

HB 2465 Public Hearing

HB 2132 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 36, A		
004	Chair Beyer	Opens meeting at 8:31 a.m. Opens public hearing on HB 2026.
<u>HB 2026</u> <u>PUBLIC</u> <u>HEARING</u>		

015	Keith Putman	Committee Administrator reviews provisions of the bill.
018	Scott Taylor	Oregon Real Estate Commissioner gives testimony in support of HB 2026 (EXHIBIT A).
074	Rep. Taylor	Asks if this sanction would allow a fine up to \$1,000 or less.
076	Taylor	Responds affirmatively.
079	Chair Beyer	Asks if he has a copy of the -1 amendments.
080	Taylor	Responds no.
083	Rep. Montgomery	Comments he has an inactive real estate license so he must declare a conflict of interest. Asks how many times this past biennium could this process have been used.
085	Taylor	Responds the system does not accumulate this data, but his guess is this happens approximately twenty-five to thirty times per year.
089	Rep. Montgomery	Asks what type of fine would you give based on this example.
090	Taylor	Responds in the range of approximately \$500 depending on the circumstances.
103	Rep. Montgomery	Asks who would make this decision.
105	Taylor	Responds he is the ultimate authority in administrative decisions.
107	Rep. Montgomery	Asks if there is an appeal process if the individual disagreed with his decision.
109	Taylor	Responds the appeal process following the administrative hearing would be through the Court of Appeals.
113	Chair Beyer	Asks what is exactly under ORS 696.990.
115	Taylor	Responds ORS 696.990 is the section that provides fines for unlicensed activity.
121	Chair Beyer	Asks if he currently has civil fine authority.
123	Taylor	Responds affirmatively.
125	Chair Beyer	Asks if this is only in a small section of his authority.
126	Taylor	Responds he can fine for unlicensed activity if proven and he can fine escrow licensees for violation of escrow statutes.
131	Genoa Ingram-Read	Representative, Oregon Association of Realtors gives testimony in support of HB 2026.
156	Robert Thomas	Attorney representing Wilcox Property Management gives testimony in opposition of HB 2026 (EXHIBIT B).
230	Thomas	Continues with testimony. Comments on inappropriate and unrealistic requests made in the investigation of Wilcox Property Management Inc.
268		

	Rep. Montgomery	Comments the money will not go into the department, but the state's general fund.
274	Rep. Taylor	Asks if keeping files in a more accessible location would have made it easier for everyone concerned.
278	Cheryl Wilcox	Owner, Wilcox Property Management Inc. responds that nothing could have made it any easier.
286	Thomas	Comments these requests by the investigator pose a tremendous administrative burden on the small business owner which are uncompensated as well.
294	Rep. Taylor	Asks if any consideration has been given to keeping a chronological filing system.
299	Wilcox	Responds there is too many to consider transferring to this.
320	Chair Beyer	Closes public hearing on HB 2026. Opens public hearing on HB 2038.
<b><u>HB 2038</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
343	Keith Putman	Committee Administrator reviews provisions of the bill.
368	Bill Cross	Representative, Oregon Landscape Contractors Association gives testimony in support of HB 2038.
372	Joe Nelson	President, Oregon Landscape Contractors Association gives testimony in support of HB 2038(EXHIBIT C).
388	Ken Keudell	Administrator, Landscape Contractors Board gives testimony in support of HB 2038.
<b>TAPE 37, A</b>		
018	Cross	Comments they reviewed this bill with the Department of Consumer and Business Services and the Labor Management and Workman's Compensation Advisory Board and they are in support.
023	Rep. Montgomery	Asks who the final authority is on the fine.
026	Keudell	Responds within the Landscape Contractors Board there is a policy board that issues fines.
033	Rep. Montgomery	Asks how many times they have posed the \$2,000 civil penalty fine in the past year.
037	Keudell	Responds they have used it no more than three or four times.
043	Chair Beyer	Asks if they currently have civil penalties for landscape contractors or construction contractors.
045	Keudell	Responds they currently have civil penalties for both.
049	Chair Beyer	Asks if it is possible to appeal beyond the board.
050	Keudell	Responds they have the right to go to the Court of Appeals.
055	Chair Beyer	

		Closes public hearing on HB 2038. Opens public hearing on HB 2347.
<b><u>HB 2347</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
060	Rep. Lynn Snodgrass	State Representative, District #10 gives testimony in support of HB 2347 and proposed amendments (EXHIBIT D).
100	Snodgrass	Continues with testimony.
134	Rep. Montgomery	Asks if this bill would affect employing youth to do maintenance yard work.
139	Snodgrass	Responds no.
150	Chair Beyer	Comments a home owner is allowed to work on their own property without a license, but if they hire someone to perform irrigation work they must be certified in order to hook up to a city water system.
158	Rep. Taylor	Asks if it is difficult to determine a contractor's intent to build to sell.
168	Snodgrass	Responds the intent of this bill is to allow contractors the opportunity to work on their own home. The intent must be determined on a case by case basis.
180	Chair Beyer	Closes public hearing on HB 2347. Opens public hearing on HB 2465.
<b><u>HB 2465</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
185	Rep. Lynn Snodgrass	State Representative, District #10 gives testimony in support of HB 2465.
216	Rep. Taylor	Asks if current law would require county employees doing landscape work to hold a license.
219	Snodgrass	Responds someone within the organization is required to be licensed. Comments it depends on the scope of the work; for example, mowing or reseeding the lawn would not require a license. A person performing irrigation work, however, would need to be certified.
255	Ken Keudell	Administrator, Landscape Contractors Board gives testimony in support of HB 2465 (EXHIBIT E).
290	Chair Beyer	Asks if currently the Landscape Contractors Board can stop work immediately or must they give notice first.
293	Keudell	Responds the board has the authority to give a stop work order.
300	Chair Beyer	Asks if they would need to change their registration in line ten, page two of the printed bill.
304	Keudell	

		Responds affirmatively; the term registration needs to be changed in all three places. The landscape law calls for licensing not registration.
315	Rep. Taylor	Asks if a county employee is required to hold a license.
325	Keudell	Responds HB 2347 exempts county employees.
337	Rep. Montgomery	Asks about county employees working on public property.
346	Keudell	Responds it is his belief this is included, but he isn't certain and would have to research it.
348	Chair Beyer	Comments the committee will need this information before they go any further. Asks what section of HB 2347 is this exemption stated.
368	Keudell	Responds lines ten through nineteen on page two, section two of the bill.
375	Chair Beyer	Closes public hearing on HB 2465. Opens public hearing on HB 2347.
<b><u>HB 2347 PUBLIC HEARING</u></b>		
385	Ken Keudell	Administrator, Landscape Contractors Board gives testimony in support of HB 2347.
396	Bill Cross	Representative, Landscape Contractors Board gives testimony in support of HB 2347 (EXHIBIT F)
<b>TAPE 36, B</b>		
006	Fred VanNatta	Representative, Oregon Building Industry Association gives testimony in support of HB 2347 and proposed amendments.
011	Chair Beyer	Closes public hearing on HB 2347. Opens public hearing on HB 2132.
<b><u>HB 2132 PUBLIC HEARING</u></b>		
012	Bill Cross	Representative, Landscape Contractors Board gives testimony in support of HB 2132 (EXHIBIT G).
029	Keith Putman	Committee Administrator asks if their budget is predicated on these fees increasing.
031	Cross	Responds affirmatively.
032	Chair Beyer	Asks if their budget is past Ways and Means.
034	Cross	Responds only the subcommittee and we are stalled.
036	Chair Beyer	Asks if they are suggesting this is a rubber stamp job.
037	Cross	Responds he not suggesting this at all, but he is suggesting that there is support in Ways and Means for a fee increase and they have approved some enhanced program packages which are contingent on your agreement.

044	Chair Beyer	Asks if we have a fiscal impact statement and does this bill have a subsequent referral to Ways and Means.
045	Putman	Responds the fiscal statement has not arrived yet, and the bill does not have a subsequent referral to Ways and Means. Comments this bill does not appropriate any money; however, the appropriation is in the budget.
051	Ken Keudell	Administrator, Landscape Contractors Board comments the budget contains a footnote that indicates that it is dependent upon this bill's passage.
059	Chair Beyer	Closes public hearing on HB 2132. Adjourns meeting at 9:30 a.m.

Submitted By, Reviewed By,

Timaree Whitty, Keith Putman,

Administrative Support Administrator

**EXHIBIT SUMMARY**

A - HB 2026, written testimony, Scott Taylor, 2 pp.

B - HB 2026, written testimony, Robert E. Thomas, 22 pp.

C - HB 2038, written testimony, Bill Cross, 1 p.

D - HB 2347, proposed amendments, staff, 1 p.

E - HB 2465, written testimony, Bill Cross, 1 p.

F - HB 2347, written testimony, Bill Cross, 1 p.

G - HB 2132, written testimony, Bill Cross, 1 p.