

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON BUSINESS**

**April 22, 1997 Hearing Room 357**

**8:15 A.M. Tapes 39 - 41**

**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 2137 Public Hearing and Work Session**

**HB 2259 Public Hearing**

**HB 2418 Public Hearing and Work Session**

**HB 2786 Public Hearing**

**HB 2827 Public Hearing and Work Session**

**HB 3655 Public Hearing**

**HB 2038 Public Hearing and Work Session**

**HB 2132 Public Hearing and Work Session**

**HB 2347 Public Hearing and Work Session**

**HB 2465 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 39, A		
003	Chair Beyer	Opens meeting at 8:20 a.m. Opens public hearing on HB 2137.
<u>HB 2137</u> <u>PUBLIC</u> <u>HEARING</u>		
006	Keith Putman	Committee Administrator, reviews provisions of the bill.
012	Scott Taylor	Real Estate Commissioner, gives testimony in support of HB 2137. Budget is totally supported by fees. Complaints have increased, staff has decreased. Last fee increase was 1987 (EXHIBIT A).
060	Taylor	Continues with testimony.
118	Rep. Montgomery	Asks if they will be back in a few years after the switch from the Wang computer system to propose reducing the budget.
120	Taylor	Hopes it might be true, but no guarantee. Industry projects a 25 - 75% decrease in licensees because of changing way of business. If so, perhaps fees could be reduced.
137	Rep. Montgomery	Asks if we have reduced any fees. There have been over 1,050 complaints over last 2 years. Have any licenses been revoked?
142	Taylor	Yes, maybe 15-20 for 1995, similar for 1996.
145	Rep. Taylor	Asks if the day is coming when you can put continuing education on a CD rom and send it into cyberspace to employees.
149	Taylor	Responds affirmatively.
160	Chair Beyer	Asks if it is true their budget has already passed Ways and Means.
162	Taylor	Responds. Most agents are in favor of increase.
169	Beyer	Asks what will happen to their budget if the committee decides not to pass this bill.
	Taylor	Would have to cut \$1.3 million out of budget.
175	Rep. Montgomery	Asks why this bill has taken so long to come before committee as it was pre-session filed.
178	Chair Beyer	Responds the subcommittee just received the bill about a week ago.
196	Genoa Ingram-Reid	Represents Oregon Association of Realtors, gives testimony in support of HB 2137.
253	Sean Miller	Representative, Oregon Rental Housing Association, gives testimony on HB 2137. Comments their association is concerned with raising fees for small business. They are in support of

		increasing fees, but not to the extent of 75 percent. Real estate property manager's fee would increase from \$150 to \$230.
285	Chair Beyer	Asks about difference between active & inactive members.
287	Ingram-Reid	Responds she was referring to active members.
292	Miller	By increasing fees number of inactive licensees would decline.
303	Rep. Taylor	Asks if the Oregon Rental Housing Association fees fall under property management fees and are they biennial.
305	Miller	Renewal is biennial.
311	Chair Beyer	Closes public hearing on HB 2137. Opens work session on HB 2137. Does not want a motion to move it at this time.
<b><u>HB 2137 WORK SESSION</u></b>		
318	Chair Beyer	Asks Rep. Montgomery if he is considered inactive
319	Rep. Montgomery	Yes
322	Chair Beyer	Asks if fee increase will cause him to drop his license.
326	Rep. Montgomery	No. Has heard no complaint about the bill. Will vote it out of committee but won't support on the floor.
336	Chair Beyer	Heard no complaints.
340	Rep. Taylor	Has heard support from a broker.
350	Chair Beyer	Closes work session on HB 2137. Opens public hearing on HB 2259.
<b><u>HB 2259 PUBLIC HEARING</u></b>		
354	Keith Putman	Committee Administrator, reviews provisions of the bill.
389	Barbara Jacobson	Representative, Oregon State Bar Real Estate and Land Use Legislative Committee gives testimony in support of HB 2259 (EXHIBIT B).
<b>TAPE 40, A</b>		
040	Jacobson	Continues with testimony.
060	Mike Scott	Representative, Power Rents and Oregon Equipment Rental Association gives testimony in opposition of HB 2259 Expresses concern about language "construction- related activities" rather than "for construction" (EXHIBIT C).
092	Chair Beyer	Asks if he has seen the -1 amendments.
094	Scott	Responds no.
121	Chair Beyer	Asks where in the statute he is indicating "for"
124	Scott	Responds line 14
135	Chair Beyer	

		Asks if he feels this is an unneeded piece of legislation in its current language.
138	Scott	Yes, he does. Will need to carve out exceptions for his clients if passed.
144	Chair Beyer	Asks if Scott would work with Ms. Jacobson and Mr. Putman to change language.
146	Scott	Yes.
151	Chair Beyer	Closes public hearing on HB 2259. Opens public hearing on HB 2418.
<b><u>HB 2418 PUBLIC HEARING</u></b>		
155	Keith Putman	Committee Administrator, reviews provisions of the bill.
167	Jim Markee	Representative, Oregon Collector s Association gives testimony in support of HB 2418.
187	Rep. Montgomery	Asks if he knows if there has ever been a case where paid in full was written on a bill with a remaining balance, taken to court and won the ruling.
189	Markee	Responds he doesn't have that information.
197	David Deblasio	Attorney at Law, gives testimony in support of HB 2418. Said not infrequently checks with that notation come in and are cashed, later it is realized that the vendor has forfeited right to collect balance.
244	Chair Beyer	Asks when State of Oregon adopted provisions exempting state from that provision.
246	Deblasio	`93 or `91
250	Chair Beyer	Asks if they tried to pass this same legislation last session.
251	Deblasio	Yes
267	Frank Brawner	President, Oregon Bankers Association, gives testimony in support of HB 2418.
292	Rep. Taylor	Asks if California has similar wording.
294	Brawner	Yes, similar.
303	Julie Brandis	Representative, Oregon Retail Council & Associated Oregon Industries. Testifies in support of HB 2418 (EXHIBIT D).
	Chair Beyer	Closes public hearing on HB 2418. Opens work session
<b><u>HB 2418 WORK SESSION</u></b>		
315	Rep. Montgomery	<b>MOTION: Moves HB 2418 to the full committee with a DO PASS recommendation.</b>
	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b>

		<b>REP. BEYER will lead discussion in the full committee.</b>
<b>325</b>	<b>Chair Beyer</b>	<b>Closes work session on HB 2418. Opens public hearing on HB 2827.</b>
<b><u>HB 2827</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
<b>340</b>	<b>Keith Putman</b>	<b>Committee Administrator, reviews provisions of the bill.</b>
<b>368</b>	<b>Randy Ealy</b>	<b>Representative, Oregon Dental Hygienists Association gives testimony in support of HB 2827 (EXHIBIT E).</b>
<b>396</b>	<b>Wendy Ochs</b>	<b>President, Oregon Dental Hygienists Association gives testimony in support of HB 2827 (EXHIBIT F).</b>
<b>TAPE 39, B</b>		
<b>015</b>	<b>Rep. Taylor</b>	<b>Asks if the permit would just be an addition to the regular license.</b>
<b>023</b>	<b>Ochs</b>	<b>Responds it would be in addition to the regular license</b>
	<b>Rep. Taylor</b>	<b>Asks how many hygienists will be potential candidates for this license.</b>
	<b>Ochs</b>	<b>Doesn't know for sure, personally plans to pursue.</b>
<b>024</b>	<b>Chair Beyer</b>	<b>Asks if there will be an additional fee.</b>
<b>025</b>	<b>Ochs</b>	<b>Yes, there will be.</b>
<b>026</b>	<b>Chair Beyer</b>	<b>Fee set by administrative rule or the board?</b>
<b>027</b>	<b>Ochs</b>	<b>Is not sure.</b>
<b>028</b>	<b>Putman</b>	<b>By the Board of Dentistry.</b>
<b>030</b>	<b>Chair Beyer</b>	<b>Board will not have to come back to us and ask for a fee increase, will they?</b>
<b>031</b>	<b>Ochs</b>	<b>No.</b>
<b>039</b>	<b>Jane Myers</b>	<b>Director of Government Affairs, Oregon Dental Association, gives testimony in support of HB 2827 (EXHIBIT G).</b>
<b>069</b>	<b>Dr. S. Dan Wiles</b>	<b>Dentist, gives testimony in support of HB 2827.</b>
<b>093</b>	<b>Rep. Montgomery</b>	<b>Asks if they are adding new qualifications with this bill.</b>
<b>096</b>	<b>Myers</b>	<b>Responds. Informs committee that Dr. Wiles has served on Board of Dentistry.</b>
<b>111</b>	<b>Dr. Lewis Blue</b>	<b>Comments he is in support of HB 2827.</b>
<b>118</b>	<b>Rep. Taylor</b>	<b>Asks if her assumption that hygienists will go to nursing homes and other such facilities is correct.</b>
<b>121</b>	<b>Myers</b>	<b>Yes.</b>
<b>125</b>	<b>Rep. Devlin</b>	<b>Comments it is extremely rare to find two boards in agreement.</b>

134	Chair Beyer	Closes public hearing on HB 2827. Opens work session on HB 2827.
<b><u>HB 2827 WORK SESSION</u></b>		
135	Rep. Devlin	<b>MOTION: Moves HB 2827 to the full committee with a DO PASS recommendation.</b>
	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b> <b>REP. DEVLIN will lead discussion in the full committee.</b>
140	Chair Beyer	Closes work session on HB 2827. Opens public hearing on HB 3655.
<b><u>HB 3655 PUBLIC HEARING</u></b>		
149	Debra Orman	Executive Director, Oregon Childcare Resource and Referral Network, gives testimony in support of HB 3655.
	Richard Meyer	Director of Association of Community Development Organizations in Oregon.
	Orman	Goal of bill is to increase supply of Childcare and also protect landlords from liability of their tenants. Indicates emergency clause would be better.
197	Rep. Montgomery	Asks if the bill includes apartments.
200	Orman	Currently is law, Childcare is considered residential use of home.
206	Rep. Montgomery	Asks if provider can turn apartment into Childcare facility without approval of landlord.
209	Orman	Yes.
211	Rep. Devlin	Asks if this would prevent landlord from putting extra restrictions on tenant.
216	Orman	Responds
227	Rep. Devlin	Asks if this would fall under the normal childcare guidelines for home care facilities.
229	Orman	Yes
239	Chair Beyer	Interprets bill to read that landlord would be prohibited from denying childcare facility in rental unit.
241	Orman	Yes, but willing to discuss language for reasonable restrictions.
245	Meyer	Explains role of community development organizations -- to build affordable housing. Supports HB 3655.
299	Rep. Taylor	Asks if current legislation addresses number of children in facility.

	<b>Orman</b>	<b>Yes, less than 4 children do not require registration.</b>
<b>326</b>	<b>Julie Totman</b>	<b>Childcare provider gives testimony in support of HB 3655. Landlord told her she could not provide daycare because his own insurance did not cover daycare.</b>
<b>403</b>	<b>Rep. Montgomery</b>	<b>Asks if her home is currently zoned for a Childcare.</b>
<b>405</b>	<b>Totman</b>	<b>No, zoned for residential.</b>
<b>001</b>	<b>Rep. Montgomery</b>	<b>An amendment would not help because her property is not correctly zoned.</b>
<b>004</b>	<b>Putman</b>	<b>A previous witness claimed Childcare is allowable in residential zone.</b>
<b>008</b>	<b>Totman</b>	<b>That's what she learned when trying to become registrered.</b>
<b>015</b>	<b>Rep. Montgomery</b>	<b>Asks if there is a limit to the number of children in the home.</b>
<b>017</b>	<b>Totman</b>	<b>Ten is the limit and ages of children is a factor.</b>
<b>024</b>	<b>Chair Beyer</b>	<b>Comments on limit.</b>
<b>027</b>	<b>Orman</b>	<b>With additional helper, two more children can be included.</b>
<b>030</b>	<b>Rep. Devlin</b>	<b>Comments Childcare is permitted in all residential zones.</b>
<b>043</b>	<b>Rep. Taylor</b>	<b>Asks if space is considered in registration.</b>
<b>044</b>	<b>Orman</b>	<b>Family Childcare up to 10 children, group homes up to 12 but they have a space requirement.</b>
<b>052</b>	<b>Emily Cedarleaf</b>	<b>Representative, Multifamily Housing Council, gives testimony in opposition to HB 3655. Bill takes away right of landlord to control what happens on their property. Great concern about liability.</b>
<b>102</b>	<b>Rep. Montgomery</b>	<b>Comments this bill is about property rights not daycare.</b>
<b>107</b>	<b>Shawn Miller</b>	<b>Representative, Oregon Rental Housing Association, gives testimony in opposition to HB 3655.</b>
<b>123</b>	<b>Rep. Taylor</b>	<b>Comments she feels when she rents a house she considers it her home. Asks if there is anything that could be done to this bill to meet their concerns.</b>
<b>140</b>	<b>Cedarleaf</b>	<b>Statute says rental be occupied as dwelling unit unless landlord agrees otherwise. Currently daycare allowable if landlord allows it. Liability insurance is biggest problem.</b>
<b>154</b>	<b>Rep. Devlin</b>	<b>Asks how we find local childcare for all the children.</b>
<b>173</b>	<b>Cedarleaf</b>	<b>Fair Housing Act prevents landlords from separating children from adults unless major percentage of tenants are of certain age. Biggest complaint is high noise level of daycare facility.</b>
<b>199</b>	<b>Chair Beyer</b>	<b>Closes public hearing on HB 3655. Asks if Rep. Taylor will work with reps from both sides to look for common ground.</b>

<b><u>HB 2038</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
201	Chair Beyer	Opens public hearing on HB 2038. Asks Ken Kuedell if he has any comments about the bill.
214	Ken Kuedell	No, he has not.
217	Chair Beyer	Closes public hearing on HB 2038, opens work session.
<b><u>HB 2038</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		
226	Chair Beyer	Opens work session on HB 2038.
227	Rep. Montgomery	<b>MOTION: Moves HB 2038 to the full committee with a DO PASS recommendation.</b>
	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b> <b>REP. TAYLOR</b> will lead discussion in the full committee.
229	Chair Beyer	Closes work session on HB 2038, opens public hearing on HB 2132.
<b><u>HB 2132</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
230	Chair Beyer	Asks Ken Kuedell if he has testimony.
232	Ken Kuedell	Has no testimony
234	Chair Beyer	Closes public hearing on HB 2132, opens work session.
<b><u>HB 2132</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		
237	Rep. Devlin	<b>MOTION: Moves HB 2132 to the full committee with a DO PASS recommendation.</b>
240	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b> <b>REP. DEVLIN</b> will lead discussion in the full committee.
244	Chair Beyer	Closes work session on HB 2132, opens public hearing on HB 2347.
<b><u>HB 2347</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
247	Chair Beyer	Asks for further testimony on this measure. Hearing none, closes public hearing on HB 2347 and opens work session.
<b><u>HB 2347</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		



250	Ken Keudell	Licensed Contractor's Board, proposes amendments
256	Keith Putman	Committee Administrator, explains amendments.
282	Bill Cross	Representative, Oregon State Landscape Association, comments that amendments were not limited to planting trees.
303	Chair Beyer	Asks Committee Administrator if he feels they should go back to LC for -5.
304	Putman	Unnecessary in his opinion and in the opinion of LC, as long as amendment was read into the record.
	Chair Beyer	Asks Administrator to read amendment into record before full committee also.
319	Rep. Montgomery	MOTION: Moves to ADOPT HB 2347-4 amendments dated 4/21/97.
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
325	Rep. Montgomery	MOTION: Moves HB 2347 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0
	Chair Beyer	Hearing no objection, declares the motion CARRIED. REP. BEYER will lead discussion in the full committee.
332	Chair Beyer	Closes work session on HB 2347, opens public hearing on HB 2465.
<b><u>HB 2465 PUBLIC HEARING</u></b>		
334	Chair Beyer	Opens public hearing on HB 2465. Asks for further testimony on the measure.
335	Kuedell	No further testimony
337	Chair Beyer	Closes public hearing on HB 2465, opens work session.
<b><u>HB 2465 WORK SESSION</u></b>		
340	Chair Beyer	Asks Ken Kuedell if he still desires the change.
343	Kuedell	Yes, it's better if listed as "licensed"..
350	Rep. Montgomery	MOTION: Moves to ADOPT HB 2465-1 amendments dated 4/18/97.
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
353	Rep. Montgomery	MOTION: Moves HB 2465 to the full committee with a DO PASS AS AMENDED recommendation.
	Chair Beyer	Hearing no objection, declares the motion CARRIED. REP. BEYER will lead discussion in the full committee.

	<b>TAPE 40, B</b>	
363	Chair Beyer	Closes work session on HB 2465. Opens public hearing on HB 2786.
<b><u>HB 2786 PUBLIC HEARING</u></b>		
383	Chuck Bennett	Representating some community credit unions, gives testimony in support of HB 2786 and -5 amendments (EXHIBIT H). Here with Ralph Goodwin, Grant-Baker C.U. and Don Noldge, St. Helens C.U. Would allow public agencies to deposit funds in community chartered credit unions.
	<b>TAPE 41, A</b>	
022	Keith Putman	Explains amendments.
027	Don Noldge	Chief Executive Officer, St. Helens Community Federal Credit Union gives testimony in support of HB 2786 (EXHIBIT I).
075	Bennett	Comments on graph included with Mr. Noldge's testimony which shows how much taxes are paid by the C.U.
083	Ralph Goodwin	Chief Executive Officer, Grant-Baker Federal Credit Union gives testimony in support of HB 2786 (EXHIBIT J).
	Bennett	Comments again on taxes paid by the C.U.
103	Chair Beyer	Asks if Mr. Bennett has talked with the sponsor of this bill.
105	Bennett	Talked briefly with Mr. Brawner who has indicated a lack of interest in the proposal.
110	Chair Beyer	Remarks that testimony is directed at SB 948 but this is HB 2786. What happend to SB 948?
112	Bennett	It's in Senate Bus. Law & Gov. Same issue area. This vehicle is more appropriate than 948.
125	Chair Beyer	Comments that Rep. Johnson is sponsor of this bill & needs to see the amendments. You need to discuss amendments with Rep. Johnson and with Frank Brawner.
133	Chair Beyer	Adjourns meeting at 10:23 a.m.

Submitted By, Reviewed By,

Timaree Whitty, Keith Putman,

Administrative Support Administrator

**EXHIBIT SUMMARY**

A - HB 2137, written testimony, Scott Taylor, 3 pp.

B - HB 2259, written testimony, Barbara Jacobson, 3 pp.

**C - HB 2259, written testimony, Mike Scott, 1 p.**

**D - HB 2418, written testimony, Julie Brandis, 2 pp.**

**E - HB 2827, written testimony, Randall Ealy, 1 p.**

**F - HB 2827, written testimony, Wendy Ochs, 1 p.**

**G - HB 2827, written testimony, Jane Myers, 2 pp.**

**H - HB 2786, written testimony, Chuck Bennett, 1 p.**

**I - HB 2786, written testimony, Don Noldge, 6 pp.**

**J - HB 2786, written testimony, Ralph Goodwin, 5 pp.**