

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON BUSINESS**

May 1, 1997 Hearing Room 357

8:30 A.M. Tapes 46 - 47

**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 3081 Public Hearing and Work Session

HB 3384 Work Session

HB 2550 Work Session

SB 398 Public Hearing and Work Session

HB 2151 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 46, A		
003	Chair Beyer	Opens meeting at 8:45 a.m. Opens public hearing on HB 3081.
<u>HB 3081</u> <u>PUBLIC</u> <u>HEARING</u>		

007	Rep. Charles Starr	State Representative, #3 gives testimony in support of HB 3081.
010	Gerald Montgomery	Portland area attorney gives testimony in support of HB 3081.
035	Rep. Montgomery	Asks who wouldn't like us doing this.
036	Montgomery	Responds he has no idea.
039	Rep. Devlin	Asks the significance of the date put into the bill.
040	Montgomery	Responds he asked the Insurance Commissioner's office this question and they replied they weren't around when this was passed, so we don't know. Comments he calls this a "drop dead date," which he can't understand. He assumes there is some constitutional problems relating to this.
047	Chair Beyer	Asks if he knows when this statute was put into place.
049	Montgomery	Responds it was amended in 1975.
058	Chair Beyer	Asks if there is a bonding requirement to help protect consumers.
060	Montgomery	Responds there is an application process to the Insurance Commissioner to request authority to issue gift annuities. Instead of a bond there are reserve and accounting requirements with money dedicated to these annuities.
068	Chair Beyer	Closes public hearing on HB 3081. Opens work session on HB 3081.
<b><u>HB 3081</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
069	Rep. Montgomery	<b>MOTION: Moves HB 3081 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 full committee.</b>
073	Chair Beyer	Closes work session on HB 3081. Opens work session on HB 3384.
<b><u>HB 3384</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
087	John Gervais	Representative, National Electrical Contractors Association gives testimony in support of HB 3384.
095	Gary Wright	Representative, U.A. Plumbers and Pipefitters, Local 290 gives testimony in support of HB 3384 and proposed amendments.
097	Emily Cedarleaf	Representative, Multifamily Housing Council of Oregon gives testimony in support of HB 3384.
099	Joe Brewer	

		Administrator, Building Codes Division, Department of Consumer and Business Services gives testimony in support of the proposed amendments. Comments the Building Codes Division agrees with eliminating the proposed revisions of ORS693.
114	Rep. Montgomery	MOTION: Moves to ADOPT HB 3384-2 amendments dated 4/24/97.
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
117	Rep. Montgomery	MOTION: Moves HB 3384 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Beyer	Hearing no objection, declares the motion CARRIED. Rep. Taylor will lead discussion in full committee.
127	Chair Beyer	Closes work session on HB 3384. Opens work session on HB 2550.
<b><u>HB 2550</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
136	Chair Beyer	Comments all parties involved were in agreement with everything except section 11.
144	Rep. Montgomery	Asks about the concept amendment.
146	Keith Putman	Committee Administrator responds it is his understanding that the parties that were in prior dispute would now be in agreement with the -2 amendments. Comments that the -2 amendments eliminates the language of what constitutes a special use vehicle and substitutes a group of people who are exempt; known as hobbyists. This amendment does not refer to number or age of vehicles, but only addresses purpose and intent.
165	Chair Beyer	Asks if all parties are satisfied with concept amendment.
177	Brian Doherty	Responds this is fine. Asks if on page 9, section 11, lines 12 and 13 we are substituting with a definition stating this person is exempt.
190	Chair Beyer	Responds the way this concept amendment is written it would go on page 2 and we would delete lines 12 and 13 of section 11.
195	Putman	Responds on page 2, section 3 of the original bill we added the language "or vehicles of special interest" and the amendment now removes this language. A new section 11 was put in with the new wording referring to the group of people who are exempt.
200	Chair Beyer	Responds section 3 would be the exemption section of the bill.
203	Doherty	Comments he is concerned that the language in section 11 referring to committing an offense would affect these people who are exempt.
210	Chair Beyer	

		Responds the committee has no intent to pass a bill relinquishing this exemption privilege.
234	Rep. Montgomery	MOTION: Moves to ADOPT HB 2550-1 amendments dated 4/29/97.
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
241	Rep. Montgomery	MOTION: Moves to AMEND HB 2550 on page 2, after line 35," insert "A person who collects, purchases, acquires, trades or disposes of vehicles and vehicle parts for the person's own use in order to preserve, restore and maintain a vehicle for the person's own use, or for hobby or historical purposes."
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
252	Rep. Montgomery	MOTION: Moves HB 2550 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 full committee.
273	Chair Beyer	Closes work session on HB 2550. Opens public hearing on SB 398.
<b><u>SB 398</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
286	Keith Putman	Committee Administrator reviews provisions of the bill.
308	Charles Pearson	Legislative Chair, Oregon State Board of Examiners for Engineering and Land Surveying gives testimony in support of SB 398 (EXHIBIT A).
350	Rep. Taylor	Asks about the names used by registrants instead of a definition of education.
356	Pearson	Responds this just adds a broader definition to names that are practically used by licensed individuals to make sure there is no deception by the use of these terms by unlicensed individuals.
368	Rep. Taylor	Asks if it is their intent that anyone using one of these names is licensed.
372	Pearson	Responds there would be some exceptions; for example, an individual was calling oneself some type of engineer with no possibility that someone could construe by that term that they were offering professional engineering services to the public.
393	Putman	Asks if they are lowering the education requirements to become a licensed engineer by removing language from the law stating the requirements for knowledge of mathematics, physical, chemical and other sciences. Asks if these requirements are stated in the rules governing use of specific names.
<b>TAPE 47, A</b>		
375	Pearson	

		Responds these requirements are still in the statutes and the rules.
382	Ed Graham	Executive Secretary, Consulting Engineers Council of Oregon responds not all sections of ORS.672 have been modified. The requirements for registration remain unchanged and are found in a different section of the statute.
389	Alison Davis	Assistant Executive Director, Consulting Engineers Council of Oregon gives testimony in support of SB 398 (EXHIBIT B).
398	Graham	Gives testimony in support of SB 398.
407	Chair Beyer	Asks about contradictions in the bill in reference to licensed engineers authority to survey.
428	Pearson	Responds the intent in the bill is to lay it out clearly that an engineer may perform certain surveying services that are part of their work.
<b>TAPE 46, B</b>		
000	Graham	Comments the printed law will be much clearer than the bill.
005	Chair Beyer	Asks for clarification of the three statutes that do not apply to registered architect practices.
011	Graham	Responds these are the existing exemptions for other registered professions. Any practicing architect is exempt from any pursuit by the engineers board.
030	Chair Beyer	Asks for explanation on page four, line 34 of the bill changing examinations for registration from shall be written to may be written.
060	Pearson	Responds currently the National Council of Examiners for Engineering and Surveying are investigating the use of computer based testing which would allow us to implement this without coming back to the legislature.
067	Rep. Montgomery	Asks if there will be identification numbers for the person taking the test.
072	Pearson	Responds this testing would be given the same security as current testing procedures.
077	Chair Beyer	Asks about the language allowing either a written or oral test.
079	Pearson	Responds we were trying to cover the ability to make sure we wouldn't run afoul if the Attorney General believes this to be a written test because it was done by computer which isn't allowed.
083	Chair Beyer	Comments he feels this permissive language gives opportunity to eliminate the written test altogether which he doesn't agree with.
098	Pearson	Responds we also have candidates that apply to the board by comity and prominence who have been long-standing practicing engineers in other states that have not taken the same written tests. Current language requires us to give someone with a Ph.D. in civil engineering and 40 years of practice a fundamental

		engineering examination before issuing a comity license. This proposed change would allow us the option to give either a oral and/or written exam.
112	Chair Beyer	Comments a bill was recently passed to allow a temporary engineering license.
114	Pearson	Responds that is correct.
117	Chair Beyer	Asks if this temporary license requires a written test.
119	Pearson	Responds a temporary engineering license requires a person to apply to the state of Oregon for a license by comity.
132	Rep. Taylor	Asks what the additions are regarding continuing education.
134	Pearson	Responds new language would allow the rule making authority of the board to establish standards in intellectual education and technical qualifications for examination and certificate renewal.
139	Rep. Taylor	Asks if continuing education is currently part of license renewal or is it a new requirement.
142	Pearson	Responds this would be a new requirement.
146	Chair Beyer	Asks if they currently have civil penalty authority.
148	Pearson	Responds affirmatively.
150	Chair Beyer	Asks what the new statute is they wish to issue civil penalty authority under.
152	Graham	Responds 672.205 and 672.325 consolidates this.
164	Rep. Taylor	Asks how this will help nonexempt surveyors.
174	Graham	Responds this may not directly relate to this; it is a law enforcement issue.
193	Steven Kafoury	Representative, Architect Council of Oregon and Professional Land Surveyors of Oregon gives testimony in support of SB 398. Comments the architecture profession has gone to 100 percent computerized examinations across the nation.
205	Chair Beyer	Asks if the law had to be changed to allow that.
206	Kafoury	Responds no change was needed because there was no language in reference to the examination. Continues with testimony.
240	Chair Beyer	Asks what was meant by coming before the legislature many times before.
245	Pearson	Responds this was all tied up with writing the definitions of real property.
266	Chair Beyer	Closes public hearing on SB 398. Opens work session on SB 398.
<b><u>SB 398</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
270	Rep. Montgomery	<b>MOTION: Moves SB 398A to the full committee with a DO PASS recommendation.</b>
	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b>

		<b>REP. MONTGOMERY will lead discussion in full committee.</b>
288	Chair Beyer	<b>Closes work session on SB 398. Opens public hearing on HB 2151.</b>
<b><u>HB 2151 PUBLIC HEARING</u></b>		
297	Rep. Devlin	<b>Reviews provisions of the bill.</b>
320	David Sheelar	<b>Representative, Oregon Housing and Community Services Department gives testimony in support of HB 2151 and proposed amendments. Comments on new contact sheets (EXHIBIT C).</b>
365	Rep. Montgomery	<b>Asks how they arrived at November 1, 1999 as a sunset date.</b>
370	Rep. Devlin	<b>Responds we tried to select a date presuming it will have to come back to the legislature in the next session to remove the sunset even without an emergency clause. The law would probably be in effect if we had a normal length session.</b>
380	Sheelar	<b>Comments this has full support from both landlords and tenants with no known opposition.</b>
389	Frank Burleson	<b>Chairman, Coalition of Mobile Home Park gives testimony in support of HB 2151.</b>
409	Chair Beyer	<b>Closes public hearing on HB 2151. Opens work session on HB 2151.</b>
<b><u>HB 2151 WORK SESSION</u></b>		
000	Rep. Taylor	<b>MOTION: Moves to ADOPT HB 2151-1 amendments dated 4/17/97.</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>
004	Rep. Taylor	<b>MOTION: Moves HB 2151 to the full committee with a DO PASS AS AMENDED recommendation.</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.  TAYLOR will lead discussion in full committee.</b>
013	Chair Beyer	<b>Closes work session on HB 2151. Opens work session on SB 82.</b>
<b><u>SB 82 WORK SESSION</u></b>		
023	Rep. Montgomery	<b>MOTION: Moves SB 82A to the full committee with a DO PASS recommendation.</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.  TAYLOR will lead discussion in full committee.</b>

**Submitted By, Reviewed By,**

**Timaree Whitty, Keith Putman,**

**Administrative Support Administrator**

**EXHIBIT SUMMARY**

**A - SB 398, written testimony, R. Charles Pearson, 1 p.**

**B - SB 398, written testimony, Alison Davis, 1 p.**

**C - HB 2151, written testimony, David Sheelar, 1 p.**