

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON BUSINESS**

**January 28, 1997 Hearing Room 357**

**8:45 A.M. Tapes 1 - 2**

**MEMBERS PRESENT:**

**Rep. Roger Beyer, Chair**

**Rep. Richard Devlin**

**Rep. Bob Montgomery**

**Rep. Jackie Taylor**

**STAFF PRESENT:**

**Keith Putman, Administrator**

**Annetta Mullins, Administrative Support**

**Gary Cedar, Committee Clerk**

**MEASURE/ISSUES HEARD:**

**Informational Meeting**

**Construction Contractors Board**

**Landscape Contractors Board**

**HB 2149 - Public Hearing**

**HB 2151 - 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 1, A</b>		
<b>006</b>	<b>Chair Beyer</b>	<b>Calls meeting to order at 8:46 a.m. and outlines agenda for the day.</b>

**CONSTRUCTION CONTRACTORS BOARD**

013	Ken Keudell	Administrator, Construction Contractors Board and Landscape Contractors Board, introduces Mike Daly, Chair of the Construction Contractors Board.
	Mike Daly	Chair, Construction Contractors Board, explains he is a small excavation contractor in Redmond, was appointed by Governor Roberts, and is starting to understand the process.
029	Keudell	Presents overview of Construction Contractors Board (EXHIBIT A).
067	Keudell	Continues presentation.
087	Keudell	Explains reserve of \$1 million is less than three months funds for operations. Board and self would be more comfortable with five or six months reserves.
101	Keudell	Continues presentation (EXHIBIT A, pages 3 and 4).
134	Keudell	Explains "claim" and "enforcement action."
178	Keudell	Continues presentation on hearings.
192	Keudell	Continues presentation on education (EXHIBIT A).
225	Keudell	Continues presentation on administrative services.
247	Keudell	Agency is now within 30 day period of processing claims; agency was behind because of new computer system.
256	Keudell	Notes agency has four bills (EXHIBIT A, page 6).
265		Issues discussed:
		* exemptions from licensing
		* comparison of Oregon enforcement to other states

**LANDSCAPE CONTRACTORS BOARD**

310	Ken Keudell	Administrator, Landscape Contractors Board, presents overview of the board (EXHIBIT B).
350	Keudell	Continues presentation.

390	Montgomery	Asks how much is in reserve.
410	Keudell	Explains their last fee increase was in 1981 and until last biennium had kept reducing their reserve; the reserve is about \$40,000. Proposed budget for this biennium is slightly over \$400,000.
<b>TAPE 2, A</b>		
017		Issues discussed:
		* exemptions from licensing
		* maintenance is not landscape contracting
		* compatibility of administrator serving two boards
085	Bill Cross	Oregon Landscape Contractors Association, submits a position paper and explains concerns of the association (EXHIBIT C).
122	Fred VanNatta	Oregon Building Industry Association, reviews history of recommending legislation to create the Construction Contractors Board in 1971. Believes board brings inexpensive dispute resolution process which serves a public purpose and consumer protection. Will support the fee increases to ensure adequate staff in the agency.
168	Chair Beyer	Opens public hearing on HB 2149.
<b><u>HB 2149 - PUBLIC HEARING</u></b>		
186	Putman	Reviews Preliminary Staff Measure Summary (EXHIBIT D).
212	David Sheelar	Mobile Home Park Ombudsman, Oregon Housing and Community Services Department, explains the \$3.00 personal property assessment on each manufactured dwelling goes to the agency to support the program.
	Rep. Montgomery	Notes the county assessor collects the fee but gets nothing for doing it.
230	Sheelar	Testifies in support of HB 2149:
		* Mobile Home Park Ombudsman program was created in 1989 to assist manufactured park tenants and landlords in resolving issues and living conditions, to provide information about landlord and tenant rights and responsibilities, and to gather information for legislatures, the public and others about mobile home park living.

		* Program is mandated to maintain a current list of manufactured dwelling parks in Oregon, including number of spaces in each park.
255		* Assessors voluntarily provide information; there is no problem.
		* Agency develops a park guide containing the information.
		* There are 1,336 parks in Oregon, 62,135 spaces, and 34 new parks this year.
		* In 1995, the agency received 500 requests for general information.
275	Rep. Devlin	Asks why this must be mandated.
292	Sheelar	Responds the agency is mandated to provide the directory. Assessors are mandated to determine information on parks in each county for personal property designations but are not mandated to provide it to the agency. The intent is to "hold the marriage together."
	Lynn Partin	Former Mobile Home Park Ombudsman, explains there is a disconnect between what the agency is required to provide and what the assessors are required to provide. This would not be a new mandate; it would be a new statute, but not new service.
324	Sheelar	Explains the important of the directory as a resource guide for landlords, perspective tenants and real estate brokers.
332	Rep. Montgomery	Asks if the information provided is free.
	Sheelar	Responds it is free information.
	Sheelar	Adds that the agency is trying to assure the source of the information continue to provide the information they are providing today.
348	Rep. Montgomery	Asks why we are trying to tell counties they have to do this.
	Sheelar	Responds the agency wants to "secure the marriage".
368	Frank Burlson	Greenway Residents Association, Dallas, Oregon, and Chairman, Coalition of Manufactured Home Park Residents Association, testifies in support of HB 2149:

		* The information is used in many ways, including features of the parks, whether or not the owners are complying with the legal requirements of statement of policy, signed rental agreements, rules and regulations, and whether they know there is an ombudsman.	
		* Supports continuing service.	
<b>TAPE 1, B</b>			
018	Gil Riddel	Association of Oregon Counties, introduces Tom Linhares, Association of County Assessors, and testifies the counties are not in a position to accept unfunded mandates.	
		* Measure 47 would immediately cut at least 20 percent from property tax revenues to counties.	
		* Assessors don't fall under definition of public safety.	
		* A state funding program for assessment taxation administration could sunset next year; it provides 18-19 percent of funds for the operation.	
		* Measure 47 requires redesigning the property tax system and administration of the system.	* Measure 47 prioritizes public safety; assessors don't fall under the definition of public safety
		* Assessors will have part of information as part of the assessment process, however, some of it would be more in the nature of private investigation or bookkeeping which assessors do not now do; counties handle it differently.	
051	Rep. Montgomery	Asks how much the \$3 per dwelling yields per year.	
053	Linhares	Comments Columbia County reviews every mobile home park each year and tries to gather as much of the information as possible, but not all the information listed in the bill. Under Ballot Measure 47, the county may not be able to do that.	
088	Rep. Taylor		

		Comments the Manufactured Home Owners Association are concerned the counties will not be able to continue to provide the information, and asks if there is a compromise suggestion.
	Riddell	Comments the counties may be able to determine the cost and if the counties are paid the cost, it would make sense.
107	Linhares	Comments a compromise would be the counties could provide any information on the tax role.
121	Emily Cedarleaf	Executive Director., Multiply Family Housing Council, believes the agency could adapt to what information is in the files. The names and address of the structures are in the records. The information about closure would be coming off the tax roles because structures would no longer be there. The original focus was not to have assessors do more. The ombudsman position and the pamphlet has been very informative. The tenants pay the fee in a mobile home park facility and the agency receives a fee on floating homes. The program works and the information is very valuable.
173	Chair Beyer	Suggests the sponsors, assessors and counties try to come up with something that will be usable by both sides.
185	Rep. Montgomery	Suggest the group attempt to figure out how to share the \$3 fee with the counties.
191	Chair Beyer	Closes public hearing on HB 2149 and opens public hearing on HB 2151.
<b><u>HB 2151 - PUBLIC HEARING</u></b>		
192	Putman	Reviews Staff Measure Summary (EXHIBIT E).
217	Lynn Partin	Former Mobile Home Ombudsman, clarifies that the \$3 assessment is only on those structures assessed as personal properties.
228	David Sheelar	Mobile Home Park Ombudsman, testifies in support of HB 2151:
		* Agency has staff of 3.
		* Many calls are emergency calls from residents requiring immediate assistance for mediation or help; there were 654 emergency calls in 1995 related to landlord-

		tenant issues and 286 calls related to eviction actions.
245		* Current law requires a written authorization to allow the agency to contact the landlord or party in dispute.
267	Rep. Montgomery	Asks if a faxed receipt is legal.
	Sheelar	Explains the tenants do not always have access to a FAX machine or could not afford the 50 cent cost.
288	Rep. Montgomery	Asks if the agency has received legal advice on receiving verbal permission from the individuals.
	Sheelar	Responds they have not, but will seek legal advice.
318	Frank Burleson	Greenway Residents Association, Dallas, Oregon, and Chairman, Coalition of Manufactured Home Park Residents Association, testifies in support of HB 2151 and acknowledges a voice permission under some later staffing of the ombudsman's office could misuse the power, but the coalition feels the chance is so small and the need for this is so great, that the coalition would ignore the very small danger, but would like to express intent that if a situation did develop, there would be need for legislation.
360	Emily Cedarleaf	Explains the intent of the ombudsman is to avoid litigation and testifies in support of HB 2151.
TAPE 2, B		
016		Issues discussed:
		* charges for sending FAXes
027	Chair Beyer	Request staff check with Legislative Counsel on whether the waiver would adversely affect the ombudsman's office.
030	Chair Beyer	Adjourns meeting at 10:10 a.m.

Submitted By, Reviewed By,

Annetta Mullins, Keith Putman,

Administrative Support Administrator

EXHIBIT SUMMARY

**A - Construction Contractors Board, Overview Presentation, Ken Keudell, 6 pp**

**B - Landscape Contractors Board, Overview Presentation, Ken Keudell, 6 pp**

**C - Landscape Contractors Board, Position Paper, Bill Cross, 2 pp**

**D -HB 2149, Preliminary Staff Measure Summary, staff, 1 p**

**E - HB 2151, Preliminary Staff Measure Summary, staff, 1 p**