SENATE COMMITTEE ON BUSINESS, LAW, & GOVERNMENT

April 23, 1997 Hearing Room A

1:00 PM Tapes 182-184I

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED:

STAFF PRESENT:

Brian Krieg, Administrator

Vicki Champ, Administrative Support

MEASURE/ISSUES HEARD:

SB 484 Public Hearing and Work Session

SB 808 Public Hearing and Work Session

SB 92 Work Session

SB 532 Public Hearing

SB 815 Public Hearing

SB 345 Work Session

SB 948 Public Hearing

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation</u> <u>marks reports a speaker's exact words.</u> For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 182, A		
006	Chair Bryant	Opens the meeting at 1:16 p.m. and opens as a sub-committee public hearing on SB 484.
<u>SB 484</u> <u>PUBLIC</u> <u>HEARING</u>		
016	Sen. Mae Yih	Presents (EXHIBIT A) in support of SB 484. Explains testimony.
058	Kevin Mannix	Attorney, Salem, Oregon. Presents (EXHIBIT B) in support of SB 484. Explains the proposed -6 amendments. Explains there appear to be no objections among those involved in workers' compensation.
083	Bob Joseph	Attorney, Portland, Oregon. Supports SB 484. Explains that State Accident Insurance Fund and Liberty Northwest have no objections to SB 484.
087	Mannix	Cites an example of a man affected by the current system.
090	Chair Bryant	Asks about the -5 amendments.
092	Mannix	Explains those amendments could have unintended effects.
107	Chair Bryant	Discusses the need for inclusion of language from SB 794 in the -6 amendment. Explains Legislative Counsel's comments.
116	Brian Krieg	Committee Administrator. Explains the -6 amendments (EXHIBIT C).
124	Sen. Leonard	Asks where the language originated.
126	Chair Bryant	Comments on the language which was adopted.
131	Mannix	States the measure was reviewed by the Management Labor Advisory Committee.
138	Chair Bryant	Closes public hearing on SB 484 and opens work session on SB 484.
<u>SB 484</u> WORK <u>SESSION</u>		
		MOTION: Moves to AMEND the -6 amendments to SB 484 as

141		presented in (EXHIBIT C).	
	Chair Bryant	Hearing no objection, declares the motion CARRIED.	
146	Chair Bryant	Closes work session on SB 484 and opens public hearing on SB 808.	
<u>SB 808</u> PUBLIC HEARING			
164	Ron Singh	Chief of Surveys, Oregon Department of transportation, Field Services Unit. Presents (EXHIBIT D) in support of SB 808. Explains SB 808. Discusses right of way monumentation.	
198	Dean Bartell	City surveyor for City of Salem. Presents (EXHIBIT E) in support of SB 808.	
207	Colin H. Handforth	Civil Engineer and Land Surveyor. Supports SB 808.	
216	Sen. Nelson	Comments on private surveyors.	
220	Singh	States private surveyors would be able to use the monumentations.	
231	Chair Bryant	Closes public hearing on SB 808 and opens work session on SB 808.	
<u>SB 808</u> WORK SESSION		7	
234	Sen. Derfler	MOTION: Moves SB 808 to the floor with a DO PASS recommendation.	
236		VOTE: 5-0 EXCUSED: 1 - Miller	
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.	
241	Chair Bryant	Closes work session on SB 808 and opens work session on SB 92.	
<u>SB 92</u> WORK SESSION			
250		Staff presents -1 amendments to SB 92 (EXHIBIT F).	
255	Chair Bryant	Comments on the -1 amendments.	
257	Sen. Leonard	Requests David Bolton address the issues with which he was concerned.	
259	David Bolton	Asks what happens if a mutual insurance converts to a stock company.	
280	Jim Kennedy	Northwest Physicians gives testimony supporting SB 92. Explains the equity and membership issues concerning insurance. Explains no evaluation would be required when the only consideration was stock.	
310	Sen. Leonard	Asks if the stock could be traded for cash.	
311	Kennedy	States it could be sold by the shareholders. States SB 92 would allow	

		an insurer to impose a plan which would not impose a cash payout.	
329	Chair Bryant	Asks if their policy would still be good for death benefits.	
330	Kennedy	States there would be no impairment of their policy.	
335	John Mangen	Standard Insurance Company. Explains SB 92.	
365	Sen. Leonard	Comments on Bolton's concerns.	
374	Bolton	Comments on return on equity. Explains his particular circumstance.	
396	Mangen	Comments on equity and demutualization effects on Bolton's policy. Discussion of policy-holders equity.	
425	Sen. Brown	Comments on a packet she has seen which addresses various concerns of SB 92.	
459	Mangen	Comments on the policies of the insurance companies trying to succeed long-term.	
TAPE 183, A			
042	Bolton	Comments that lots of companies have demutualized successfully. Comments on the definition of a quorum.	
058	Chair Bryant	Comments that a majority defines a quorum and the proxy would be included in the quorum count.	
067	Chair Bryant	MOTION: Moves to ADOPT SB 92-1 amendments.	
		AYE: 4 - Brown, Derfler, Miller, Bryant NAY: 1 - Leonard EXCUSED: 1 - Nelson	
	Chair Brvant		
079	Chair Bryant Chair Bryant	The motion CARRIES. MOTION: Moves SB 92 to the floor with a DO PASS AS AMENDED recommendation.	
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079	Chair Bryant	The motion CARRIES. MOTION: Moves SB 92 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1 AYE: 4 - Brown, Derfler, Miller, Bryant NAY: 1 - Leonard	
079	Chair Bryant	The motion CARRIES.MOTION: Moves SB 92 to the floor with a DO PASS AS AMENDED recommendation.VOTE: 4-1AYE: 4 - Brown, Derfler, Miller, BryantNAY: 1 - LeonardEXCUSED: 1 - Nelson	
079	Chair Bryant	The motion CARRIES. MOTION: Moves SB 92 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1 AYE: 4 - Brown, Derfler, Miller, Bryant NAY: 1 - Leonard EXCUSED: 1 - Nelson The motion CARRIES.	
	Chair Bryant	The motion CARRIES. MOTION: Moves SB 92 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1 AYE: 4 - Brown, Derfler, Miller, Bryant NAY: 1 - Leonard EXCUSED: 1 - Nelson The motion CARRIES. SEN. BRYANT will lead discussion on the floor.	

089	Chair Bryant	Closes public hearing on SB 532 and opens public hearing on SB 815.
<u>SB 815</u> <u>PUBLIC</u> HEARING		
113		Staff presents public letters submitted prior to meeting (EXHIBIT I).
114	Pete Test	Associate Director of Governmental Affairs for Oregon Farm Bureau Federation. Presents (EXHIBIT G) in support of SB 815. Discusses the amendments in the exhibit.
160	Test	Continues explaining the amendments.
197	Sen. Veral Tarno	District 24. Supports SB 815. States this issue was meant to be dealt with in 1995.
216	Rep. Liz VanLeeuwen	District 37. Supports SB 815.
230	Sharon Waterman	Bandon, Oregon. Presents (EXHIBIT H) in support of SB 815. Displays land surveyor stakes and other items found on her property. Discusses safety issues for surveyors, such as ditches and barbed wires.
286	Waterman	Reviews the documents in her exhibit. Explains the amendments.
345	Waterman	Reads a letter from a woman who has had land surveyors leave dangerous items on the land after their survey.
372	Sen. Brown	Asks if Waterman knows of any complaints which have been filed.
392	Waterman	States she has filed a complaint because a surveyor has caused major damage to her property. States the right of entry was not adhered to, yet there were no actions taken against that land surveyor.
TAPE 182, B		
026	Steve Kafoury	Represents Professional Land Surveyors of Oregon. States the problems for which Waterman has filed occurred when surveyors did not follow the laws passed in 1995. States there has not been money for investigators to follow up the complaints. States the existing law is fine.
056	Chair Bryant	Asks what the association has done concerning Waterman's complaint.
058	Tyler ParsonS	Member, Professional Land Surveyors of Oregon. Presents (EXHIBIT J) in opposition to SB 815. Explains the surveyor was sent a letter.
066	Chair Bryant	Asks when Parsons was aware of Waterman's complaint and of who the surveyor was in that situation.
071	Parsons	States the name of the specific surveyor was discovered recently, but he cannot remember it.
077	Chair Bryant	Asks if the surveyor was ever a member of the association.
078	Parsons	States he does not know.
082	Sen. Brown	Clarifies that Parsons is not a part of the regulatory body of land surveyors, but part of the professional organization.
		Professional engineer and land surveyor and member of State Board of

086	Colin H. Handforth	Engineering Examiners, Washington county. Presents (EXHIBIT K) in opposition to SB 815. Explains the board's findings for the two complaints which were filed.	
108	Sen. Leonard	Asks if he has a copy of letter sent to the surveyor from the board.	
110	Handforth	States he can submit it later at the committee's request.	
116	Chair Bryant	Asks about the surveyor and if he responded to Mrs. Waterman's complaint.	
120	Handforth	States they did discuss the issue and agreed that Waterman requested money for coming onto the property, which he did not pay. States the owner's permission is not needed, but prior notice is to be given before entering the property.	
149	Sen. Leonard	Asks if the surveyor had fulfilled the requirements of the law.	
153	Handforth	States the surveyor said he had, but a letter was written to him in concern that he had not.	
156	Sen. Leonard	Asks about access.	
160	Sen. Brown	Asks about the evidence.	
163	Handforth	States the complaint was issued without evidence, and reviews access rules.	
174	Sen. Brown	Asks who conducted the investigation.	
175	Handforth	States the Law Enforcement Coordinator screens out the complaints then assigns the cases to a subcommittee which does the investigations.	
182	Sen. Brown	Asks if the subcommittee called Ms. Waterman or others for an investigation.	
183	Handforth	States the subcommittee decided evidence could not be found.	
189	Sen. Brown	Asks about the fee which Waterman charged the surveyor.	
193	Handforth	States there was no claim of specific damages.	
197	Chair Bryant	Asks if Waterman or the surveyor was interviewed by Handforth.	
206	Handforth	States he was not.	
212	Chair Bryant	Asks if anyone present was on the subcommittee.	
214	Handforth	States there is not anyone present from the subcommittee.	
229	Parsons	States doorhanger were sent to all certified land surveyors in the state reminding them of their responsibilities. States they have not reviewed the amendments. States a simpler law was proposed in 1995.	
271	Sen. Derfler	Refers to complaints.	
281	Handforth	States the board received only two complaints.	
290	Parsons	Comments on the right of entry law. States in many cases the land owner doesn't live in the state or on the property and they are therefore difficult to contact.	
		Jefferson County. Presents (EXHIBIT L), including survey materials which were left behind on property, in support of SB 815. States it	

360	Nancy Richards	took ten months to resolve a surveyor problem. Explains the problems the surveyors caused on her property. States there was no response to their first complaint letter.	
420	Richards	States they provided the board with the names of other landowners who had run into similar problems. Explains it took four months for the marker to be removed.	
TAPE 183, B			
040	Richards	Explains the surveyor only provided his name and considered that to be sufficient notification.	
052	Chair Bryant	Asks about the purpose of the survey.	
054	Richards	States a neighbor was interested in the boundary lines. Explains the notification was not satisfactory and the board did not respond to the complaints. Explains no other complaints were filed because the ones which were filed were ignored.	
067	Mickey Killingsworth	President, Jefferson County Farm Bureau. Presents (EXHIBIT M) in support of SB 815. Explains there was no notice before stakes were placed on her land. Explains her concerns with the dangers of gates left open by surveyors. States she wants communication in order to work with the surveyors so further bad situations do not arise.	
121	Sen. Nelson	Asks how big the permanent markers are.	
127	Richards	Describes the markers. States putting the markers below the surface only took 15 minutes and fixed the problem.	
136	Jack N. Burris	County Surveyor in Wallowa County, Consultant and Chairman Board of Directors of Professional Land Surveyors of Oregon. Opposes SB 815. States surveyors provide a useful function of society.	
172	Ray Wilson	Deputy Land Surveyor. Opposes SB 815. Explains most surveyors do subsurface monuments since they do not want them torn out. States that out of 1,800 surveyors in Oregon getting only two complaints is not bad.	
197	Tim Fassbender	Opposes SB 815. Displays the doorhangers which are used for notification. Explains there are differences between county surveyors and private surveyors. States the problems of trying to contact the owners.	
254	Sen. Derfler	Comments on the slow response times for complaints.	
265	Fassbender	Explains the board can take licenses away if the law if broken.	
288	Sen. Derfler	Asks for ideas which could make the board more responsive to complaints.	
290	Wilson	Comments on county versus private surveyors.	
320	Roger Moreland	Moreland Surveying Inc. Opposes SB 815. Comments on technicalities of markings.	
372	Chair Bryant	Asks if the markers are below the ground.	
374	Moreland	States they are flush or below the ground.	

385	Dean BartellCity Surveyor for City of Salem. Refers to the letter in (EXHIBIT E Explains the doorhanger notification. States the amendments would b difficult to work with and the costs would be significant.	
TAPE 184I, A]	
030	Dan Linscheid	Yamhill County Surveyors of Oregon. Opposes SB 815.
036	Chair Bryant	Closes public hearing on SB 815 and opens work session on SB 345.
<u>SB 345</u> WORK SESSION		
046	Chair Bryant	Reviews the past meetings on SB 345.
052	Bob Joondeph	Executive Director, Oregon Advocacy Center. Presents (EXHIBIT N). Explains the -1 and -2 amendments and possible further rewording.
097	Chair Bryant	MOTION: Moves to conceptually AMEND SB 345 with the proposed -2 amendments (by the Oregon Advocacy Center) to SB 345.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
099	Chair Bryant	Closes work session on SB 345 and opens public hearing on SB 948.
SB 948		
<u>PUBLIC</u> <u>HEARING</u>		
100	Chair Bryant	Closes public hearing on SB 948 and adjourns meeting at 3:15 p.m.

Submitted By, Reviewed By,

Vicki Champ, Brian Krieg,

Administrative Support Administrator

Transcribed By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

EXHIBIT SUMMARY

- A SB 484, written testimony, Sen. Mae Yih, 4 pp
- B SB 484, proposed -6 amendments, Kevin Mannix, 7 pp
- C SB 484, hand engrossed amendments, staff, 1 p
- D SB 808, written testimony, Ron Singh, 2 pp
- E SB 808, letters and doorhanger, Dean Bartell, 3 pp
- F SB 92, proposed -1 amendments, staff, 37 pp
- G SB 815, amendments, Pete Test, 2 pp
- H SB 815, written testimony, letters, proposed amendments and articles,

Sharon Waterman, 25 pp

- I SB 815, letters, staff, 3 pp
- J SB 815, letters, Tyler Parsons, 4 pp
- K SB 815, letter, Colin Handforth, 2 pp
- L SB 815, letters, Nancy Richards, 11 pp
- M SB 815, written testimony, Mickey Killingsworth, 1 p
- N SB 345, proposed -2 amendments and statutes, Bob Joondeph, 4 pp

SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

April 23, 1997 Hearing Room A

7:00 P.M. Tapes 184-187

MEMBERS PRESENT: Sen. Neil Bryant, Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. David Nelson

MEMBER EXCUSED: Sen. Randy Leonard

Sen. Randy Miller, Vice-Chair

STAFF PRESENT: Brian Krieg, Committee Administrator

Jim Stembridge, Committee Administrator

Donna Arens, Administrative Support

MEASURE/ISSUES HEARD:

SB 390 Public Hearing

SB 612 Public Hearing

SB 776 Public Hearing

SB 806 Public Hearing

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Tape/#	Speaker	Comments
TAPE, 184 A		
005	Chair Bryant	Opens meeting at 7:05 p.m. and opens public hearing on SB 390.
<u>SB 390 PUBLIC</u> HEARING		
014		Staff presents proposed -2 amendments to SB 390 (EXHIBIT A).
015	Marshall Coba	Consulting Engineers Council of Oregon. Supports SB 390. Discusses SB 390 -2 amendments.
048	Liane Scull	Symonds Consulting Engineers. Supports SB 390.
068	Steven Kafoury	Architects Council of Oregon. Gives testimony in support of SB 390 (EXHIBIT B).
110	Martha Peck Andrews	Andrews Architects, Architects Council of Oregon. Supports SB 390.
139	Don Jeffery	Portland Public Schools, ex-staff attorney. Gives testimony in support of SB 390 (EXHIBIT C).
176	Sen. Brown	Asks why the legislature should be telling people which process to use.
181	Jeffery	Responds, comments on qualifications.
189	Kafoury	Comments on taxpayer dollars.
209	John Sager	US Army Corps of Engineers. Supports SB 390. States that he is not officially representing his agency but giving personal remarks.
243	Sager	Continues testimony.
273	Chair Bryant	Asks if he has ever used the public bidding process.
275	Sager	Comments on his experience.
281	-11	David Evans & Associates. Supports SB 390.
TAPE 185, A		
007	Chair Bryant	Asks about public entities.
009	Replinger	Responds.
038	Bill Penhollow	Association of Oregon Counties. Gives testimony in opposition to SB 390 (EXHIBIT D).
049	Bill Worcester	Marion County Department of Public Works. Gives testimony

		in opposition to SB 390 (EXHIBIT E).
081	Chair Bryant	Asks what percentage of the time he uses Qualifications Based Selections (QBS).
084	Sen. Derfler	Asks why everyone does not use the QBS system.
085	Worcester	Responds.
088	Sen. Brown	Asks why the legislature should not be telling agencies what to do.
104	Penhollow	Responds, continues testimony.
150	Penhollow	Continues testimony.
186	Sen. Derfler	Asks if he would support SB 390 if it were more flexible.
190	Penhollow	Responds.
197	Robin Rickard	Department of Administrative Services (DAS). Gives testimony in opposition to SB 390 (EXHIBIT F).
229	Bill Foster	DAS, Facilities Division. Gives testimony in opposition to SB 390 (EXHIBIT G).
266	Sen. Derfler	Asks about price consideration.
270	Foster	Responds, comments on selection process.
280	Sen. Derfler	Asks about the selection process and past performance.
283	Foster	Responds.
TAPE 184, B		
001	David Barenberg	League of Oregon Cities. Opposes SB 390.
006	John Elegant	City of Salem, City Director of General Services. Gives testimony in opposition to SB 390 (EXHIBIT H).
055	Elegant	Continues testimony.
097	Mike Kelly	League of Oregon Cities, City of Springfield. Opposes SB 390.
125	Sen. Derfler	Asks about proposals under SB 390.
128	Kelly	Responds and comments on rejecting proposals.
154	Sen. Derfler	Comments on the QBS and bid process.
159	Kelly	Responds and comments on spending taxpayers' money.
170	Sen. Derfler	Comments on considering price only.
186	Kelly	Responds, comments on negotiations.
198	Barenberg	Presents testimony (EXHIBIT I).
253	Hasina Cassim	Special Districts Association of Oregon. Opposes SB 390.
278	Ken Squires	Oak Lodge Sanitary District. Gives testimony in opposition to SB 390.
TAPE 185, B		
001	Squires	Continues testimony.

040	Ken Armstrong	Oregon Public Ports Association. Gives testimony in opposition to SB 390 (EXHIBITS J and K).
072	Chair Bryant	Closes public hearing on SB 390 and opens public hearing on SB 612.
<u>SB 612 PUBLIC</u> HEARING		
077	Roger Martin	Washington County Professional Firefighters. Opposes SB 612.
095	Jim Mooney	Washington County Professional Firefighters. Opposes SB 612.
140	Chair Bryant	Asks if a lead worker has the ability to discipline employees.
143	Mooney	Responds.
153	Les Smith	Labor relations firm, Portland. Opposes SB 612.
191	Chair Bryant	Asks about the authority of lead firefighters.
201	Smith	Responds.
205	Maria Keltner	League of Oregon Cities. Opposes SB 612.
225	Tom Chamberlain	Oregon State Firefighters Council. Supports SB 612 with amendments.
248	Chair Bryant	Asks about captains and lieutenants as lead workers.
254	Chamberlain	Responds.
255	Brian DeLashmutt	Oregon Council of Police Association. Supports SB 612 with amendments.
264	Leo Paiton	Portland Police Association, Oregon Council of Police Association. Supports SB 612 with amendments.
TAPE 186, A]	
004	Chair Bryant	Asks about recommendation.
006	Paiton	Responds.
011	Sen. Nelson	Asks who does the hiring.
014	Chamberlain	Responds.
022	Chair Bryant	Closes public hearing on SB 612 and opens public hearing on SB 806.
<u>SB 806 PUBLIC HEARING</u>		
031	Susan Hicks	Association of State Professional Employees (ASPE). Gives testimony in support of SB 806 (EXHIBIT L).
076	Karla Skeels	Vice President, ASPE. Supports SB 806.
100	Chair Bryant	Asks about "inappropriate" bargaining units.
102	Skeels	Responds.
104	Sen. Derfler	Asks what they are attempting to do.
106	Skeels	Responds.
109	Sen. Brown	Asks about ASPE and Oregon Public Employees Union

		(OPEU).
110	Skeels	Responds.
115	Lorraine Kovash	ASPE. Supports SB 806.
149	Sen. Derfler	Asks about unions.
153	Kovash	Responds and comments that ASPE has formed their own union.
162	Rich Peppers	OPEU. Gives testimony in opposition to SB 806 (EXHIBIT M).
211	Peppers	Continues testimony.
227	Dean Schmidt	Department of Revenue. Opposes SB 806.
269	Ellen Willis	OPEU, Department of Revenue. Opposes SB 806.
295	Willis	Continues testimony.
TAPE 187, A		
003	Willis	Continues testimony.
032	Dr. Charles Spray	OPEU. Opposes SB 806.
078	Dr. Spray	Continues testimony.
088	Chair Bryant	Closes public hearing on SB 806 and opens public hearing on SB 1188.
<u>SB 1188 PUBLIC</u> HEARING		
091	Chair Bryant	Closes public hearing on SB 1188 and opens public hearing on SB 776.
<u>SB 776 PUBLIC</u> HEARING		
097	Philip Yount	Sponsor of SB 776. Gives testimony in support of SB 776 (EXHIBIT N).
136	Jack Roberts	Commissioner, Bureau of Labor and Industries. Opposes SB 776.
168	Steve Lanning	AFL-CIO. Gives testimony in opposition to SB 776 (EXHIBIT O).
180	Chair Bryant	Closes public hearing on SB 776 and adjourns the meeting at 9:45 p.m.

Submitted By, Reviewed By,

Donna Arens, Jim Stembridge

Administrative Support Policy Analyst

Transcribed By, Reviewed By,

Shirley Spendal, Brian Krieg

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-

Administrative Assistant

EXHIBIT SUMMARY

- A SB 390, proposed -2 amendments, staff, 3 pp
- B SB 390, written testimony, Architects Council of Oregon, 7 pp
- C SB 390, written testimony, Donald Jeffery, 2 pp
- D SB 390, written testimony, Bill Penhollow, 5 pp
- E SB 390, written testimony, Bill Worcester, 2 pp
- F SB 390, written testimony, Robin Rickard, 2 pp

- G -SB 390, written testimony, Bill Foster, 1 p
- H SB 390, written testimony, John Elegant, 6 pp
- I SB 390, chart, David Barenberg, 1 p
- J SB 390, written testimony, Ken Armstrong, 3 pp
- K SB 390, written testimony, Port of Portland, 1 p
- L SB 806, written testimony, Susan Hicks, 1 p
- M SB 806, written testimony, Rich Peppers, 4 pp
- N SB 776, written testimony, Philip Yount, 1 p
- O SB 776, written testimony, Steve Lanning, 1 p