

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

May 31, 1991 Hearing Room E 8:00 a.m. Tapes 153 - 154
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Sen. Jim
Bunn, District 15 STAFF PRESENT: Randall Jonee, Committoe
Adrnistrator Carolyn Cobb, Committee Assistant Ted Reitlinger,
Legislative Counsd MEASURES CONSIDERED: SB 287 - Permits County Clerk
to Rely on United States Postal Service Data to Reregister to Vote
Individuals Who Change Residence Within County, WS SB 359 - Authorizes
County Clerks to Hold Simulated Election on Date of Primary or General
Election for Persons Under 18 Years of Age, WS SB 1018 - Creates
Restricted Energy Electrician's License, PH, WS SB 1051- Specifies That
Coast Guard May Use Armories for Its Official Business, PH, WS

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 153, SIDE A 003 CHAIR MARKHAM: Calls the meeting to order at 8:18
a.m. SB 359 - AUTHORIZES COUNTY CLERKS TO HOLD SIMULATED ELECTION ON
DATE OF PRIMARY OR GENERAL ELECTION FOR PERSONS UNDER 18 YEARS OF AGE
WORK SESSION House Co nmittee on State a" Falerd May 31, 1991- Page 2

022 MOTION: REP. NOVICK moved SB 359 A-engrossed to the floor with
a ~do pass. recommendation. VOTE: In a roll call vote, the motion
carried, with Rep. Ford, Rep. Novick, Rep. Sowa, and Chair Markham
voting AYE. Rep. Bell, Rep. Oakley, and Rep. Roberts were excused. Work
session on SB 359 re-opens on page 5.

SB 1051 - SPECIFLES THAT COAST GUARD MAY USE ARMORIES FOR ITS OFFICIAL
BUSINESS - PUBLIC HEARING Witnesses: Jim Bunn, State Senator, District
15 Mike Caldwell, Major, Oregon National Guard

039 JIM BUNN, STATE SENATOR, DISTRICT 15: Reviews the background of the
bill. -The bill gives the Military Department the option of charging
rent or not for the use of armories.

052 CHAIR MARKHAM: This would allow just the Coast Guard and its
auxiliary the exemption, or does it open it up to the discretion of the
Military Department?

056 SEN. BUNN: As originally drafted this bill included all non-profit
organizations. Concerns were expressed that this would be using public
dollars without reimbursement by churches and other organizations. The
bill has been redrafted to specify the Coast Guard since they are not
technically part of the armed forces of the United States.

063 CHAIR MARKHAM: Is the Civil Air Patrol directly under the Air Force?

065 MIKE CALDWELL, MAJOR, OREGON NATIONAL GUARD: Yes sir. Currently we
do allow limited entry into the armories with minimal charge or no
charge. The bill cleans up an old Attorney General's opinion.

SB 1051 - SPECIFIES THAT COAST GUARD MAY USE ARMORIES FOR ITS OFFICIAL

BUSINESS - WORK SESSION

082 MOTION: REP. FORD moved SB 1051 to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Ford, Rep. Noviclc, Rep. Sowa, and Chair Markham voting AYE. Rep. Bell, Rep. Oakley, and Rep. Roberts were excused. Work Session on SB 1051 re-opens on page 6.

SB 1018 - CREATES RESTRICTED ENERGY ELECTRICIAN'S LICENSE - PUBLIC HEARING Witnesses: Jim Bunn, State Senator, District 15 H - e Ce_o. ~ S - te ~ FWd May 31, 1991 - Page 3

Charles Hales, Homebuilders Association of Metropolitan Portland Tom Higashi, Manager, Compliance/Rule Making Section, Oregon Building Codes Agency Roberta Keller, Philips Electronics Ken Keudell, Landscape Contractors Board

133 CHARLES HALES, HOMEBUILDERS ASSOCIATION OF METROPOLITAN PORTLAND: Submits and summarizes written testimony (EXHIBIT A) in support of the measure. 188 CHAIR MARKHAM: Are people who have presently been doing this grandfathered in? 191 HALES: They are grandfathered in the sense that if they have been doing just residential furnaces, they will be exempt from the requirement for a license just as if they started today. If you are a HVAC contractor installing furnaces, today technically you are required to have this low-voltage electrician's license. In the future, you won't. 202 REP. FORD: There is a low-voltage license now? 204 HALES: Yes. 202 TOM HIGASHI, MANAGER, COMPLIANCE/RULE MAKING SECTION, OREGON BUILDING CODES AGENCY: There is a grandfather provision for those workmen doing certain types of work in the past and who can demonstrate that they did do the work. That is in Section 4 which says you submit proof to the Board that you have been doing this type of work for two years preceding June of 1990. 220 CHAIR MARKHAM: Is that on one and two bedroom family units? 222 HALES: This grandfather provision will apply to all the other categories of specialty licensing. 227 HIGASHI: They will attend an eight hour class and then take an examination. 230 REP. FORD: What groups have what licenses and what experience do they need. 235 HALES: Reviews the different types of specialty contractors and the impact of the bill upon them. 273 CHAIR MARKHAM: Is the four years the same as going through the apprenticeship? 276 HALES: Yes, and that is also current law. 284 CHAIR MARKHAM: To become an electrician, don't you have to go through the apprenticeship program? In four years, can you become a full fledged electrician under this bill? 288 HIGASHI: There are several ways you can qualify under this bill. One is to get two years of apprenticeship training rather than the four years that was required before. That will only nly qualify you for whatever specialty you trained for. House Comm~ttee on Stab a" Federal May 31, 1991 ~ e 4

296 CHAIR MARKHAM: Four years of this does not give you a full fledged electrician's card. 299 HIGASHI: It depends upon the type of apprenticeship you go into. If you go into a journeyman's apprenticeship program, then you get a card that allows you to do everything a journeyman can do. But if your training is limited to the low-voltage area, then that is what the license is for. 322 VICE CHAIR SOWA: Do electricians have to be registered with the Construction Contractors' Board as well as the building codes agency? 323 HALES: Yes you do have to register with the Construction Contractors' Board, obtain an electrical contractor's license and whatever electrician's card is appropriate. It is also very difficult to go back and do a structural

reorganization and reform of this kind of statute. This is an incremental change we are making here. A lot of us would have liked to have said let's wipe the blackboard clean and figure out a rational system for regulating construction contractors in this state.

334 KEN KEUDELL, ADMINISTRATOR, CONSTRUCTION CONTRACTORS BOARD, LANDSCAPE CONTRACTORS BOARD: This bill is very important to get this matter clarified. -Submits and reviews proposed hand engrossed dash AS amendments dated 5/24/91 (EXHIBIT B). -The amendments are fair to all parties involved and can be administered. 392 JIM BUNN, STATE SENATOR, DISTRICT 15: Rather than a new move to exempt folks, this is a compromise between the two sides. The grandfathering is very limited. TAPE 154, SIDE A

006 CHAIR MARKHAM: Who made up this latest set of amendments?

008 KEUDELL: There was a considerable amount of discussion with and encouragement from Sen. Bunn, Sen. Otto and others. This group got together and arrived at these amendments after it came out of committee. -Suggests changes to the proposed amendments.

024 SEN. BUNN: What has happened is that Legislative Counsel drafted these amendments based on an LC rather than the A engrossed bill.

032 REP. NOVICK: Will these amendments speak to the State Landscape Contractors' Board when we voted on the floor yesterday on a bill that does away with that board? Will these be brought into line with the statute?

036 KEUDELL: That situation is covered in the bill.

041 REP. FOD: Is that the only thing the dash five amendments do? 044 KEUDELL: Reviews the proposed . House Committee on ~ and Federal Affairs May 31, 1991 - P~8e S

081 RANDALL JONES, COMMITTEE ADMINISTRATOR: On line 21 of the dash AS amendments, it says lines 12 and 13 after "person's". I assume that is "person" and not "person's".

083 KEUDELL: That is correct.

SB 1015 - CREATES RESTRICTED ENERGY ELECTRICIAN'S LICENSE - WORK SESSION . 087 MOTION: REP. FORD moved to amend the hand-engrossed dash AS LC amendments dated 5/24/91 to SB 1018 (EXHIBIT E) by on line 22 changing the handengrossed "15" to " 16" , and delete "after HVAC". 088 CHAIR MARKHAM: Hearing no objection, it is so ordered. 093 MOTION: REP. FORD moved to adopt the hand-engrossed dash AS LC amendments dated 5/24/91 to SB 1018 (EXHIBIT E) as amended.

094 CHAIR MARKHAM: Hearing no objection, it is so ordered.

097 MOTION: REP. FORD moved SB 1018 as amended to the floor with a "do pass" recommendation. 102 ROBERTA KELLER, PHILIPS ELECTRONICS: I do not know if these affect the protective signaling industry.

110 SEN. BUNN: These amendments only deal with landscape contractors to specify that the non one or two family dwellings as well as one or two family dwellings may be done by the landscaper. 116 KELLER: I am in agreement with all I have heard. I also represent the Oregon Burglar and Fire Alarm Association which strongly supports this bill. -Our industry firmly believes adequate training of technicians can be

accomplished in two years. 132 REP. FORD: Do you come under the Class 2 and Class 3 systems? 137 KELLER: We are listed in the old bill under endorsements. - 155 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oalcley, Rep. Roberts, Rep. Sowa, and Chair Marlcham voting AYE.

SB 359 - AUTHORIZES COUNTY CLERKS TO HOLD SIMULATED ELECTION ON DATE OF PRIMARY OR GENERAL ELECTION FOR PERSONS UNDER 18 YEARS OF AGE WORK SESSION 164 REP. NOVICK: Requests unsmmous consent that the rules be suspended to allow Rep. Bell, Rep. Oakley and Rep. Roberts to be recorded as voting on the motion to move SB 359 to the House Committee on State ~nd Fo~lerd Affeus May 31, 1991 - Page ~

floor with a "do pass" recommendation. 166 CHAIR MARKHAM: Hearing no objection, it is so ordered. 173 REP. ROBERTS: Votes AYE. REP. OAKLEY: Votes AYE. REP. BELL: Votes AYE.

SB 1051- SPECIFLES THAT COAST GUARD MAY USE ARMORIES FOR ITS OFFICIAL BUSINESS - WORK SESSION 184 REP. NOVICK: Requests unammous consent that the rules be suspended to allow Rep. Bell, Rep. Oakley and Rep. Roberts to be recorded as voting on the motion to move SB 1051 to the floor with a "do pass" recommendation. 186 CHAIR MARKHAM: Hearing no objection, it is so ordered. 188 REP. ROBERTS: Votes AYE. REP. OAKLEY: Votes AYE. REP. BELL: Votes AYE.

SB 287 - PERMITS COUNTY CLERK TO RELY ON UNITED STATES POSTAL SERVICE DATA TO REREGISTER TO VOTE - WORK SESSION

203 REP. OAKLEY: Submits and reads letter received from Gay Fields, Douglas County Clerlc (EXHIBIT C) in opposition to the bill because it will cause an increase in expenses and possible disenfranchisement of a great number of voters. -Reports she has heard from several other county clerks who are in opposition to the bill. 235 REP. FORD: Reports d. has also heard from many county clerics in opposition to the bill. -Proposes an amendment to limit the use of this system to counties with populations of 500,000 or more.

245 VICE CHAIR SOWA: Do we know whether those other two counties are just supportive or do they want to use this process?

246 CHAIR MARKHAM: I don't think we have a reading on that.

251 REP. ROBERTS: I like the approach of Rep. Ford because it will then become a pilot program and in a couple of years the other counties could reconsider it. 256 JONES: Based upon Rep. Ford's request, there are five places in the bill where language can be inserted limiting it to counties with populations of S00,000 or more. 277 CHAIR MARKHAM: Proposes a two year or four year sunset. H - e C_ - St~te ~ r May 31, 1991 - Page 7

281 REP. FORD: If you are going to have a sunset, I would like to add an emergency clause. Suggests deleting Section 3.

305 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: Wants effective date of January 1, 1992, so it does not fall in the middle of any election cycle. 313 REP. BELL: I would feel much more comfortable if this were called a pilot program and did not write in the population threshold.

326 REP. NOVICK: You cannot name a particular county in the statute,

you can only do it by population.

329 REP. BELL: The question is frequently asked, if it is good for them, why isn't it good for us.

330 REP. NOVICK: In this case, the reason we are doing it is because the other counties do not want to do it. 334 REP. BELL: I am talking about & policy of having different rules for large metropolitan areas than for the smaller areas. 346 REP. ROBERTS: If you are going to offer a sunset, I would ask for at least four years. 353 JERRY HANSEN, COUNTY CLERK, WASHINGTON COUNTY: With this amendment, the bill would be much more palatable to us. I would like to see some kind of language saying pilot program or a designation that this is a test. Otherwise you are going to have a citizen moving from Multnomah County to another county and not re-register because they were confused by the current process of doing it a different way in Multnomah County. 383 REP. FORD: Expresses concern about doing a conceptual amendment and then sending it to legislation counsel.

401 REP. ROBERTS: People also come from other states and have to learn new laws. TAPE 153, SIDE B

011 REP. FORD: I also have a question about the constitutionality of doing something for one county in the election process, and not doing it for the other counties.

018 CHAIR MARKHAM: Recesses meeting at 9:15 a.m.

-Resumes meeting at 9: 18

022 TED REITLINGER, LEGISLATIVE COUNSEL: It may raise constitutional equal protection issues if you are allowing people in one or two counties in the state to register or re-register in one fashion, and requiring people in the remainder of the state to do it in another fashion. Under this bill, people could be automatically re-registered in just one or two counties, whereas people other places in the state would not have that opportunity. -The courts emphasize in this area, the need for a uniform registration system. _ . House C_ ~ Stete ~ F_61 ~ff In Mi, 31, 1991- Pe8e ~

-If you went with a pilot project, it would be open to an equal protection challenge. -If you decide to go with it, and set it at just a certain population level and put a sunset on it, it is pretty clear you are intending it to- apply only to those counties for a certain period of time. 050 REP. NOVICK: I don't particularly see anyone coming forward to challenge this if they understand it is a pilot project.

052 RFP. OAKLEY: Is this constitutional)?

062 REITLINGER: The way it is now is constitutional. If you add this section that says these specific extra conditions apply to counties with populations in excess of 500,000, you have left yourself open to an equal protection challenge.

Submitted by:
Assistant

Reviewed by: Carolyn Cobb
Administrator

Randall Jones

EXHIBIT LOG:

A - Testimony on SB 1018 - Charles Hales - 1 page B - Hand-engrossed
Amendments to SB 1018 - Ken Keudell - 2 pages C - Testimony on SB 287 -
Rep. Carolyn Oakley - 1 page

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