

Senate Government Operations May 1, 1991 Page 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.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

May 1, 1991Hearing Room "B" 3:00 p.m. Tapes 79 - 80

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair
Sen. Jim Bunn Sen. Tricia Smith

MEMBERS EXCUSED:Sen. Ron Grensky Sen. John Kitzhaber Sen. Dick
Springer

STAFF PRESENT: John Houser, Committee Administrator Jayne
Hamilton, Committee Assistant

MEASURES CONSIDERED: SB #581 - Relating to county fairs,
PH/WS SB #1018 - Relating to electrician licensing, PH/WS HB #2061 -
Relating to construction contractors, PH/WS SB #308 - Relating to
building codes. PH/WS SB #799 - Relating to transient occupancy taxes of
local governments, PH

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TAPE 79, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:13 p.m.

(TAPE 79, SIDE A)

PUBLIC HEARING

SB 581 RELATING TO COUNTY FAIRS

Witnesses:John McCulley, Oregon Fairs Association Gratten Kerans, Oregon
State Senator, District #20 Cal Wade, Washington County Fair Barbara
Lawrence, Clackamas County Fair

007 HOUSER: Distributed fiscal impact statement, Exhibit A.

010 JOHN MCCULLEY, OREGON FAIRS ASSOCIATION: Opposes SB 581. Reviews
written testimony, Exhibit B.

069 GRATTEN KERANS, OREGON STATE SENATOR, DISTRICT #20: This is a very
straight-forward and simple bill that provides for a direct line of
accountability for the operations of county fairs. Somebody needs to be
in charge. Reviews "continuing saga" of the Lane County Fair Board and
Manager. We don't have the ability of the Elected County Commission to
exercise their power. This bill gives the permissive power to any
county that falls above the threshold; it gives them the ability to
determine if they wish to do this. If there are county commissions that
fall above the threshold that do not wish to have this power, they are
free to ignore it. I think it would be worthwhile to give the county
commission the option to do this and live with its consequences.

151 OTTO: Does it have the emergency clause on it?

152 KERANS: It does not.

156 CAL WADE, WASHINGTON COUNTY FAIR: Reads written testimony, Exhibit
C.

245 HOUSER: Distributed written testimony from Bob Herb, Exhibit D.

247 BARBARA LAWRENCE, CLACKAMAS COUNTY FAIR: Reads written
testimony, Exhibit E.

270 CEASE: Would you be opposed to this bill being tabled?

274 LAWRENCE: We think it's been brought before you enough times that we
would like it defeated in any form.

276 CEASE: So you would support a tabling action instead of no action?

277 LAWRENCE: No, we want no action. Am I confusing you?

279 CEASE: Usually if someone's opposed to a bill, s/he loves it when it
gets tabled instead of having it sit there available for other action.

284 LAWRENCE: Whatever.

WORK SESSION

302 MOTION: SEN. CEASE MOVED TO TABLE SB 581.

309 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. GRENSKY, SEN. KITZHABER AND SEN. SPRINGER).

(TAPE 79, SIDE A)

PUBLIC HEARING

SB 1018 RELATING TO ELECTRICIAN LICENSING

Witnesses: Charlie Hales, Heating, Ventilation and Air Conditioning Council of Oregon Ed Golobay, Chairman, Heating, Ventilation and Air Conditioning Council of Oregon Greg Teeple, International Brotherhood of Electrical Workers John Gervais, National Electrical Contractors Association (NECA) Tom Bull, Lake Electronic Contractors, Inc. Gary Wicks, Building Codes Agency Roberta Keller, Oregon Burglar and Fire Alarm Association

317 HOUSER: Distributed the -1 amendments to the committee, Exhibit F.

323 CHARLIE HALES, HEATING, VENTILATION AND AIR CONDITIONING (HVAC) COUNCIL OF OREGON: Refers to -1 amendments, Exhibit F. Those amendments are the product of people affected by electrical licensing. Reviews written testimony, Exhibit G. Urges adoption of SB 1018. We don't have a problem with the other amendments that may be presented today.

353 OTTO: You have no problem with those other amendments?

353 HALES: That's correct.

358 ED GOLOBAY, CHAIRMAN, HVAC COUNCIL OF OREGON: There have been people with 10 or more years of experience that can't be licensed to hook some wires to a thermostat. There still is a provision made with the licensing of people doing more elaborate work. We agree with this bill.

382 GREG TEEPLE, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS: This is an issue that's taken up many hours of our meetings. There is only one change from the -1 amendment that I ask. On page 3, lns. 10-11, remove the words "elevator controls". They have asked not to be part of this list.

440 CEASE: Are security systems covered by the -2 amendments?

446 TEEPLE: Yes, that's my interpretation.

447 CEASE: So those people would have to get an endorsement?

452 TEEPLE: Yes, but they do in current law.

465 HOUSER: Distributes -2 amendments, Exhibit H.

TAPE 80, SIDE A

023 TOM BULL, LAKE ELECTRONIC CONTRACTORS, INC.: I have been licensed by the

program since its beginning. For many years, I have been trying to do something about the confusion in the electrical safety law as it applies to my profession, as well as requiring more stringent rules for training. We have never had an apprenticeship program until this year. It has worked well, but there are still several things that need to be changed. SB 1018 meets the needs of the energy contracting industry.

045 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: Please consider the -2 amendments, Exhibit H, which delete fire alarm installation" and "protective signaling". Also, on pg. 3, ln. 11 after "clock systems," we would like to add the words "data telecommunications installation".

065 GARY WICKS, BUILDING CODES AGENCY: Gives background associated with SB 1018. Reviews written testimony, Exhibit I. Supports the passage of SB 1018.

118 ROBERTA KELLER, OREGON BURGLAR AND FIRE ALARM ASSOCIATION: I was not aware of the amendments to the existing bill. In the original bill, the alarm industry and protective signaling devices were included for a two year license. We feel the four year license is too much, but a two year license should be mandated. We, the industry, should have been included in this. We do not endorse the -1 or -2 amendments, Exhibits F, H.

154 CEASE: Is HSI security systems part of your group?

155 KELLER: No.

156 CEASE: But they are an alarm company?

156 KELLER: Yes, they are an alarm company in the state, but they are not a member of the Oregon Burglar and Fire Alarm Association.

157 CEASE: I have a letter from a constituent from that outfit. I'm not sure what his position on the amendment is. As it's worded, I don't think he wants them.

162 KELLER: The way it's worded, anybody can install a burglar system in your home. There's no guarantee that person will follow NECA regulations.

169 CEASE: You would be interested in something that puts it under the two year bar?

171 KELLER: Yes.

172 CEASE: (Unintelligible)...part of the bill or the -1 amendments?

173 KELLER: Of the bill. Refers to -1 amendments lines 14-15, Exhibit F. If we're exempt from this, we will still be subject to the four year licensing requirements. That's too long.

201 BUNN: To install alarms in residences, you have to be registered with the Builders Board, don't you?

203 KELLER: Yes.

204 BUNN: So you do have a bond to protect the consumer?

204 KELLER: Yes.

211 SMITH: Could Mr. Gervais explain why the installers of alarms would be exempted?

215 GERVAIS: Our group felt the fire and burglar alarm systems had more potential for life threatening problems than others did.

229 SMITH: More than someone who installs the electrical components of a furnace or other electrical parts of the house?

232 GERVAIS: In terms of the warning, yes.

235 TEEPLE: There are two trains of thought. One is that it should be left at four years, the other is that it needs to be two years. Residential wiremen only have a two year training. Currently, there is only a four year low voltage program. It's up to you to determine whether a four year or two year program is needed in residential or commercial.

262 GERVAIS: This alarm system could be installed by a lesser trained person in a 42 story tower in Portland, while the residential is exempt.

267 SMITH: The installer of the fire alarm at my house would be exempt, but a commercial would not? I'm confused.

269 TEEPLE: It could be if you listed that under the exclusion list on pg. 4 of the -1 amendments, Exhibit F. If you wanted residential to have no requirement, add it to that list. I'm not sure that would be a good idea.

278 SMITH: I'm not either. I was trying to understand why the fire alarm installation was included in the -2 amendments, Exhibit H.

284 TEEPLE: It's because you have contractors on both sides of the issue.

285 HOUSER: The -1 amendments would implement a 2 year program, while the -2 amendments would implement a 4 year program?

289 GERVAIS: It would continue the present system, correct.

295 SMITH: HVAC furnishes heating and air conditioning?

297 TEEPLE: Yes.

298 SMITH: So under -1, if we adopt -2, we have a 2 year program for heating and air conditioning. What's medical?

301 TEEPLE: Any low voltage controls located on medical equipment. I ask for the exclusion of elevator controls because there are three types of controls that do that. To include just one part of their control system seems ludicrous. That's why I've excluded them.

331 KELLER: The alarm industry companies have gotten together and put together a two year apprenticeship program for our endorsement exclusively.

WORKS SESSION

349 MOTION: SEN. BUNN MOVED THE -1 AMENDMENTS TO SB 1018, EXHIBIT F, WITH THE FOLLOWING FRIENDLY AMENDMENTS: PG. 3, LNS. 10-11 ELIMINATE "ELEVATOR CONTROLS"; LN, 11 AFTER THE WORD "CLOCK SYSTEMS" ADD "DATA TELECOMMUNICATIONS INSTALLATIONS"; PG. 4, BETWEEN LNS. 8 & 9, INSERT "(F) LANDSCAPE IRRIGATION CONTROL WIRING AND LANDSCAPE LIGHTING"; PG. 4, LN. 18 AFTER "IRRIGATION CONTROL WIRING" INSERT "AND LANDSCAPE LIGHTING".

392 BUNN: The original bill had included landscape considerations. This was omitted intentionally.

412 VOTE: MOTION CARRIED BY ACCLAMATION.

415 MOTION: SEN. BUNN MOVED SB 1018 TO THE FLOOR AS AMENDED WITH A DO PASS RECOMMENDATION.

426 VOTE: MOTION CARRIED, 4-0. (EXCUSED, SEN. GRENSKY, SEN. KITZHABER AND SEN. SPRINGER). SEN BUNN WILL CARRY THE BILL.

(TAPE 79, SIDE B)

PUBLIC HEARING

HB 2061 RELATING TO CONSTRUCTION CONTRACTORS

Witnesses: Jim Stembridge, Construction Contractors Board Marvin Foust, Private President of Home Inspectors Wes Lidell, Pest Control Operators of Oregon Michael Scott, Oregon Equipment Rental Association Dan Lubbers, Inspections Unlimited

010 JIM STEMBRIDGE, CONSTRUCTION CONTRACTORS BOARD: Reviews written testimony, Exhibit J.

042 OTTO: Is there anyone in opposition to the bill?

044 CEASE: I received a letter from a constituent who is from a rental association who opposes the amendment to the House bill, but he doesn't say which part.

051 HOUSER: At one time, the Associated General Contractors contemplated amending this bill to put the provisions of HB 2760 relating to construction lanes into this bill. Legislative Counsel informed them it was not germane. I don't know if they ever had objections.

068 MARVIN FOUST, PRIVATE PRESIDENT OF HOME INSPECTORS: Speaks in favor of HB 2068. We would like to see some input from home inspectors on this Board. We'd like to have some voice in what they should be looking for in making judgements. It concerns us that there are no provisions for conflicts of interests of the people doing the inspections. Home inspectors are a pool of general knowledge for people buying a home. We are not the final experts; we try to cover the field of the home structure but refer people to an expert when we are uncertain. We are not building code inspectors.

135 OTTO: Have you testified before?

135 FOUST: No. I listened once.

138 OTTO: We had a bill that licensed home inspectors. Do you have feelings on SB 896?

140 FOUST: There's one place where it said the findings would be made available to the public for a year. That seemed to be a problem. I'm working for a client, it's their information. I can see that it should go on record somewhere that a home inspection was made, but to make that information public seems improper.

172 OTTO: How many homes do you inspect a month?

173 FOUST: Between 300-400 a year. I've done about 3000+ in the past 8-10 years.

178 OTTO: How do you handle complaints?

180 FOUST: I meet with the people and find out what the problem is. Home inspectors don't hand out a guarantee, they just give an opinion.

206 SMITH: If HB 2061 and SB 896 both passed, you'd be certified and licensed by the Building Codes Agency and a Contractors Board would be responsible for complaints. Do you think that causes any problems with your agency?

212 FOUST: Yes. You'd be better off dealing with a Board made up of contractors than a Board made up of building inspectors.

218 SMITH: Does the Contractors Board certify and license any other contractors...

220 FOUST: They collect money. There's no competency. We'd like to develop an agreed upon minimum standard of competency.

235 SMITH: Do you see a way to do that other than passing these two bills?

239 FOUST: Developing a competency test will be difficult. I think you need a registration.

252 WES LIDELL, PEST CONTROL OPERATORS OF OREGON: I strongly urge the registration of inspectors with reference to any household sales and so on. They will have to have some sort of a bond so there's reimbursement when gross errors are found. I'm not anti-government regulations. I would prefer the registration on this bill and tabling SB 896. I object

to an inspector who can't do the work.

294 CEASE: Are you opposed to HB 2061.

295 LIDELL: No. I'm opposed to SB 896.

296 CEASE: We are in a hearing on HB 2061.

302 MICHAEL SCOTT, OREGON EQUIPMENT RENTAL ASSOCIATION: I want to put Sen. Cease at ease. My written testimony, Exhibit K, supports this legislation. Refers to bottom of written testimony, Exhibit K. We would like some direction as to which law is being applied to a particular point in time.

322 BUNN: What are you talking about? Does the bill deal with equipment rentals?

326 SCOTT: Yes. Presently on commercial claims a rental company would have access to the entire amount of the bond. The bill reduces that to \$2000 for non-owner claimants. That's what was intended in 1989, but that's not what was written.

342 BUNN: You're dealing with \$3 of the bill?

343 SCOTT: The section that limits non-owner claimants to \$2000. I'm not proposing different language. It makes a change in existing law. I need to be able to tell my clients which law it is under.

353 BUNN: Is there any reason to not assume the effective date of the act is the time you tell your clients?

358 SCOTT: If a claim happened prior to the effective date and was filed after that date....

363 BUNN: I would suggest you tell us what you need it to say.

367 SCOTT: The bill says it in a round about way. I want to put it on the record that the effective date applies to these claims. I don't think you need to have amendments, just put the intent on the record.

380 CEASE: Do you have any understanding that a bill's effective date is 90 days after Sine Die, unless there's some other date in it or it has an emergency clause?

388 SCOTT: What happens if the claim is not fully matured at the time the legislation goes into effect? It makes sense to say when it goes into effect and when it applies.

403 STEMBRIDGE: This new law would apply to claims filed on or after the effective date of the legislation.

412 OTTO: But suppose the claim occurred before that?

418 STEMBRIDGE: The effective date is the date the claim is filed.

423 SCOTT: Our position actually hinders our clients. We're trying to make sure the intention goes into effect as quickly as possible.

435 CEASE: I don't think anyone's interesting in making something retroactive to 1989. I don't think anybody is going to go back and make this bill effective before it can be effective.

437 STEMBRIDGE: I think we're all in agreement.

445 CEASE: Unless your intent is to cloud what you're asking us to do. Is that your intent?

450 SCOTT: My intent is to get it on the record. Now I think it's very clear.

TAPE 80, SIDE B

014 DAN LUBBERS, INSPECTIONS UNLIMITED: I'm concerned about the addition of

inspectors to the bill. Clarifies previous issue. The bond requirement is very minimal; it works for a period of one year. Submits written testimony, Exhibit L.

041 BUNN: My understanding is HB 3434 deals specifically with residential inspectors where this bill deals with many.

047 LUBBERS: HB 2061 is a minimal step.

052 SMITH: Have you ever heard the saying, "talk a bill to death." We haven't heard anyone opposed to this and we would just like to move to work session.

059 LUBBERS: There's a lot of testimony we would like to get in front of you. There's a lot of controversy on this.

WORK SESSION

065 MOTION: SEN. SMITH MOVED HB 2061 TO THE FLOOR WITH A DO PASS

RECOMMENDATION.

068 BUNN: I'm going to vote for the bill, but I'm slightly uncomfortable with it.

075 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. GRENSKY, SEN. KITZHABER, SEN. SPRINGER). SEN. OTTO WILL LEAD THE FLOOR DISCUSSION.

(TAPE 80, SIDE B)

SB #308 - RELATING TO BUILDING CODES

Witnesses: Michael Cliburn, Oregon Building Officials Jane Cummins, League of Oregon Cities

088 MICHAEL CLIBURN, OREGON BUILDING OFFICIALS: Requests a do pass recommendation for SB 308. The bill changes the date of notification of the building codes administrator from May 1 to January 1.

099 JANE CUMMINS, LEAGUE OF OREGON CITIES: We support the bill with the -1 amendments, Exhibit M. The Building Officials Association also supports this.

106 CLIBURN: Yes, we agree with that.

107 CUMMINS: Gary Wicks, the Building Codes Agency administrator, supports it as well.

WORK SESSION

113 MOTION: SEN. SMITH MOVED TO ADOPT THE -1 AMENDMENTS, EXHIBIT M, TO SB 308. HEARING NO OBJECTIONS SO ORDERED.

118 MOTION: SEN. SMITH MOVED SB 308 TO THE FLOOR AS AMENDED WITH A DO PASS RECOMMENDATION.

125 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. GRENSKY, SEN. KITZHABER AND SEN. SPRINGER). SEN. SMITH WILL CARRY THE BILL.

(TAPE 80, SIDE B)

PUBLIC HEARING

SB 799 RELATING TO TRANSIENT OCCUPANCY TAXES OF LOCAL GOVERNMENTS

Witnesses: Phil Peach, Oregon Lodging Association Don Davis, City Manager of Newport B.J. Smith, League of Oregon Cities

130 PHIL PEACH, OREGON LODGING ASSOCIATION: Sen. Kenemer wanted to appear with me on this. SB 799 places a cap on local hotel/motel room taxes. We're concerned this tax has escalated. The -1 amendments, Exhibit N, addresses some concerns brought up by people who've seen the bill so far. There are some -2 amendments being drafted that address the ability of a city or county to enact a tax if they don't have a tax in place. Reviews -1 amendments, Exhibit N.

160 DON DAVIS, CITY MANAGER OF NEWPORT: Newport is a tourist community that has had a transient room tax since 1976. We collect approximately \$575,000 from transient room taxes and it's put into our advertising and promotional fund. The bill addresses many things that should be left to local government. I don't feel that Newport has hurt the hotel industry. We can address problems locally.

197 B.J. SMITH, LEAGUE OF OREGON CITIES: We oppose this and other types of legislation that freeze taxes. Cities will lose about \$50 million of property tax revenue because of Measure 5. We have many decisions about services to make. There's a burden on elected officials and citizens that must make these decisions. The state and local level officials need to work together to get through this.

228 CEASE: I see the -1 amendments were done by Legislative Counsel. I was curious about the delegation of authority from the governing body to one particular group.

243 Meeting adjourned at 5:00 p.m.

Submitted

By:

Reviewed By:

Julie Muñiz
Green
Assistant
istant

Joan

Ass

EXHIBIT LOG

A - Fiscal impact statement on SB 581, Staff, 1 page B - Written testimony on SB 581, John McCulley, 3 pages C - Written testimony on SB 581, Cal Wade, 3 pages D - Written testimony on SB 581, Bob Herb, 3 pages E - Written testimony on SB 581, Barbara Lawrence, 1 page F - -1 proposed amendments to SB 1018, Staff, 5 pages G - Written testimony on SB 1018, Charlie Hales, 1 page H - -2 proposed amendments to SB 1018, Staff, 1 page I - Written testimony on SB 1018, Gary Wicks, 5 pages J -

Written testimony on HB 2061, Jim Stembridge, 2 pages K - Written
testimony on HB 2061, Michael Scott, 1 page L - Written testimony on HB
2061, Dan Lubbers, 1 page M - -1 proposed amendments to SB 308, Staff, 1
page N - -1 proposed amendments to SB 799, Staff, 1 page