

Date: February 3, 2016
To: Senate Committee on Commerce, Labor and Economic Development
From: Nicole Proulx Aiken, Deputy General Counsel
Re: Written testimony opposing HB 2356

Thank you for allowing me to submit written testimony opposing HB 2356. The League does not have a position on whether the legislature should enact the elevator safety act and regulate elevators, escalators, and other conveyances covered under this bill. The League, however, opposes sections 5, 9, and 23 of this bill.

First, the League opposes section 5 of this bill, because it preempts a city's ability to pass an ordinance regulating the construction, installation, operation, inspection, maintenance, and repair of conveyances covered under this bill unless the ordinance establishes higher standards or safety requirements than the requirements of this act. This section is an infringement on a city's home rule authority to regulate and establish requirements for these types of conveyances. As such, the League respectfully requests this Committee remove section 5 from HB 2356.

Second, the League opposes section 9 of this bill, because it gives the secretary of labor the authority to grant or deny exceptions and variances from a city's ordinance regulating conveyances covered under this bill if the secretary determines the exception or variance would not jeopardize public safety. This section seriously infringes on local control. Only the governing body of a city – those individuals elected by the citizens of their community – should have the ability to grant or deny exceptions or variances from a city's ordinance regulating these conveyances. As such, the League respectfully requests the Committee remove this authority in section 9 of HB 2356.

Third, the League opposes section 23, subsection (c) of this bill, because it requires a city's director of public works to inspect all newly installed platform lifts and stairway chairlifts at private residences. This subsection is clearly an unfunded mandate. The bill does not appropriate money to cities to help pay for the training public works directors will need to appropriately inspect these conveyances. The bill also does not compensate cities for the time their public works directors will spend investigating such conveyances. With a property tax lid looming over cities, the League cannot support any legislation that contains an unfunded mandate. As such, the League requests this Committee remove this requirement from section 23, subsection (c) of HB 2356.

For the above reasons, the League respectfully requests this Committee remove section 5 from the bill, delete the secretary of labor's authority to grant exceptions and variances from a city's ordinance in section 9, and remove the unfunded mandate in section 23, subsection (c) of this bill.