

SENATE COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

March 10, 2005
1:00 P.M.

Hearing Room B
Tapes 37 - 38

MEMBERS PRESENT: Sen. Rick Metsger, Chair
Sen. Bruce Starr, Vice-Chair
Sen. Jason Atkinson
Sen. Ryan Deckert
Sen. Laurie Monnes Anderson

GUEST MEMBER: Sen. Vicki Walker

STAFF PRESENT: Theresa Van Winkle, Committee Administrator
James Goulding, Committee Assistant

MEASURES/ISSUES HEARD:

SB 1008 – Public Hearing
SB 579 – Public Hearing
SB 574 – Public Hearing
SB 212 – 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.

TAPE/#	Speaker	Comments
TAPE 37, A		
003	Chair Metsger	Calls the committee to order at 1:06 p.m. Makes opening remarks in regards to the Oregon Public Utilities Commission (PUC) rejecting the sale of Portland General Electric (PGE) to the Texas Pacific Group (TPG). Opens a public hearing on SB 1008.
<u>SB 1008 – PUBLIC HEARING</u>		
020	Sen. Ryan Deckert	Senate District 14. Begins testimony in favor of SB 1008. Discusses the rejection of the TPG acquisition of PGE. Feels it is time for a proposal on the table that would allow for a publicly owned PGE.
050	Sen. Deckert	Describes the benefits of a publicly owned utility.
060	Rep. Vicki Berger	House District 20. Testifies in favor of SB 1008. Feels a timely resolution is important, but that they should not rush to a solution. Describes the proposed selection of board members and providing reliable power at a fair rate.
090	Sen. David Nelson	Senate District 29. Testifies in favor of SB 1008. Talks about the importance of this process. Offers that they don't have all the answers, but feels this is an important solution for a complex problem. Advocates finding and addressing the issues of the most importance.
120	Chair Metsger	Asks Sen. Deckert for the advantages of a publicly owned utility in contrast to ownership by the City of Portland.

130	Sen. Deckert	Responds that a publicly owned utility is a much better option, since the City of Portland represents only a portion of PGE's clients.
157	Sen. Walker	Inquires about the language in the bill. Expresses concern over the lack of oversight in regards to reporting financial matters.
175	Sen. Nelson	Replies that is an excellent question and that they need to be careful in the crafting of the legislation.
185	Rep. Berger	States that the timing is right to get the issues on the table and look at potential solutions.
195	Sen. Deckert	Notes the board of the directors for PGE would have responsibility without too much legislative involvement.
205	Sen. Walker	Observes that there are still many questions to be answered as they work on this legislation.
210	Chair Metsger	Explains that the bill is fairly recent and the desire to get this discussion started. Asks for careful analysis of the bill before moving the legislation forward. Closes public hearing on SB 1008, opens a public hearing on SB 579.

SB 579 – PUBLIC HEARING

240	Julia Clark	Testifies in favor of SB 579. Discusses the loss of her father, Mr. Chapin Clark, in a boating accident. Advocates the need for additional safety training and equipment for boats.
290	Sen. Floyd Prozanski	Senate District 4. Testifies in support of SB 579. Recognizes the tragedy that occurred and the need to prevent similar accidents.
317	Rep. Phil Barnhart	House District 11. Discusses his relationship with Mr. Clark and the shock of his death. Testifies in support of SB 579.
337	Sen. Monnes Anderson	Talks about the difficulties with ropes and throw bags. Asks if a knife could be included with the safety equipment if there is a need to cut a rope.
355	Clark	Offers that use of a knife as a safety tool would be included in the safety training.
360	Sen. Prozanski	States that a knife would be an essential safety tool. Relates his experiences with white water rafting.
383	Rep. Barnhart	Notes that people often assume that guides have the necessary training and experience.
405	Mari Anne Gest	Testifies in favor to SB 579 as a friend of the Clark family. Describes her efforts to craft some appropriate amendments.
420	Paul Donheffner	State Marine Board. Presents written testimony in favor of SB 579 (EXHIBIT A). Suggests various amendments to the bill.

TAPE 38, A

005	Donheffner	Continues testimony in favor of SB 579 with some amendments.
040	Donheffner	Supports a rigorous training course for tour guide certification. Describes certification requirements in neighboring states.
070	Donheffner	Notes some possible changes to the throw bag requirements.
090	Mari Anne Gest	Testifies in agreement to Mr. Donheffner's proposed changes to SB 579. Advocates comprehensive training for tour guides.
115	Phil Donovan	Oregon Guides & Packers Association. Submits written testimony in opposition to SB 579 (EXHIBIT B).
150	Paul Rainey	Oregon Guides & Packers Association. Shares the concerns for safety but opposes the current form of SB 579. Discusses the efforts to reach a compromise in a possible amendment.
181	Chair Metsger	Appreciates the points that have been made. Considers that not all people use common sense, and that there is a need for a consistent level of training for tour guides.

187	Sen. Atkinson	Asks if “throw ropes” have been defined as the safety tool of choice.
190	Donovan	Notes it is currently the only one defined.
203	Sen. Atkinson	Wonders if Orange Torpedo, one-person inflatable kayaking tour company, is taken care of in the compromise language.
210	Rainey	Notes Orange Torpedo’s concern that the legislation would be unnecessary for a one person raft.
213	Gest	Offers she isn’t familiar with Orange Torpedo.
218	Sen. Atkinson	Asks the affect of the legislation on Hellgate Jetboat Excursions.
220	Rainey	Replies they would be covered if the exemption for motor boats is put into law.
221	Sen. Atkinson	Questions what requirements Alaska has in place.
225	Donovan	Replies he is not familiar with Alaska’s guiding industry.
213	Sen. Atkinson	Discusses the expense of safety certification courses in other states.
220	Donovan	Describes the variety of safety training options that have sprung up in Washington state.
225	Sen. Atkinson	Notes his concern with regulating the guide training industry in Oregon, since it is so expensive few can currently afford it.
230	Gest	Points out she is open to allowing for some form of “in house” training of guides.
235	Sen. Atkinson	Discusses the definition of “rope” and “knife”.
237	Donovan	States that adding “knife” is new to the discussion.
243	Sen. Atkinson	Offers that they need to define “rope”, “training”, and “knife”.
250	Donovan	Replies that is something new to address.
257	Chair Metsger	Comments that they consider the list of tools needed for safety.
270	Sen. Atkinson	Expresses his concern over the use of some of the tools and that safety tools can be dangerous in the wrong hands.
280	Gest	Welcomes Sen. Atkinson’s suggestions.
300	Chair Metsger	Closes public hearing on SB 579. Opens a public hearing on SB 574.

SB 574 – PUBLIC HEARING

303	Scott Barrie	Oregon Home Builders. Testifies in favor of SB 574. Explains that the bill allows a builder to allow the home owner to know who constructed their home.
343	Craig Chisholm	Oregon Land Title Association. Feels the disclosure of property information is important, testifies in opposition to SB 574. Describes the difference between this type of information and the use of deed records.
395	Chisholm	Continues his testimony outlining his concerns with the bill.
420	Phil Miles	Oregon Association of County Clerks. Observes some technical concerns with SB 574.

TAPE 37, B

005	Miles	Notes it would be difficult to implement as written. Feels there is a need to streamline the language in the bill.
035	Miles	Discusses the large amount of written materials included in building plans and the problems presented to recording offices. Reiterates they do not support or oppose the measure.
047	Barrie	Responds to Mr. Chisholm’s objections to the bill. Replies they are working to find a compromise and clarify the intent of the bill.
063	Chair Metsger	Asks if his intent was to have all the building information provided.
065	Barrie	Offers the intent was to include items such as the written contract

075	Chair Metsger	and warrantee information on the sale of a brand new home. Wonders if it would be easier just to have a document containing all the building information.
085	Miles	Feels that it would be easier, but notes his concern on having a format that allows for easy recording of the information.
090	Chisholm	Asks how the document would be indexed.
093	Miles	Replies it would depend on the format of the document.
097	Chair Metsger	Inquires if there are other options for where this information could be recorded.
105	Miles	Points out that the document could be attached to a deed or other such record.
113	Chisholm	Relays that there is already a large volume of information recorded on every property. Discusses potential disclosure problems.
135	Miles	Observes it could be filed with building inspectors when the permits are issued.
140	Sen. Monnes Anderson	Asks about the impact on home remodeling projects.
145	Barrie	Replies it would only apply to the initial sale of a home and not subsequent remodeling.
150	Miles	Notes that in most cases structures are not included in the recording office record.
160	Barrie	Points out that this presents a problem for homeowners.
167	Chisholm	Gives an example of a similar problem finding the historical documentation of a piece of property.
180	Chair Metsger	Clarifies the issue at hand and the need to reach a practical way to craft a solution to satisfy all parties. Closes public hearing on SB 574. Opens a public hearing on SB 212.

SB 212 – PUBLIC HEARING

200	Cheryl Pellegrini	Civil Enforcement Division, Department of Justice. Submits written testimony in favor of SB 212 (EXHIBIT C).
245	Pellegrini	Makes remarks on the rising consumer concern over unlawful debt collection practices.
290	Pellegrini	Details the substantial increase in consumer complaints.
310	Pellegrini	Testifies that the credit collection industry is not overregulated. Describes the measure in greater detail. Submits a letter written by James Bennett Jr. to the Department of Justice (EXHIBIT D).
340	Chair Metsger	Observes that they are not making new law, just increasing the ability to enforce laws already in place.
345	Pellegrini	Replies that observation is correct.
355	Sen. Monnes Anderson	Wonders if they will have the needed personnel to enforce this law.
360	Pellegrini	Responds it would be a shifting of resources they already have.
370	Sen. Deckert	Wonders how they would pursue these types of cases.
375	Pellegrini	Notes they would have the power to contact the company and hear their side of the story and take appropriate action.
400	Sen. B. Starr	Wonders how they acted in previous cases, if they didn't have the needed authority.
407	Pellegrini	Discusses how they deal with current cases, noting the lack of enforcement ability.
425	Barbara Rodriguez	Testifies in favor of SB 212. Notes the harassment of creditors inquiring about her son who is serving in Iraq.

005	Rodriguez	Continues to describe the harassment she receives on behalf of her son.
050	Amanda Grayson	Testifies neither for or against SB 212. Details the harassment she has received from credit collectors when she had not been informed that she had missed a payment.
090	Grayson	Continues to outline the aggressive behavior of creditors and the problems they caused for her.
110	Charles Dickason	Describes that he and his wife received creditor phone calls in response to medical bills owed for her breast cancer treatment. Details the belligerent behavior of the creditor and the constant harassment they endured.
160	Dickason	Points out they never received a bill, but received a writ of garnishment.
175	Chair Metsger	Asks Ms. Pellegrini to return to testify. Wonders if any of the creditor's actions are currently considered illegal.
190	Pelligrini	Notes Oregon Revised Statute (ORS) 646.639. Offers that it is unlawful to harass or be verbally abusive.
217	Jim Markee	Oregon Collectors Association. Testifies in opposition SB 212. Explains that he was involved in writing ORS 646.639 to regulate credit agency behavior. Replies that third party debt collectors are regulated by federal law.
250	Markee	Notes the differences between state and federal laws for creditors. Feels there are already plenty of legal options against aggressive creditors. Observes that a third layer of legal protection is not needed.
280	Markee	Reiterates that consumers have plenty of recourses.
295	Chair Metsger	Wonders why his association would not want to take action against creditors that are acting inappropriately and hurting their reputation.
315	Markee	References the number of penalties that would be imposed for a single offense.
327	Chair Metsger	Asks how he would resolve the growing amount of consumer complaints.
340	Markee	Notes a recent decline in consumer complaints. Replies he does not know the particulars of the complaints.
350	Sen. Deckert	Considers that the attorney general should have the ability to contact creditors.
363	Markee	Understands the issue they are trying to address. Discusses the legal process and notifications consumers receive before they are targeted by collectors.
385	Chair Metsger	Asks Ms. Pellegrini to address Mr. Markee's previous statement.
390	Pellegrini	Discusses the civil penalty process.
425	Pellegrini	Clarifies the application of federal, state, and civil penalties.
450	Chair Metsger	Closes public hearing on SB 212. Adjourns the committee at 2:54 p.m.

EXHIBIT SUMMARY

- A. SB 579, Written testimony, Paul Donheffner, 3 pp**
- B. SB 579, Written testimony, Phil Donovan, 2 pp**
- C. SB 212, Written testimony, Cheryl Pellegrini, 3 pp**
- D. SB 212, Written testimony of James Bennett, Cheryl Pellegrini, 2 pp**