

SENATE COMMITTEE ON RULES

May 11, 2005
3:00 P.M.

Hearing Room B
Tapes 69 - 70

Corrected 10/27/05

MEMBERS PRESENT: Sen. Kate Brown, Chair
Sen. Ted Ferrioli, Vice-Chair
Sen. Charlie Ringo
Sen. Frank Shields

MEMBERS EXCUSED: Sen. Jason Atkinson

STAFF PRESENT: Tiffany Harris, Committee Administrator
Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD:
HB 2916 – Public Hearing and Work Session
HB 2246 – Public Hearing and Work Session
HB 2260 – Public Hearing and Work Session
HB 2199B – Public Hearing and Work Session
HB 2105A – Public Hearing and Work Session

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 69, A		
005	Chair Brown	Calls the meeting to order at 3:08 p.m. Opens a public hearing on HB 2916. (Open as a subcommittee with Sen. Brown and Sen. Ringo).
<u>HB 2916 – PUBLIC HEARING</u>		
010	Tiffany Harris	Committee Administrator. Presents an overview of HB 2916.
015	Nan Heim	Representative, Oregon Library Association. Testifies in support of HB 2916.
030	Jim Scheppke	State Librarian, Oregon State Library. Submits and summarizes written testimony in support of HB 2916 (EXHIBIT A).
045	Chair Brown	Closes the public hearing on HB 2916. Opens a work session on HB 2916.
<u>HB 2916 – WORK SESSION</u>		
050	Sen. Brown	MOTION: Moves HB 2916 to the floor with a DO PASS recommendation.
		VOTE: 3-0-2
		EXCUSED: 2 - Atkinson, Shields
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. RINGO will lead discussion on the floor.
055	Chair Brown	Closes the work session on HB 2916. Opens a public hearing on HB 2246.
<u>HB 2246 – PUBLIC HEARING</u>		

060	Tiffany Harris	Committee Administrator. Presents an overview of HB 2246. Submits –1 amendments (EXHIBIT B).
070	Vicki Chamberlain	Director, Teacher Standards and Practices Commission (TSPC). Explains -1 amendments and why TSPC wants to maintain the authority to establish internships for practicum experience.
080	Cindy Hunt	Senior Deputy Legislative Counsel, Legislative Counsel Office. Testifies in support of HB 2246. Discusses the drafting and purpose of the bill, cites a memo that provided a sectional analysis of the bill.
130	Sen. Ferrioli	Asks what the final vote was when the bill came out of the House.
135	Hunt	Believes that the House vote was unanimous, noting it came to the floor on the consent calendar.
138	Chair Brown	Asks if amongst its duties, the Law Commission is responsible for “cleaning up” statutes.
140	Hunt	Confirms that the Law Commission does have a process for identifying and cleaning up statutes.
142	Chair Brown	Notes why the relating clause is narrowly crafted.
150	Sen. Ferrioli	Asks if the Oregon Department of Education would cease to be a legal entity if this bill does not pass.
152	Hunt	Explains why the Oregon Department of Education would continue to exist without this bill.
155	Sen. Ferrioli	Asks whether the funds that were expended without appropriation are recoverable.
157	Hunt	Believes that the funds are not recoverable because the statute directs the funds towards a particular program.
165	Chair Brown	Closes the public hearing on HB 2246. Opens a public hearing on HB 2260.

HB 2260 – PUBLIC HEARING

170	Tiffany Harris	Committee Administrator. Presents an overview of HB 2260.
175	Chair Brown	Close the public hearing on HB 2260. Opens a public hearing on HB 2199B.

HB 2199B – PUBLIC HEARING

180	Tiffany Harris	Committee Administrator. Presents an overview of HB 2199B.
190	John Fletcher	Legislative Coordinator, Oregon Housing and Community Services Department (OHCS). Submits and summarizes written testimony in support of HB 2199B (EXHIBIT C).
220	Fletcher	Discusses the provisions of measure and describes change to clarify administration aspects.
240	Chair Brown	Closes the public hearing on HB 2199B. Opens a public hearing on HB 2260.

HB 2260 – PUBLIC HEARING

245	Joan Robinson	Chief Deputy Legislative Counsel, Legislative Counsel Office. Discusses the formation of the bill and explains why it is a clean up bill that makes no substantive policy changes.
285	Chair Brown	Closes the public hearing on HB 2260. Opens a public hearing on HB 2199B.

HB 2199B – PUBLIC HEARING

288	Dave Barenberg	Legislative Director, League of Oregon Cities. Testifies in support of HB 2199B. Discusses why the proposed changes to the vertical housing program make the program a more useful economic development tool for cities.
300	Sen. Ferrioli	Citing language in the bill, asks for assurance that the program

310 John Fletcher will be applicable to a city of any size. Legislative Coordinator, Oregon Housing and Community Services Department (OHCS). States that the vertical program does not exclude other uses and can be implemented in a city of any size throughout the state.

315 Sen. Ferrioli Comments on the increase in the utility of the program by removing the retail center restriction.

325 Sen. Ringo Asks how the program operates and how much are the tax exemptions.

328 Fletcher Details the criterion that conditions the rate of the property tax exemption.

345 Sen. Ringo Asks for an estimate of the total amount of property tax revenue lost in Multnomah County do to the property tax exemptions.

348 Barenberg Points out that since it is a voluntary program, targeted at specific projects, the property tax exemption is not automatic.

355 Sen. Ringo Citing the Pearl District as an example, stresses the need to consider tax exemptions carefully because the lost property tax revenue is not the only cost to a community.

365 John Wahrgren Housing & Finance Manager, OHCS. Discusses specific projects in Milwaukie and Portland area. Offers to provide members with a fiscal analysis on the advantages of the partial property taxes that will be paid on the non-producing property in Milwaukie.

390 Sen. Ringo Asks if vertical housing will develop without property tax incentives.

395 Wahrgren Explains the difficulties of financing vertical housing projects without property tax exemptions.

405 Sen. Ferrioli Speaks to the utility of the vertical housing program and the positive impact that the projects bring to a community and surrounding businesses.

TAPE 70, A

015 Fletcher Acknowledges that there are cities that will not need incentive to attract development, emphasizing the two step participation process.

025 Chair Brown Notes for the record that METRO supports HB 2199B.

030 Mike Salsgiver Legislative Affairs Manager, Oregon Economic and Community Development Department (OECDD). Testifies in support of HB 2199B. Stating that OECDD supports moving the vertical housing program to OHCS.

035 Chair Brown Closes the public hearing on HB 2199B. Opens a public hearing on HB 2105A.

HB 2105A – PUBLIC HEARING

045 Tiffany Harris Committee Administrator. Presents an overview of HB 2105A. Clarifies that there is a -2 amendment (**EXHIBIT D**).

050 Jim Markee Representative, Board of Cosmetology. Testifies in support of HB 2105A. Discusses the different licenses issued by the Board of Cosmetology and minor changes made to the definitions of services provided by licensed estheticians and massage therapists.

100 Susan Wilson Director, Oregon Health Licensing Office (OHLO). Submits and summarizes written testimony in support of HB 2105A (**EXHIBIT E**). Submits informational packet which includes letters of support for HB 2105A from: Association of Oregon Cosmetology Colleges, American Association of Cosmetology Schools, Oregon Board of Chiropractic Examiners, National

		Interstate Council of State Boards of Cosmetology, National Coalition of Esthetic Associations, and Oregon Department of Education, Private Career Schools (EXHIBIT F). Submits written letter to Oregon Board of Massage Therapy Executive Director Patty Glen in support of HB 2105A (EXHIBIT G).
135	Markee	Points out that purposed changes to the definition of massage therapist and esthetics are consistent with other states.
140	Robin McGinnity	Representative, Oregon Board of Massage Therapists (OBMT). Submits and summarizes written testimony that is neutral on HB 2105A (EXHIBIT H). Discusses why OBMT supports the changes in -2 amendments (EXHIBIT D).
215	Chair Brown	Questions if -2 amendments were presented to the House committee and what the nature of the conversations were with the OHLO regarding issues addressed in -2 amendments.
220	McGinnity	Comments that the OHLO thought that the issues were brought forward too late.
225	Diana Nott	Citizen, Multnomah County. Submits and summarizes written testimony in opposition to HB 2105A (EXHIBIT I).
305	Dr. Jill Stanard	Naturopathic Physician; Director of Education, Oregon School of Massage. Testifies in support of HB 2105A with -2 amendments. Addresses concerns regarding the lack of regulation of estheticians because it is “new territory.”
335	Chair Brown	Questions whether it continues to be common practice for clients to sign a release form prior to receiving massage treatment.
350	Dr. Stanard	States that massage therapist and physical therapists are required to complete a full patient in-take.
355	Chair Brown	Questions the likelihood that a massage therapist or cosmetologist will engage in an inappropriate relationship with a client or sexually assault a client.
375	Nott	Cites a case in Washington of a massage therapist engaging in inappropriate conduct with clients.
380	Chair Brown	Asks if anyone in Oregon has ever died or been seriously injured as a result of cosmetology treatment or a body-wrap.
385	Nott	Cites a magazine article relating to the dangers of body-wraps.
395	Chair Brown	Recesses the meeting at 4:04 p.m.
400	Chair Brown	Reconvenes the meeting at 4:08 p.m.
405	Chair Brown	Closes the public hearing on HB 2105A. Opens a work session on HB 2199B.

HB 2199B – WORK SESSION

410	Sen. Brown	MOTION: Moves HB 2199B to the floor with a DO PASS recommendation.
		VOTE: 3-0-2
		EXCUSED: 2 - Atkinson, Shields
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. SHIELDS will lead discussion on the floor.
420	Chair Brown	Closes the work session on HB 2199B. Opens a work session on HB 2246.

HB 2246 – WORK SESSION

430	Sen. Brown	MOTION: Moves to ADOPT HB 2246-1 amendments dated 03/21/05.
		VOTE: 3-0-2
		EXCUSED: 2 - Atkinson, Shields
	Chair Brown	Hearing no objection, declares the motion CARRIED.

435 **Sen. Brown** **MOTION: Moves HB 2246 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 3-0-2
Chair Brown **EXCUSED: 2 - Atkinson, Shields**
Hearing no objection, declares the motion CARRIED.
440 Chair Brown **SEN. FERRIOLI will lead discussion on the floor.**
Closes the work session HB 2246. Opens a work session on HB 2260.

HB 2260 – WORK SESSION

445 **Sen. Brown** **MOTION: Moves HB 2260 to the floor with a DO PASS recommendation.**
VOTE: 3-0-2
Chair Brown **EXCUSED: 2 - Atkinson, Shields**
Hearing no objection, declares the motion CARRIED.
455 Chair Brown **SEN. BROWN will lead discussion on the floor.**
Closes the work session on HB 2260. Opens a public hearing on HB 2105A.

TAPE 69, B

HB 2105A – PUBLIC HEARING

020 Jim Markee Representative, Board of Cosmetology. Testifies in opposition to -2 amendments. Explains the problems with increasing the restrictions on facial technologists and estheticians.

035 Susan Wilson Director, Oregon Health Licensing Office (OHLO). Comments on -2 amendments. Addresses concerns relating to the practice of bodywrapping, current safety regulations, and consumer protection measures.

055 Krista Leonard Representative, American Massage Therapists Association (AMTA). States that AMTA opposes -2 amendments and would like to see the bill go forward as it currently stands.

065 Sen. Ferrioli Asks for a list of the boards and professionals represented by OHLO and if OHLO is represented by an Attorney General.

075 Wilson Confirms that there is an Attorney General that represents OHLO. Lists the boards and professional organizations represented by OHLO.

085 Chair Brown Comments on the intrusiveness of getting a tattoo versus a body-wrap and asks what type of training is required to become a licensed tattoo artist.

090 Wilson Describes licensing requirements for tattoo artists versus tattooists. Comments on inspections done on the practices.

105 Sen. Ferrioli Verifies that the Oregon Department of Education has already notified schools of need to increase curriculum.

110 Markee Reiterates that many licenses facial technologists already perform body-wraps and are not regulated.

114 Chair Brown Closes the public hearing on HB 2105A. Recesses the meeting at 4:19 p.m.

115 Chair Brown Reconvenes the meeting at 4:19 p.m.

116 Chair Brown Opens a work session on HB 2105A.

HB 2105A – WORK SESSION

120 **Sen. Brown** **MOTION: Moves HB 2105A to the floor with a DO PASS recommendation.**
VOTE: 3-0-2
Chair Brown **AYE: In a roll call vote, all members present vote Aye.**
EXCUSED: 2 - Atkinson, Ringo
The motion CARRIES.

BROWN will lead discussion on the floor.

Closes the work session on HB 2105A. Adjourns the meeting at 4:20 p.m.

EXHIBIT SUMMARY

- A. HB 2916, written testimony, Jim Scheppke, 1 p
- B. HB 2246, -1 amendments, staff, 1 p
- C. HB 2199B, written testimony, John Fletcher, 2 pp
- D. HB 2105A, -2 amendments, staff, 3 pp
- E. HB 2105A, written testimony, Susan Wilson, 2 pp
- F. HB 2105A, informational packet, Susan Wilson, 7 pp
- G. HB 2105A, written letter, Susan Wilson, 4 pp
- H. HB 2105A, written testimony, Robyn McGinnity, 4 pp
- I. HB 2105A, written testimony, Diana Nott, 5 pp