

# SENATE COMMITTEE ON BUSINESS AND LABOR

February 17, 2003  
1:00 PM

Hearing Room C  
Tapes 14-15

**MEMBERS PRESENT:** Sen. David Nelson, Chair  
Sen. Vicki Walker, Vice-Chair  
Sen. Roger Beyer  
Sen. Rick Metsger

**STAFF PRESENT:** Dennis Dotson, Committee Administrator  
Romy Dye, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 76 - Public Hearing and Work Session  
SB 56 - Work Session  
SB 109 - Public Hearing  
SB 121 - Public Hearing  
SB 198 - 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>
<b>TAPE 14, A</b>		
005	Chair Nelson	Calls meeting to order at 1:04 PM. Opens a public hearing on SB 76.
<b><u>SB 76 – PUBLIC HEARING</u></b>		
014	Bill Morrisette	Oregon State Senator. Presents overview of SB 76.
033	Nancy Bray	English Language Learner Specialist- Springfield, Oregon. Testifies in favor of SB 76 ( <b>EXHIBIT A</b> ).
100	Pete Sorenson	Lane County Commissioner. Testifies in favor of SB 76 ( <b>EXHIBIT B</b> ).
167	Bob Cassidy	Eugene citizen. Testifies in favor of SB 76 ( <b>EXHIBIT C</b> ).
243	Sen. Metsger	Asks whether cost to the state varies regarding taking credit or non-credit courses.
252	Cassidy	Responds classes are not choices dictated by employers.
268	Sen. Metsger	Clarifies question.
271	Sorenson	Responds there are various levels and so shouldn't limit bill to credit or non-credit but leave it up to the learner.
287	Sen. Metsger	Asks if employee of a business paying for schooling of this nature would be a business expense and deductible under Oregon Law.
296	Cassidy	Responds if in line with that current business such as training for the business.
313	Sorenson	Comments further with example.
368	Cassidy	Comments it's a very select group that they are after.
373	Chair Nelson	Closes the public hearing on SB 76 and opens a work session on SB 76. Open work session on SB 56.
<b><u>SB 76 – WORK SESSION</u></b>		
400	Chair Nelson	<b>MOTION: Moves SB 76 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by</b>

405	Chair Nelson Chair Nelson	<b>prior reference.</b> <b>VOTE: 4-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> Closes the work session on SB 76 and opens a work session on SB 56.
<b><u>SB 56 – WORK SESSION</u></b>		
412	Dennis Dotson	Committee Administrator. Presents overview of SB 56.
420	Chair Nelson	Comments on referral to another committee and work done on bill previously.
430	Chair Nelson	<b>MOTION: Moves SB 56 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Health and Human Resources.</b>
435	Chair Nelson	<b>VOTE: 4-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
445	Chair Nelson	Closes the work session on SB 56 and opens a public hearing on SB 109.
<b><u>TAPE 15, A</u></b>		
<b><u>SB 109 PUBLIC HEARING</u></b>		
005	Dotson	Presents overview of SB 109.
018	Cheryl Pellegrini	Assistant Attorney General,- Department of Justice. Testifies in favor of SB 109 ( <b>EXHIBIT D</b> ).
049	Chair Nelson	Asks question regarding Oregon law being pretty good with ATM machines.
052	Pellegrini	Responds positively.
057	Chair Nelson	Asks whether federal law involved.
059	Pellegrini	Responds positively.
060	Robert Roth	Assistant Attorney General, Department of Justice. Adds comments.
073	Sen. Walker	Asks what happened to the bill last session.
077	Pellegrini	Responds bill passed out of House side and died on the Senate side.
107	Chair Nelson	Closes the public hearing on SB 109 and opens a public hearing on SB 121.
<b><u>SB 121 – PUBLIC HEARING</u></b>		
112	Dotson	Presents overview of SB 121.
122	Pellegrini	Testifies in support of SB 121 ( <b>EXHIBIT E</b> ).
230	Sen. Metsger	Asks opinion of another bill making it an unlawful trade practice to misrepresent identity of the sender and make it an unlawful trade practice if you cannot easily identify a return address to the sender.
267	Pellegrini	Responds there are some concerns about a bill that might be construed to restrict content of a communication.
271	Sen. Metsger	Clarifies bill has nothing to do with content.
288	Pellegrini	Responds.
308	Sen. Metsger	Comments would like to discuss further with other party.
310	Sen. Walker	Asks if from overseas nothing can be done about it.
313	Pellegrini	Responds not necessarily and elaborates identifying the source is the biggest challenge.
372	Brant Wolf	Oregon Telecommunications Association. Testifies in support of SB 121.
386	Jim Craven	American Electronics Association. Discusses SB 121 and cost being an issue ( <b>EXHIBIT G</b> ).

**TAPE 14, B**

005	Craven	Discusses commonality of approach in various states that makes close to a de facto national standard on legislation on the issue: <ul style="list-style-type: none"><li>• Prohibiting falsification of a domain name</li><li>• Many states have subject line regulation</li><li>• Most states have required a clear opt out provision</li><li>• Provision providing liability shield for ISP community</li></ul>
100	Craven	Discusses concerns and solutions.
128	Chair Nelson	Asks if there is a similar bill in the House.
130	Craven	Responds not likely.
133	Sen. Walker	Asks how much longer should Oregon wait and how aggressive will it be worked on with the Attorney General's office.
149	Craven	Responds does not want to wait. Prepared to support spam law in Oregon.
159	Jim Gardner	Gardner and Gardner, AAL. Discusses cost driver in SB 121 and elaborates on flaws in the bill and wanting to resolve them.
207	John Gotts	Anti-spam software company, Portland, Oregon. Discusses problems spam is creating and elaborates.
300	Chair Nelson	Asks question.
305	Gotts	Responds if bill is passed a list of emails for spammers to harvest for free will be created and it stop a small percentage of spam from legitimate businesses that do not want to be fined but will not stop vast majority of email sent as spam.
318	Chair Nelson	Asks whether solution is through consumer and if consumer has choice they can have spam if they want it.
324	Gotts	Suggests entering into a contract with a business to offer a solution, monitor it and take care of it.
353	Gardner	Elaborates.
375	Sen. Walker	Asks how many companies have anti-spamming technology.
383	Gotts	Responds approximately 1,000.
437	Sen. Walker	Asks question regarding large email list available.
440	Pellegrini	Responds technology available to make the email list blind.

**TAPE 15, B**

445	Chair Nelson	Comments. Closes the public hearing on SB 121 and opens a public hearing on SB 198.
-----	--------------	---

**SB 198 – PUBLIC HEARING**

038	Dotson	Presents overview of SB 198.
051	Mark Long	Administrator- Building Codes Division, State of Oregon. Testifies in favor of SB 198 ( <b>EXHIBIT H</b> ).
056	Sen. Walker	Asks how licensing fees are determined.
070	Long	Responds fees set for permits, surcharges for permits, and license fees.
084	Sen. Walker	Asks if have to wait almost 40 years for raising licensing fee.
086	Long	Responds fees are based on the economy.
099	Chair Nelson	Closes the public hearing on SB 198 and opens a work session on SB 198.

**SB 198 – WORK SESSION**

100	Chair Nelson	<b>MOTION: Moves SB 198 to the floor with a DO PASS recommendation.</b>
105	Chair Nelson	<b>VOTE: 4-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. NELSON will lead discussion on the floor.</b>

**EXHIBIT SUMMARY**

- A – SB 76 – fact and figure sheet, Nancy Bray, 1pp**
- B – SB 76 – written testimony, Pete Sorenson, 1 pp**
- C – SB 76 – written testimony, Bob Cassidy, 1 pp**
- D – SB 109 – memorandum, Cheryl Pellegrini, 2 pp**
- E – SB 121 – memorandum, Cheryl Pellegrini, 3 pp**
- F – SB 121 – written testimony, Craig Loughridge, 2 pp**
- G – SB 121 – overview, Mark Long, 36 pp**
- H – SB 198 – written testimony, Mark Long, 1 pp**