

SENATE COMMITTEE ON BUSINESS AND LABOR

March 31, 2003
1:00 PM

Hearing Room C
Tapes 47-49

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 263 – Public Hearing**
 SB 264 – Public Hearing
 SB 341 – Work Session
 SB 355 – Work Session
 SB 822 – Work Session
 SB 833 – Public Hearing and Work Session
 SB 826 – 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 47, A		
005	Chair Nelson	Calls the committee to order at 1:03 PM. Opens a public hearing on SB 263.
<u>SB 263 & SB 264 – PUBLIC HEARING</u>		
008	Dennis Dotson	Committee Administrator. Provides overview of SB 263 and SB 264.
010	Avel Gordley	Oregon State Senator. Testifies in favor of SB 263 and 264. Refers to the Oregon Constitution. Discusses the need for laws to grant Oregon's agricultural industry workers meal and rest breaks and overtime pay. Submits written testimony (EXHIBIT A).
063	Ramon Ramirez	President, Northwest Treeplanters and Farmworkers United (PCUN). Testifies in favor of SB 263 and SB 264. Believe time for Oregon to recognize farm workers and give them right to meal breaks, rest breaks, and overtime. Discusses farm worker facts: <ul style="list-style-type: none">• Farm workers are America's lowest paid workers and suffer numerous health problems• Agriculture is most accident-prone industry in the United States relating to insufficient rest periods• Hours accommodate crops Submits written testimony (EXHIBITS B, C).
	Reverend Steven Witte	Executive Director, Oregon Farmworker Ministry. Testifies in favor of SB 263 and SB 264. Discusses conditions of farm workers and benefits of SB 263 and SB 264.

122	Michael Dale	Northwest Worker Justice Project. Testifies in support of SB 263 and SB 264. Discusses farm worker regulations. Describes sanitation issues with farm workers. Provides an example of an agricultural technique currently used that is safer and saves on labor demand which in turn creates longer jobs over longer period of time with more pruning and training work. Adds policy incentives in that direction would be beneficial for agricultural workers and industry in long run.
263	Patrick Green	Oregon American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Testifies in favor of SB 263 and SB 264. Discusses fundamental fairness issue for SB 263. Comments SB 264 establishes a standard related to overtime.
293	Ilene O'Malley	Attorney, Migrant Farmworker Program of Oregon Law Center. Testifies in favor of SB 263 and SB 264. Discusses hardships of farm workers conditions with long hours and not being entitled to same rights as other types of workers. Feels they need to be paid more for their hard work. Submits written testimony (EXHIBIT D) .
355	Sen. Metsger	Asks for specifics on who prevents workers from taking meals or breaks.
365	O'Malley	Responds many employers do not permit breaks or meals times.
384	Sen. Metsger	Asks for specific examples of farms preventing workers from taking meals or breaks.
390	O'Malley	Feels inappropriate to give names out currently in public forum basis.
395	Sen. Metsger	Asks if they are legal cases.
398	O'Malley	Responds yes they are.
400	Sen Metsger	Claims legal cases are public record.
405	O'Malley	Responds cases are not yet filed but will be happy to discuss the matter.
410	Dan Gardner	Commissioner, Bureau of Labor and Industries (BOLI). Testifies in favor of SB 263 and SB 264. States Bureau has authority to put SB 263 into rule rather than statute but arguable point on both sides. Stresses without legislation if imposing the rule, costly litigation could happen. Adds many employers give meals and rest periods and all should be entitled to that right.
TAPE 48, A		
005	Gardner	Feels on SB 264 that every worker should endure a forty hour work week and have the same rights.
034	Christie Hammond	Director, Bureau of Labor and Industries Wage and Hour Division. Comments available to answer questions on enforcement on rest and meal period provisions or overtime laws.
037	Sen, Metsger	Asks about definition on line 29 of SB 264.
051	Hammond	Responds they follow the definition of U.S. Department of Labor for agricultural workers. Believes definition covers all traditionally thought of agricultural workers and those in manufacturing settings are exempt.
063	Sen. Metsger	Comments curious who is covered under that definition.
069	Hammond	States will get more information.
071	Sen. Walker	Asks if Oregon is unusual in treatment of agricultural workers for denying rest breaks and meal periods.
075	Hammond	Responds Oregon is not unusual. Claims will obtain more

		information on other states.
079	Sen. Walker	Comments would like more information on other states especially those with agricultural emphasis.
084	Sen. Beyer	Comments on personal experience of being an agricultural employer in the state. <ul style="list-style-type: none"> • Workers would rather work through lunch because it would cost them a half hour paid time • A lot of workers like overtime and want as many hours as they can in order to earn more. States need to get rid of exemption for collective bargaining at farms. Expresses interest in a list of other states on overtime issue.
127	Chair Nelson	Closes the public hearing on SB 263 and SB 264 and opens a work session on SB 341.
<u>SB 341 – WORK SESSION</u>		
140	Dotson	Provides an overview of SB 341 with -2 amendments.
146	Sen. Beyer	Comments would like more time reviewing amendments.
150	Chair Nelson	Closes the work session on SB 341 and opens a work session on SB 355.
<u>SB 355 – WORK SESSION</u>		
155	Dotson	Provides overview of SB 355 with -1 amendments.
164	Mark Landauer	City of Portland Office of Government Relations. Supports SB 355 with -1 amendments.
166	Sen. Walker	MOTION: Moves to ADOPT SB 355-1 amendments dated 03/10/03.
169		VOTE: 3-0
		EXCUSED: 1 - Sen. Beyer
	Chair Nelson	Hearing no objection, declares the motion CARRIED.
171	Sen. Walker	MOTION: Moves SB 355 to the floor with a DO PASS AS AMENDED recommendation.
178		VOTE: 3-0
		EXCUSED: 1 – Sen. Beyer
	Chair Nelson	Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
195	Chair Nelson	Closes the work session on SB 355 and opens a work session on SB 822.
<u>SB 822 – WORK SESSION</u>		
200	Chair Nelson	Explains others were working on SB 822 and found out relating clause was too narrow and so a House bill that was broader dealt with that issue. Adds SB 822 is being sent as written with no changes and the two bills can be worked on together. Claims an agreement was made.
205	Sen. Metsger	Asks if additional information was added to the House bill that SB 822 was lacking.
210	Chair Nelson	Responds yes with a licensing and permitting issue.
212	Chair Nelson	MOTION: Moves SB 822 to the floor with a DO PASS recommendation and SUBSEQUENT REFERRAL to Ways and Means be rescinded.
215		VOTE: 4-0
	Chair Nelson	Hearing no objection, declares the motion CARRIED.
		CHAIR NELSON will lead discussion on the floor.
216	Tim Nicol	International Brotherhood of Electrical Workers Local 280.

238	Chair Nelson	Expresses disappointment in politics now because found out can request something having to do with relating clause.
247	Sen. Walker	Clarifies clause as competitive telecommunications providers versus incumbent telecommunications providers. States House bill includes incumbents.
259	Chair Nelson	Assures commitments have been made that House bill will pass and Governor can always veto if commitments do not happen. Closes the work session on SB 822 and opens a public hearing on SB 833.

SB 833 – PUBLIC HEARING

277	Dotson	Provides overview of SB 833.
284	Vicki Walker	Oregon State Senator. Provides background and overview of SB 833. Describes visitability. Discusses -1 amendment that replaces SB 833. Submits written material (EXHIBITS E, F) .
360	John VanLandingham	Legal Services Attorney. Explains SB 833 and positive changes in -1 amendment to improve SB 833. Describes and defines subsidized affordable housing. Discusses key points of visitability. Submits written testimony (EXHIBIT G) .

TAPE 47, B

031	Sen. Walker	Comments on need for looking at future in ways homes are built to benefit aging population at affordable costs.
043	Nelson	Asks whether language to encourage design and construction of dwellings is staying in SB 833.
046	Sen. Walker	Responds yes.
055	Chair Nelson	Asks whether this requires private sector.
057	Sen. Walker	Responds private sector is being encouraged.
059	VanLandingham	Discusses concept being possibly used as marketing strategy for homebuilders.
063	Sen. Walker	Comments on a recent Tour of Homes in Eugene that included a visitable home in an upscale neighborhood.
067	Bob Repine	Director, Oregon Housing Community Services. Testifies in favor of SB 833. Discusses visitability projects and costs. Submits written material (EXHIBIT H) .
165	Chair Nelson	Asks if there is a general fund impact.
171	Repine	Provides explanation of where \$8,000 fiscal impact came from.
184	Chair Nelson	Asks whether \$8,000 can be absorbed within own agency.
186	Repine	Responds no.
187	Chair Nelson	Comments may have to fight with Ways and Means over the \$8,000.
189	Repine	Elaborates on the \$8,000. Feels fiscal impact is not enough to stand in the way.
200	Stewart Branam	Member, Oregon Disability Commission. Testifies in favor of SB 833. Provides personal example of inaccessibility of home as handicapped individual. States others can visit but he cannot visit them because of how their homes are built. Discusses the need for growing aging population to have accessible homes for use of wheelchairs and other handicaps. Adds home accessibility would create socialization and less confinement to residents.
276	Ellen Bombaro	Volunteer member, Lane Council of Government Disabilities Services Advisory Council. Testifies in support of SB 833. Describes visitability. Comments missing out on socializing with friends due to home inaccessibility. Submits written testimony (EXHIBIT I) .
310	Ed Neeker	Oregon disabled resident. Testifies in support of SB 833.

386	Ted Stevens	Provides personal example of own disability and home inaccessibility. Discusses visitability concept. Director, Senior and Disabled Services with Lane Council of Governments. Testifies in favor of SB 833. Submits written testimony (EXHIBIT J) .
406	Kathy Jenness	Volunteer member, Lane Council of Governments Disabilities Services Advisory Council. Testifies in favor of SB 833.
TAPE 48, B		
005	Jenness	Discusses personal experience of disability.
019	James Dean	Chair, Human Rights Commission. Testifies in favor of SB 833. States accessibility and visitability need to merge.
031	Norton Cabell	Private landlord. Testifies in opposition of SB 833. Discusses opposition issues: <ul style="list-style-type: none"> • Design • Security and privacy • Blending housing into the neighborhood • Eliminating townhouses • Significant additional costs to developers • Affordable housing convenience issues targeting poor citizens
071	Chair Nelson	Asks whether amendments have made a difference.
075	Cabell	Responds costs were well reduced. Feels if it costs one unit a thirty unit project it is not worth it due to being an advocate for affordable housing.
079	Phil Donovan	Association of Oregon Housing Authorities. Testifies in support of SB 833 with amendments. Discusses long waiting lists for affordable housing and building mandates increasing costs. Claims can provide visitable housing which may cost more but SB 833 is worth it to address human needs.
107	Laura Woodruff	Oregon disabled resident. Testifies in favor of SB 833. Provides personal example of experience with disability and housing issue. Discusses new home building and need for visitability.
132	Chair Nelson	Comments this is a choice that needs to be made.
134	Cabell	Responds the cost needs to be recognized.
135	Sen. Walker	Comments the cost has been brought down to a reasonable level.
144	Jacqueline Zimmer-Jones	Director, Oregon Association of Area Agencies on Aging and Disabilities. Testifies in support of SB 833. Discusses construction for upcoming population. Stresses safety issues. Submits written material (EXHIBIT K) .
212	Sen. Beyer	Asks for definition of categorizing disability.
220	Zimmer-Jones	Believes impaired in one or two activities of daily living.
231	Sen. Beyer	Clarifies that not all are confined to wheelchairs.
236	Zimmer-Jones	Responds they are not all confined to wheelchairs; elaborates on impairments.
244	Chair Nelson	Closes the public hearing on SB 833 and opens a work session on SB 833.
SB 833 – WORK SESSION		
254	Sen. Beyer	Clarifies changing the meaning to parts of SB 833.
256	Chair Nelson	Asks if changing meaning to SB 833 is limiting to certain types of housing.
256	Sen. Walker	Explains changes to SB 833.

273	Sen. Walker	MOTION: Moves to ADOPT SB 833-1 amendments dated 03/24/03.
275		VOTE: 4-0
	Chair Nelson	Hearing no objection, declares the motion CARRIED.
280	Sen. Metsger	MOTION: Moves SB 833 to the floor with a DO PASS AS AMENDED recommendation and SUBSEQUENT REFERRAL to Ways and Means be rescinded.
285		VOTE: 4-0
	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
290	Chair Nelson	Closes the work session on SB 833 and opens a public hearing on SB 826.
<u>SB 826 – PUBLIC HEARING</u>		
297	Dotson	Provides overview of SB 826.
343	Vicki Walker	Oregon State Senator. Testifies in favor of SB 826. Discusses fees in Oregon and across the country. Claims fees can be brought to median national level, bring money into general fund and have people pay fees related to rest of the country. Submits charts & written material (EXHIBIT M).
TAPE 49, A		
005	Walker	Comments SB 826 will keep Oregon at the median for fees.
040	Peter Toll	President, Financial Planning Association of Oregon and Southwest Washington. Testifies in favor of SB 826. Submits written testimony (EXHIBIT N).
087	John Carr	Attorney. Testifies in favor of SB 826. Expresses concerns with other added fees and licenses. Claims not aware of a midpoint. Willing to work with committee to create an appropriate raise in hard economical times.
152	Sen. Metsger	Asks for a fee for investment advisor.
154	Carr	Responds notice filing fees for out of state investment advisors with five or more clients in Oregon is \$100 and renewal is \$50. Adds investment advisors fee is \$15 annually.
171	Sen. Metsger	Asks for clarification on the \$15 annual fee.
174	Carr	Responds an individual that has a ticket to work as a registered investment advisor representative for an investment advisory firm is \$15 annually.
177	Toll	Clarifies a registered investment advisor is a firm.
181	Walker	Asks lowest and highest fees of six states licensed in.
187	Toll	Believes Ohio is the lowest and Florida is the highest.
189	Walker	Asks if paying other fees in other states besides registration fees.
194	Carr	Responds yes.
195	Walker	Asks if that is anything unusual to Oregon.
196	Carr	Responds no.
199	Walker	Asks if 1969 is more than 30 years ago.
203	Carr	Responds positively.
203	Toll	Responds positively.
205	Walker	Asks if agree that is a long time for a static fee.
207	Carr	Responds positively.
207	Toll	Responds positively.
209	Roger Martin	Investment Company Institute. Testifies in opposition of SB 826. Discusses reasons for opposition. Submits written material

		(EXHIBIT O).
269	Sen. Metsger	Provides personal fee example.
287	Martin	Responds in reference to fees.
315	Walker	Comments Mr. Martin's testimony list is dramatic in percentage terms.
322	Martin	Agrees.
326	Walker	Responds \$15 to \$50 is not very much.
328	Martin	Agrees. Expresses concerns with mutual fund and filings.
332	Walker	Asks whether mutual funds would only increase by 30% to 43% according to testimony.
333	Martin	Responds not disagreeing.
335	Walker	Asks whether fees should be raised on everyone else since stock brokers represented.
345	Martin	Responds would be surprised if Securities Industry Association agreed.
350	Walker	Refers to Mr. Carr's testimony previously when he said was concerned with not knowing how to define national median.
357	Patricia Locnikar	Chief of Licensing and Registration for Securities Section, Division of Finance and Corporate Securities. Discusses research being done on getting input from industry on where midpoint of fees in country are.
385	Walker	Asks if inclusive process to determine what national median is involving communication and involvement.
389	Locnikar	Responds that is correct.
391	Walker	Asks if more money in program then more fraud investigations could occur because of hiring more FDE.
396	Locnikar	Responds yes.
404	Walker	Asks if increasing fees would be connected to cost of regulation because more investigations could be done.
410	Locnikar	Responds that is correct.
418	Chair Nelson	Closes the public hearing on SB 826 and adjourns the meeting at 3:25 PM.

EXHIBIT SUMMARY

- A – SB 263 & 264, written testimony, Senator Avel Gordly, 1 pp**
- B – SB 263, written testimony, Ramon Ramirez, 10 pp**
- C – SB 264, written testimony, Ramon Ramirez, 1 pp**
- D – SB 263, written testimony, Ilene O'Malley, 1 pp**
- E – SB 833, overview of visitability issue, Senator Vicki Walker, 1 pp**
- F – SB 833, packet of visitable units, Senator Vicki Walker, 11 pp**
- G – SB 833, written testimony, John VanLandingham, 3 pp**
- H – SB 833, visitability project 2002 list, Bob Repine, 1 pp**
- I – SB 833, written testimony, Ellen Bombaro, 1 pp**
- J – SB 833, written testimony, Ted Stevens, 2 pp**
- K – SB 833, overview of visitability and table of demographic characteristics in 2000, Jacqueline Zimmer-Jones**
- L – SB 833, additional material for the record, 1 pp**
- M- SB 826, information packet and tables on fees and registration increases and internet con man story, Senator Vicki Walker, 21 pp**
- N – SB 826, written testimony, Peter Toll, 1 pp**
- O – SB 826, written material in opposition of the bill, Roger Martin, 1 pp**