

# SENATE COMMITTEE ON BUSINESS AND LABOR

April 21, 2003  
1:00 PM

Hearing Room C  
Tapes 62-63

**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:** HB 2163 – Work Session  
SB 103 – Work Session  
SB 206 – Work Session  
HB 2210 – Work Session  
HB 2245 – Work Session  
SB 207 – Work Session  
HB 2639A – Public Hearing and Work Session  
HB 2230A – Public Hearing  
HB 2564A – Public Hearing and Work Session  
HB 2623A – Public Hearing and Work Session  
SB 477 – Informational Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 62, A</b>		
005	Chair Nelson	Calls the committee to order at 1:10 PM. Opens a work session on HB 2163.
009	Dennis Dotson	Committee Administrator. Provides an overview of HB 2163.
		<b><u>HB 2163 – WORK SESSION</u></b>
011	Sen. Beyer	<b>MOTION: Moves to RECONSIDER the vote by which Moves HB 2163 to the floor with a DO PASS recommendation.</b>
012		<b>VOTE: 4-0</b>
	Chair Nelson	<b>Hearing no objection, declares the motion CARRIED.</b>
013	Chair Nelson	<b>MOTION: Moves to ADOPT HB 2163-1 amendments dated 04/18/03. (EXHIBIT H)</b>
013		<b>VOTE: 4-0</b>
	Chair Nelson	<b>Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.</b>
014	Chair Nelson	<b>MOTION: Moves HB 2163 to the floor with a DO PASS AS AMENDED recommendation.</b>
014		<b>VOTE: 4-0</b>
	Chair Nelson	<b>Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.</b>
015	Chair Nelson	Closes a work session on HB 2163 and opens a work session on SB 103.

**SB 103 – WORK SESSION**

029 Dotson Provides an overview on SB 103.  
041 Chair Nelson Closes the work session on SB 103 and opens a work session on SB 206.

### **SB 206 – WORK SESSION**

043 Dotson Provides an overview of SB 206 with -2 amendments.  
048 Scott Taylor Commissioner, Oregon Real Estate. Discusses -2 amendments.  
**048 Chair Nelson MOTION: Moves to ADOPT SB 206-2 amendments dated 04/15/03. (EXHIBIT I)**  
**049 VOTE: 4-0**  
**Chair Nelson Hearing no objection, declares the motion CARRIED.**  
**051 Chair Nelson MOTION: Moves SB 206 to the floor with a DO PASS AS AMENDED recommendation.**  
061 Sen. Beyer Asks whether -1 amendments are out of play.  
065 Chair Nelson Responds -1 amendments are out of play now.  
067 Taylor Clarifies the -2 amendments incorporates the -1 amendments that survived.  
070 Jana Jarvis Oregon Association of Realtors. Indicates both amendments are needed.  
076 Chair Nelson Asks for explanation of both amendments.  
080 Taylor Describes -1 and -2 amendments. States there are some typographical errors.  
086 Dennis Dotson Provides understanding of amendments.  
093 Chair Nelson Closes the work session on SB 206 and opens a work session on HB 2210.

### **HB 2210 – WORK SESSION**

096 Dennis Dotson Provides an overview of HB 2210.  
098 Chair Nelson Asks Senator Beyer if he had received information back regarding the bonding level.  
099 Sen. Beyer Answers yes he was notified by the constituents.  
**111 Chair Nelson MOTION: Moves HB 2210 to the floor with a DO PASS recommendation.**  
**113 VOTE: 4-0**  
**Chair Nelson Hearing no objection, declares the motion CARRIED.**  
**SEN. WALKER will lead discussion on the floor.**  
118 Chair Nelson Closes a work session on HB 2210 and opens a work session on HB 2245.

### **HB 2245 – WORK SESSION**

122 Dennis Dotson Provides an overview on HB 2245.  
128 Sen. Beyer Asks how many of the medical licensing boards have fees capped in statute and how many are in need of approval.  
144 Dennis Dotson Notes a misunderstanding of what Senator Beyer was seeking.  
150 Sen. Beyer Clarifies to the types of licensing boards.  
154 Dennis Dotson Explains the statute authorization.  
176 Chair Nelson Clarifies information on those of statute and those of rule.  
187 Peggy Smith Executive Officer, Occupational Licensing Board. Responds to Senator Beyer's question regarding addressing fees.  
204 Sen. Beyer Responds that is what he was seeking.  
208 Smith Responds some fees were stated fees and renewal fees up to a certain amount.  
213 Sen. Beyer Clarifies up to a certain amount fees can be adjusted.  
216 Smith Responds this would be up to the budget committee.  
221 Sen. Beyer Notes they would not have come back to committee to ask for fees to be retroactive.

224 Smith Answers that is correct.  
229 Chair Nelson **MOTION: Moves HB 2245 to the floor with a DO PASS recommendation.**  
232 **VOTE: 3-1**  
**AYE: 3 - Sen. Metsger, Sen. Walker, Sen. Nelson**  
**NAY: 1 - Sen. Beyer**  
Chair Nelson **Hearing no objection, declares the motion CARRIED. CHAIR NELSON will lead discussion on the floor.**  
241 Chair Nelson Closes the a work session on HB 2245 and reopens a work session on SB 206.

**SB 206 – WORK SESSION**

243 Scott Taylor Commissioner, Oregon Real Estate. Confirms that the -2 amendments incorporate -1 amendments.  
251 Sen. Beyer Notes that section 10A is not in the -2 amendments.  
259 Chair Nelson Asks for clarification.  
267 Sen. Beyer States lines 20 to 26.  
269 Taylor Responds 10A in the -2 amendments is also in -1 amendments.  
272 Sen. Walker **MOTION: Moves to ADOPT SB 206-2 amendments dated 04/15/03. (EXHIBIT I)**  
273 **VOTE: 4-0**  
Chair Nelson **Hearing no objection, declares the motion CARRIED.**  
275 Sen. Walker **MOTION: Moves SB 206 to the floor with a DO PASS AS AMENDED recommendation.**  
276 **VOTE: 4-0**  
Chair Nelson **Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.**  
283 Chair Nelson Closes the work session on SB 206 and opens a work session on SB 207.

**SB 207 – WORK SESSION**

286 Dennis Dotson Provides an overview on SB 207.  
292 Chair Nelson Asks for description of the -4 amendments.  
300 Scott Taylor Discusses the changes in -4 amendments.  
306 Sen. Beyer Asks if this addresses Representative Butler’s concerns.  
309 Taylor Responds he was not here but the amendments represents the concern of Senator Beyer.  
313 Chair Nelson Indicates a letter received from Representative Butler was addressing the higher bonding costs for escrow companies.  
322 Taylor Responds the problem has been taken care of.  
330 Chair Nelson Notes a small portion of the language is being deleted.  
331 Sen. Walker **MOTION: Moves to ADOPT SB 207-4 amendments dated 04/15/03. (EXHIBIT J)**  
333 **VOTE: 4-0**  
Chair Nelson **Hearing no objection, declares the motion CARRIED.**  
334 Sen. Metsger Asks if the -4 and the -3 amendments go together.  
335 Taylor Responds yes it does incorporate the previous amendments.  
336 Chair Nelson **MOTION: Moves SB 207 to the floor with a DO PASS AS AMENDED recommendation.**  
337 **VOTE: 4-0**  
Chair Nelson **Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.**  
373 Chair Nelson Closes the work session on SB 207 and opens a public hearing on HB 2639A.

**HB 2639A – PUBLIC HEARING**

383	Dennis Dotson	Provides an overview of HB 2639A.
397	Jana Jarvis	Oregon Association of Realtors (OAR). Testifies in favor of HB 2639A. Submits written testimony explaining this bill is in search of a proactive and positive solution to the lack of affordable housing in Oregon ( <b>EXHIBIT A</b> ).
<b>TAPE 63, A</b>		
010	Bob Repine	Director, Oregon Housing Committee Services (OHCS). Testifies in favor of HB 2639A. Discusses the amount of money this bill will raise.
040	Sen. Walker	Asks how much money.
042	Repine	Responds \$56,000 in Benton County and the Metropolitan area.
043	Sen. Walker	Asks if this figure is for a two person household.
045	Repine	Responds a two or one person household and continues describing the program.
087	Sen. Metsger	Asks how many public benefit corporations would receive these funds.
096	Jarvis	Responds it is narrowly defined in statute.
102	Sen. Metsger	Asks if the housing trust fund be a recipient.
104	Repine	Responds probably not.
117	Sen. Metsger	Asks if OAR is planning some kind of marketing or education campaign to the realtors.
129	Jarvis	Responds it will require a program.
135	Sen. Walker	Comments money not gaining interest now, so this is a way of earning interest.
145	Repine	Responds to the Low Income Rental Assistance (LIRF) Law that directed property managers to put deposits in income bearing accounts.
177	Gary Conkling	Oregon Home. Testifies in opposition of HB 2639A. Explains Oregon Home discussing real estate transfer fees. Submits written testimony ( <b>EXHIBIT B</b> ).
205	Sen. Walker	Comments on trust accounts on lawyer fees.
244	Conkling	Responds there will not be a bill regarding real estate transfer fees in this session.
253	Janet Byrd	Neighborhood Partnership Fund. Testifies as a neutral party. States the crisis in Oregon is a structural one. Submits written testimony ( <b>EXHIBIT C</b> ).
282	Michael Anderson	Community Development Network. Testifies as a neutral party. Discusses the real estate transfer fee as a solution to the housing crisis. Submits written testimony ( <b>EXHIBIT D</b> ).
317	Chair Nelson	Asks what he thinks about us harvesting some of our forests.
331	Anderson	States he is a housing expert and does not cross into that issue.
342	Sen. Metsger	Comments this issue should have been heard in the House.
356	Stewart Branum	Volunteer Commissioner, Oregon Disability Commission. Discusses the real estate transfer fee. States it could be a tool to help people in need in Oregon.
386	Chair Nelson	Closes the public hearing on HB 2639A and opens work session on HB 2639A.

**HB 2639A – WORK SESSION**

<b>388</b>	<b>Sen. Metsger</b>	<b>MOTION: Moves HB 2639A to the floor with a DO PASS recommendation.</b>
<b>390</b>	<b>Chair Nelson</b>	<b>VOTE: 4-0 Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.</b>

402	Chair Nelson	Closes the work session on HB 2639A and opens a public hearing on HB 2230A.
<b><u>HB 2230A – PUBLIC HEARING</u></b>		
408	Dennis Dotson	Provides an overview of HB 2230A.
419	Lee Beyer	Commissioner, Oregon Public Utility Commission. Testifies in favor of HB 2230A. Submits written testimony explaining the bill is a consumer protection bill for telephone services ( <b>EXHIBIT E</b> ).
<b>TAPE 62, B</b>		
008	Cheryl Pellegrini	Assistant Attorney General, Financial Fraud Consumer Protection Division, Oregon Department of Justice (DOJ). Testifies in favor of HB 2230A. Explains the -5 amendments.
056	Paul Romain	MCI Telecommunications. Testifies in favor of HB 2230A. Explains a concern with the amendments and encourages jurisdiction in a separate bill.
109	Pellegrini	Responds it would not be the attorney general's office to take an individual consumer case because they would be prohibited by law.
148	Romain	Inquires if DOJ has the legal authority to go after phone solicitation violations by regulated local exchange carriers.
159	Pellegrini	Responds they have gone after telecommunication carriers for long-distance slamming.
165	Lee Beyer	Explains the amendment on the House side that the Public Utilities Commission's (PUC) activities would have the exclusive remedy.
222	Chair Nelson	Closes the public hearing on HB 2230A and opens public hearing on HB 2564A.
<b><u>HB 2564A – PUBLIC HEARING</u></b>		
230	Dennis Dotson	Provides an overview of HB 2564A.
239	Ron Murray	United Association of Plumbers and Steamfitters. Testifies in favor of HB 2564A. Explains the reasoning for the bill.
258	Burton Weast	Plumbing, Heating, Cooling Contractors (PHCC). Testifies in favor of HB 2564A.
267	Chair Nelson	Closes the public hearing on HB 2564A and opens work session on HB 2564A.
<b><u>HB 2564A – WORK SESSION</u></b>		
269	Chair Nelson	<b>MOTION: Moves HB 2564A to the floor with a DO PASS recommendation.</b>
272	Chair Nelson	<b>VOTE: 4-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. BEYER will lead discussion on the floor.</b>
277	Chair Nelson	Closes the work session on HB 2564A and reopens a work session on SB 103.
<b><u>SB 103 – WORK SESSION</u></b>		
281	Darrell Fuller	Oregon Auto Dealers Association. Discusses -3 amendments. States they are in agreement with the new and used car dealers and the Attorney General's Office.
330	Sen. Beyer	Asks for clarification about -3 amendments.
341	Pellegrini	Responds the amendment is in the back of bill page 5 line 11.
343	Sen. Nelson	<b>MOTION: Moves to ADOPT SB 103-3 amendments dated 04/11/03. (EXHIBIT K)</b>
344	Chair Nelson	<b>VOTE: 4-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>

345 Chair Nelson **MOTION: Moves SB 103 to the floor with a DO PASS AS AMENDED recommendation.**

349 Chair Nelson **VOTE: 4-0**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. METSGER will lead discussion on the floor.**

359 Chair Nelson Closes the work session on SB 103 and opens a public hearing on HB 2623.

**HB 2623A – PUBLIC HEARING**

366 Dennis Dotson Provides an overview of HB 2623A.

373 Shawn Miller Liberty Northwest. Testifies in favor of HB 2623A. Discusses deposits on securities and bonds. Submits written material **(EXHIBIT F)**.

438 Chair Nelson Closes the public hearing on HB 2623A and opens a work session on HB 2623A.

**HB 2623A – WORK SESSION**

440 Chair Nelson Asks what the deposit requirements are.

443 Miller Responds they are the only company that has above the required amount.

447 Chair Nelson States the deposit requirements are two hundred and sixty million dollars

449 Miller Notes the bill only changes how the money can be invested above the fifty million dollar mark.

455 Chair Nelson **MOTION: Moves HB 2623A to the floor with a DO PASS recommendation.**

456 Chair Nelson **VOTE: 4-0**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. BEYER will lead discussion on the floor.**

**TAPE 63, B**

010 Chair Nelson Closes a work session on HB 2623A and opens an informational hearing on SB 477.

**INFORMATIONAL MEETING**

**SB 477**

029 David Lloyd Vice Present, Governmental Affairs, National Paint and Coating Association, Washington D.C. Informs the committee that there has a paint counsel has been set up.

036 Chair Nelson Asks for biography of guests arriving.

038 Lloyd Provides a description of the background for the basis of SB 447.

056 Dean Gifford Professor of Law, University of Maryland. Discusses experience with childhood lead poisoning. Submits written testimony **(EXHIBIT G)**.

187 Chair Nelson Feels a lot of skepticism in the proposal. Asks if there are any similarities in the asbestos situation and the lead situation.

195 Gifford Responds there are similarities. Asks what the skepticism is.

201 Chair Nelson Asks if it is cost prohibitive.

210 Gifford Comments on progressing through the process.

216 Chair Nelson Asks about the statement of the elimination of lead.

220 Gifford Explains the steps of making lead safe and the costs of getting rid of all lead.

242 Chair Nelson Reiterates on the skepticism and other answers needed to feel comfortable with the bill.

246 Gifford Responds on getting together with the interested parties and answering questions.

288 Chair Nelson Closes the public hearing on SB 447. Adjourns the committee

meeting at 3:00 PM.

**EXHIBIT SUMMARY**

- A – HB 2639A, written testimony, Jana Jarvis, 3 pp**
- B – HB 2639A, written testimony, Gary Conkling, 2 pp**
- C – HB 2639A, written testimony, Janet Byrd, 2 pp**
- D – HB 2639A, written testimony, Michael Anderson, 3 pp**
- E – HB 2230A, written testimony, Lee Beyer, 2 pp**
- F – HB 2623A, written testimony, Shawn Miller, 1 p**
- G – SB 447, written testimony, Dean Gifford, 2 pp**

**The following exhibits are listed out of order in the body of the tape log:**

- H – HB 2163, -1 amendments dated 4/18/03, staff, 3 pp**
- I – SB 206, -2 amendments dated 4/15/03, staff, 9 pp**
- J – SB 207, -4 amendments dated 4/15/03, staff, 3 pp**
- K – SB 103, -3 amendments dated 4/16/03, staff, 8 pp**