

SENATE COMMITTEE ON BUSINESS AND LABOR

April 7, 2003
1:00 PM

Hearing Room C
Tapes 52-53

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 828 – Public Hearing and Work Session**
 SB 235 – Work Session
 SB 341 – Work Session
 SB 343 – Work Session
 SB 575 – Work Session
 SB 602 – Public Hearing and Work Session
 SB 603 – Public Hearing
 SB 609 – Public Hearing
 SB 825 – 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 52, A		
005	Chair Nelson	Calls the committee to order at 1:08 PM. Opens a public hearing on SB 828.
<u>SB 828 – PUBLIC HEARING</u>		
011	Dennis Dotson	Committee Administrator. Provides introduction to SB 828.
015	Vicki Walker	Oregon State Senator. Provides introduction to SB 828.
017	Elisabeth Goldenberg	Bi-lingual Case Manager, Womenspace. Testifies in favor of SB 828. Submits written testimony (EXHIBIT A).
072	Cyrese Lee	Oregon domestic violence survivor. Testifies in favor of SB 828. Provides personal experience of domestic violence. Submits written testimony (EXHIBIT B).
090	Cheryl O'Neill	Coordinator, Lane County Domestic Violence Counsel. Testifies in favor of SB 828. Provides an example of working with a domestic violence survivor. Describes domestic violence victims positive experiences resulting from access to phone service. Submits written testimony (EXHIBIT C).
153	Sen. Walker	Comments on 911 telephone test to provide 911 service. Points out you need to know where you are when you call to make it useful.
162	O'Neill	Responds correct. Comments there is not automatic access to address if called through cell phone so limits to 911. Adds also with free cell phones cannot access other services that have helped others. Believes this legislation make tremendous difference for limited group of people. Explains -1 amendment.
214	Jeff Bissonnetti	Citizens Utility Board of Oregon. Testifies in favor of SB 828.

Discusses benefits of SB 828:

- Good approach dealing with specific population
- Bill modeled on existing medical certification and all restrictions and requirements setting up payment plan dealing with past bills exist
- -1 amendments put out further limitations than original bill but not so limiting it would not be useful

233	Schelly Jensen	Regulatory and Government Affairs Manager, Verizon. Testifies in favor of SB 828. Expresses interest SB 828 mirrors the medical condition procedure. States SB 828 only applies to telecommunication utilities. Adds might have to check on services later on due to competition.
269	Chair Nelson	Refers to line 7 in SB 828.
270	Sen. Walker	Refers to line 19 of SB 828.
271	Jensen	Responds in reference to line 19 and possibly changing the wording but because of the way it fits into the rest of the statute more would need to be changed.
275	Sen. Walker	Feels SB 828 is okay to move forward but at some point legislature needs to address all the issues.
288	Jason Barber	Assistant Director for Crime Victims Assistant Section, Oregon Department of Justice. Testifies in support of SB 828. Discusses victimization issues and claims experiences. Also discusses the Vine system. Suggests additional amendments adding local phone service and without a toll box. Submits written testimony and brochure (EXHIBIT D, E).
344	Chair Nelson	Clarifies another amendment is being suggested.
347	Sen. Walker	Mentions not interested in doing that but small amendment with a deadline coming up.
351	Sen. Beyer	Asks if there will be a cost shift if SB 828 passes to other customers in local area.
356	Jensen	Responds does not believe so.
366	Sen. Beyer	Asks what reasonable payment agreement means.
368	Jensen	Responds does not know.
370	Sen. Beyer	Asks how big a disadvantage this is versus competitive providers.
383	Jensen	Responds does not have a good feel for that. Believes a lot of people probably will not be participating in the program.
384	Sen. Beyer	Asks whether a restraining order in a divorce case would meet the minimum requirements at risk of violence under SB 828.
387	Barber	Responds a restraining order is one of the criteria that would allow a victim to fall under the act. Adds a divorce probably would not.
418	Sen. Beyer	Clarifies a restraining order in a divorce case would qualify.
426	Barber	Responds in line 20 a restraining order in a divorce case would qualify.
431	Sen. Walker	Comments a domestic victim will be choosing their own phone service. Asks whether they would choose phone service from a company that would accompany them under this type of arrangement.
TAPE 53, A		
005	Jensen	Responds yes.
006	Sen. Walker	Asks whether impacted positively to some degree.

008 Jensen Responds yes.
 009 Sen. Walker Asks whether approve of the -1 amendments.
 012 Jensen Responds there may be another consideration. Claims some have toll restriction because people in house run up large long distance bills so unsure whether to mandate they could not have toll restriction if they had a separate reason for it.
 013 Sen. Walker Comments does not want to wait for an amendment.
 015 Chair Nelson Closes the public hearing on SB 828 and opens a work session on SB 828.

SB 828 – WORK SESSION

017 Sen. Walker **MOTION: Moves to ADOPT SB 828-1 amendments dated 04/07/03. (EXHIBIT N)**

019 **VOTE: 3-1**
AYE: 3 – Metsger, Walker, Nelson
NAY: 1 – Beyer

Chair Nelson **Hearing no objection, declares the motion CARRIED.**

020 Sen. Walker **MOTION: Moves SB 828 to the floor with a DO PASS AS AMENDED recommendation.**

025 Sen. Beyer Expresses concern that restraining orders are too easy to get especially in divorce cases. Feels this will open up to a huge number of people. Comments still needs a reasonable payment agreement definition from someone.

038 **VOTE: 3-1**
AYE: 3 – Metsger, Walker, Nelson
NAY: 1 – Beyer

Chair Nelson **The motion CARRIES.**

WALKER will lead discussion on the floor.

045 Chair Nelson Closes the work session on SB 828 and opens a work session on SB 235.

SB 235 – WORK SESSION

050 Dotson Provides an overview of SB 235 with -2 amendments.

053 Sen. Walker **MOTION: Moves to ADOPT SB 235-2 amendments dated 04/01/03. (EXHIBIT O)**

058 **VOTE: 4-0**
Hearing no objection, declares the motion CARRIED.

060 Chair Nelson **MOTION: Moves SB 235 to the floor with a DO PASS AS AMENDED recommendation.**

065 **VOTE: 4-0**
Hearing no objection, declares the motion CARRIED.
CHAIR NELSON will lead discussion on the floor.

070 Chair Nelson Closes the work session on SB 235 and opens a work session on SB 341.

SB 341 – WORK SESSION

074 Dotson Provides overview of SB 341 with -2 amendments.

076 Sen. Beyer Comments proponents of SB 341 approve of the -2 amendments and reflect it with agreement with Bureau of Labor and Industries.

078 Sen, Beyer **MOTION: Moves to ADOPT SB 341-2 amendments.**

079 **VOTE: 4-0 (EXHIBIT P)**
Hearing no objection, declares the motion CARRIED.

080 Sen. Beyer **MOTION: Moves SB 341 to the floor with a DO PASS AS AMENDED recommendation.**

085 **VOTE: 4-0**

	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.
091	Chair Nelson	Closes the work session on SB 341 and opens a work session on SB 343.
	<u>SB 343 – WORK SESSION</u>	
093	Dotson	Provides overview of SB 343 with -2 amendments.
107	Sen. Beyer	Asks if there is a fee increase included in -2 amendments.
109	Ron Murray	United Association of Plumbers and Steamfitters. Responds there is a fee that will be charged to water purveyors. Adds small water systems will not be assessed a fee and large scale water purveyors will be charged \$350 per year. States the licensing schedule for individual remains the same.
124	Sen. Beyer	Asks if there is currently a fee and will it be raised.
126	Murray	Responds this will be a new fee for a water purveyor for a service currently being provided by the health division.
134	Sen. Beyer	Asks who a water purveyor is.
137	Murray	Responds someone who delivers the water.
145	Sen. Beyer	Refers to amendments on page 3 regarding fees.
149	Chair Nelson	Clarifies reference to page 3 regarding fees.
151	Murray	Feels SB 343 means under five hundred connections there would not be a charge.
156	Charmaine Baldwin	Oregon State Health Division. Responds currently there was no fee charged for an annual summer report by community water systems. Adds anything under fifteen would not be charged.
167	Chair Nelson	Comments on the fee amounts. Asks how much money would be raised.
173	Baldwin	Believes a fiscal was done.
179	Chair Nelson	Comments on fee amounts with fiscal and revenues.
186	Baldwin	Comments Department of Consumer and Business Services (DCBS) would not be involved.
193	Chair Nelson	Refers to page 2 of the fiscal impact.
197	Sen. Metsger	Clarifies expenditures and revenues are an offset of previous fees collected and lack of revenue and lack of expenditure. Feels \$27,200 for DCBS represent anticipated revenues that would be collected from DCBS in implementing the new program.
200	Baldwin	Believes that was with the original bill and not the -2 amendments. States the whole program will be within the health division.
206	Chair Nelson	Asks whether \$27,000 coming to Department of Human Services.
208	Baldwin	Responds correct. Comments the fee for certification will not change at all.
213	Sen. Beyer	Comments the fiscal does not reflect -2 amendments.
215	Chair Nelson	Responds it does not.
217	Sen. Metsger	Asks if approve of the -2 amendments on issues addressed.
220	Murray	Responds yes.
225	Chair Nelson	MOTION: Moves to ADOPT SB 343-2 amendments dated 03/24/03. (EXHIBIT Q)
227		VOTE: 3-1
		AYE: 3 – Nelson, Metsger, Walker
		NAY: 1 – Beyer
230	Chair Nelson	MOTION: Moves SB 343 to the floor with a DO PASS AS AMENDED recommendation.

235
Chair Nelson
VOTE: 3-1
AYE: 3 – Nelson, Metsger, Walker
NAY: 1 - Beyer
The motion CARRIES.
METSGER will lead discussion on the floor.

245 Chair Nelson
Closes the work session on SB 343 and opens a work session on SB 575.

SB 575 – WORK SESSION

248 Dotson
Provides overview of SB 575 with -1 amendments.

253 **Sen. Walker**
MOTION: Moves to ADOPT SB 575-1 amendments dated 03/05/03. (EXHIBIT R)

256
Chair Nelson
VOTE: 4-0
Hearing no objection, declares the motion CARRIED.

260 **Sen. Walker**
MOTION: Moves SB 575 to the floor with a DO PASS AS AMENDED recommendation.

268
Chair Nelson
VOTE: 4-0
Hearing no objection, declares the motion CARRIED.
SEN. WALKER will lead discussion on the floor.

276 Chair Nelson
Closes the work session on SB 575 and opens a public hearing on SB 602.

SB 602 – PUBLIC HEARING

282 Dotson
Provides overview of SB 602.

286 Darrell Fuller
Oregon Auto Dealers Association. Testifies in favor of SB 602. Summarizes SB 602. Provides Christmas tree grower example. Submits written material **(EXHIBIT F)**.

331 Sen. Beyer
Provides example of Christmas trees growers who had been sued.

339 Chair Nelson
Closes the public hearing on SB 602 and opens a work session on SB 602.

SB 602 – WORK SESSION

345 **Chair Nelson**
MOTION: Moves SB 602 to the floor with a DO PASS recommendation.

355
Chair Nelson
VOTE: 3-0
EXCUSED: 1 - Sen. Walker
Hearing no objection, declares the motion CARRIED.
SEN. BEYER will lead discussion on the floor.

360 Chair Nelson
Closes the work session on SB 602 and opens a public hearing on SB 603.

SB 603 – PUBLIC HEARING

365 Dotson
Provides overview of SB 603.

368 Darrell Fuller
Testifies in favor of SB 603. Requests no work session today due to a potential need for technical amendments. Discusses the law and purpose of SB 603. Submits written material **(EXHIBIT G)**. The Alliance of Automobile Manufacturers. Testifies in favor of SB 603. Feels legislation is needed and would allow dealers and manufacturers to continue normal operations.

TAPE 52, B

005 Chair Nelson
Closes the public hearing on SB 603 and opens a public hearing on SB 609.

SB 609 – PUBLIC HEARING

006 Dotson
Provides overview of SB 609.

010 Scott Shorr
Stoll, Stoll, et al. Testifies in favor of SB 609. Discusses amendments. Submits written testimony **(EXHIBIT H)**.

082	Kate Brown	Oregon State Senator. Suggests consideration of amendments and passing of SB 609. Submits written testimony (EXHIBIT I).
090	Fred Boss	Assistant Attorney General and Chief Counsel of the Civil Enforcement Division, Oregon Department of Justice. Testifies in favor of SB 609. Submits written testimony (EXHIBIT J).
110	Chair Nelson	Asks how private investor affected.
113	Schorr	Responds it expands the right of a private investor to bring a claim in Enron situation. Adds it is limited because of Securities Litigation Uniform Standards Act.
127	Sen. Metsger	Clarifies in terms of limited expansion individuals already have the right.
129	Schorr	Responds correct and it brings Oregon law in line with Federal Securities Law.
135	Floyd Lanter	Administrator, Division of Finance and Corporate Securities and Member of Department of Consumer and Business Services. Testifies in a neutral position of SB 609. Discusses mission in promoting capital formation in Oregon and insure protection of those who invest in Oregon financial markets. Expresses concern with section 3 of SB 609. Submits written testimony (EXHIBIT K).
191	Roger Martin	Investment Company Institute. Testifies in opposition of SB 609. Discusses language concerns in SB 609. Submits written testimony (EXHIBIT L).
255	Chair Nelson	Closes the public hearing on SB 609 and opens a public hearing on SB 825.

SB 825 – PUBLIC HEARING

258	Dotson	Provides overview of SB 825.
270	Vicki Walker	Oregon State Senator. Testifies in favor of SB 825. Discusses purpose and provides overview of SB 825. Provides examples.
326	Gene Ebersole	Assistant Attorney General, Department of Justice. Testifies in favor of SB 825. Comments SB 825 would take effect if Governor declares abnormal disruption of the marketplace and safeguard exists that the legislature could override Governor's declaration if it was felt inappropriate. States SB 825 is a bill to fix price gouging and not prices. Submits written material (EXHIBIT M).
433	Cheryl Pellegrini	Assistant Attorney General for Financial Fraud Consumer Protection Section, Oregon Department of Justice. Testifies in favor of SB 825. States currently twenty-one states have a disaster price-gauging statute in place. Discusses increase in consumer good or service by 20% or more is not a violation.

TAPE 53, B

005	Pellegrini	Continues discussion.
021	Chair Nelson	Asks what part of the bill referring to.
024	Pellegrini	Responds section 4, subsection 3a & b. Adds in criticism of SB 825 the market should be allowed to react and correct but in times of acute events it happens so fast and prices rise so quick that the market does not have time to make appropriate corrections. Feels in absence of market acting to correct, government regulation is appropriate and necessary.
036	Sen. Metsger	Clarifies in terms of action that might be taken in any retail or provider of good or services it would only have a potential to rise to the level if Governor takes the step so the Governor has to declare something has existed of concern that is abnormal and

EXHIBIT SUMMARY

A – SB 828, written testimony, Elisabeth Goldenberg, 1 pp
B – SB 828, written testimony, Cyrese Lee, 2 pp
C – SB 828, written testimony, Cheryl O’Neill, 1 pp
D – SB 828, written testimony, Jason Barber, 1 pp
E – SB 828, VINE brochure, Jason Barber, 2 pp
F – SB 602, written testimony and news article, Darrell Fuller, 2 pp
G – SB 603, written testimony, Darrell Fuller, 1 pp
H – SB 609, written testimony, Scott Shorr, 2 pp
I – SB 609, written testimony, Senator Kate Brown, 1 pp
J – SB 609, written testimony, Fred Boss, 1 pp
K – SB 609, written testimony, Floyd Lanter, 2 pp
L – SB 609, written testimony, Roger Martin, 3 pp
M – SB 825, written testimony, Gene Ebersole, 38 pp

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

N – SB 828, -1 amendments dated 04/07/03, staff, 1 p
O – SB 235, -2 amendments dated 04/01/03, staff, 1 p
P – SB 341, -2 amendments dated 3/31/03, staff, 3 pp
Q – SB 343, -2 amendments dated 03/24/03, staff, 3 pp
R – SB 575, -1 amendments dated 03/05/03, staff, 3 pp