

**HOUSE COMMITTEE ON AGENCY PERFORMANCE & OPERATIONS**

**May 11, 1999 Hearing Room E**

**8:00 a.m. Tapes 73 -74**

**MEMBERS PRESENT: Rep. Jane Lokan, Chair**

**Rep. Betsy Close**

**Rep. Dan Gardner**

**Rep. Tim Knopp**

**Rep. Jeff Kruse**

**Rep. Bob Montgomery**

**Rep. Kitty Piercy**

**MEMBER EXCUSED: Rep. Kathy Lowe, Vice-Chair**

**STAFF PRESENT: Pat Zwick, Administrator**

**Susan M. Pettey, Administrative Support**

**MEASURES HEARD: SB 473 Public Hearing**

**SB 473 Work Session**

**SB 742 Public Hearing**

**SB 742 Work Session**

**SB 202A Work Session**

**SB 203 Public Hearing**

**SB 203 Work Session**

**SB 290 Public Hearing**

**SB 290 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.

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TAPE/#	Speaker	Comments
<b>TAPE 73, A</b>		
004	Chair Lokan	Opens the meeting at 8:12 a.m., and opens public hearing on SB 473.
<b><u>SB 473 PUBLIC HEARING</u></b>		
021	Pat Zwick	Committee Administrator. Summarizes provisions of SB 473.
030	Dave Cook	Director, Department of Corrections (DOC). Speaks in support of SB 473. Provides examples of DOC collaboration to encourage multipurpose use of state facilities for the benefit to children and community activities.
052	Rep. Montgomery	Asks if SB 473 grants more authority to DOC.
058	Cook	Answers no.
061	Rep. Montgomery	Opines that SB 473 is not necessary.
074	Randall Lewis	Chief Executive Officer, Family YMCA of Marion and Polk Counties. Testifies in support of SB 473. Submits and summarizes written testimony ( <b>EXHIBIT A</b> ). Discusses the use of YMCA facilities after hours for high school age youth. Credits Sen. Courtney for the establishment of new programs and facilities for youth.
119	Lewis	Comments that available facilities for youth activities are scarce. Describes collaboration between the YMCA and the State of Oregon to assist in teaching core values to youth.
149	Chair Lokan	Asks how these activities are funded.
152	Lewis	Replies, through a \$10 monthly membership.
160	Rusty Vernon	Director, Oregon State Fair. Speaks in support of SB 473. Describes youth participation in activities at the fairgrounds.
190	Vernon	Comments on the excellence of the athletic programs. Describes State Fair outreach into communities.
233	Chair Lokan	Asks if the program is self-sustaining.

243	Vernon	Replies that it costs the State Fair nothing. Adds that the YMCA covers costs.
261	Sen. Peter Courtney	Senate District 17. Submits and summarizes written testimony ( <b>EXHIBIT B</b> ). Describes efforts to establish the use of state facilities for youth and community activities.
277	Sen. Courtney	Indicates that public properties should be available for youth and community activities.
<b>TAPE 74, A</b>		
082	Sen. Courtney	Urges the Legislature to make a statement about public lands and buildings.
101	Rep. Piercy	Comments that public facilities should be available for youth activities.
114	Sen. Courtney	Mentions partnerships formed to create facilities programs. Comments on discussions with the State Fair Director regarding the use of the fairgrounds facility for youth programs.
157	Chair Lokan	Closes public hearing on SB 473, and opens work session.
<b><u>SB 473 WORK SESSION</u></b>		
172	Rep. Piercy	<b>MOTION: Moves SB 473 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Gardner, Lowe</b>
	Chair Lokan	<b>The motion CARRIES.</b>  <b>REP. PIERCY will lead discussion on the floor.</b>
183	Chair Lokan	Closes work session on SB 473, and opens public hearing on SB 742.
<b><u>SB 742 PUBLIC HEARING</u></b>		

188	Sen. Gene Timms	Senate District 30. Explains that SB 742 expands the Joint legislative Audit Committee from eight to 10 members.
211	Chair Lokan	Closes public hearing on SB 742, and opens work session.
<b><u>SB 742 WORK SESSION</u></b>		
213	Rep. Montgomery	<b>MOTION: Moves SB 742 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Gardner, Lowe</b>
	Chair Lokan	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
225	Chair Lokan	Closes work session on SB 742, and opens public hearing on SB 202A.
<b><u>SB 202A PUBLIC HEARING</u></b>		
229	Zwick	Summarizes provisions of SB 202A. Notes that proposed amendments submitted by Thia Bell, Eugene, Oregon, have been received and entered into the record <b>(EXHIBIT C)</b> .
238	Elaine Hamm	Interim Executive Director, Oregon Board of Investigators. Speaks in support of SB 202A. Explains that SB 202A allows the Board of Investigators to accept proof of errors and omissions insurance from the applicant for investigator or operative license.
278	Chair Lokan	Asks if other agencies have errors and omissions insurance in lieu of surety bond coverage.
283	Hamm	Answers that she is unsure. Explains that errors and omissions insurance is basically standard malpractice insurance.
291	Chair Lokan	Asks what a surety bond covers that is not covered by malpractice insurance.

296	Hamm	Replies that the cost of coverage is higher for errors and omissions insurance.
315	Rep. Montgomery	Asks if Ms. Hamm supports the proposed amendments to SB 202A.
329	Hamm	Indicates she has not seen the amendments.
333	Bill Anton	Business Owner. Speaks in support of SB 202A. Submits draft amendment concepts <b>(EXHIBIT D)</b> . Discusses the cost of bonds and malpractice insurance.
377	Anton	Explains the necessary criteria to carry errors and omissions insurance.
388	Rep. Piercy	Asks if those who cannot afford malpractice insurance need a bond.
392	Anton	Replies, in part that is correct. Explains that some people are part-timers and do not carry the insurance. Adds that coverage is not eliminated, but an option is added.
403	Anton	Refers to the definition of "employee" in the draft amendment concepts <b>(EXHIBIT D)</b> .
449	Rep. Montgomery	Asks for clarification of the draft amendment. Refers to ORS 703.401(5). Indicates there is no (5).
467	Tom Mann	Licensed Investigator. Explains that (5) would be the new section. Discusses the Senate committee action regarding SB 202.
<b>TAPE 73, B</b>		
041	Chair Lokan	Asks if the committee action was taken because of disagreement.
044	Anton	Replies there was not enough time to fully understand the problems the Board had in implementing the law in the first year. Refers members to an article in a publication entitled <u>Legal Investigator</u> <b>(EXHIBIT E)</b> .
054	Chair Lokan	Indicates there has been no time to review the proposed amendment <b>(EXHIBIT D)</b> . Asks for an explanation of the proposed amendments.
064	Mann	Expresses appreciation for extra time to review the amendments.
073	Rep. Montgomery	Refers to errors contained in the proposed amendments.
079	Rep. Piercy	Suggests information be provided to members explaining the amendments.

085	Rep. Montgomery	Agrees with Rep. Piercy.
090	Bill Seely	Department of Motor Vehicles (DMV). Takes neutral position on SB 202A. Submits and summarizes written testimony ( <b>EXHIBIT F</b> ). Indicates that to be eligible for DMV records under current law, a private investigator must be licensed and bonded in the minimum amount of \$5,000. Adds that SB 202A does not increase or decrease access, and seeks to establish uniform financial security requirements.
139	Jack Monroe	Independent Insurance Agents of Oregon. Testifies regarding the availability and cost of errors and omissions insurance. Indicates this type of insurance is an option for a full-time professional.
166	Chair Lokan	Closes public hearing on SB 202A, and opens public hearing on SB 203.
<b><u>SB 203 PUBLIC HEARING</u></b>		
183	Zwick	Summarizes provisions of SB 203.
192	Hamm	Speaks in support of SB 203. Indicates that SB 203 modifies the photograph application requirement for an investigator license and operative registration. Adds that it allows the Board of Investigators to prescribe the photograph requirement by rule.
205	Rep. Montgomery	Suggests photos be updated every two to four years.
218	Chair Lokan	Closes public hearing on SB 203, and opens work session.
<b><u>SB 203 WORK SESSION</u></b>		
237	Rep. Kruse	<b>MOTION: Moves SB 203 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 3 - Close, Lowe, Piercy</b>
	Chair Lokan	<b>The motion CARRIES.</b>  <b>REP. KRUSE will lead discussion on the floor.</b>

251	Chair Lokan	Closes work session on SB 203, and opens the public hearing on SB 290.
<b><u>SB 290 PUBLIC HEARING</u></b>		
262	Zwick	Summarizes provisions of SB 290. Notes that written testimony submitted by Elaine Kershaw, President of the National Cosmetology Association of Oregon, in support of SB 290, has been received and entered into the record ( <b>EXHIBIT G</b> ).
277	Susan Wilson	Administrator, Health Licensing Office, Board of Barbers and Hairdressers. Speaks in support of SB 290. Submits and summarizes written testimony ( <b>EXHIBIT H</b> ). Indicates that the primary purpose of SB 290 is to change the term "barbers and hairdressers" to cosmetology. Indicates that it also establishes new provisions, including criteria for registrations, and temporary facility permits.
318	Wilson	Indicates that SB 290 modifies the requirement for certification, grounds for discipline, powers of the Board, record keeping requirements, and types and amounts of fees.
328	Rep. Montgomery	Asks if all barbers must be licensed.
332	Wilson	Answers yes.
334	Rep. Montgomery	Asks if barbers were contacted regarding Board support of SB 203.
336	Wilson	Indicates that discussions were contained in newsletters.
341	Chair Lokan	Asks for clarification of a temporary facility permit.
344	Jim Markee	Board of Barbers and Hairdressers. Explains that the temporary facilities permit is used for fairs and cosmetology shows.
355	Chair Lokan	Asks about the impact when changing from license to registration.
362	Markee	Explains that registration and licensing are interchangeable terms.
376	Rep. Kruse	Asks if the -1 amendments were submitted to the Senate and rejected, and why.
387	Markee	Indicates the amendments were submitted by a constituent of Rep. Sunseri without contacting the Board. Addresses hours and testing requirements for licensing. Comments that the amendments sought to set up an apprenticeship program in lieu of education for license purposes.

424	Rick Olsen	Legislative Fiscal Office. Describes HB 290 fiscal impact as indeterminate, but less than \$50,000.
462	Chair Lokan	Asks for an explanation of the fiscal impact.
471	Olsen	Replies, primarily printing, changing business cards, forms, test booklets, and signs.
472	Chair Lokan	Closes public hearing on SB 290, and opens work session.
<b><u>SB 290 WORK SESSION</u></b>		
482	Rep. Piercy	<b>MOTION: Moves SB 290 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Lowe</b>
Chair Lokan		<b>The motion CARRIES.</b> <b>REP. CLOSE will lead discussion on the floor.</b>
<b>TAPE 74, B</b>		
065	Chair Lokan	Closes work session on SB 290. Adjourns the meeting at 9:15 a.m.

Submitted By, Reviewed By,

Susan M. Pettey, Pat Zwick,

Administrative Support Administrator

**EXHIBIT SUMMARY**

A ñ SB 473, written testimony, Randall Lewis, 2pp.



**B ñ SB 473, written testimony, Sen. Peter Courtney, 1p.**

**C ñ SB 202A, proposed amendments, Thia Bell, 2 pp.**

**D - SB 202A, draft amendment concepts, Bill Anton, 1 pp.**

**E ñ SB 202A, publication, Bill Anton, 36 pp.**

**F ñ SB 202A, written testimony, Bill Seely, 1 p.**

**G ñ SB 290, written testimony, Elaine Kershaw, 1 p.**

**Hñ SB 290, written testimony, Susan K. Wilson, 3 pp.**