

HOUSE COMMITTEE ON AGENCY PERFORMANCE & OPERATIONS

May 18, 1999 Hearing Room E

8:00 a.m. Tapes 77 - 78

MEMBERS PRESENT: Rep. Jane Lokan, Chair

Rep. Kathy Lowe, Vice-Chair

Rep. Dan Gardner

Rep. Tim Knopp

Rep. Jeff Kruse

Rep. Bob Montgomery

Rep. Kitty Piercy

MEMBER EXCUSED: Rep. Betsy Close

STAFF PRESENT: Pat Zwick, Administrator

Susan M. Pettey, Administrative Support

MEASURES HEARD: SB 411 Public Hearing

SB 411 Work Session

SB 479A Public Hearing

SB 479A Work Session

SB 197 Public Hearing

SB 197 Work Session

SB 202A 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
TAPE 77, A		
004	Chair Lokan	Opens the meeting at 8: 12 a.m., and opens the public hearing on SB 411.
<u>SB 411 PUBLIC HEARING</u>		
011	Pat Zwick	Committee Administrator. Summarizes provisions of SB 411. Submits written testimony received prior to the meeting, from the Physical Therapist Licensing Board, in opposition to SB 411 (EXHIBIT A) .
104	Bev Holzman	Oregon Board of Massage Technicians (OBMT). Speaks in support of SB 411. Submits SB 411 Fact Sheet (EXHIBIT B) . Discusses the definition of "therapy." Indicates that changing the name from technician to therapist would promote standardization of the title.
132	Holzman	Mentions that the proposed name change does not alter the scope of practice provided. Adds that the fiscal impact of the name change is minimal.
154	Holzman	Discusses the educational requirements for licensing.
163	Chair Lokan	Asks how other states designate the title of massage therapist.
169	Holzman	Refers members to (EXHIBIT B, pg. 1)
174	Karen M. McNees	Oregon Board of Massage Technicians. Speaks in support of SB 411.
188	Stephen Kafoury	Oregon Physical Therapy Association (OPTA). Speaks in opposition to SB 411. Indicates massage technicians are trained in wellness maintenance. Adds that "therapy" denotes treatment of an illness or injury. Feels that SB 411 is misleading to the public regarding the skills, training, scope, and practice of massage licensees.
236	Chair Lokan	Asks about the difference in training and educational requirements between massage technicians and physical therapists.
240	Kafoury	Answers that a physical therapist is required to have a Masters degree, usually practices independently, and has continuing education requirements. Describes the educational requirements for the licensing of massage technicians.
260	Chair Lokan	Asks if the public might be misled if the word "therapist" were applied to massage technicians.

271	Kafoury	Believes the word "therapy" has a very specific meaning that is not applicable to the practice of massage technicians.
277	Rep. Gardner	Asks if the 22 states with the word "therapist" in the title have experienced problems.
279	Kafoury	Indicates there are problems here in Oregon.
284	Rep. Piercy	Comments that the word "therapy" is included in the statutory definition of massage technician.
289	Kafoury	Reiterates concerns regarding misleading the public.
292	Rep. Lowe	Indicates that there is no change in the scope of practice, but only in the name of the board and the practitioners licensed by the board.
295	Kafoury	Answers that in practice, that is correct.
300	Rep. Lowe	Asks if this is a step to professionalize the image of massage.
320	Kafoury	Discusses massage technicians versus "recreational therapists." Adds that the public may not seek appropriate professional medical help.
340	Kafoury	Expresses concern about who will diagnose and evaluate medical conditions. Adds that physical therapists are educated in this area.
359	Chair Lokan	Asks if a massage technician can function as a therapist.
371	Kafoury	Feels the roles are very different. Wants to see the titles fit the practice.
378	Chair Lokan	Closes the public hearing on SB 411, and opens the work session.
<u>SB 411 WORK SESSION</u>		
380	Rep. Lowe	MOTION: Moves SB 411 to the floor with a DO PASS recommendation.
391	Chair Lokan	Indicates opposition to SB 411.
395	Rep. Kruse	Supports SB 411.

403	Rep. Gardner	Supports SB 411.
412	Rep Montgomery	Believes SB 411 is a waste of government time and money. Indicates support in committee, but will vote no on the floor.
430		VOTE: 6-1 AYE: 6 - Gardner, Knopp, Kruse, Lowe, Montgomery, Piercy NAY: 1 - Lokan EXCUSED: 1 - Close
441	Chair Lokan	The motion CARRIES. REP. GARDNER will lead discussion on the floor.
444	Chair Lokan	Closes work session on SB 411, and opens public hearing on SB 479A.
<u>SB 479A PUBLIC HEARING</u>		
451	Sen. Frank Shields	Senate District 9. Speaks in support of SB 479A, which authorizes political subdivisions to allow religious institutions to offer overnight camping space on their property to homeless persons living in their vehicles.
501	Rep. Montgomery	Asks if the City of Eugene is currently doing this.
503	Sen. Shields	Answers yes.
505	Rep. Montgomery	Asks why a law is necessary.
508	Sen. Shields	Explains that the permissive language allows cities to bypass the conditional use permit process.
TAPE 78, A		
047	Rep. Montgomery	Asks how to prevent large motor homes and similar recreational vehicles from staying in these parking lots.

049	Sen. Shields	Responds that this happens, usually without permission. Discusses alternative solutions.
062	Rep. Montgomery	Asks about the ability of law enforcement to remove people staying without permission.
069	Sen. Shields	Explains methods for removing persons staying on such properties without permission.
085	Gerald Bieberly	Oregon Coalition on Housing & Homelessness. Speaks in support of SB 479A. Submits and summarizes written testimony (EXHIBIT C).
114	Bieberly	Indicates that SB 479A is modeled after a portion of the City of Eugene's ordinance that allows churches, synagogues and other religious institutions to host homeless families in their parking lots providing sanitary facilities are made available.
131	Bieberly	Indicates that SB 479A allows, but does not require, religious organizations to host homeless families in their vehicles in their parking lots. Comments that SB 479A is permissive, and if there are problems, the city has recourse.
156	Rep. Piercy	Comments that the community must give permission for this to take place. Discusses a letter from the Oregon State Bar indicating that SB 479A singles out religious groups for special treatment.
182	Donald Lamb	Volunteer Chair, St. Vincent dePaul. Speaks in support of SB 479A. Works in partnerships to implement this policy in Eugene. Discusses the night shelter program at St. Vincent dePaul, and the evolution into the parking lot/homeless camping situation in parking lots of religious organizations.
212	Lamb	Indicates that this program is a success in Eugene. Comments on problems and solutions dealing with unruly persons.
226	Chair Lokan	Asks how many people take advantage of this program.
234	Lamb	Answers, approximately 200 people per night.
237	Rep. Lowe	Indicates SB 479A may have a constitutional challenge. Suggests language be included to say "any nonprofit civic or community center, including but not limited to" religious organizations.
248	Lamb	Explains that in Eugene, private lots are currently utilized.
258	Rep. Montgomery	Discusses the definition of "political subdivision".

267	Bieberly	Indicates that Legislative Counsel wrote the language contained in SB 479A. Favors "cities and counties" rather than "political subdivisions."
278	Phillip Fell	League of Oregon Cities. Speaks in support of SB 479A. Agrees with the comment by Mr. Bieberly regarding "city/county". Appreciates the fact that local government can decide whether to allow this. Believes this to be a local program that can work well.
298	Rep. Montgomery	Asks, if the City of Eugene is doing this now, why is SB 479A necessary.
302	Fell	Describes the advantages of bypassing the conditional use permit process.
324	Ellen C. Lowe	Service Director, Public Policy, Ecumenical Ministries. Indicates member support of SB 479A. Describes the importance of working with a local jurisdiction. Discusses community support of the homeless population.
361	Chuck Taylor	Attorney, Legislative Counsel. Discusses the constitutionality of SB 479A. Agrees there is a possibility of a violation of the First Amendment Establishment Clause.
405	Taylor	Explains the lemon test and the endorsement test, which first looks at the entanglement issue, and then at the excluded group.
441	Taylor	Comments that the U.S. Supreme Court applies the law and produces varying opinions.
TAPE 77, B		
038	Chair Lokan	Speculates whether common sense plays any part in Supreme Court decisions.
054	Rep. Piercy	Indicates this program has worked well in Eugene.
068	Rep. Montgomery	Comments that Eugene's program is broader. Indicates support of SB 479A.
078	Chair Lokan	Closes the public hearing on SB 479A, and opens the work session.
<u>SB 479A WORK SESSION</u>		
081	Rep. Gardner	MOTION: Moves SB 479A to the floor with a DO PASS recommendation.
083	Rep. Lowe	Comments that it is "repugnant" to her to pass a law knowing it is unconstitutional. Adds that she is willing to support the passage of SB 479A out

		of committee.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Close
097	Chair Lokan	The motion CARRIES. REP. KNOPP will lead discussion on the floor.
112	Chair Lokan	Closes the work session on SB 497A, and opens the public hearing on SB 197.
<u>SB 197 PUBLIC HEARING</u>		
127	Sharon Peebles	Department of Justice. Speaks in support of SB 197. Submits and summarizes written testimony (EXHIBIT D). Indicates that SB 197 revises existing statutes to include limited liability companies in the definition of investment holding company.
163	Chair Lokan	Closes public hearing on SB 197, and opens work session.
<u>SB 197 WORK SESSION</u>		
178	Rep. Gardner	MOTION: Moves SB 197 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Close
	Chair Lokan	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
193	Chair Lokan	Closes work session on SB 197, and opens work session on SB 202A.

SB 202A WORK SESSION

202	Zwick	Explains the provisions of SB 202A. Discusses effects of the ñ2 amendments (EXHIBIT E) , and ñ4 amendments (EXHIBIT F) . Indicates there is no fiscal or revenue impact.
263	Elaine Hamm	Interim Executive Director, Board of Investigators. Supports ñ2 and ñ4 amendments. Explains that SB 202A requires omissions and errors insurance in the amount of \$5,000 as an option to meet security requirements for an investigator or operative license.
303	Bruce Daily	Member, Board of Investigators. Speaks in support of HB 202A. Indicates concern with -3 amendments regarding employment with one employer. Discusses problems with large detective agencies also doing security work.
327	Rep. Montgomery	Asks for clarification of the agreement between the parties regarding the ñ2 and ñ4 amendments.

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Clarifies that his concern is with the ñ3 amendments.

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Bill Seely

Driver and Motor Vehicles Services Division (DMV), Oregon Department of Transportation. Supports the ñ2 and ñ4 amendments. Anticipates no problems with DMV access.

385

Rep. Gardner

MOTION: Moves to ADOPT SB 202A-2 amendments dated 5/14/99.

VOTE: 7-0**AYE: In a roll call vote, all members present vote Aye.****EXCUSED: 1 - Close**

Chair Lokan **The motion CARRIES.**

412 **Rep. Gardner** **MOTION: Moves to ADOPT SB 202A-4 amendments dated 5/14/99.**

VOTE: 7-0

EXCUSED: 1 - Close

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

425 **Rep. Gardner** **MOTION: Moves SB 202A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Close

Chair Lokan **The motion CARRIES.**

REP. LOKAN will lead discussion on the floor.

436 **Chair Lokan** **Closes work session on SB 202A. Adjourns the meeting at 9:47 a.m.**

Submitted By, Reviewed By,

Susan M. Pettet, Pat Zwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 411, written testimony, Georgia Spence, 1 p.

B ñ SB 411, fact sheet, Bev Holzman, 4 pp.

C ñ SB 479A, written testimony, Gerald J. Bieberly, 3 pp.

D ñ SB 197, written testimony, Sharon E. Peebles, 2 pp.

E ñ SB 202A, -2 amendments, staff, 4 pp.

F ñ SB 202A, -4 amendments, staff, 1 p.