

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

March 1, 1999 Hearing Room E

8:30 a.m. Tapes 43 - 44

MEMBERS PRESENT: Rep. Roger Beyer, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Tim Knopp, Vice-Chair

Rep. Jason Atkinson

Rep. Terry Thompson

Rep. Jackie Winters

MEMBER EXCUSED: Rep. Bill Morrisette

STAFF PRESENT: Keith Putman, Administrator

Frances Thomas, Administrative Support

MEASURE/ISSUES HEARD: HB 2057 Work Session

HB 2589 Work Session

HB 2698 Public Hearing and Work Session

SB 30 A Public Hearing and 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.

| TAPE/# | Speaker | Comments |
|------------|---------|----------|
| TAPE 43, A | | |
| | | |

| | | |
|------------------------------------|---------------|--|
| 001 | Chair Beyer | Calls the meeting to order at 8:35 a.m. |
| <u>HB 2057 WORK SESSION</u> | | |
| 009 | Chair Beyer | Opens a Work Session on HB 2057. |
| 010 | Putman | Reviews revised information on HB 2057. Explains the revised fiscal impact is approximately \$117,000, which is a reduction of about \$160,000. The amount is included the Construction Contractors Board (CCB) budget. |
| 030 | Chair Beyer | Invites representatives of the CCB answer questions. |
| 032 | Ken Keudell | Construction Contractors Board. Introduces self. |
| 035 | Rep. Winters | Asks if the intent is to deny a contractor's license to anyone convicted of a serious crime or to revoke a contractor's license if convicted of a serious crime. |
| 042 | Ken Keudell | Explains most often a conviction would be called to the board's attention while a person was a registered contractor. Clarifies the board has to prove that the conviction relates to the work of a construction contractor. |
| 068 | Rep. Winters | Asks if a license could be denied whether or not the crime was related to contracting. |
| 071 | Keudell | States yes. |
| 094 | Rep. Winters | States the categories listed are basically all felonies under the statutes. Asks if the committee should govern the profession of a person who commits a felony, but pays the penalty, by denying a license to work in Oregon. |
| 105 | Keudell | Explains the board must determine if the crime would apply to construction trade to deny the license. |
| 123 | Rep. Atkinson | Refers to new fiscal report and asks where the funds are coming from. |
| 128 | Keudell | Explains the budget includes this one of five pieces of legislation the CCB is proposing. States a fee increase is not required. |
| 148 | Rep. Thompson | Asks if the committee is creating a discriminatory situation against convicted felons by passing HB 2057. |
| 155 | Keudell | States the original proposal, which was rejected because it was not specific enough, contained general terms for crimes. Explains that currently a registration |

| | | |
|--------------------------------------|-----------------|---|
| | | is denied if there are unpaid claims or pending civil penalties. |
| 182 | Chair Gardner | Calls a five minute recess. |
| 183 | Chair Beyer | Reconvenes at 9:52 a.m. |
| 186 | Chair Beyer | Asks if dash three amendment was adopted into HB 2057. |
| 195 | Putman | States the dash three was adopted 2/24/99. |
| 196 | Chair Beyer | Asks Rep. Winters to work with the CCB and other interested parties to resolve concerns within the context of the dash three amendment. |
| 205 | Chair Beyer | Asks for clarification about the removal of the language relating to the notarization issue. States the committee will not move HB 2057 today and this question can be answered at another time. |
| 216 | Chair Beyer | Closes the Work Session on HB 2057. |
| <u>HB 2698 PUBLIC HEARING</u> | | |
| 220 | Chair Beyer | Opens a Public Hearing on HB 2698. |
| 224 | Putman | Explains that HB 2698 relieves an employer of charges for unemployment benefits paid to an individual discharged because the individual could not satisfy the job prerequisites required by law or administrative rule. |
| 239 | Rep. Jeff Kruse | District 45. Testifies as the sponsor of HB 2698. Explains with an example. |
| 256 | Rep. Gardner | Ask if the intent is that the employee will still receive unemployment compensation and it would be charged to a general fund rather than an individual employer. |
| 259 | Rep. Kruse | Agrees. |
| 261 | Chair Beyer | Asks about retroactivity. Cites an example. |
| 279 | Rep. Kruse | Discusses the example. HB 2698 addresses someone hired legitimately. |
| 292 | Chair Beyer | Closes the Public Hearing on HB 2698. |

HB 2698 WORK SESSION

| | | |
|-----|----------------------|--|
| 297 | Chair Beyer | Opens a Work Session on HB 2698. |
| 302 | Annette Talbott | Legislative Coordinator, State Employment Department. Introduces Don Brockhaus, Unemployment Insurance Program Manager, State Employment Department. States the Employment Department is not taking a position on HB 2698. |
| 319 | Talbott | Discusses "relief of charges" issue. |
| 333 | Rep. Thompson | MOTION: Moves HB 2698 to the floor with a DO PASS recommendation. |
| 337 | | VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Morrisette |
| | Chair Beyer | The motion CARRIES. REP. ATKINSON will lead discussion on the floor. |
| 353 | Chair Beyer | Closes the Work Session on HB 2698. |

HB 2589 WORK SESSION

| | | |
|-----|----------------------|---|
| 361 | Chair Beyer | Opens a Work Session on HB 2589. |
| 362 | Rep. Thompson | MOTION: Moves to ADOPT HB 2589-1 amendments. |
| | | VOTE: 6-0 EXCUSED: 1 - Morrisette |
| | Chair Beyer | Hearing no objection, declares the motion CARRIED. |
| 377 | Rep. Thompson | MOTION: Moves HB 2589 to the floor with a DO PASS |

| | | |
|-------------------------------------|---------------|--|
| | | AS AMENDED recommendation. |
| 381 | | <p>VOTE: 6-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 - Morrisette</p> |
| | Chair Beyer | <p>The motion CARRIES.</p> <p>REP. GARDNER will lead discussion on the floor.</p> |
| 394 | Chair Beyer | Closes the Work Session on HB 2589. |
| <u>SB 30A PUBLIC HEARING</u> | | |
| 379 | Chair Beyer | Opens a Public Hearing on SB 30A. |
| 400 | Putman | Explains that SB 30A adds hearing aids to the definition of assistive device for the purposes of statutes specifying rights and obligations of purchasers and manufacturers of certain assistive devices for person with disabilities. States ordinary cleaning, fitting adjustments or problems due to improper use are not included. States that SB 345 passed in 1997 enhances consumer protection for disabled Oregonians by provides better warranties and faster repairs of assistive devices. |
| 419 | Bob Joondeph | <p>Director, Oregon Advocacy Center. Testifies in favor of SB 30A (EXHIBIT A). Explains that some people with disabilities must use a mechanical or assistive device to conduct basic life activities. Without these specialty devices a person loses their ability to function in society. SB 30A provides consumers of hearing aids the same type of warranty protection as other assistive devices. SB 30 provides that:</p> <ul style="list-style-type: none"> • A hearing aid will be free from chronic defects for one year • A defective hearing aid will be repaired free of charge within the first year of purchase • The consumer will receive an offer to refund or replace a hearing aid with a substantial defect after two unsuccessful attempts to repair it within the first year • Problems that arise due to improper use or that can be resolved through fitting adjustments, cleaning or proper case are not covered |
| 463 | Rep. Thompson | Comments on the logic of SB 30A. |
| 469 | Rep. Knopp | Asks if there is a problem with defective hearing aids not being repaired or replaced. |

| | | |
|-----------------------------------|---------------------|--|
| 480 | Joondeph | Replies he would not characterize as an enormous problem. States the Oregon Disabilities Commission reports over the past two years, it has received 160 complaints about defective hearing aids. Explains it can be significant problem and expense to people who rely upon the ability to hear in order to function. |
| TAPE 44, A | | |
| 020 | Rep. Knopp | Asks how many of the 160 were not able to get repairs or replacements. |
| 023 | Joondeph | Explains he does not have specific numbers. Clarifies with examples. |
| 031 | Rep. Winters | Ask for types of warranties currently in existence. |
| 033 | Joondeph | Explains a typical warranty is similar to the one-year suggestion in SB 30A. States presently the manufacture has a choice about providing a warranty. |
| 040 | Chair Beyer | Asks about the removal of hearing aids SB 345 in 1997 and how is this different from the concerns of last session. |
| 045 | Joondeph | Explains the amendment in SB 30A addresses the concerns about cleaning and fitting adjustments. |
| 062 | Chair Beyer | Closes the Public Hearing on SB 30A. |
| <u>SB 30A WORK SESSION</u> | | |
| 063 | Chair Beyer | Opens a Work Session on SB 30A. |
| 064 | Rep. Gardner | MOTION: Moves SB 30A to the floor with a DO PASS recommendation. |
| 070 | | VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Morrisette |
| | Chair Beyer | The motion CARRIES. REP. THOMPSON will lead discussion on the floor. |
| | | |

| | | |
|-----|-------------|------------------------------------|
| 071 | Chair Beyer | Closes the Work Session on SB 30A. |
| 075 | Chair Beyer | Adjourns the meeting at 9:15 a.m. |

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 30A, written testimony, Bob Joondeph, 1 p