

SENATE COMMITTEE ON BUSINESS & CONSUMER AFFAIRS

March 17, 1999 Hearing Room C

1:00 p.m. Tapes 61 - 62

MEMBERS PRESENT: Sen. David Nelson, Chair

Sen. Lee Beyer, Vice-Chair

Sen. Rick Metsger

Sen. Randy Miller

Sen. Charles Starr

MEMBER EXCUSED:

STAFF PRESENT: Y. Sherry Sheng, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 556 Public Hearing

SB 448 Public Hearing

SB 293 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 61, A		
003	Chair Nelson	Opens meeting at 1:06 p.m. Opens public hearing on SB 556.
<u>SB 556 PUBLIC HEARING</u>		

005	David Coward	Oregon Industrial Hygiene Council. Supports SB 556 with proposed amendments. Says the bill protects the public by certifying industrial hygienists and safety professionals. Describes the work of industrial hygienists. Presents (EXHIBITS A and B) .
048	Bruce Poinsette	American Society of Safety Engineers. Supports SB 556. Presents (EXHIBIT C) . Says the bill is in response to similar legislation in other states. SB 556 protects the work place from persons not qualified to be industrial hygienists. Says this is not a licensing bill.
077	Duane Grange	Oregon Chapters of American Society of Safety Engineers. Supports SB 556. Says the bill protects safety professionals and the public by providing title protection. Presents (EXHIBIT D) .
161	Chair Nelson	Asks if the amendments submitted are different from the first set.
162	Grange	Answers they are.
167	David Sparks	Deputy Administrator, Oregon OSHA. Supports amendments to SB 556.
177	Sparks	Responds he agrees with the first amendments and the ones Grange proposed.
178	Chair Nelson	Asks for questions.
180	Sen. Miller	Asks if the American Board of Industrial Hygiene is the only group that certifies hygienists.
185	Grange	Responds that group is the only one in the United States that certifies industrial hygienists.
190	Chair Nelson	Asks for questions. Closes public hearing on SB 556. Opens work session on SB 556.
<u>SB 556 WORK SESSION</u>		
195	Sen. Metsger	MOTION: Moves to ADOPT SB 556-1 amendments dated 3/15/99.
		VOTE: 5-0
196	Chair Nelson	Hearing no objection, declares the motion CARRIED.

198	Chair Nelson	Asks for discussion on amendments by Grange. Says the proposed amendments by Grange will be submitted to legislative counsel for drafting and that a work session for SB 556 will be scheduled when new amendments are ready. Closes work session on SB 556. Opens public hearing on SB 448.
<u>SB 448 PUBLIC HEARING</u>		
245	Ty Cochrane	Oregon Cemetery Association. Supports SB 448 that limits fees charged by county surveyor for reviewing cemetery plats. Explains the issue is the amount of land used for gravesites. Says cemeteries are surveyed like residential subdivisions. Refers to ingress and egress easements, which are walkways in cemeteries.
336	Chair Nelson	Asks for questions.
344	Dan Linscheid	Yamhill County Surveyor. Opposes SB 448. Says limiting a fee would pass expenses to the public. Says a statutory fee of \$5 per lot is charged. Counties charge by the block, not by the lot. Presents (EXHIBIT E) .
384	Chuck Pearson	Clackamas County Surveyor. Opposes both sections of SB 448. Explains that the charges are not per plot, but by blocks. Says the \$250 fee will not begin to cover costs.
TAPE 62, A		
009	Pearson	Shows maps and explains the process of surveying blocks and some problems that a surveyor must solve. Discusses Section 2 of the bill that describes plots. Explains the job of the surveyor is to assure the public that the surveying is done correctly.
050	Sen. Metsger	Asks how the \$250 fee was arrived at.
052	Cochrane	Says the association decided on the fee based on what it cost the city to check the private survey.
067	Sen. Metsger	Discusses the issue of cost of private surveyors whose cost is passed to the public. It is still up to the county to protect accuracy.
080	Cochrane	Says the corrections made by the private surveyor come back to the cemetery owners.
080	Sen. Metsger	Asks about ingress and egress, and the necessity of providing pathways to gravesites.
084	Cochrane	Says the majority of cemeteries do not have ingresses and egresses.

104	Sen. Metsger	Asks about walking over plots themselves. Says the bill says plots will be abutting each other.
111	Pearson	Says the way the bill is written the plots would be abutting each other.
136	Cochrane	Explains by diagram how the city requires walkways to get to the graves.
142	Chair Nelson	Discusses costs of \$700 plus \$35 per lot.
149	Pearson	Points out that, prior to submission of the bill, the surveyors had not been approached by the association in regard to SB 448.
162	Sen. Beyer	Asks if the cemetery plots are treated like residential lots.
181	Pearson	Says they are reviewed like residential lots. Says there can be complications in reviewing the lots.
184	Cochrane	Says some cemeteries cannot afford fees of private and county surveyors. Some cemeteries are waiting to re-block.
197	Sen. Beyer	Asks if the issue is whether cemeteries should be surveyed like residential plats.
215	Pearson	Responds how surveyors can have complications in surveying.
220	Chair Nelson	Asks for further questions. Asks the parties to discuss this further. Sen. Beyer has raised some financial issues. Closes public hearing on SB 448. Opens public hearing on SB 293.
<u>SB 293 PUBLIC HEARING</u>		
256	Joan Smith	PUC Commissioner. Supports SB 293. Says the bill changes state statutes regulating telecommunications utilities to conform to federal law. Discusses the concerns that the bill is similar to the 1996 Telecommunications Act. Says the definitions in the bill follow the 1996 Federal Telecommunications Act. Explains the bill aligns with the 1996 act definitions. Presents (EXHIBIT F) .
291	Sen. Beyer	Asks if all the terminology in the bill is in the 1996 Federal Telecommunications Act.
314	Smith	Says there are some additional definitions in SB 293. Extended Area Service (EAS) is defined by Oregon and most of the state has EAS. Gives the example of "dark fiber" which is implied in the federal act. Explains "dark fiber" is fiber optics with no electronics on either end and is an essential building block in providing network service.

339	Smith	Discusses the second issue of SB 293 that clarifies the PUC's authority to carry out state responsibilities and to approve interconnection agreements between carriers. It grants PUC specific powers to regulate unbundled network elements and co-locations that are items not known before the Act. The bill supports the concept of universal service in Section 5. There is some concern of unbundled network elements that the PUC would regulate. PUC has regulated building blocks since the early 1990s. Sections 251 and 252 make sure the pricing and interconnection meet requirements of FCC.
394	Sen. Beyer	Asks if the federal regulations give guidance to states on how to accomplish pricing.
420	Smith	Answers there are guidelines to the state. Companies have a wide range of choices. Explains what the range of last best price is.
438	Sen. Beyer	Asks who the arbitrators are.
440	Smith	Says either party can choose any person to be arbitrator. Usually an Administrative Law Judge is chosen. The third issue is streamlining PUC's procedures for certifying competitive local carriers. SB 293 eliminates the bottleneck of permitting granting certificates for local carriers. In 1996 certificates were challenged.
TAPE 61, B		
048	Smith	Discusses investigations are not necessary. Expresses the need for a law to specify which part is necessary. The bill grants more authority to the PUC to grant or deny certificates. PUC cannot revoke certificates presently. Commission could designate carrier of last resort. Gives example of incumbent carrier's responsibility.
078	Smith	Explains if a cooperative is a last resort, there will be no change in regulation of the cooperative. Says PUC can amend this part, if needed. Says it has nothing to do with current incumbent carriers. Section 7 provides if depreciation is awarded to a company, and is not spent on infrastructure, the difference between the award and what is not spent will be returned to customers. Discusses revocation of territorial allocation statutes. Gives example of a subdivision near Philomath, Oregon. The bill adds a requirement for advanced infrastructure. On page 10 a tariff can be adopted or suspended for investigation, and what is agreed upon can go into effect while investigation continues. Says PUC is willing to be flexible in this part. Asks for input on this part of bill.
135	Chair Nelson	Asks for questions.
137	Sen. Metsger	Comments page 10, Section 8, asks if intent could be modified by PUC.
144	Smith	Answers this part is flexible and can be deleted.

150	Sen. Metsger	Refers to Section 7, lines 14 through 18, and asks why depreciation is placed in bill.
154	Smith	Responds that the depreciation rates are not being spent on modernization or growth, as predicted.
1178	Chair Nelson	Says it is the case today.
180	Smith	Says she is not aware of it being the case today.
204	Gary Bauer	Oregon Telecommunications Association (OTA). Discusses opposition to SB 293. States the bill includes language from the federal act and imparts broader regulatory powers to PUC. Disagrees with the language of the bill that extends PUC's authority for entrance. New entrants want to know the level of regulation.
248	Shelly Jensen	General Telephone Exchange (GTE). Says that the language in SB 283 can be interpreted to give PUC broader powers. Presents (EXHIBIT G.)
268	Sen. Beyer	Asks if new entrants will question the length of negotiation time.
272	Jensen	Explains that federal law specifies that notice needs to be given if agreement cannot be achieved in a certain length of time. GTE feels that the federal law was meant to give the parties a chance to agree.
299	Sen. Beyer	Asks if there is a timeline.
291	Jensen	Says she can get the timeline.
295	Bauer	Says once a party requests arbitration, 180 days is allowed. Says he will provide the regulation.
302	Chair Nelson	Asks if the 1996 Act has undergone litigation.
311	Jensen	Responds that the Supreme Court ruled that the FCC has more authority than states wish. Suggests that individual rules will be challenged in the future.
327	Chair Nelson	Says this bill has potential litigation possibilities. Asks for questions.
350	Joan Smith	Defends PUC and says that PUC has signed orders in over 100 arbitrations. PUC sets out a process before arbitration procedures begin. Incumbent and competitor try to reach agreements timeframes must be met. SB 293 will help parties come together. PUC wants to know specifically what the interested parties want changed. States that PUC is not trying to gain more authority. Asks for flexibility so that PUC can move forward.

407	Chair Nelson	Asks about another bill (SB 291) that is trying to change the concept of radio common carrier.
TAPE 62, B		
006	Smith	Explains that in SB 291, PUC would not regulate the entities and does not want to regulate them.
009	Chair Nelson	Asks for questions. Asks PUC to continue talking about this. Closes public hearing. Adjourns meeting at 2:30 PM.

Submitted By, Reviewed By,

Nancy Masee, Y. Sherry Sheng,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 556, Written testimony, David Coward, 1 p

B ñ SB 556, -1 amendments, David Coward, 1 p

C ñ SB 556, Written testimony, Bruce Poinsette, 2 pp

D ñ SB 556, Written testimony, Duane Grange, 1 p

E ñ SB 448, Letter, Dan Linscheid, 1 p

F ñ SB 293, Written testimony, Joan Smith, 7 pp

G ñ SB 293, Written testimony, Schelly Jensen, 2 pp