

HOUSE COMMITTEE ON  
COMMERCE SUB-COMMITTEE ON BUSINESS

Hearing Room  
Tapes - 51

MEMBERS PRESENT:

REP. LYNN LUNDQUIST, Chair  
REP. TONY FEDERICI, Vice-Chair  
REP. LARRY WELLS  
REP. LYNN SNODGRASS

MEMBER EXCUSED:

STAFF PRESENT:

DANIEL JARMAN, Committee Administrator  
JODIE HALL, Committee Assistant

MEASURES HEARD:

HB 2664 - Public Hearing  
HB 3283 - Public Hearing  
HB 2185 - Public Hearing  
HB 2238 - Work Session  
HB 2846 - Work Session  
HB 2345 - Work Session  
HB 2165 - Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

010 OPENS PUBLIC HEARING ON HB 2664.

WITNESSES:

JACK ROBERTS, Commissioner, Bureau of Labor and Industries (BOLI)  
VERLINA CROSLEY, Administrator, Workers' Compensation Division

012 JACK ROBERTS, Commissioner, Bureau of Labor and Industries (BOLI):  
Testifies in SUPPORT of HB 2664.

044 -In response to Rep. Wells: Explains that the moneys to fund this program comes from the current workers compensation premiums paid by employers.

070 VERLINA CROSLEY, Administrator, Workers' Compensation Division:  
Testifies in SUPPORT of HB 2664. Exhibit A.  
-Proposes amendments for the committee. (Side 2 of Exhibit A.)

098 CLOSES PUBLIC HEARING ON HB 2664.

102 OPENS PUBLIC HEARING ON HB 3283.

WITNESSES:

JACK ROBERTS, Commissioner, Bureau of Labor and Industries (BOLI)  
CARL MEYERS, Court Reporters, Electronics Individuals  
JOHN GEIL, Chair, Court Shorthand Reporters Advisory Committee, Attorney  
TERRY MUNDT, Freelance Court Reporter, Member, CSRAdvisory Committee  
LAURIE DEBONY, Attorney, Member, Advisory Committee  
KINSLEY CLICK, Acting State Court Administrator  
JEFFERY PRUIT, State President, Oregon Chapter of National Electronic  
Service Dealers Association  
LEE JEFFERY, Portland  
MICHAEL MCKAY, Portland

104 JACK ROBERTS, Commissioner, Bureau of Labor Industries (BOLI):  
Testifies in SUPPORT of HB 3283.

-In response to Chair Lundquist: Explains licensing required for those TV  
and VCR repair. Does not include repair on personal computers.

-Explains shorthand reporters. Explains that the court system is  
interested in taking over the role of licensing shorthand reporters. BOLI  
supports this amendment.

204 -In response to Chair Lundquist: Explains that as he is aware,  
shorthand reporters are only within the legal system.

210 CARL MEYERS, Court Reporters, Electronics Individuals: Testifies on  
behalf of the shorthand reporters and the electronics repair individuals.

Submits Exhibits B and C.

-Explains that both of these industries have found new locations for the  
regulation of their industries.

272 CHAIR LUNDQUIST: Requests brief explanation why these industries should  
continue to be regulated.

285 JOHN GEIL, Chair, Court Shorthand Reporters Advisory Committee,  
Attorney: Explains importance of regulating court reporters.

-CSRsets up standards for short hand court reporting.

314 TERRY MUNDT, Freelance Court Reporter, Member, CSRAdvisory Committee:  
In response to Chair Lundquist: Explains further the standards and  
requirements within the test.

-Explains that because licensing is not mandatory in Oregon, many  
individuals do not reach the speeds required for the test.

341 LAURIE DEBONY, Attorney, Member, Advisory Committee: Explains the  
difficulties with depositions that are not correctly transcribed and the  
importance of the depositions for attorneys.

363 MUNDT: In response to Chair Lundquist: Explains qualifications for  
certification as a court shorthand reporter.

393 GEIL: Explains specific example he faced where inaccurate records  
caused a mistrial. Explains importance of having certified court  
reporters.

423 MUNDT: Explains for Rep. Federici the role of a self-employed court  
reporter.

TAPE 49, SIDE A.

030 MEYERS: Explains the certification process further and the importance  
of having quality court reporters.

045 KINSLEY CLICK, Acting State Court Administrator: Testifies in support  
of moving the regulatory authority of court reporters from BOLI to the  
Court system. Submits proposed amendments described within Exhibit D.

080 MEYERS: Explains for Rep. Wells the importance of moving the regulation  
to the court system, more natural fit than under BOLI.

104 REP. WELLS: Explains that he is concerned that HB 3283 does not down size government.

111 MEYERS: Comments on concerns of Rep. Wells.

134 CLICK: In response to Rep. Snodgrass: Would like to see the committee adopt the suggested changes within the hand engrossed amendments. (Refer to Exhibit D.) Removed the right to issue fines and penalties from current

regulations under BOLI.

169 -In response to Rep. Snodgrass: Explains that the State Court Administrator's office is under the Chief Justice of the Supreme Court.

181 -Further clarifies for Rep. Snodgrass: The amendments within Exhibit D are being proposed as a result of discussion within a work group.

192 MEYERS: Further explains for Rep. Snodgrass that the proposed amendments

do not represent changes in public policy (except for the deletion of the penalty process), only the changes to transfer the shorthand reporters from

BOLI to the State Court Administrators.

219 -In response to Rep. Wells: Amendments are not prepared for Consumer and Electronics. Explains the amendments.

246 -Comments that he has testimony from those in the Consumer and Electronic Industry.

270 JEFFERY PRUIT, State President, Oregon Chapter of National Electronic Service Dealers Association: Comments on previous testimony.

-Have had problems with enforcement in the past.

-Comments on skills needed for these repairs.

-Explains that with 25,000 repairs, no complaints due to regulations of electronic repair.

352 LEE JEFFERY, Portland: Explains that he was previously an investigator for electronic licensing.

-Explains history of regulating electronic and TV repair.

-Explains importance of regulating this industry.

TAPE 48, SIDE B

033 MICHAEL MCKAY, Portland: Emphasizes that this is self supporting regulation.

-Feels lack of complaints is due to licensing, and the laws.

052 CLOSES PUBLIC HEARING ON HB 3283.

073 OPENS PUBLIC HEARING ON HB 2185.

WITNESSES:

JACK CASSELL, Administrator, Residential Service Protection Fund

PEG ROHLSTON, Assistant Commissioner, Public and Personnel Services, Public

Utility Commission

RON EACHUS, Public Utilities Commission

REP. JOHN WATT, District 50

GARY BAUER, Oregon Telephone Association

GARY WILHELMS, US West

JEFF HOWARD, Chemeketa Community College

MARK ASHER, Freelance Designer, Education Consultant

083 JACK CASSELL, Administrator, Residential Service Protection Fund: Introduces Ms. Rohlston. Exhibit E.

088 PEG ROHLSTON, Assistant Commissioner, Public and Personnel Services, Public Utility Commission: Testifies on Residential Service Protection Fund. Submits Exhibit F on behalf of Ron Eachus.

181 RON EACHUS, Commissioner, Public Utility Commission: Further explains testimony.

190 REP. JOHN WATT, District 50: Testifies in SUPPORT of HB 2185 on behalf of John Babbit, Jr., a constituent in Medford. Expresses importance of these programs for Mr. Babbit. Due to his hearing impairment utilizes a phone with TDD.

-Explains accessibility of phones for these individuals through state assisted programs.

-Explains the importance of these state programs to assist hearing impaired individuals.

251 -In response to Rep. Wells: Explains that he is primarily here to offer testimony for Mr. Babbitt. Comments that he is assuming Mr. Babbitt is in support of the amendments that have been proposed by the work group.

269 GARY BAUER, Oregon Telephone Association: Explains that there are proposed amendments. Exhibit G.

-Explains necessity for increasing fee to 35 cents.

-Amendments would raise the fees, surcharge would be placed on those who benefit from services offered.

350 -In response to Rep. Wells: Explains further the 10 cent increase from 25 cents to 35 cents for Rep. Wells.

388 EACHUS: Further explains the 10 cent increase.

426 GARY WILHELMS, US West: Adds further explanation to the increase to 35 cents.

TAPE 49, SIDE B

019 WILHELMS: Continues with explanation of the changes.

022 -In response to Rep. Wells: Does not know how much the 35 cents would earn.

025 CASSELL: Explains for Rep. Wells that the 35 cents would earn approximately \$16 million. Proposed budget is \$15.7 million. \$14.8 million is needed for the telephone relay program.

030 WILHELMS: Explains that the 1 cent taken out for the Oregon Telephone Assistance Plan is the difference between the \$14.8 needed for the telephone relay program and the 35 cents.

051 Explains for Rep. Wells that services are not changing. Explains that over time the projected expenses outstripped projected revenues.

090 BAUER: Defines retail subscriber for Rep. Snodgrass.

104 EACHUS: Breaks down the 25 cents for Rep. Wells.

132 -In response to Rep. Wells: Explains that the 1 cent would continue to go to the low income program with the 35 cent increase.

148 JEFF HOWARD, Chemeketa Community College: Testifies in SUPPORT of HB 2185. Exhibit H.

-Importance of this program relates to jobs. Relay service must be used to contact others for work and personal life.

-Explains importance of being independent. Does not want to rely on others to make calls for himself.

186 MARK ASHER, Freelance Designer, Education Consultant: Became deaf at the age of three.

-Expresses importance of relay service for him. Uses example of the airport. Is limited to those phone booths with TDD. Explains difficulty that more TDD phone booths are not available.

-Would like to encourage technological advances for those with hearing impairments as well as those with normal hearing capabilities.

256 CHAIR LUNDQUIST: Thanks those who testified for bringing more information forward.

(Staff submits into committee record Exhibit I, testimony in SUPPORT of HB 2185, from Eugene Organ of the Oregon Disabilities Commission)

269 CLOSSES PUBLIC HEARING ON HB 2185.

272 OPENS WORK SESSION ON HB 2238.

275 DAN JARMAN, Committee Administrator: Summarizes HB 2238, -2 Amendments adopted by the Committee and the fiscal statement for the bill.

337 MOTION: REP. WELLS: Moves to send HB 2238, AS AMENDED, to the Full Committee on Commerce with a DO PASS recommendation.

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

344 CHAIR LUNDQUIST: The MOTION CARRIES.

346 REP. WELLS will carry HB 2238 to the Full Committee on Commerce.

347 CLOSSES WORK SESSION ON HB 2238.

348 OPENS WORK SESSION ON 2846.

350 DAN JARMAN, Committee Administrator: Summarizes HB 2846 and the -1 amendments.

-Explains for Rep. Wells those who testified on HB 2846. Exhibit J.

420 CHAIR LUNDQUIST: Explains that he has had a call from the Bonneville Power Administration, and they are not OPPOSED to HB 2846.

430 REP. WELLS: Comments that he has located testimony on HB 2846.

434 CHAIR LUNDQUIST: Further explains the he has received testimony from Oregon Municipal Electric Utilities, in SUPPORT of HB 2185.

-Explains that this is a major step in how rates will be regulated.

TAPE 50, SIDE A

030 MOTION: REP. FEDERICI: Moves to adopt the -1 amendments to HB 2846.

031 CHAIR LUNDQUIST: Hearing no objections, MOTION is ADOPTED.

032 MOTION: REP. FEDERICI: Moves to send HB 2846, AS AMENDED, to the full Committee on Commerce with a DO PASS recommendation.

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

036 CHAIR LUNDQUIST: The MOTION CARRIES.

037 REP. FEDERICI will carry HB 2846 to the Full Committee on Commerce.

038 CLOSSES WORK SESSION ON HB 2846.

049 OPENS WORK SESSION ON HB 2345.

WITNESSES:

JIM CARLSON, Oregon Health Care Association

MARGARET CARLY, In-House Legal Counsel, Oregon Health Care Association

054 JIM CARLSON, Oregon Health Care Association: Explains changes in the -2 amendments.

080 -Responds to Chair Lundquist: Can file a lien no sooner than 60 days.

085 MARGARET CARLY, In-House Legal Counsel, Oregon Health Care Association:

Responds to Chair Lundquist further explaining that a lien can be filed no later than one year as well as no sooner than 60 days.

-Explains that this is no sooner/later than dates for construction liens.

110 MOTION: REP. FEDERICI: Moves the ADOPTION of the -2 Amendments.

113 CHAIR LUNDQUIST: Hearing no objections, MOTION is ADOPTED.

116 MOTION: REP. FEDERICI: Moves to send HB 2345, AS AMENDED, to the Full Committee on Commerce with a DO PASS recommendation.

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

122 CHAIR LUNDQUIST: The MOTION CARRIES.

124 REP. SNODGRASS will carry HB 2345 to the Full Committee on Commerce.

125 CLOSES WORK SESSION ON HB 2345.

126 OPENS WORK SESSION ON HB 2165.

WITNESSES:

GORDON FULTZ, Association of Oregon Counties  
GARY OXLEY, Health Officer, Multnomah County  
MIKE MCCALLUM, Director, Government Relations, Oregon Restaurant Association  
JOHN HILTEN, Director, Department of Human Services, Clackamas County

128 DAN JARMAN, Committee Administrator: Summarizes HB 2165 and the -2 Amendments before the Committee. Exhibit K.

175 CHAIR LUNDQUIST: Calls a five minute recess.

178 GORDON FULTZ, Association of Oregon Counties: Association Legislative Committee met on 4/10. Submits Exhibit L.

-Counties in support of original bill, oppose -1 amendments.

-Would like to see other alternatives presented or the original legislation.

243 GARY OXLEY, Health Officer, Multnomah County: Offers county perspective.

-Opposes centralized fee structure.

279 FULTZ: Have been with counties and Oregon Health Department to find agreement on changes for the program.

-Supports increasing certain fees to support Health Division audits of counties.

305 OXLEY: Responds to Chair Lundquist: Explains that fees for Multnomah County are basically the same as the bill. Explains decrease in revenues for the counties.

327 -Responds to Rep. Federici: Explains that would prefer fee changes to be in rule.

342 FULTZ: 22 Counties have their own program. 14 counties do not.

352 REP. FEDERICI: Requests clarification on changes within the -2 and the -1 amendments.

360 REP. WELLS: Comments that he sees changes in page 3.

363 FULTZ: Explains further the changes for Rep. Wells.

389 REP. WELLS: Requests clarification on 15 % remitted back to the county.

404 MIKE MCCALLUM, Director, Government Relations, Oregon Restaurant Association: Clarifies that the 15% is for temporary agencies.

428 FULTZ: Explains for Rep. Wells that the Association wants counties to be able to retain ability to set fees. Explains process for fee increases at the county level that creates a safety valve.

TAPE 51, SIDE A

031 REP. WELLS: Expresses his concerns with the bill.

041 FULTZ: In response to Rep. Federici: Would be prepared to submit new amendments as a safety valve for the bill.

052 JOHN HILTEN, Director, Department of Human Services, Clackamas County: Explains that his prior role with the State Health Division. Important for

some form of HB 2165 to pass.

-Clackamas County supports the ability for the counties to administer the program with the option of handing over responsibility to the state if they

do not want to administer the program.

110 -Responds to Rep. Federici: Explains that the layout of a building has much to do with the ability to maintain cleanliness in such places as a McDonalds.

144 MCCALLUM: Clarifies those in support of the -2 amendments.

-Expresses his concerns that the Association of Oregon Counties could have come forward with their concerns earlier.

170 CHAIR LUNDQUIST: Explains that this is a state program that counties administer.

183 MCCALLUM: Expresses what is involved within the -2 amendments.

191 -In response to Rep. Wells: Explains further the relationship between the state and the counties within HB 2165 and the -2 Amendments.

215 MOTION: REP. SNODGRASS: Moves the -2 amendments to HB 2165.

218 CHAIR LUNDQUIST: FOR THE RECORD: REP. FEDERICI objects to the -2 amendments.

220 MOTION: REP. SNODGRASS: Moves to send HB 2165, AS AMENDED, to the Full Committee on Commerce with a DO PASS recommendation.

223 VOTE: REP. SNODGRASS, WELLS, LUNDQUIST vote AYE. REP. FEDERICI votes NAY.

225 CHAIR LUNDQUIST: The MOTION CARRIES.

227 CHAIR LUNDQUIST will carry HB 2165 to the Full Committee on Commerce.

232 ADJOURNS MEETING AT 4:20 PM.

Submitted by, Reviewed by,

JODIE HALL DANIEL JARMAN  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony in SUPPORT of HB 2664 - Verlina Crosley, Administrator, Workers' Compensation Division, BOLI - 1 page  
B - Letter in OPPOSITION to HB 3283 from Larry C. Gadbois - Carl Meyers, Court Reporters, Electronic Individuals - 2 pages  
C - "A Case for State Certification of Shorthand Reporters" - Meyers - 8 pages  
D - Hand Engrossed proposed amendments to HB 3283 - Kinsley Click, Acting State Court Administrator - 5 pages  
E - Testimony in SUPPORT of HB 2185 - Jack Cassell, Administrator,

Residential Service Protection Fund - 11 pages

F - Testimony of Ron Eachus, Commissioner, Public Utility Commission - Peg Rohlston, Assistant Commissioner, Public and Personnel Services, PUC - 9 pages

G - Amendments to HB 2185 - Gary Bauer, Oregon Telephone Association - 2 pages

H - Testimony in SUPPORT of HB 2185 - Jeff Howard, Chemeketa Community College - 1 page

I - Testimony in SUPPORT of HB 2185 from the Oregon Disabilities Commission

- Staff - 1 page

J - Amendments to HB 2846 - Dan Jarman, Committee Administrator - 1 page

K - HB 2165-2 Amendments - Dan Jarman, Committee Administrator - 5 pages

L - Testimony in OPPOSITION to HB 2165 Amendments - Gordon Fultz, Association of Oregon Counties - 2 pages