

House Committee on Business and Consumer Affairs  
Subcommittee No. 1  
Date , 1991 - Page

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.

HOUSE COMMITTEE ON  
BUSINESS AND CONSUMER AFFAIRS  
SUBCOMMITTEE NO. 1

April 30, 1991  
1:00 P.M.

Hearing Room F  
Tapes 13 - 14

MEMBERS PRESENT: Rep. Jerry Barnes, Chair  
Rep. Lisa Naito

Rep. John Schoon  
Rep. Greg Walden

STAFF PRESENT: Terry Connolly, Committee Administrator  
Annetta Mullins, Committee Assistant

MEASURES  
CONSIDERED: HB 3203 PH & WS  
HB 3024 PH

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TAPE 13, SIDE A

004 CHAIR BARNES calls the meeting to order at 1:06 and opens the public hearing on HB 3203.

HB 3203 - REPEALS PROVISIONS REQUIRING LICENSING OF CONSUMER ELECTRONIC ENTERTAINMENT EQUIPMENT SERVICE DEALERS. (See also Tape 13, Side, Page 5 of these minutes.)

The Preliminary Staff Measure Summary is hereby made a part of these minutes (EXHIBIT A).

011 REP. GREG WALDEN submits and reads a prepared statement (EXHIBIT B) in support of HB 3203.

>Merchant who accepts equipment from customer for purposes of returning it to the manufacturer must obtain a "pick up point" license for \$30.

>BOLI inspector said the law existed under the Department of Commerce and they recently realized it needed to be enforce.

>There is no bonding and it seems like we have a law where they charge \$30 for something that doesn't accomplish a great deal.

>If they have a technician that is licensed, why should the facility be licensed.

068 Issues discussed:

>Law came from suggestion of the industry.

>Technology has changed and perhaps there should be no licensing procedures.

>Whether there is law enforcement reason for the pick up point license.

>Whether a business that has a pick up point license has to also have service dealer license.

>Technician license should be sufficient.

121 ERNEST MOORE, Deputy Administrator, Support Services Division, Bureau of Labor and Industries, submits and reads a prepared statement relating to HB 3203 (EXHIBIT C).

Issues discussed:

>Types of complaints.

>Complaint resolution and restitution to customers.

187 JEFF PRUITT, Chair, Oregon Professional Electronics Association: This licensing ordinance was industry generated to clean up the industry. It has worked very well. Part of the reason for shop licensing is there is no requirement in any of the technician standards for test equipment. In shop licensing, minimum standard equipment is required. It is probably outdated at the moment because the standards on most warranty stations greatly exceed the minimum standard equipment, but it is the only guarantee the customer has that the shop has some idea of what they are doing.

The licensing exam for technicians is comparable to the Certified Electronics Technician, an international organization. A license from that organization will qualify a person for a state license. The licensing exam has been updated recently.

Issues discussed:

>Problems on repair goes to the shop and it is usually given to the technician who originally did the work.

>Whether to license shop and require technician be available instead of having everybody certified.

>Whether to maintain license for technician and delete shop license.

>Licensed technician allows shop to have trainee if they have applied for the necessary permits.

>Pick-up-point provision is necessary and came about because of some abuses in the early days of tape rental stores.

>Requirements for opening up a repair shop and license renewal.

384 MARK HANSEN, Vice President, Portland Chapter, Oregon Professional Electronics Association: Our organization tries to promote and maintain integrity in the industry and removing the license from the shop would undermine the integrity we are trying to maintain. As a consumer I would rather take my unit to a licensed shop.

404 RAYMOND PRICE, Secretary, Professional Electronics Association: I think removing the license for the shop would make it difficult to track a problem back to the technician. Not licensing the shops would decrease the moneys needed to policy the whole thing.

424 CHAIR BARNES closes the public hearing on HB 3203 and opens the public hearing on HB 3024.

TAPE 14, SIDE A

HB 3024 - PROHIBITS SMOKING IN RESTAURANTS.

The Preliminary Staff Measure Summary is hereby made a part of these minutes (EXHIBIT D).

009 REP. JOHN SCHOON: Introduces Ted Osher, a constituent. Ted raises the question of smoking in restaurants.  
>Primary cause of low birth rates in babies is smoking.  
>Majority of people in the Capitol Coffee shop do not smoke, yet three-fourths of the space permits smoking and the entire area is a smoky area.

039 TED OSHER, Dallas, submits a prepared statement and information prepared by the Oregon Lung Association, Environmental Protection Agency, American Heart Association and the Oregon Health Division (EXHIBIT E). He reads the prepared statement in support of HB 3024 (EXHIBIT E).

Issues discussed:

>Giving consideration to facilities with good circulation, purification and filtration systems.  
>Impact on tourism.  
>Facility owners' consideration for their clientele.

173 REP. RANDY MILLER: I just want to make a few brief comments in opposition to HB 3024. I don't believe this bill is about smoking. I find this bill is more about free enterprise and needless government intrusion. I would suggest this kind of intrusion on how they run their facility is not wise and we should resist efforts of this kind. Let's consider the rights of the business owners. The consumers who go to these places have a very effective remedy. If they don't like the environment, they can boycott the facility and that will send a very strong message. I would invite them to perhaps visit with the owner and manager of the restaurant about not allowing smoking. I urge your opposition to this measure.

201 REP. SCHOON: Where does the state's responsibility begin and end? We have seat belts, speed limits, some restrictions on the ability to carry or shoot guns. Now that the medical evidence is this is dangerous, where do we draw the line?

238 REP. MILLER: If the public agrees with your conclusions that smoking is a bad and very dangerous habit, I would suggest if enough agreed, restaurants and other public facilities would change their management practices. I want to leave the judgment to the operator of the facility. I hope the committee will focus on what this bill is about; it is more than smoking.

270 MICHAEL SKEELS, PhD, MPH, Administrator, Health Division, submits and reads a prepared statement in support of HB 3024 (EXHIBIT F).

>Health Division administers the Oregon Clean Indoor Air Act.  
>Occupational exposure is regulated by OrOSHA.

>Children who live in homes where parents smoke.

>Health Division would like to prevent today's children and adolescents from starting smoking so next generation won't be exposed to cigarette smoke at home.

>How far the regulation goes is a matter of public policy which the Legislature decides.

>The more places in which the Legislature can prevent environmental exposure to toxins and carcinogens, the more the Health Division will be able to carry out their mission of protecting the citizens.

378 MIKE McCALLUM, Oregon Restaurant Association: Our association has no formal position on this bill. We have not asked the board to vote on it. We have discussed it. We recognize there are concerns about secondary smoke. We are not sure singling out the restaurant industry is a way to get at that concern. We look back to the polling in 1988 on Ballot Measure 6. In that campaign the poll showed overwhelming support for designated smoking areas. We have no reason to believe the public has changed their minds. Some restaurants are more conducive for smoking areas than others. We think that restaurateurs make a lot of efforts to satisfy their customers of both persuasions. It is in the owner's best interest to keep customers coming back. More and more are prohibiting smoking. We think the system works pretty well.

I don't think too many of the truck stop owners would choose the totally non-smoking route. However, they they have gone out of their way to provide non-smoking sections. It is not just a line on the floor in a lot of cases. We have seen restaurants remodel facilities to respond to customers' desires. We aren't aware there have been a lot of complaints about the current situation. We are not certain there is a great need.

In terms of the tourism concern, I have a letter from the Executive Director of the Portland Oregon Visitors Association. He is concerned about the bill because it could seriously hamper Oregon's ability to attract convention business (EXHIBIT G).

TAPE 13, SIDE B

044 MR. OSHER: A boycott is not out of the question and it is probably coming anyway if this bill doesn't pass. Why should businesses have to be destroyed to prove a point. I think people understand it is more than business, it is health. It has to be a total ban or not at all.

074 CHAIR BARNES closes the public hearing on HB 3024 and opens the work session on HB 3203.

(Tape 13, Side B)

HB 3203 - REPEALS PROVISIONS REQUIRING LICENSING OF CONSUMER ELECTRONIC ENTERTAINMENT EQUIPMENT SERVICE DEALERS.

086 REP. NAITO: Perhaps we should add requirement that computer

technicians be licensed, and delete license for the shops. I see value in making sure the technicians are able to perform their functions. I have concerns for the double license for service dealers and technicians. If it is a funding issue, we need to deal with it. I don't see compelling reasons for doubling of the licenses.

096 REP. WALDEN: Line 9 talks about consumer electronic entertainment. I wouldn't want to license computer technicians in this bill without their having an opportunity to discuss it.

111 CHAIR BARNES: Would the bill's relating title allow dealing with computer repairs?

12MR. CONNOLLY: I will look into the question.

116 CHAIR BARNES: I think licensing should be on the technician. I think we should not be putting any more onerous requirements on the business than necessary.

REP. NAITO: I suggest if they are having 60 complaints a year, it is substantial. We have a set up in the court system and others systems to handle consumer complaints. I don't know that we need to conform this to that issue.

139 CHAIR BARNES: In some cases business licenses by cities would take care of part of knowing who is operating a business. There is also the registration of "DBA" in the Secretary of State's office.

152 REP. NAITO: A concern is the one of funding. I think the licensing function and requiring technicians to be held to a standard is an important one. We should not erode the opportunity for people to become technicians through the trainee license. If we delete the fee on the service dealers, we may need slightly increase the technicians fee. I would proposed that if we move this to the full committee that by the time it gets there we see what the fiscal implications are. Perhaps the board could provide the amount of fees that would be required to maintain at least the licensing aspect of this bill.

162 MR. MOORE: The bill as written would still leave complete licensing for the technician. It would delete the enforcement program, shop inspection, etc. The fees in the bill would cover the testing and licensing of technicians. There would be no money in the program to do shop inspections or drop in to see if the dealer does the employee licensing.

179 REP. WALDEN: Do you set the standard or is it a national standard?

177 MR. MOORE: The law originally set the standard but adopted the National Certified Electronic Technician (CET) test as one of the standards.

The current law requires the service dealer to have the test equipment, not the technician. The technician is a employee of the service dealer.

215 CHAIR BARNES: Would there be funds sufficient to make sure

that trainees and technicians are in compliance with the licensing requirements?

219 MR. MOORE: There would be no money in the program to make shop inspections. It would be purely a licensing function and trying to handle complaints over the phone. The fines that are generated aren't enough to support an enforcement program.

231 CHAIR BARNES: If we have a licensing procedure we should have funds sufficient to check to see if they are licensed.

236 MR. MOORE: Two hundred twenty-two examinations were given last year and there are about 900 licensed technicians. The technician license fee is \$45. The tests are given at most Motor Vehicle Division offices. Renewal notices are sent out, the licensee fills out the questionnaire and sends in the fee.

267 REP. WALDEN: Does that activity cost the division \$45?

267 MR. MOORE: Just about. The license fee being considered for deletion has an impact of \$98,000 per biennium. The entire program would generate about \$150,000 to \$160,000 a biennium, less the \$98,000.

340 REP. SCHOON: Why do we want to give an examination when there is already a professional organization that will give the exam and certify the person. We could register them.

345 MR. MOORE: I believe in order to take the Certified Electronic Technician test, they have to go to Texas or correspond with someone in Texas to take it.

365 MOTION: Rep. Schoon moves that HB 3203 be sent to the full committee with a DO PASS recommendation.

370 VOTE: All members are present and vote AYE.

373 CHAIR BARNES declares the motion PASSED and the meeting adjourned at 2:28 p.m.

Respectfully submitted, Reviewed by,

Annetta MullinsTerry Connolly  
AssistantAdministrator

#### EXHIBIT SUMMARY

A -HB 3203, Preliminary Staff Measure Summary, staff  
B -HB 3203, prepared statement, Rep. Greg Walden  
C -HB 3203, prepared statement, Ernest Moore  
D -HB 3024, Preliminary Staff Measure Summary, staff  
E -HB 3024, prepared statement and publications, Ted Osher  
F -HB 3024, prepared statement, Michael Skeels  
G -HB 3024, letter from Portland Oregon Visitors Association, Mike McCallum

