

HOUSE COMMITTEE ON CONSUMER PROTECTION

**May 18, 2009
3:00 P.M.**

Hearing Room E

MEMBERS PRESENT: **Rep. Paul Holvey, Chair**
 Rep. Chuck Riley, Vice-Chair
 Rep. Brent Barton
 Rep. Jean Cowan
 Rep. Vic Gilliam
 Rep. Wayne Krieger
 Rep. Carolyn Tomei
 Rep. Matt Wingard

MEMBERS ABSENT: **Rep. Greg Matthews**
 Rep. Jim Weidner, Vice-Chair

STAFF PRESENT: **Victoria Cox, Committee Administrator**
 Cindy Hupp, Committee Assistant

MEASURES/ISSUES HEARD: SB 623 – Work Session
 SB 205 – Work Session
 SB 771A – Work Session
 SB 929A – Work Session
 SB 203A – Work Session
 SB 973A – Public Hearing

This recording log is in compliance with Senate and House Rules. For complete contents, refer to the digital audio recording.

HCP

5/18/2009 3:14:30 PM

3:14:36 PM Meeting Called to Order
3:14:38 PM Chair Holvey
3:15:08 PM SB 623-Work Session
3:15:31 PM Rep. Wingard
3:15:50 PM Chair Holvey
3:15:51 PM Rep. Wingard
3:16:01 PM Meeting Recessed
3:18:35 PM Meeting Reconvened
3:18:40 PM SB 205-Work Session
3:18:53 PM Victoria Cox, Committee Administrator
3:19:40 PM {Exhibit} 1: Cox
3:19:41 PM {Exhibit} 2: Cox
3:19:57 PM Rep. Wingard
3:20:03 PM Chair Holvey
3:20:26 PM Craig Smith, Administrator, Construction Contractors Board
3:20:35 PM Chair Holvey
3:21:07 PM Smith
3:21:45 PM Chair Holvey
3:21:57 PM Scott Barrie, Representative, Oregon Home Builders Association
3:23:49 PM Chair Holvey
3:25:08 PM Smith
3:28:02 PM Chair Holvey
3:28:16 PM Smith
3:29:19 PM Chair Holvey
3:29:30 PM Vice-Chair Riley
3:30:03 PM Barrie
3:31:27 PM Chair Holvey
3:31:48 PM Barrie
3:32:09 PM Chair Holvey
3:32:11 PM Vice-Chair Riley
3:32:15 PM Chair Holvey
3:32:16 PM Vice-Chair Riley
3:32:51 PM Barrie
3:33:03 PM Chair Holvey
3:34:14 PM Barrie
3:34:52 PM Chair Holvey
3:34:55 PM Barrie
3:35:02 PM Vice-Chair Riley
3:35:07 PM Chair Holvey

3:35:27 PM Smith
3:36:59 PM Chair Holvey
3:37:35 PM Vice-Chair Riley
3:37:36 PM Chair Holvey
3:37:37 PM MOTION: Rep. Riley moves -2 amendments
3:37:43 PM Chair Holvey
3:37:58 PM VOTE: 6-0-4
3:37:58 PM Ayes: Barton, Cowan, Tomei, Wingard, Riley, Holvey; Excused: Gilliam, Krieger, Matthews, Weidner
3:38:29 PM Chair Holvey
3:38:42 PM Vice-Chair Riley
3:38:42 PM MOTION: Rep. Riley moves SB 205 DO PASS as AMENDED
3:38:50 PM Chair Holvey
3:39:01 PM VOTE: 6-0-4
3:39:01 PM Ayes: Barton, Cowan, Tomei, Wingard, Riley, Holvey; Excused: Gilliam, Krieger, Matthews, Weidner
3:39:26 PM Chair Holvey
3:39:39 PM CARRIER: REP. RILEY will lead discussion on the floor
3:39:57 PM SB 623-Work Session
3:40:06 PM Victoria Cox, Committee Administrator
3:40:26 PM Chair Holvey
3:40:29 PM Vice-Chair Riley
3:40:31 PM MOTION: Rep. Riley moves SB 623 DO PASS
3:40:36 PM Chair Holvey
3:40:41 PM Rep. Wingard
3:40:42 PM Chair Holvey
3:40:44 PM Rep. Wingard
3:41:00 PM Chair Holvey
3:41:01 PM Rep. Wingard
3:41:35 PM Chair Holvey
3:41:42 PM MOTION: Vice-Chair Riley moves to WITHDRAW motion SB 623 DO PASS
3:41:48 PM Chair Holvey
3:43:03 PM SB 771A-Work Session
3:43:15 PM Victoria Cox, Committee Administrator
3:44:17 PM {Exhibit} 3: Cox
3:44:21 PM Chair Holvey
3:44:48 PM John VanLandingham, Consumer Advocate, Lane County Legal Aid
3:44:49 PM {Exhibit} 4: VanLandingham
3:45:30 PM Chair Holvey
3:45:34 PM VanLandingham
3:49:22 PM Chair Holvey
3:49:32 PM VanLandingham
3:51:36 PM Chair Holvey
3:52:01 PM Vice-Chair Riley

3:52:02 PM Chair Holvey
3:52:03 PM MOTION: Rep. Riley moves -A4 amendments
3:52:08 PM Chair Holvey
3:52:25 PM VOTE: 7-0-2-1
3:52:25 PM Ayes: Barton, Cowan, Krieger, Tomei, Wingard, Riley, Holvey;
Excused: Matthews, Weidner; Absent: Gilliam
3:52:51 PM Chair Holvey
3:53:44 PM Rep. Krieger
3:53:46 PM Chair Holvey
3:53:48 PM Rep. Krieger
3:53:53 PM Chair Holvey
3:54:05 PM SB 205-Work Session
3:54:06 PM MOTION: Chair Holvey moves that the RULES BE SUSPENDED to
allow Rep. Krieger to VOTE: AYE on SB 205
3:54:14 PM Rep. Krieger
3:54:15 PM Chair Holvey
3:54:16 PM Victoria Cox, Committee Administrator
3:54:24 PM Rep. Krieger
3:54:29 PM Chair Holvey
3:54:33 PM VOTE: 7-0-3
3:54:33 PM Ayes: Barton, Cowan, Krieger, Tomei, Wingard, Riley, Holvey;
Excused: Gilliam, Matthews, Weidner
3:54:34 PM Chair Holvey
3:54:57 PM SB 929A-Work Session
3:55:05 PM Victoria Cox, Committee Administrator
3:55:26 PM {Exhibit} 5: Cox
3:55:27 PM {Exhibit} 6: Cox
3:55:36 PM Rep. Wingard
3:55:39 PM Chair Holvey
3:55:45 PM Rep. Wingard
3:55:49 PM Chair Holvey
3:55:50 PM Rep. Wingard
3:55:55 PM Chair Holvey
3:56:00 PM Don Miner, Representative, Oregon Manufactured Housing
Association
3:57:09 PM Chair Holvey
3:57:13 PM Miner
3:57:19 PM Chair Holvey
3:57:29 PM Rep. Barton
3:57:51 PM Miner
3:58:55 PM Rep. Barton
3:58:56 PM Chair Holvey
3:58:57 PM Rep. Barton
3:59:32 PM Miner
4:00:47 PM Rep. Krieger
4:00:48 PM Chair Holvey

4:00:49 PM Rep. Krieger
4:01:29 PM Chair Holvey
4:02:18 PM Miner
4:02:58 PM Chair Holvey
4:03:20 PM John VanLandingham, Consumer Advocate, Lane County Legal Aid
4:03:30 PM Chair Holvey
4:03:36 PM Rep. Wingard
4:03:41 PM Chair Holvey
4:03:54 PM Rep. Wingard
4:05:28 PM Vice-Chair Riley
4:05:30 PM Rep. Gilliam
4:05:34 PM Vice-Chair Riley
4:05:37 PM Rep. Gilliam
4:05:40 PM Vice-Chair Riley
4:05:51 PM Meeting Recessed
4:12:06 PM Meeting Reconvened
4:12:07 PM Chair Holvey
4:12:32 PM Rep. Krieger
4:12:34 PM Chair Holvey
4:12:51 PM Rep. Krieger
4:12:53 PM Chair Holvey
4:12:58 PM Victoria Cox, Committee Administrator
4:13:54 PM Chair Holvey
4:14:04 PM Cox
4:14:46 PM Rep. Krieger
4:14:48 PM Chair Holvey
4:14:57 PM Rep. Krieger
4:15:01 PM Chair Holvey
4:15:10 PM Rep. Gilliam
4:15:18 PM Chair Holvey
4:15:45 PM Rep. Gilliam
4:15:48 PM Cox
4:15:51 PM Chair Holvey
4:15:52 PM Rep. Gilliam
4:15:53 PM Chair Holvey
4:15:58 PM Rep. Gilliam
4:16:01 PM Chair Holvey
4:16:12 PM SB 771A-Work Session
4:16:21 PM Vice-Chair Riley
4:16:23 PM Chair Holvey
4:16:24 PM MOTION: Rep. Riley moves SB 771A DO PASS as AMENDED
4:16:31 PM Chair Holvey
4:16:45 PM VOTE: 8-0-2
4:16:45 PM Ayes: Barton, Cowan, Gilliam, Krieger, Tomei, Wingard, Riley, Holvey; Excused: Matthews, Weidner

4:17:10 PM Chair Holvey
4:17:22 PM Rep. Krieger
4:17:23 PM Chair Holvey
4:17:24 PM CARRIER: REP. KRIEGER will lead discussion on the floor
4:17:40 PM Meeting Recessed
4:18:53 PM Meeting Reconvened
4:19:09 PM Rep. Wingard
4:19:12 PM Chair Holvey
4:19:29 PM Rep. Wingard
4:19:36 PM Ramona Kenady, Chief Clerk, House of Representatives
4:20:15 PM Rep. Wingard
4:20:16 PM Rep. Barton
4:20:20 PM Chair Holvey
4:20:21 PM Rep. Wingard
4:20:29 PM Kenady
4:21:11 PM Rep. Wingard
4:21:15 PM Chair Holvey
4:21:17 PM Rep. Barton
4:21:36 PM Chair Holvey
4:21:40 PM Rep. Barton
4:21:51 PM Kenady
4:21:52 PM Rep. Barton
4:21:54 PM Kenady
4:21:56 PM Rep. Barton
4:21:57 PM Kenady
4:22:04 PM Rep. Barton
4:22:06 PM Kenady
4:22:09 PM Rep. Barton
4:22:10 PM Chair Holvey
4:22:24 PM Rep. Krieger
4:22:32 PM Chair Holvey
4:22:53 PM SB 623-Work Session
4:23:01 PM Vice-Chair Riley
4:23:10 PM Chair Holvey
4:23:11 PM Vice-Chair Riley
4:23:13 PM MOTION: Rep. Riley moves SB 623 DO PASS
4:23:16 PM Chair Holvey
4:23:22 PM Rep. Wingard
4:23:23 PM Chair Holvey
4:23:25 PM Rep. Wingard
4:23:53 PM Chair Holvey
4:24:29 PM VOTE: 6-2-2
4:24:29 PM Ayes: Barton, Cowan, Krieger, Tomei, Riley, Holvey; Nays: Gilliam, Wingard; Excused: Matthews, Weidner
4:25:06 PM Chair Holvey
4:25:18 PM CARRIER: REP. BARTON will lead discussion on the floor

4:25:47 PM SB 203A-Work Session
4:25:56 PM Victoria Cox, Committee Administrator
4:26:34 PM Chair Holvey
4:26:41 PM Cox
4:26:42 PM Chair Holvey
4:26:51 PM Cox
4:26:54 PM {Exhibit} 7: Cox
4:27:26 PM Chair Holvey
4:27:40 PM Stephen Kafoury, Representative, Oregon Remodelers Association
4:29:41 PM Chair Holvey
4:30:14 PM Kafoury
4:30:15 PM Chair Holvey
4:30:33 PM John Rakowitz, Public Affairs Director, Associated General Contractors of Oregon
4:30:35 PM Chair Holvey
4:30:37 PM Rakowitz
4:34:28 PM Chair Holvey
4:34:33 PM Brian Krieg, Representative, Sheet Metal & Air Conditioning Contractors National Association
4:37:43 PM Chair Holvey
4:37:49 PM Rep. Cowan
4:38:04 PM Krieg
4:38:12 PM Rep. Cowan
4:38:13 PM Krieg
4:38:15 PM Rep. Cowan
4:38:16 PM Rakowitz
4:38:25 PM Chair Holvey
4:38:26 PM Rakowitz
4:38:34 PM Chair Holvey
4:39:07 PM SB 973A-Public Hearing
4:39:17 PM Victoria Cox, Committee Administrator
4:40:17 PM Chair Holvey
4:40:35 PM Sen. Suzanne Bonamici, Senate District 17
4:40:36 PM {Exhibit} 8: Sen. Bonamici
4:51:02 PM Chair Holvey
4:51:44 PM Sen. Bonamici
4:51:46 PM Chair Holvey
4:51:50 PM Rep. Tomei
4:52:12 PM Sen. Bonamici
4:52:36 PM Rep. Tomei
4:52:38 PM Chair Holvey
4:52:39 PM Rep. Tomei
4:52:57 PM Sen. Bonamici
4:53:14 PM Rep. Tomei
4:53:16 PM Chair Holvey
4:53:18 PM Rep. Barton

4:54:13 PM Sen. Bonamici
4:54:48 PM Chair Holvey
4:54:59 PM Sen. Bonamici
4:55:00 PM Chair Holvey
4:55:25 PM Teresa Miller, Acting Administrator, Insurance Division, Oregon
Department of Consumer and Business Services
4:55:25 PM {Exhibit} 9: Miller
4:59:23 PM Chair Holvey
4:59:25 PM Rep. Barton
4:59:28 PM Miller
4:59:30 PM Rep. Barton
4:59:35 PM Miller
4:59:49 PM Chair Holvey
4:59:50 PM Miller
4:59:56 PM Rep. Barton
4:59:57 PM Miller
5:02:01 PM Chair Holvey
5:02:05 PM Rep. Cowan
5:02:56 PM Miller
5:03:01 PM Rep. Cowan
5:03:05 PM Miller
5:03:37 PM Rep. Cowan
5:03:38 PM Chair Holvey
5:03:39 PM Rep. Cowan
5:03:42 PM Miller
5:03:43 PM Rep. Cowan
5:04:41 PM Miller
5:05:10 PM Rep. Cowan
5:05:23 PM Chair Holvey
5:05:29 PM Rep. Wingard
5:05:30 PM Chair Holvey
5:05:32 PM Rep. Wingard
5:06:24 PM Miller
5:07:07 PM Rep. Wingard
5:07:08 PM Chair Holvey
5:07:09 PM Rep. Wingard
5:07:34 PM Miller
5:07:37 PM Rep. Wingard
5:07:38 PM Chair Holvey
5:07:39 PM Rep. Wingard
5:08:41 PM Miller
5:08:46 PM Rep. Wingard
5:09:09 PM Miller
5:09:16 PM Rep. Wingard
5:09:38 PM Miller
5:09:53 PM Rep. Wingard

5:09:55 PM Chair Holvey
5:09:57 PM Rep. Wingard
5:10:58 PM Miller
5:12:10 PM Rep. Wingard
5:12:11 PM Chair Holvey
5:12:12 PM Rep. Wingard
5:12:35 PM Miller
5:12:47 PM Rep. Wingard
5:12:55 PM Miller
5:12:59 PM Rep. Wingard
5:13:04 PM Miller
5:13:21 PM Chair Holvey
5:13:41 PM Miller
5:13:42 PM Chair Holvey
5:14:17 PM Miller
5:14:25 PM Rep. Wingard
5:14:30 PM Chair Holvey
5:14:34 PM Rep. Wingard
5:15:18 PM Chair Holvey
5:15:23 PM Rep. Barton
5:15:28 PM Chair Holvey
5:15:31 PM Rep. Barton
5:15:42 PM Chair Holvey
5:16:17 PM John Mangan, Regional Vice President, American Council of Life Insurers (ACLI)
5:23:42 PM Chair Holvey
5:23:46 PM Todd Thakar, Representative, Prudential Financial
5:28:16 PM Chair Holvey
5:28:27 PM Rep. Wingard
5:28:29 PM Chair Holvey
5:28:33 PM Rep. Wingard
5:28:39 PM Thakar
5:28:41 PM Rep. Wingard
5:28:43 PM Thakar
5:28:45 PM Chair Holvey
5:28:48 PM Rep. Wingard
5:28:56 PM Mangan
5:30:01 PM Rep. Wingard
5:30:16 PM Mangan
5:30:31 PM Chair Holvey
5:31:00 PM Dave Fiskum, Representative, Coventry Insurance
5:32:30 PM Robert Wooley, Representative, Coventry Insurance
5:32:30 PM {Exhibit} 10: Wooley
5:34:23 PM Rep. Wingard
5:34:25 PM Wooley
5:42:31 PM Chair Holvey

5:43:15 PM Wooley
5:44:21 PM Chair Holvey
5:44:30 PM Fiskum
5:45:52 PM Chair Holvey
5:46:50 PM Bob Buxman, Executive Director, National Association of Insurance and Financial Advisors, Oregon
5:46:50 PM {Exhibit} 11: Buxman
5:46:58 PM Todd Yorke, Life Insurance Agent, Salem, Oregon
5:47:06 PM Bert Guptill, Life Insurance Agent, Financial Advisor, Albany, Oregon
5:47:21 PM Chair Holvey
5:47:22 PM Buxman
5:49:29 PM Chair Holvey
5:49:32 PM Buxman
5:49:33 PM Chair Holvey
5:49:35 PM Yorke
5:51:39 PM Chair Holvey
5:51:44 PM Guptill
5:51:48 PM Chair Holvey
5:51:50 PM Guptill
5:54:23 PM Chair Holvey
5:55:22 PM The following written testimony was submitted for the record without public testimony:
5:55:23 PM {Exhibit} 12: Rick Bennett, Director of Government Relations, AARP Oregon
5:55:23 PM Meeting Adjourned

HCP

5/18/2009 3:14:30 PM

- 3:19:40 PM {Exhibit} 1: SB 205, -1 amendments, staff, 1 p
 - 3:19:41 PM {Exhibit} 2: SB 205, -2 amendments, staff, 2 pp
 - 3:44:17 PM {Exhibit} 3: SB 771A, -A4 amendments, staff, 2 pp
 - 3:44:49 PM {Exhibit} 4: SB 771A, written testimony, John VanLandingham, 4 pp
 - 3:55:26 PM {Exhibit} 5: SB 929A, -A4 amendments, staff, 1 p
 - 3:55:27 PM {Exhibit} 6: SB 929A, -A5 amendments, staff, 2 pp
 - 4:26:54 PM {Exhibit} 7: SB 203A, -A3 amendments, staff, 11 pp
 - 4:40:36 PM {Exhibit} 8: SB 973A, written testimony, Sen. Bonamici, 4 pp
 - 4:55:25 PM {Exhibit} 9: SB 973A, written testimony, Teresa Miller, 6 pp
 - 5:32:30 PM {Exhibit} 10: SB 973A, written testimony, Robert Wooley, 5 pp
 - 5:46:50 PM {Exhibit} 11: SB 973A, written testimony, Bob Buxman, 2 pp
 - 5:55:23 PM {Exhibit} 12: SB 973A, written testimony, Rick Bennett, 1 p
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