

**HOUSE COMMITTEE ON CONSUMER  
PROTECTION AND GOVERNMENT EFFICIENCY**

March 26, 2013  
1:00 PM

Hearing Room D

**MEMBERS PRESENT:** Rep. Paul Holvey, Chair  
Rep. John Lively, Vice-Chair  
Rep. Dennis Richardson, Vice-Chair  
Rep. Margaret Doherty  
Rep. Mark Johnson  
Rep. Alissa Keny-Guyer  
Rep. Greg Smith  
Rep. Kim Thatcher  
Rep. Jessica Vega Pederson

**STAFF PRESENT:** Bob Estabrook, Committee Administrator  
Samantha White, Committee Assistant

**MEASURES/ISSUES HEARD:** HB 3409 – Public Hearing  
HB 2823 – Public Hearing  
HB 2667 – Work Session  
HB 2370 – Work Session  
HB 2931 – Work Session  
HB 3160 – Work Session  
HB 2929 – Work Session  
HB 3172 – Public Hearing

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**Recording Log**

**1:04:29 PM** Meeting Called to Order by Chair Holvey  
**1:04:33 PM** Chair Holvey  
  
**1:04:51 PM** **HB 3409 - Public Hearing**  
**1:04:54 PM** Chair Holvey  
**1:05:18 PM** Bob Estabrook, Committee Administrator  
**1:05:38 PM** Chair Holvey  
**1:05:41 PM** Sen. Jackie Dingfelder, Senate District 23  
**1:07:35 PM** Rep. Alissa Keny-Guyer, House District 46  
**1:10:02 PM** Rep. Lew Frederick, House District 43  
**1:13:48 PM** Sen. Dingfelder  
**1:13:50 PM** Chair Holvey  
**1:14:04 PM** Rep. Frederick  
**1:14:09 PM** Chair Holvey

1:14:40 PM Vice-Chair Richardson  
1:14:52 PM Rep. Keny-Guyer  
1:15:16 PM Vice-Chair Richardson  
1:15:45 PM Rep. Keny-Guyer  
1:16:41 PM Chair Holvey  
1:16:45 PM Rep. Thatcher  
1:16:58 PM Rep. Keny-Guyer  
1:17:02 PM Chair Holvey  
1:18:25 PM Amber Starks, resident, Portland, Oregon  
1:22:16 PM Chair Holvey  
1:22:17 PM Lisa Summers, resident, Portland, Oregon  
1:24:13 PM Chair Holvey  
1:24:46 PM Starks  
1:26:22 PM Chair Holvey  
1:26:29 PM Starks  
1:26:44 PM Chair Holvey  
1:27:15 PM {Exhibit} 1: Holly Mercer, Interim Director, Oregon Health Licensing Agency  
1:27:26 PM Randy Harnisch, Policy Analyst, Oregon Health Licensing Agency  
1:27:32 PM Mercer  
1:29:08 PM Chair Holvey  
1:29:10 PM Harnisch  
1:29:12 PM Chair Holvey  
1:29:15 PM Rep. Thatcher  
1:29:40 PM Mercer  
1:29:45 PM Harnisch  
1:30:07 PM Rep. Thatcher  
1:30:27 PM Harnisch  
1:30:45 PM Rep. Thatcher  
1:30:51 PM Harnisch  
1:30:58 PM Chair Holvey  
1:31:06 PM Mercer  
1:31:16 PM Chair Holvey  
1:31:17 PM Mercer  
1:31:18 PM Chair Holvey  
1:31:19 PM Mercer  
1:31:23 PM Chair Holvey  
1:31:37 PM Mercer  
1:31:42 PM Chair Holvey  
1:31:54 PM Harnisch  
1:32:07 PM Chair Holvey  
1:32:13 PM Harnisch  
1:32:23 PM Chair Holvey  
1:32:35 PM Mercer  
1:32:39 PM Chair Holvey  
1:32:40 PM Mercer

1:32:43 PM Chair Holvey  
1:32:59 PM Mercer  
1:33:01 PM Chair Holvey  
1:33:02 PM Mercer  
1:33:05 PM Chair Holvey  
1:33:11 PM Mercer  
1:33:13 PM Harnisch  
1:33:14 PM Chair Holvey  
1:33:15 PM Vice-Chair Richardson  
1:33:45 PM Mercer  
1:33:46 PM Chair Holvey  
1:34:23 PM Mercer  
1:34:25 PM Chair Holvey  
1:34:56 PM Ty Schwoeffermann, resident, Portland, Oregon  
1:37:25 PM Chair Holvey  
1:37:30 PM {Exhibit} 2: Steve Buckstein, Cascade Policy Institute  
1:40:23 PM Chair Holvey  
1:40:34 PM Schoefferman  
1:40:43 PM Chair Holvey  
1:41:35 PM {Exhibit} 3: witness registration  
  
1:41:36 PM **HB 2823 - Public Hearing**  
1:41:40 PM Chair Holvey  
1:41:46 PM Bob Estabrook, Committee Administrator  
1:42:12 PM Chair Holvey  
1:42:56 PM {Exhibit} 4: Laurie Skillman, Land Development Manager, The State of Oregon Real Estate Agency  
  
1:50:23 PM Chair Holvey  
1:50:31 PM {Exhibit} 5: Karen Smith, Resort Resources, Inc.  
1:55:45 PM Chair Holvey  
1:56:26 PM David Schwindt, Certified Public Accountant  
1:57:13 PM Ron Balash, Oregon and Washington Community Association Managers  
1:57:54 PM Tim Martinez, Oregon Bankers Association; Independent Community Banks  
  
1:58:35 PM Chair Holvey  
1:58:41 PM Bob Estabrook, Committee Administrator  
1:58:43 PM Chair Holvey  
1:59:12 PM {Exhibit} 6: witness registration  
1:59:13 PM The following written testimony is submitted for the record without public testimony:  
1:59:14 PM {Exhibit} 7: David Tatman, Administrator, Division of Finance and Corporate Securities, Oregon Department of Consumer and Business Services  
1:59:15 PM {Exhibit} 8: Jack Wisemiller, Vice President, The Falls at Eagle Crest Homeowners Association  
1:59:16 PM {Exhibit} 9: Kathy Persing, President, Ridge at Eagle Crest Owners

Association

- 1:59:17 PM** {Exhibit} 10: Betty McKittrick, resident, Redmond, Oregon  
**1:59:18 PM** {Exhibit} 11: Curt Heimuller, President, Brasada Ranch Residential Owners; President, Running Y Ranch Residential Owners Association  
**1:59:19 PM** {Exhibit} 12: Don DaSaro, homeowner, Running Y Resort; director, Running Y Resort Homeowners Association  
**1:59:20 PM** {Exhibit} 13: Mike Bessonette, President, Eagle Crest Master Association

**1:59:21 PM** **HB 2667 - Work Session**

- 1:59:27 PM** Chair Holvey  
**1:59:30 PM** Bob Estabrook, Committee Administrator  
**2:00:07 PM** Chair Holvey  
**2:00:26 PM** MOTION: VICE-CHAIR LIVELY MOVES HB 2667 DO PASS AS AMENDED AND BE REFERRED TO WAYS AND MEANS BY PRIOR REFERENCE  
**2:00:46 PM** Chair Holvey  
**2:01:26 PM** VOTE: 9-0-0  
**2:01:27 PM** AYES: DOHERTY, JOHNSON, KENY-GUYER, SMITH, THATCHER, VEGA PEDERSON, LIVELY, RICHARDSON, HOLVEY  
**2:01:28 PM** Chair Holvey

**2:01:38 PM** **HB 2370 - Work Session**

- 2:01:47 PM** Chair Holvey  
**2:01:48 PM** Bob Estabrook, Committee Administrator  
**2:02:47 PM** Chair Holvey  
**2:02:50 PM** MOTION: VICE-CHAIR LIVELY MOVES HB 2370 DO PASS AS AMENDED AND BE REFERRED TO WAYS AND MEANS BY PRIOR REFERENCE  
**2:02:51 PM** VOTE: 8-1-0  
**2:02:52 PM** AYES: DOHERTY, KENY-GUYER, SMITH, THATCHER, VEGA PEDERSON, LIVELY, RICHARDSON, HOLVEY  
**2:02:53 PM** NAYS: JOHNSON  
**2:03:02 PM** Chair Holvey

**2:03:54 PM** **HB 2931 - Work Session**

- 2:03:57 PM** Chair Holvey  
**2:04:07 PM** Bob Estabrook, Committee Administrator  
**2:04:40 PM** Chair Holvey  
**2:04:41 PM** MOTION: VICE-CHAIR LIVELY MOVES HB 2931 AS AMDENDED AND BE REFERRED TO WAYS AND MEANS BY PRIOR REFERENCE  
**2:05:03 PM** Vice-Chair Richardson  
**2:05:45 PM** Chair Holvey  
**2:05:55 PM** Vice-Chair Richardson  
**2:05:56 PM** Chair Holvey  
**2:06:37 PM** Vice-Chair Richardson  
**2:06:55 PM** Chair Holvey

**2:08:07 PM** VOTE: 7-2-0  
**2:08:08 PM** AYES: DOHERTY, KENY-GUYER, SMITH, THATCHER, VEGA PEDERSON, LIVELY, HOLVEY  
**2:08:09 PM** NAYS: JOHNSON, RICHARDSON  
**2:08:10 PM** Chair Holvey

**2:08:20 PM** **HB 3160 - Work Session**  
**2:08:24 PM** Chair Holvey  
**2:08:28 PM** {Exhibit} 14: Bob Estabrook, Committee Administrator  
**2:09:16 PM** Chair Holvey  
**2:09:46 PM** David Sugerman, Co-Chair, Legislative Committee, Oregon Trial Lawyers Association  
**2:11:09 PM** Chair Holvey  
**2:11:19 PM** Sugerman  
**2:11:31 PM** Chair Holvey  
**2:11:32 PM** Sugerman  
**2:11:35 PM** Chair Holvey  
**2:11:37 PM** Patrick Allen, Director, Oregon Department of Consumer and Business Services  
**2:12:09 PM** Chair Holvey  
**2:12:32 PM** MOTION: VICE-CHAIR LIVELY MOVES TO ADOPT THE -2 AMENDMENTS  
**2:13:00 PM** VOTE: 9-0-0  
**2:13:01 PM** AYES: DOHERTY, JOHNSON, KENY-GUYER, SMITH, THATCHER, VEGA PEDERSON, LIVELY, RICHARDSON, HOLVEY  
**2:13:08 PM** {Exhibit} 15-16: Chair Holvey  
**2:13:44 PM** Estabrook  
**2:13:51 PM** Chair Holvey  
**2:14:34 PM** VOTE: 6-3-0  
**2:14:35 PM** AYES: DOHERTY, KENY-GUYER, VEGA PEDERSON, LIVELY, RICHARDSON, HOLVEY  
**2:14:36 PM** NAYS: JOHNSON, SMITH, THATCHER  
**2:14:37 PM** CARRIER: REP. HOLVEY WILL LEAD DISCUSSION ON THE FLOOR  
**2:14:42 PM** Chair Holvey

**2:15:13 PM** **HB 2929 - Work Session**  
**2:15:17 PM** Chair Holvey  
**2:15:29 PM** {Exhibit} 17: Bob Estabrook, Committee Administrator  
**2:16:36 PM** Chair Holvey  
**2:16:37 PM** MOTION: VICE-CHAIR MOVES TO ADOPT THE -2 AMENDMENTS  
**2:16:48 PM** Chair Holvey  
**2:17:01 PM** Rep. Keny-Guyer  
**2:17:08 PM** Chair Holvey  
**2:17:28 PM** VOTE: 9-0-0  
**2:17:29 PM** AYES: DOHERTY, JOHNSON, KENY-GUYER, SMITH, THATCHER, VEGA PEDERSON, LIVELY, RICHARDSON, HOLVEY

2:17:30 PM Chair Holvey

2:17:49 PM **HB 3172 - Public Hearing**

2:17:59 PM Chair Holvey

2:18:00 PM Bob Estabrook, Committee Administrator

2:18:24 PM {Exhibit} 18: Chair Holvey

2:19:15 PM Palmer Mason, Manager, Government Relations, Oregon Department of Environmental Quality

2:23:15 PM Mike Kucinski, Manager, On-site Septic System Program, Oregon Department of Environmental Quality

2:26:10 PM Chair Holvey

2:26:31 PM Kucinski

2:27:36 PM Mason

2:29:17 PM Chair Holvey

2:29:19 PM Rep. Johnson

2:29:34 PM Mason

2:29:37 PM Rep. Johnson

2:29:42 PM Mason

2:29:44 PM Rep. Johnson

2:30:08 PM Mason

2:31:05 PM Rep. Johnson

2:31:11 PM Mason

2:31:12 PM Rep. Johnson

2:31:19 PM Mason

2:31:55 PM Rep. Johnson

2:32:01 PM Mason

2:32:08 PM Chair Holvey

2:32:23 PM Kucinski

2:32:25 PM Chair Holvey

2:32:31 PM Vice-chair Richardson

2:32:57 PM Mason

2:33:06 PM Vice-Chair Richardson

2:33:13 PM Mason

2:33:18 PM Chair Holvey

2:33:55 PM {Exhibit} 19: Angela Crowley-Koch, Oregon Environmental Council

2:35:07 PM Chair Holvey

2:35:17 PM Rep. Johnson

2:35:33 PM Crowley-Koch

2:35:39 PM Chair Holvey

2:35:59 PM Shaun Jillions, Oregon Association of Realtors

2:38:26 PM Jon Chandler, Oregon Home Builders Association

2:39:08 PM Rep. Johnson

2:40:13 PM Jillions

2:41:07 PM Chair Holvey

2:41:27 PM Jillions

2:41:29 PM Chair Holvey

**2:41:32 PM** Rep. Doherty  
**2:41:42 PM** Chair Holvey  
**2:41:57 PM** Jillions  
**2:42:59 PM** Chair Holvey  
**2:43:43 PM** Estabrook  
**2:44:38 PM** {Exhibit} 20: Richard Litts, Monitoring Coordinator, Tenmile Lakes Basin Partnership  
**2:46:57 PM** Chair Holvey  
**2:47:09 PM** R. Litts  
**2:47:12 PM** Chair Holvey  
**2:47:13 PM** R. Litts  
**2:47:44 PM** Chair Holvey  
**2:47:49 PM** {Exhibit} 21: Frank Gray, resident, Lakeside, Oregon  
**2:49:09 PM** Chair Holvey  
**2:49:29 PM** Mackenzie Litts, resident, Lakeside, Oregon  
**2:50:26 PM** Chair Holvey  
**2:51:04 PM** John Reiss, resident, Lakeside, Oregon  
**2:52:02 PM** Chair Holvey  
**2:52:07 PM** {Exhibit} 22: Nick Workhoven, resident, Lakeside, Oregon  
**2:53:04 PM** Chair Holvey  
**2:53:10 PM** Wade Savik, resident, Lakeside, Oregon  
**2:53:57 PM** Chair Holvey  
**2:54:05 PM** Scott Jacobsen, Vice President, Tenmile Lake Association; resident, Lakeside, Oregon  
**2:54:57 PM** Chair Holvey  
**2:55:00 PM** {Exhibit} 23: witness registration  
**2:55:08 PM** The following written testimony is submitted for the record without public testimony:  
**2:55:09 PM** {Exhibit} 24: Peggy Lynch, League of Women Voters of Oregon  
**2:55:10 PM** {Exhibit} 25: John Huddle, resident, La Pine, Oregon  
**2:55:23 PM** Meeting Adjourned by Chair Holvey

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### **Exhibit Summary**

**1:27:15 PM** {Exhibit} 1: HB 3409, written testimony, Holly Mercer, 1 p  
**1:37:30 PM** {Exhibit} 2: HB 3409, written testimony, Steve Buckstein, 1 p  
**1:41:35 PM** {Exhibit} 3: HB 3409, witness registration, staff, 2 pp  
**1:42:56 PM** {Exhibit} 4: HB 2823, written testimony, Laurie Skillman, 6 pp  
**1:50:31 PM** {Exhibit} 5: HB 2823, written testimony, Karen Smith, 8 pp  
**1:59:12 PM** {Exhibit} 6: HB 2823, witness registration, staff, 1 p  
**1:59:14 PM** {Exhibit} 7: HB 2823, written testimony, David Tatman, 2 pp  
**1:59:15 PM** {Exhibit} 8: HB 2823, written testimony, Jack Wisemiller, 2 pp  
**1:59:16 PM** {Exhibit} 9: HB 2823, written testimony, Kathy Persing, 1 p

- 1:59:17 PM** {Exhibit} 10: HB 2823, written testimony, Betty McKittrick, 2 pp  
**1:59:18 PM** {Exhibit} 11: HB 2823, written testimony, Curt Heimuller, 1 p  
**1:59:19 PM** {Exhibit} 12: HB 2823, written testimony, Don DaSaro, 2 pp  
**1:59:20 PM** {Exhibit} 13: HB 2823, written testimony, Mike Bessonette, 2 pp  
**2:08:28 PM** {Exhibit} 14: HB 3160, -2 amendments, staff, 2 pp  
**2:13:08 PM** {Exhibit} 15: HB 3160, written testimony of Theodore Kulongoski, Chair  
Holvey, 1 p  
**2:13:08 PM** {Exhibit} 16: HB 3160, written information, Chair Holvey, 1 p  
**2:15:29 PM** {Exhibit} 17: HB 2929, -2 amendments, staff, 3 pp  
**2:18:24 PM** {Exhibit} 18: HB 3172, -1 amendments, Chair Holvey, 15 pp  
**2:33:55 PM** {Exhibit} 19: HB 3172, written testimony, Angela Crowley-Koch, 1 p  
**2:44:38 PM** {Exhibit} 20: HB 3172, written testimony, Richard Litts, 5 pp  
**2:47:49 PM** {Exhibit} 21: HB 3172, written testimony, Frank Gray, 1 p  
**2:52:07 PM** {Exhibit} 22: HB 3172, written testimony, Nick Workhoven, 1 p  
**2:55:00 PM** {Exhibit} 23: HB 3172, witness registration, staff, 2 pp  
**2:55:09 PM** {Exhibit} 24: HB 3172, written testimony, Peggy Lynch, 1 p  
**2:55:10 PM** {Exhibit} 25: HB 3172, written testimony, John Huddle, 1 p