



Testimony of Ted Case
Executive Director of Oregon Rural Electric Cooperative Association
February 21, 2017
Senate Committee on Judiciary

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee. For the record, I am Ted Case, the Executive Director of the Oregon Rural Electric Cooperative Association (ORECA). ORECA represents the state's 18 not-for-profit electric cooperatives that serve 206,000 meters in some of the most rural and remote parts of Oregon.

I appreciate the opportunity to offer testimony on SB 301. ORECA is concerned about any legislation that could compromise our ability to deliver reliable, safe and affordable electricity to nearly half a million Oregonians. Safety to our employees and the public is the top priority for Oregon electric cooperatives. As currently written, SB 301 does not fully address the possible impact to public safety or the safety of our employees.

Questions have been raised about the ambiguity in Section 1(a), with respect to "A bona fide occupational requirement." ORECA's counsel has stated, "It is not apparent what changing bona fide occupational *requirement* to bona fide occupational *qualification* actually means." Moreover, an argument can be made that nearly every position at an electric cooperative impacts public safety in some way, whether it's utility crews working with high-voltage lines, employees driving company vehicles or dispatchers directing crews working on live power lines.

Section 1(b) regarding, "The performance of work while impaired" also raises serious questions. As one electric cooperative CEO observed, "How does an employer know where 'impaired' starts?" Unlike alcohol, there is no comparable test for marijuana impairment. Until a reliable method of detecting impairment is put in place, we are dubious of any provision that potentially compromises safety in one of the most dangerous industries in the United States.

Oregon's electric cooperatives already have established policies to protect the safety of our members the public, and our employees. We remain vigilant about these policies because as another Oregon electric cooperative CEO stated, "You don't get second chances in our business. With electricity, we have to be right 100 percent of the time." For the reasons above, we urge the Committee to oppose SB 301.

Thank you for the opportunity to offer testimony.