

# HOUSE COMMITTEE ON BUSINESS & LABOR

## TAPE LOG

March 12, 2007 Hearing Room D  
3:00 P.M. Tapes 43 - 45

**MEMBERS PRESENT:** Rep. Mike Schaufler, Chair  
Rep. Paul Holvey, Vice-Chair  
Rep. Vicki Berger  
Rep. Chris Edwards  
Rep. Diane Rosenbaum  
Rep. Patti Smith

**MEMBER EXCUSED:** Rep. Sal Esquivel, Vice-Chair

**STAFF PRESENT:** Theresa Van Winkle, Committee Administrator  
Kristen Miller, Committee Assistant

**MEASURES/ISSUES HEARD:**

HB 2223 – Work Session  
HB 2538 – Work Session  
HB 2538 – Public Hearing  
HB 2754 – Public Hearing  
HB 2223 – Work Session  
HB 2754 – Public Hearing

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

| TAPE #                        | COUNTER | BRIEF DESCRIPTION OF SUBJECT MATTER                                                                                                    |
|-------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------|
| AND SIDE                      | NUMBER  | OR CHANGE IN SPEAKER                                                                                                                   |
| 43A                           | 002     | Chair Schaufler calls the meeting to order at 3:02 p.m.                                                                                |
| <u>HB 2223 – WORK SESSION</u> |         |                                                                                                                                        |
|                               | 014     | Chair Schaufler                                                                                                                        |
|                               | 016     | Theresa Van Winkle, Administrator                                                                                                      |
|                               | 017     | Michael Wood, Administrator, Oregon Occupational Safety and Health Administration, Department of Consumer and Business Services (DCBS) |
|                               | 029     | Rep. Berger                                                                                                                            |
|                               | 031     | Wood                                                                                                                                   |
|                               | 034     | Chair Schaufler                                                                                                                        |
|                               | 037     | <b>MOTION: Rep. Holvey moves to ADOPT HB 2223-1 amendments dated 03/07/07. (EXHIBIT A)</b>                                             |
|                               | 039     | <b>VOTE: 6-0-1</b><br><b>EXCUSED: 1 - Rep. Esquivel</b>                                                                                |
| 43A                           | 040     | Chair Schaufler hearing no objection, declares the motion <b>CARRIED.</b>                                                              |
|                               | 042     | <b>MOTION: Rep. Holvey moves HB 2223 to the floor with a DO PASS AS AMENDED recommendation.</b>                                        |
|                               | 044     | <b>VOTE: 6-0-1</b><br><b>AYE: In a roll call vote, all members present vote Aye.</b><br><b>EXCUSED: 1 - Rep. Esquivel</b>              |

045 Chair Schaufler hearing no objections, declares the motion  
**CARRIED.**  
046 **MOTION:** Rep. P. Smith moves HB 2223 be placed on the  
**CONSENT CALENDAR.**  
047 **VOTE: 6-0-1**  
**EXCUSED: 1 - Rep. Esquivel**  
048 Chair Schaufler, hearing no objection, declares the motion  
**CARRIED.**

**The following prepared testimony is submitted for the record without public testimony:**

J.L. Wilson, National Federation of Independent Business  
Oregon (NFIB-Oregon) **(EXHIBIT B)**  
Chair Schaufler

049

**HB 2538 – PUBLIC HEARING**

050 Chair Schaufler  
052 Theresa Van Winkle, Administrator  
059 Chair Schaufler  
063 Chair Schaufler  
065 Mike Snyder, Administrator, Oregon Landscape Contractors  
Board (OLCB)  
077 Chair Schaufler  
080 Rep. Berger  
085 Snyder  
100 Rep. Berger  
105 Snyder  
118 Rep. Holvey  
127 Snyder  
139 Rep. Holvey  
140 Rep. Berger  
143 Snyder  
145 Rep. Berger  
148 Snyder  
149 Chair Schaufler  
150 Rep. P. Smith  
154 Snyder  
166 Rep. Holvey  
169 Snyder  
195 Holvey  
197 Snyder  
198 Rep. C. Edwards  
209 Snyder  
246 Rep. C. Edwards  
258 Snyder  
275 Chair Schaufler  
289 Joe Lymp, Deschutes Environmental Services, Sun River, and  
Oregon Landscape Contractors Association (OLCA) **(EXHIBIT**  
**C)**  
300 Lymp  
325 Lymp  
350 Lymp  
371 Patrick Griffiths, City of Bend Water Resource Coordinator,

43A

|            |     |                                                                                                         |
|------------|-----|---------------------------------------------------------------------------------------------------------|
|            |     | Oregon Landscape Contractors Board ( <b>EXHIBITS D - I</b> )                                            |
|            | 400 | Griffiths                                                                                               |
|            | 425 | Griffiths                                                                                               |
|            | 438 | Chair Schaufler                                                                                         |
|            | 444 | Bill Schumachor, Spring Time Landscape, Central Oregon                                                  |
|            | 450 | Schumachor                                                                                              |
|            | 475 | Schumachor                                                                                              |
|            | 480 | Chair Schaufler                                                                                         |
| <b>44A</b> | 017 | Bob Aitken, Sister Scapes Landscape, Central Oregon, Oregon<br>Landscape Contractors Association (OLCA) |
|            | 025 | Aitken                                                                                                  |
|            | 028 | Rep. Berger                                                                                             |
|            | 031 | Aitken                                                                                                  |
|            | 034 | Rep. Berger                                                                                             |
|            | 036 | Aitken                                                                                                  |
|            | 038 | Rep. Berger                                                                                             |
|            | 039 | Aitken                                                                                                  |
|            | 040 | Chair Schaufler                                                                                         |
|            | 041 | Rep. P. Smith                                                                                           |
|            | 043 | Chair Schaufler                                                                                         |
|            | 051 | Wes Butler, Landscape Contractor, Silverton                                                             |
|            | 069 | Peter Padilla, Owner, Padilla Farms Hydro Seeding ( <b>EXHIBIT<br/>J</b> )                              |
|            | 075 | Padilla                                                                                                 |
|            | 100 | Padilla                                                                                                 |
|            | 110 | Chair Schaufler                                                                                         |
| <b>44A</b> | 113 | Rep. Berger                                                                                             |
|            | 116 | Butler                                                                                                  |
|            | 130 | Padilla                                                                                                 |
|            | 137 | Rep. Holvey                                                                                             |
|            | 155 | Chair Schaufler                                                                                         |
|            | 157 | Padilla                                                                                                 |
|            | 164 | Jill Hoyenga, Water Management Specialist, Eugene Water &<br>Electric Board (EWEB) ( <b>EXHIBIT K</b> ) |
|            | 180 | Hoyenga                                                                                                 |
|            | 200 | Hoyenga                                                                                                 |
|            | 225 | Hoyenga                                                                                                 |
|            | 230 | Jamison Ulibarri, Owner, Sonlight Landscapes                                                            |
|            | 250 | Ulibarri                                                                                                |
|            | 262 | Chair Schaufler                                                                                         |
|            | 267 | Ulibarri                                                                                                |
|            | 278 | Chair Schaufler                                                                                         |
|            | 282 | Ulibarri                                                                                                |
|            | 284 | Chair Schaufler                                                                                         |
|            | 292 | Judi Ranton, Conservation Program Manager, Portland Water<br>Bureau ( <b>EXHIBITS L &amp; M</b> )       |
|            | 300 | Ranton                                                                                                  |
|            | 325 | Ranton                                                                                                  |
|            | 335 | Dave Sedlack, Landscape Architect, Salem                                                                |
|            | 340 | Sedlack                                                                                                 |

|            |     |                                                                                                |
|------------|-----|------------------------------------------------------------------------------------------------|
|            | 363 | Mike Shrock, Owner, Living Color Landscape                                                     |
|            | 380 | Shrock                                                                                         |
|            | 398 | Chair Schaufler                                                                                |
|            | 418 | John Stone, President, Oregon Landscape Contractors Association (OLCA) <b>(EXHIBITS N - P)</b> |
|            | 430 | Stone                                                                                          |
|            | 432 | Chair Schaufler                                                                                |
|            | 448 | Matt Triplett, Chair, OLCB                                                                     |
|            | 462 | Kory Knutz, Contractor, Valley Green Landscape                                                 |
|            | 479 | Knutz                                                                                          |
| <b>43B</b> | 018 | Knutz                                                                                          |
|            | 025 | Knutz                                                                                          |
|            | 050 | Knutz                                                                                          |
|            | 052 | Chair Schaufler                                                                                |
|            | 060 | Daniel Mems, Landscape Maintenance Contractor, Oregon                                          |
| <b>43B</b> | 080 | Mems                                                                                           |
|            | 101 | Chair Schaufler                                                                                |
|            | 117 | Jeff Stevenson, Owner, JSI Landscapes                                                          |
|            | 125 | Stevenson                                                                                      |
|            | 134 | Kevin Chandler, Owner, Autumn Leaf Landscaping                                                 |
|            | 153 | Rick Martinson, Owner, WinterCreek Restoration                                                 |
|            | 160 | Martinson                                                                                      |

**The following prepared testimony is submitted for the record without public testimony:**

Amy Whitworth, Association of Professional Landscape Designers Oregon **(EXHIBIT Q)**  
Paul Taylor, Association of Northwest Landscape Designers (ANLD) **(EXHIBIT R)**  
Chair Schaufler

173

**HB 2754 – PUBLIC HEARING**

177

Chair Schaufler

178

Theresa Van Winkle, Administrator

184

Chair Schaufler

**HB 2223 - WORK SESSION**

188

**MOTION: Rep. Holvey moves to SUSPEND the rules for the purpose of allowing Rep. Rosenbaum to cast a vote on HB 2223.**

190

**VOTE: 6-0-1**

192

**EXCUSED: 1 - Rep. Esquivel**

**Chair Schaufler, hearing no objections, declares the motion CARRIED.**

194

Chair Schaufler

**HB 2754 – PUBLIC HEARING**

205

Chair Schaufler

210

Mari Ann Gest, Representative, Oregon School Employees Association (OSEA) **(EXHIBIT S)**

218

Merlene Martin, President, OSEA **(EXHIBIT T)**

225

Martin

249

Victor Musial, Director Field Operations, OSEA **(EXHIBIT U)**

275

Musial

300

Musial

325

Musial

|            |     |                                                                                                                                                                                                                     |
|------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | 343 | Gest                                                                                                                                                                                                                |
|            | 348 | Chair Schaufler                                                                                                                                                                                                     |
|            | 357 | Gordon Lafer, Professor, Labor, Education and Research Center ,<br>University of Oregon <b>(EXHIBITS V &amp; W)</b>                                                                                                 |
| <b>43B</b> | 375 | Lafer                                                                                                                                                                                                               |
|            | 400 | Lafer                                                                                                                                                                                                               |
|            | 425 | Lafer                                                                                                                                                                                                               |
|            | 450 | Lafer                                                                                                                                                                                                               |
|            | 475 | Lafer                                                                                                                                                                                                               |
| <b>44B</b> | 480 | Lafer                                                                                                                                                                                                               |
|            | 018 | Lafer                                                                                                                                                                                                               |
|            | 025 | Lafer                                                                                                                                                                                                               |
|            | 045 | Bob Bussel, Associate Professor, Director, Labor, Education and<br>Research Center, University of Oregon <b>(EXHIBIT X)</b>                                                                                         |
|            | 060 | Bussel                                                                                                                                                                                                              |
|            | 075 | Bussel                                                                                                                                                                                                              |
|            | 100 | Bussel                                                                                                                                                                                                              |
|            | 125 | Bussel                                                                                                                                                                                                              |
|            | 141 | Luukia Smith, President, Classified Employees Local, Vice<br>President, California Confederation of Teachers, Member, Public<br>Policy Committee, American Confederation of Teachers<br><b>(EXHIBITS Y &amp; Z)</b> |
|            | 160 | Smith                                                                                                                                                                                                               |
|            | 180 | Smith                                                                                                                                                                                                               |
|            | 215 | Smith                                                                                                                                                                                                               |
|            | 216 | Chair Schaufler                                                                                                                                                                                                     |
|            | 225 | Rob Wagner, Director of Political and Legislative Affairs,<br>American Federation of Teachers - Oregon                                                                                                              |
|            | 229 | Chair Schaufler                                                                                                                                                                                                     |
|            | 232 | Mark Schwebke, President, American Federation of Teachers -<br>Oregon <b>(EXHIBIT AA)</b>                                                                                                                           |
|            | 250 | Schwebke                                                                                                                                                                                                            |
|            | 275 | Schwebke                                                                                                                                                                                                            |
|            | 278 | Duke Shepard, Political Director, American Federation of Labor-<br>Congress of Industrial Organizations (AFL-CIO)                                                                                                   |
|            | 291 | James Waters, Representative, Hillsboro Classified United AFT<br>Local 4671 <b>(EXHIBIT BB)</b>                                                                                                                     |
|            | 300 | Waters                                                                                                                                                                                                              |
|            | 325 | Waters                                                                                                                                                                                                              |
|            | 348 | Chair Schaufler                                                                                                                                                                                                     |
|            | 350 | Rep. Holvey                                                                                                                                                                                                         |
|            | 365 | Chair Schaufler                                                                                                                                                                                                     |
|            | 375 | Chair Schaufler                                                                                                                                                                                                     |
|            | 378 | Bob Baldwin, President, Lane Community College Employees<br>Federation                                                                                                                                              |
| <b>44B</b> | 390 | Baldwin                                                                                                                                                                                                             |
|            | 400 | Baldwin                                                                                                                                                                                                             |
|            | 420 | Baldwin                                                                                                                                                                                                             |
|            | 425 | Chuck Bledsoe, Head Custodian, Century High School<br><b>(EXHIBIT CC)</b>                                                                                                                                           |
|            | 450 | Bledsoe                                                                                                                                                                                                             |

|            |     |                                                            |
|------------|-----|------------------------------------------------------------|
|            | 475 | Bledsoe                                                    |
|            | 480 | Bledsoe                                                    |
|            | 481 | Chair Schaufler                                            |
| <b>45A</b> | 010 | Chair Schaufler                                            |
|            | 025 | Chair Schaufler                                            |
|            | 030 | Rep. Rosenbaum                                             |
|            | 034 | Chair Schaufler                                            |
|            | 039 | Steven Arroyo, Executive Director, Oregon School Employees |
|            | 044 | Chair Schaufler                                            |

**The following prepared testimony is submitted for the record without public testimony:**

Lila Young, Hillsboro Classified United Local 4671 (**EXHIBIT DD**)

Lucia Barnett, President, Portland Community College Federation of Classified Employees (**EXHIBIT EE**)

046 Chair Schaufler adjourns the meeting at 5:09 p.m.

## **EXHIBIT SUMMARY**

- A. **HB 2223, -1 amendment, staff, 1 p**
- B. **HB 2223, written testimony, J.L. Wilson, 1 p**
- C. **HB 2538, written testimony, Joe Lymp, 2 pp**
- D. **HB 2538, written testimony, Patrick Griffiths, 2 pp**
- E. **HB 2538, prepared information, Patrick Griffiths, 4 pp**
- F. **HB 2538, prepared information, Patrick Griffiths, 1 p**
- G. **HB 2538, prepared information, Patrick Griffiths, 1 p**
- H. **HB 2538, prepared information, Patrick Griffiths, 2 pp**
- I. **HB 2538, prepared information, Patrick Griffiths, 36 pp**
- J. **HB 2538, prepared information, Peter Padilla, 1 p**
- K. **HB 2538, written testimony, Jill Hoyenga, 1 p**
- L. **HB 2538, written testimony, Judi Ranton, 1 p**
- M. **HB 2538, prepared information, Judi Ranton, 2 pp**
- N. **HB 2538, prepared information, John Stone, 16 pp**
- O. **HB 2538, prepared information, John Stone, 15 pp**
- P. **HB 2538, prepared information, John Stone, 18 pp**
- Q. **HB 2538, written testimony, Amy Whitworth, 1 p**
- R. **HB 2538, written testimony, Paul Taylor, 1 p**
- S. **HB 2754, written testimony, Mari Anne Gest, 3 pp**
- T. **HB 2754, written testimony, Marlene Martin, 1 p**
- U. **HB 2754, written testimony, Victor Musial, 3 pp**
- V. **HB 2754, prepared report, Gordon Lafer, 51 pp**
- W. **HB 2754, written testimony, Gordon Lafer, 6 pp**
- X. **HB 2754, written testimony, Bob Bussel, 6 pp**
- Y. **HB 2754, written testimony, Luukia Smith, 5 pp**
- Z. **HB 2754, prepared information, Luukia Smith, 7 pp**
- AA. **HB 2754, written testimony, Mark Schwebke, 2 pp**
- AB. **HB 2754, written testimony, James Waters, 1 p**
- AC. **HB 2754, prepared information, Chuck Bledsoe, 1 p**
- AD. **HB 2754, prepared information, Lila Young, 2 pp**
- AE. **HB 2754, prepared information, Lucia Barnett, 1 p**