

HOUSE COMMITTEE ON
BUSINESS, LABOR, AND CONSUMER AFFAIRS

April 13, 2005 Hearing Room B

9:00 A.M. Tapes 87 - 89

Corrected 09/28/05

MEMBERS PRESENT: Rep. Alan Brown, Chair

Rep. Sal Esquivel, Vice-Chair

Rep. Mike Schaufler, Vice-Chair

Rep. Paul Holvey

Rep. George Gilman

Rep. Derrick Kitts

Rep. Chip Shields

STAFF PRESENT: Janet Adkins, Committee Administrator

Katie Howard, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2717 – Work Session

HB 3273 – Public Hearing and Work Session

HB 3016 – Public Hearing and Work Session

HB 3304 – Public Hearing and Work Session

HB 3356 – Public Hearing

HB 3092 – Public Hearing

HB 3094 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 87, A

003	Chair Brown	Calls the meeting to order at 8:37 a.m. Opens work session on HB 2717.
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HB 2717 – WORK SESSION

006	Janet Adkins	Committee Administrator. Explains HB 2717. References the fiscal impact statement (EXHIBIT A).
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035	Rep. Shaufler	MOTION: Moves HB 2717 to the floor with a DO PASS AS AMENDED recommendation.
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038		VOTE: 5-0-2
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AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Esquivel, Kitts

(Note: See Tape 87, A at 220 and page 3 of these minutes for Rep. Esquivel and Rep. Kitts' votes.)

	Chair Brown	The motion CARRIES.
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REP. HOLVEY will lead discussion on the floor.

044	Chair Brown	Closes work session on HB 2717 and opens public hearing on HB 3273.
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HB 3273 – PUBLIC HEARING

047	Janet Adkins	Committee Administrator. Explains HB 3273. Submits the -1 amendments (EXHIBIT B).
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070	Jerod Broadfoot	
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Plumbing and Mechanical Contractors Association. Wants to amend the period in which a person can reapply for a plumbing or mechanical license. States that there is no known opposition to HB 3273.

093	Rep. Holvey	States that it appears that the medical gas installation provisions are being repealed.
096	Broadfoot	Defers to Mark Long. Believes it is a technical change.
101	Mark Long	Building Codes Division. Explains the repealed section. Asks if that explanation helps.
112	Rep. Holvey	Replies yes.
113	Broadfoot	Comments on the repealed section.
120	Rep. Gilman	States that his amendments say 3272. Verifies that they should be 3273.
123	Adkins	States that these are the wrong amendments. Advises Chair Brown to hold HB 3273.
134	Chair Brown	Recesses public hearing on HB 3273 and opens public hearing on HB 3016.

HB 3016 – PUBLIC HEARING

145	Janet Adkins	Committee Administrator. Gives overview of HB 3016.
169	Jerod Broadfoot	Plumbing and Mechanical Contractors Association. States that there are no amendments to HB 3016. Explains HB 3016.
180	Rep. Schaulfer	Verifies that this is not an encouragement to raise fees.
181	Broadfoot	Confirms this and clarifies.
194	Bill Cross	Oregon Building Officials Association. Speaks in support of HB 3016.

203 Chair Brown Closes public hearing on HB 3016 and opens work session on HB 3016.

HB 3016 – WORK SESSION

205 Rep. Gilman **MOTION: Moves HB 3016 to the floor with a DO PASS recommendation.**

VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Brown The motion CARRIES.

210 Rep. Gilman **MOTION: Moves HB 3016 be placed on the CONSENT CALENDAR.**

211 **VOTE: 7-0-0**

Chair Brown Hearing no objection, declares the motion CARRIED.

215 Chair Brown Asks if the amendments for HB 3273 are ready.

216 Janet Adkins Committee Administrator. Replies that they are not ready yet.

217 Chair Brown Closes work session on HB 3016 and re-opens work session on HB 2717.

HB 2717 – WORK SESSION

219 Rep. Schaufler **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KITTS AND REP. ESQUIVEL to BE RECORDED as voting AYE on the motion to move HB 2717 to the floor with a DO PASS AS AMENDED recommendation.**

220 **VOTE: 7-0-0**

Chair Brown Hearing no objection, declares the motion CARRIED.

222

VOTE: 7-0-0

(Note: See Tape 87, A at 038 and page 1 of these minutes for the original vote.)

223

Chair Brown

Closes work session on HB 2717 and opens public hearing on HB 3304.

HB 3304 – PUBLIC HEARING

230

Janet Adkins

Committee Administrator. Explains HB 3304. Submits and explains the -1 amendments (**EXHIBIT D**) and the -2 amendments (**EXHIBIT E**).

269

Jerod Broadfoot

National Electrical Contractors Association. Speaks in support of HB 3304. Supports the -1 and the -2 amendments.

289

Greg Miller

Associated General Contractors. Speaks in support of HB 3304.

300

Mark Landauer

Office of Government Relations, City of Portland. Introduces Hank McDonald. Submits written testimony in support of HB 3304 (**EXHIBIT F**).

307

Hank McDonald

City Business Official, Bureau of Development Services, City of Portland. Submits and summarizes written testimony in support of HB 3304 (**EXHIBIT G**).

376

McDonald

Explains the -2 amendments.

380

McDonald

Explains the -1 amendments.

390

Rep. Holvey

Says that inspection programs have not been mentioned, yet it is a part of HB 3304. Asks witness about alternate inspection programs.

405

McDonald

Replies they have some programs that are addressing inspection. Discusses the inspection process. Discusses consistency.

419

Rep. Holvey

Asks if the alternate programs would apply to all contractors evenly.

TAPE 88, A

001	McDonald	Says that the alternate programs are voluntary. States that the inspections are the same regardless of the type of program. Discusses requirements for an inspection. Explains the basic program and the alternate program.
012	Rep. Holvey	Verifies that everyone is going to go through the same inspections given the type of work they are doing.
015	McDonald	Confirms this. States that this is a basic requirement of state statute and they will continue to do it.
021	Bill Cross	Oregon Building Officials Association, Building Owners and Managers Association and the League of Oregon Cities. Speaks in support of HB 3304 with the -1 and -2 amendments.
042	Steven Kafoury	Oregon Remodelers Association. Talks about the advances that the City of Portland has made in streamlining the building permit process. Speaks in support of HB 3304.
055	Chair Brown	Closes public hearing on HB 3304 and opens work session on HB 3304.

HB 3304 – WORK SESSION

060	Rep. Esquivel	Requests information from the City of Portland.
064	Chair Brown	States that representatives from the City of Portland are nodding their heads.
065	Rep. Esquivel	MOTION: Moves to ADOPT HB 3304-1 amendments dated 04/11/05.
066		VOTE: 6-0-1 EXCUSED: 1 - Kitts
	Chair Brown	Hearing no objection, declares the motion CARRIED.
067	Rep. Esquivel	MOTION: Moves to ADOPT HB 3304-2 amendments dated 04/11/05.

068 Janet Adkins Committee Administrator. States that Legislative Counsel (LC) reports that it will not create a conflict to combine the -1 and the -2 amendments.

069 **VOTE: 6-0-1**

EXCUSED: 1 - Kitts

Chair Brown Hearing no objection, declares the motion CARRIED.

070 **Rep. Esquivel MOTION: Moves HB 3304 to the floor with a DO PASS AS AMENDED recommendation.**

071 **VOTE: 6-0-1**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Kitts

Chair Brown The motion CARRIES.

REP. SCHAUFLEER will lead discussion on the floor.

090 Chair Brown Closes work session on HB 3304 and opens work session on HB 3273.

HB 3273 – WORK SESSION

090 Janet Adkins Committee Administrator. Explains the -1 amendments to HB 3273.

095 Jerod Broadfoot Plumbing and Mechanical Contractors Association. Responds to Rep. Holvey's earlier question about the repeal of the medical gas installation provisions in the -1 amendments. Talks about the technical need for the change to the amendment.

105 **Rep. Esquivel MOTION: Moves to ADOPT HB 3273-1 amendments dated 04/06/05.**

106 **VOTE: 6-0-1**

EXCUSED: 1 – Kitts

	Chair Brown	Hearing no objection, declares the motion CARRIED.
107	Rep. Esquivel	MOTION: Moves HB 3273 to the floor with a DO PASS AS AMENDED recommendation.
108		VOTE: 6-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Kitts
		(Note: See Tape 89, A at 185 and page 8 of these minutes for Rep. Kitts' vote.)
	Chair Brown	The motion CARRIES.
		REP. GILMAN will lead discussion on the floor.
115	Chair Brown	Closes work session on HB 3304 and opens public hearing on HB 3356.

HB 3356 – PUBLIC HEARING

116	Janet Adkins	Committee Administrator. States that HB 3356 was sponsored by Rep. Tom Butler. Gives overview of HB 3356. Submits and explains the -1 amendments (EXHIBIT H) and the -2 amendments (EXHIBIT I).
150	Jon Stubenvoll	Communications Director, Oregon Liquor Control Commission. Submits written testimony of Dan Floyd (EXHIBIT J). Gives background information on HB 3356 as originally drafted. Discusses the Responsible Vendor Program.
180	Stubenvoll	Explains the -2 amendments.
188	Rep. Gilman	Asks Mr. Stubenvoll to go through his testimony again.
190	Stubenvoll	Discusses the effect of the -2 amendments.
207	Rep. Gary Hansen	Represents House District 44. Speaks in opposition to the -1 amendments. Discusses:

- Alcohol impact areas
- Juvenile drinking in relation to street drinking
- Street drinking in Saint Johns, Oregon and impact of the exemptions made by the Responsible Vendors Program (RVP)

States that he has no opposition to the remainder of the bill.

277	Chair Brown	Asks if Rep. Hansen supports the -2 amendments. Verifies that he is in opposition to the -1 amendments.
280	Rep. Hansen	States that he is in opposition to the amendments brought forth by the Grocer's Association. Reads portion of the amendments which he is opposed to.
287	Rep. Schaufler	Asks about the connection between a vendor in the RVP and people in the street who are not being responsible.
297	Rep. Hansen	States that it is legal to sell alcohol to an adult and it is difficult to know if a person is going to drink responsibly. Remarks that sales of certain types of alcohol can be restricted in an alcohol impact area and gives examples. Remarks that does not reflect on how well they are able to keep alcohol out of the hands of minors.
317	Rep. Schaufler	Verifies that the -1 amendments would allow vendors to sell certain kinds of alcohol and currently they are not able to.
319	Rep. Hansen	Responds.
334	Rep. Tom Butler	Represents House District 60. Speaks in support of HB 3356. Talks about the history of the RVP. Notes the requirements to enter the RVP and the continuing education requirements. Mentions the benefits of the RVP and how the employees are trained by vendors in the RVP.
394	Rep. Butler	Talks about technology that helps ensure that alcohol is being sold only to those over the age of 21. Believes that HB 3356 can be made to include possible exemptions for the alcohol impact zones.

TAPE 87, B

004	Rep. Butler	Talks about the RVP. Encourages committee to work with the Oregon Grocery Association.
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015	Rep. Schaufler	Asks if Rep. Butler is in support of allowing the city to have alcohol impact areas combined with the RVP.
021	Rep. Butler	Says that he would be supportive of a discussion that would allow the RVP to administer a program that would be responsive to the needs of every community. Shares the concern that businesses that have participated in the RVP will lose their ability to be a part of the program.
035	Joe Gilliam	Director, Oregon Grocers Association. Submits written testimony in support of HB 3356 (EXHIBIT K). States that the -1 amendments were not requested by the Oregon Grocer's Association. Discusses the RVP. Discusses submitted testimony.
114	Rep. Schaufler	Asks if members of the RVP would be willing to restrict sales on certain types of alcohol in alcohol impact areas. Talks about living in northwest Portland.
122	Gilliam	Discusses position of members of the RVP. Provides examples.
146	Rep. Schaufler	Asks for witness to provide numbers and evidence of numbers of clients who are accepting these voluntary restrictions relative to those who are not.
149	Gilliam	Offers to provide the information. Makes closing remarks.
164	Steve Lanning	Political Director, Oregon AFL-CIO. Submits written testimony (EXHIBIT L). States support of HB 3356 as currently written with the -2 amendments. States opposition to the -1 amendments. Discusses previous legislation on this issue (2001). Testifies in support of HB 3356. Discusses penalties currently in place for selling alcohol to minors. Encourages committee to move forward with or without the -2 amendments.
210	Steve Kanopa	United Food and Commercial Workers. Testifies in support of HB 3356. States lack of support for the -1 amendments. Discusses sale of alcohol to minors.
225	Bill Perry	Oregon Restaurant Association. Talks about the on premise and off premise markets. Discusses training done at restaurants for the sale of alcohol. Discusses the RVP.
295	Jim Hayden	

Neighborhood District Attorney, Multnomah County District Attorney's Office.

300	Cliff Madison	Commander of North Precinct, Portland Police Bureau.
310	John Laws	Investigator, City of Portland. States opposition to the -1 amendments and gives specifics. Says that the RVP is a great program. References the ORS that prevents selling to visibly intoxicated individuals. Discusses difference between street drinking and selling alcohol to minors.
364	Laws	Talks about the types of alcohol that are marketed to people who are drinking to get intoxicated. Says that product restrictions will work only if the vendors all restrict the product.
416	Hayden	Speaks in opposition to HB 3356. Talks about how the grocery industry does not want to be a part of the alcohol impact areas.

TAPE 88, B

002	Hayden	Explains the process regarding alcohol impact area. Wants a full public hearing with the Oregon Liquor Control Commission. Sees the -1 amendments as a way for grocery stores to be exempt from the alcohol impact areas. Discusses solution implemented by the Plaid Pantry.
045	Rep. Kitts	Asks how street drinkers were identified by the Plaid Pantry.
046	Hayden	Replies they did it on their own.
047	Rep. Kitts	Asks how they did it on their own.
048	Hayden	Responds. States opposition to the -1 amendments.
068	Rep. Esquivel	Asks how large the Saint Johns Area is.
070	Hayden	Responds.
074	Rep. Esquivel	Asks if they have laws against drinking in public.

075	Hayden	Replies yes.
076	Rep. Esquivel	Asks why the solution isn't to saturate the area with police in order to administer the law.
079	Madison	Says that the police are trying to deal with the problem, but there are not enough police.
090	Hayden	States that street drinkers do not always have open containers and indicates the problems associated with public drinkers and chronic inebriation. Mentions similar legislation in the cities of Tacoma and Seattle. Notes the savings to the public and the increased quality of life. Talks about how they embrace community policing.
123	Madison	Makes remarks about the community of Saint Johns.
131	Rep. Esquivel	Comments on laws. Verifies that there is an ordinance in place which prohibits drunkenness in public.
133	Hayden	Replies that there is no ordinance against being drunk in public. Explains that it is only if someone is not able to care for themselves.
137	Rep Esquivel	Verifies that the witness would take a visibly drunk person to a detoxification center.
138	Hayden	States that police do only if they are in such a state that they cannot care for themselves.
139	Rep. Esquivel	Asks who determines that.
140	Madison	Replies the officer.
141	Rep. Esquivel	Verifies that witnesses are saying that they don't have enough resources. Asks about priorities.
142	Madison	Responds.
154	Laws	Reads statistics about incidents where the police had to respond to situations where alcohol was involved. Talks about the difficulty with transient individuals who are a part of the problem but not the only

problem. Says that the Alcohol Impact Area is the best way to respond to problems. Talks about how other businesses in the area are suffering.

198 Chair Brown Closes the public hearing on HB 3356. Opens the public hearing on HB 3092.

HB 3092 – PUBLIC HEARING

206 Janet Adkins Committee Administrator. Explains HB 3092.

223 JL Wilson Oregon Association of Plumbing-Heating-Cooling Contractors, Inc. Submits and discusses written testimony in support of HB 3092 **(EXHIBIT M)**.

264 Jay Hansen C.J. Hansen Co., Inc., Salem. Speaks in support of HB 3092. Says that time impacts the construction process. States that HB 3092 will help the construction industry's bottom line.

290 John Egge Majority stock holder and CEO, plumbing firm in Metro-Portland area. Testifies in support of HB 3092.

322 Curt Cheever Roto-Rooter. Testifies in support of HB 3092. Relates an anecdote.

350 Rep. Esquivel Talks about different interpretations of the rules by engineers and architects and says that plumbing and electrical needs to be streamlined.

374 Rep. Kitts Makes comments.

379 Rep. Schaufler Conveys personal story. S peaks in support of HB 3092.

TAPE 89, A

014 Rep. Holvey References line 27 on page one of HB 3092. Shares his concern with the language.

045 Wilson States willingness to work with Rep. Holvey. Discusses changes that will be proposed.

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| 060 | Bill Cross | Oregon Building Officials Association. Submits written testimony in opposition to HB 3092 (EXHIBIT N). Discusses concerns with HB 3092. States that the League of Oregon Cities is in opposition to HB 3092 as currently drafted. |
| 149 | Libby Henry | Eugene Water and Electric Board. Discusses concerns with HB 3092. Submits and reads written testimony on behalf of Kelly S. Brooks, City of Eugene (EXHIBIT O). |
| 172 | Cross | Talks about what the code requires that are also reviewed and are city and county requirements. |
| 183 | Chair Brown | Closes public hearing on HB 3092 and re-opens work session on HB 3273. |

HB 3273 – WORK SESSION

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| 184 | Rep. Schaufler | MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KITTS to BE RECORDED as voting AYE on the motion to move HB 3273 to the floor with a DO PASS AS AMENDED recommendation. |
| 185 | | VOTE: 6-0-1

EXCUSED: 1 - Gilman |
| | Chair Brown | Hearing no objection, declares the motion CARRIED. |
| 190 | | VOTE: 7-0-0

(Note: See Tape 88, A at 108 and page 5 of these minutes for the original vote.) |
| | Chair Brown | The motion CARRIES.

REP. GILMAN will lead discussion on the floor. |
| 200 | Chair Brown | Closes work session on HB 3273 and opens public hearing on HB 3094. |

HB 3094 – PUBLIC HEARING

197	Janet Adkins	Committee Administrator. Explains HB 3094.
207	JL Wilson	Oregon Association of Plumbing-Heating-Cooling Contractors, Inc. Submits written testimony in support of HB 3094 (EXHIBIT P) . Testifies in support of HB 3094.
237	John Egge	Majority stock holder and CEO, plumbing firm in Metro-Portland area. Testifies in support of HB 3094.
280	Curt Cheever	Roto-Rooter. Says that many three generational plumbing families cannot get their family member into the journeyman apprenticeship programs.
305	Stephen Simms	Bureau of Labor and Industries (BOLI). Submits written testimony in opposition to HB 3094 (EXHIBIT Q) . Testifies in opposition to HB 3094.
354	Rep. Schaufler	Asks how many family members have been denied access to apprenticeship programs.
358	Simms	Responds.
365	Chair Brown	Closes public hearing on HB 3094 and adjourns the meeting at 10:56 a.m.

EXHIBIT SUMMARY

- A. HB 2717, fiscal statement, staff, 1 p
- B. HB 3273, -1 amendments, staff, 3pp
- C. Not used
- D. HB 3304, -1 amendments, staff, 1 p
- E. HB 3304, -2 amendments, staff, 2 pp
- F. HB 3304, written testimony, Mark Landauer, 1 p
- G. HB 3304, written testimony, Hank McDonald, 3 pp
- H. HB 3356, -1 amendments, staff, 3 pp
 - I. HB 3356, - 2 amendments, staff, 2 pp
- J. HB 3356, written testimony of Dan Floyd, Jon Stubenvoll, 1 p
- K. HB 3356, written testimony, Joe Gilliam, 2 pp
- L. HB 3356, written testimony, Steve Lanning, 35 pp

- M. HB 3092, written testimony, JL Wilson, 1 p**
- N. HB 3092, written testimony, Bill Cross, 2 pp**
- O. HB 3092, written testimony of Kelly S. Brooks, Libby Henry, 1 p**
- P. HB 3094, written testimony, JL Wilson, 4 pp**
- Q. HB 3094, written testimony, Stephen Simms, 4 pp**