

# SENATE COMMITTEE ON GENERAL GOVERNMENT

March 01, 2005  
3:10 P.M.

Hearing Room B  
Tapes 24 - 25

**MEMBERS PRESENT:** Sen. Frank Shields, Chair  
Sen. Gary George, Vice-Chair  
Sen. Bruce Starr  
Sen. Joanne Verger  
Sen. Vicki Walker

**STAFF PRESENT:** Judith Callens, Committee Administrator  
Gary Roulier, Committee Assistant

**MEASURES/ISSUES HEARD:**

SB 357 – Public Hearing  
SB 589 – Public Hearing  
HB 2055 – Public Hearing and Work Session  
HB 2214 – Public Hearing  
SB 191 – Public Hearing and Work Session

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 24, A</b>		
003	Chair Shields	Opens the meeting at 3:11 p.m. and opens a public hearing on SB 357.
<b><u>SB 357 – PUBLIC HEARING</u></b>		
010	Judith Callens	Administrator. Explains the provisions of the bill.
019	Hans Bernard	Senate Majority Office. Presents a letter of support from Sen. Kate Brown ( <b>EXHIBIT A</b> ) and testifies in support of SB 357.
034	Rep. Diane Rosenbaum	House District 42. Presents written testimony ( <b>EXHIBIT B</b> ) and testifies in support of SB 357. Notes that the current requirement for 30-day notification creates difficulties for neighborhood associations as they usually only meet once a month.
062	Chair Shields	Asks if the same concern about notification is reflected broadly across Portland and other cities.
072	Rep. Rosenbaum	Responds that she is sure that the concerns are shared across Portland.
079	Bill Perry	Oregon Restaurant Association. Testifies that the association is neutral on SB 357 but expresses the importance of having the ability to issue temporary licenses so that businesses can open on a timely basis.
111	Sen. George	Asks if there is a concern that neighborhood associations would negotiate some sort of concessions from a business owner.
127	Perry	Answers that the associations and owners usually work out their differences.
134	John Fyre	Sellwood/Moreland Improvement League. Testifies in support of SB 357. Notes that the increased notification time would result in

		the formulation of good neighbor agreements rather than adversarial negotiations.
168	Fyre	Relates examples where they have worked out good neighbor agreements.
183	Celeste Carey	Crime Prevention Program Coordinator, Portland Office of Neighborhood Involvement. Testifies in support of SB 357.
210	Carey	Reviews concerns related to "alcohol impact areas."
223	Kimberly Mark-Villela	Liquor Licensing Notification Program Coordinator, City of Portland. Presents an information packet containing a letter of support from Susan Lindsay, Chair, Buckman Community Association, a copy of an e-mail from Sam Doane, Concordia Neighborhood Association, and a packet on local crime prevention from Mary Ann Schwab, Southeast Uplift Board, all in support of SB 357 ( <b>EXHIBIT C</b> ) and testifies in support of SB 357. Notes that it is difficult to meet the current timelines due to staffing shortages.
250	Chair Shields	Asks if several of the licensing processes can run concurrently.
256	Mark-Villela	Responds that while some of the requirements are concurrent, and some are not.
261	Chair Shields	Asks how the original 45 day requirement was arrived at.
263	Mark-Villela	Responds that they had asked for 60 days.
270	Chair Shields	Asks again if this is a topic of interest to the entire city.
280	Mark-Villela	Answers that the desire for the change of the notification time is broad-based.
289	Chair Shields	Asks for Oregon Liquor Control Commission (OLCC) input in the notification process.
293	Teresa Kaiser	Executive Director, OLCC. Notes that many businesses would be better served by a more prompt issuance of liquor licenses.
313	Sen. B. Starr	Asks if the 45-day notification in the bill could be "folded in" to other requirements for licensing.
349	John Stubenvoll	Communications Director, OLCC. Answers that the intent is to make sure that the neighborhood associations have adequate time to review the process.
372	Sen. B. Starr	Asks if the additional 15 days on the first section of the bill would cover the requested additional notification time.
397	Kaiser	States that they issue notification to cities to allow sufficient time for review of license renewals. Adds they have the ability to issue temporary licenses on new applications.
404	Bernard	Comments that the additional 15 days is designed to allow the city issuing the license to take the findings of the neighborhood association under consideration.
434	Sen. B. Starr	Notes that the additional 30 total days is not contained within the statute.
<b>TAPE 25, A</b>		
003	Bernard	Responds that this bill would add a statutory clarification to the notification requirements.
010	Sen. George	Wants assurance that there will not be a 75-day waiting period for renewals.
015	Kaiser	Answers that they would issue the documentation enough in advance to have it completed in time.
	Linda Nettekoven	Southeast Portland. Submits a letter in support of SB 357 ( <b>EXHIBIT D</b> )
019	Chair Shields	Closes the public hearing on SB 357 and opens a public hearing on SB 589.

**SB 589 – PUBLIC HEARING**

023	Callens	Explains the provisions of the bill.
044	Rep. Rosenbaum	Presents written testimony ( <b>EXHIBIT E</b> ) and testifies in support of SB 589.
091	Chair Shields	Reviews action on a similar bill during the 2001 session.
106	Callens	Notes that additional information put the fiscal impact over the \$50,000 threshold.
123	Sen. B. Starr	Asks if the store owners would be charged for the training.
127	Rep. Rosenbaum	Answers that the training would be at no charge.
131	Sen. Walker	Gives examples of employees fired for selling alcohol to a minor.
140	Steve Lanning	Political Director, Oregon AFL-CIO. Presents written testimony ( <b>EXHIBIT F</b> ) and testifies in support of SB 589.
181	Steve Konopa	United Food and Commercial Workers. Presents an information packet consisting of a course outline entitled “Tobacco and Alcohol Management” ( <b>EXHIBIT G</b> ) and testifies in support of SB 589.
217	Chair Shields	Asks for an explanation of the term “mandate.”
227	Lanning	Answers with an explanation of the modifications to the bill in the 2001 session.
237	Bill Linden	7-11 Stores. Testifies in opposition to SB 589. Notes that the bill is not consistent with the Responsible Vendor Program.
270	Linden	Comments that the bill interferes with an employer’s ability to take disciplinary action against an employee who sells alcohol to a minor.
300	Richard Koesan	Oregon Neighborhood Store Association. Testifies in opposition to SB 589. Also points out that the bill is not consistent with the intent of the Responsible Vendor Program.
341	Chair Shields	Asks what has changed from the 2001 session.
370	Linden	Answers that the zero tolerance standard has become more accepted and entrenched.
390	Sen. B. Starr	Asks about liability issues.
394	Linden	Responds that there is liability on two levels. The first is with OLCC and the possible suspension of the license. The second level is associated with selling alcohol to a minor who is later involved in an accident.

**TAPE 24, B**

012	Sen. George	Asks about the issue of employer discipline and whether the bill would put an employer in “harms way.”
021	Koesan	Answers that is one of the major concerns with the bill in that it ties the hands of the employer.
039	Chair Shields	Closes the public hearing on SB 589 and opens a public hearing on HB 2055.

**HB 2055 – PUBLIC HEARING**

045	Callens	Explains the provisions of the bill.
058	Stubenvoll	Presents written testimony ( <b>EXHIBIT H</b> ) and testifies in support of HB 2055.
071	Chair Shields	Closes the public hearing and opens a work session on HB 2055.

**HB 2055 – WORK SESSION**

077	Sen. B. Starr	
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**MOTION: Moves HB 2055 to the floor with a DO PASS recommendation.**

**VOTE: 4-0-1**

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

**EXCUSED: 1 - Verger**

**The motion CARRIES.**

**Chair Shields**

**SEN. GEORGE will lead discussion on the floor.**

081	Chair Shields	Closes the work session and opens a public hearing on HB 2214.
<b><u>HB 2214 – PUBLIC HEARING</u></b>		
091	Callens	Explains the provisions of the bill.
100	Dana Anderson	Assistant Attorney General, Business Transactions Section, Oregon Department of Justice. Presents written testimony <b>(EXHIBIT I)</b> and testifies in support of HB 2214.
154	Sen. George	Asks if the Department of Administrative Services (DAS) has the statutory authority to allow non-profits acting as qualified rehabilitation facilities to enter into cooperative procurement contracts or agreements.
163	Dugan Petty	Deputy Administrator, State Services Division, DAS. Responds that section of the law is not affected by this bill.
191	Chair Shields	Asks if this means that we are not discussing the types of issues usually brought to the legislature by the Fair Competition Alliance.
196	Petty	States that he probably would not agree with that assessment.
213	Jessica Harris Adamson	Associated General Contractors. Testifies in support of HB 2214.
242	Petty	Presents written testimony <b>(EXHIBIT J)</b> and testifies in support of HB 2214.
274	Sandra Bishop	Government Relations, Fair Competition Alliance. Presents written testimony <b>(EXHIBIT K)</b> and testifies that the alliance is neutral on HB 2214.
327	Bishop	Discusses concerns with the state mailing contract.
363	Tim Krall	Executive Director, Oregon Rehabilitation Association. Testifies that they are neutral on HB 2214.
399	Krall	Reviews the types of contracts held by organizations serving people with disabilities.
413	Sen. George	Stresses that it is imperative that the program remain as intended.
423	Krall	Responds that safeguards are in place and Oregon’s laws have the strongest checkpoints of any state.
<b>TAPE 25, B</b>		
005	Stephen Kafoury Dan Gardner	Johnson Controls. Testifies in opposition to HB 2214.
		Submits written testimony <b>(EXHIBIT L)</b> explaining provisions of the bill and suggesting amendments to HB 2214.
015	Chair Shields	Closes the public hearing on HB 2214 and opens a public hearing on SB 191.
<b><u>SB 191 – PUBLIC HEARING</u></b>		
020	Mike Carrier	Natural Policy Advisor, Governor’s Office. Presents written testimony <b>(EXHIBIT M)</b> and testifies in support of SB 191.
052	Chair Shields	Asks for clarification on the duties of the Sustainability Board.
059	Carrier	Explains the duties of the board.
071	Chair Shields	Asks if the purpose is to get agencies into a “sustainable” culture.
080	Carrier	Responds that is correct and adds that they want all entities to conserve resources.
100	Sen. George	Asks if he has examples of those businesses that are wasting resources.
105	Carrier	Answers that the purpose is to determine if businesses are doing business in a way that will sustain employment in the long term.
124	Chair Shields	Reviews sustainability issues in the forest products industry.
135	Sen. George	Expresses a concern that a focus on sustainability could result in negative growth.

150	Carrier	Answers that is not the intent.
160	Chair Shields	Closes the public hearing and opens a work session on SB 191.
<b><u>SB 191 – WORK SESSION</u></b>		
172	Sen. Walker	<b>MOTION: Moves SB 191 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-1-0</b>
		<b>AYE: 4 - Starr B., Verger, Walker, Shields</b>
		<b>NAY: 1 - George</b>
	Chair Shields	<b>The motion CARRIES.</b>
		<b>SEN. SHIELDS will lead discussion on the floor.</b>
185	Chair Shields	Closes the work session on SB 191 and adjourns the meeting at 4:51 p.m.

### **EXHIBIT SUMMARY**

- A. **SB 357, written testimony of Sen. Kate Brown, Hans Bernard, 1 pp**
- B. **SB 357, written testimony, Rep. Diane Rosebaum, 1 pp**
- C. **SB 357, information packet, Kimberly Mark-Villela, 11 pp**
- D. **SB 357, written testimony, Linda Nettekoven, 1 pp**
- E. **SB 589, written testimony, Rep. Diane Rosenbaum, 1 pp**
- F. **SB 589, written testimony, Steve Lanning, 6 pp**
- G. **SB 589, information packet, Steve Konopa, 30 pp**
- H. **HB 2055, written testimony, Jon Stubenvoll, 2 pp**
- I. **HB 2214, written testimony, Dana Anderson, 4 pp**
- J. **HB 2214, written testimony, Dugan Petty, 1 pp**
- K. **HB 2214, written testimony, Sandra Bishop, 2 pp**
- L. **HB 2214, written testimony, Dan Gardner, 1 pp**
- M. **SB 191, written testimony, Michael Carrier, 1 pp**