

HOUSE COMMITTEE ON
BUSINESS, LABOR AND CONSUMER AFFAIRS

April 14, 2003 Hearing Room E
8:00 A.M. Tapes 90 - 93

MEMBERS PRESENT: Rep. Betsy Close, Chair
 Rep. Derrick Kitts, Vice-Chair
 Rep. Diane Rosenbaum, Vice-Chair
 Rep. Mary Gallegos
 Rep. Bill Garrard
 Rep. Jeff Merkley
 Rep. Mike Schaufler

STAFF PRESENT: Megan Palau, Committee Administrator
 Mike Reiley, Committee Assistant

MEASURE/ISSUES HEARD: HB 3528 – Work Session
 HB 3170 – Work Session
 SB 205A – Public Hearing
 HB 3575 – Work Session
 HB 2627 – Work Session
 HB 3048 – Work Session
 HB 2765 – Work Session
 HB 2785 – Work Session
 HB 3422 – Work Session
 HB 2965 – Work Session
 HB 3476 – Work Session

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
TAPE 90, A		
003	Chair Close	Calls meeting to order at 8:08 a.m. Opens work session on HB 3528.
<u>HB 3528 – WORK SESSION</u>		
007	Megan Palau	Committee Administrator. Summarizes HB 3528.
014	Rep. Mary Gallegos	House District 29. Testifies in support of HB 3528.
035	Rep. Garrard	Asks about collecting money for one reason and using it for another.
037	Rep. Gallegos	Responds how bill addresses money collection.
039	Rep. Garrard	Asks about collecting money.
044	Rep. Gallegos	Clarifies money collection.
048	Rep. Rosenbaum	Asks about diversion of money collected.
053	Rep. Gallegos	Responds.
058	Rep. Merkley	Asks about utility fees.
061	Rep. Gallegos	Explains that amendment may be necessary.
074	Bill Leach	Willamette Education Service District (ESD). Testifies in opposition to HB 3528.
102	Gary Conkling	Industrial Customers of Northwest Utilities. Submits and

		summarizes prepared testimony in opposition to HB 3528 (EXHIBIT A).
116	John Fletcher	Policy Analyst, Oregon Housing and Community Services. Submits and summarizes prepared testimony in opposition to HB 3528 (EXHIBIT B).
130	Jon Miller	Executive Director, Oregon Solar Energy Industries Association. Submits and summarizes prepared testimony in opposition to HB 3528 (EXHIBIT C)
145	Chuck McLaran	Mayor, City of Albany. Testifies in opposition to HB 3528.
165	Jeff Bissonnette	Fair and Clean Energy Coalition. Testifies in opposition to HB 3528.
180	John Blatt	Executive Director, Association of Oregon Community Development Organizations; Co-chair, Oregon Housing Coalition. Testifies in opposition to HB 3528.
195	David Tooze	Energy Division Manager, Office of Sustainable Development, City of Portland. Submits and summarizes prepared testimony in opposition to HB 3528 (EXHIBIT D).
226	Lee Beyer	Commissioner, Oregon Public Utility Commission. Explains provisions of HB 3528.
263	Brad Higbee	Renewable Northwest Project. Testifies in opposition to HB 3528.
287	Chair Close	Closes work session on HB 3528. Opens work session on HB 3170.

Written testimony submitted by Fred Heutte, Energy Issue Coordinator, Oregon Sierra Club, in opposition to HB 3528 (EXHIBIT E).

HB 3170 – WORK SESSION

290	Megan Palau	Committee Administrator. Summarizes HB 3170.
303	Rep. Betsy Johnson	House District 31. Testifies in support of HB 3170.
331	Rep. Rob Patridge	House District 6. Testifies in support of HB 3170.
358	Rep. Merkley	Asks about terminating fee.
365	Rep. Patridge	Notes that it is addressed in -1 amendment.
370	Rep. Rosenbaum	Asks about public meeting regarding decision making.
378	Rep. Johnson	Explains public meetings and decision making.
TAPE 91, A		
003	Rep. Patridge	Offers further clarification.
025	Debra Kennedy	Community Action Directors of Oregon. Submits and summarizes prepared testimony in opposition to HB 3170 (EXHIBIT F).
045	Gary Conkling	Industrial Consumers of Northwest Utilities. Summarizes prepared testimony in opposition to HB 3170 (A).
048	John Fletcher	Policy Analyst, Oregon Housing and Community Services. Submits and summarizes prepared testimony in opposition to HB 3170 (EXHIBIT G).
055	Jon Miller	Executive Director, Oregon Solar Energy Industries Association. Submits and summarizes prepared testimony in opposition to HB 3170 (EXHIBIT H).
065	Jeff Bissonnette	Fair and Clean Energy Coalition, Citizens Utility Board. Testifies in opposition to HB 3170.
086	Chuck McLaran	Mayor, City of Albany. Testifies in opposition to HB 3170.
098	John Blatt	Executive Director, Association of Oregon Community Development Organizations. Testifies in opposition to HB 3170.
110	Brad Higbee	Renewable Northwest Project. Testifies in opposition to HB 3170.
115	Dave Tooze	City of Portland. Testifies in opposition to HB 3170.

131	Lee Beyer	Commissioner, Oregon Public Utility Commission. Explains provisions of HB 3170.
165	Rep. Kitts	MOTION: Moves to ADOPT HB 3170-1 amendments dated 4/4/03 (EXHIBIT I).
		VOTE: 7-0
	Chair Close	Hearing no objection, declares the motion CARRIED.
175	Rep. Kitts	MOTION: Moves HB 3170 to the floor with a DO PASS AS AMENDED recommendation.
180	Rep. Garrard	States support for HB 3170.
188	Rep. Merkley	States opposition to HB 3170.
203	Rep. Schaufler	States opposition to HB 3170.
206	Rep. Rosenbaum	States opposition to HB 3170.
216	Chair Close	States need for HB 3170.
		VOTE: 4-3
		AYE: 4 - Gallegos, Garrard, Kitts, Close
		NAY: 3 - Merkley, Rosenbaum, Schaufler
	Chair Close	The motion CARRIES.
		REP. JOHNSON AND REP. PATRIDGE will lead discussion on the floor.
225	Chair Close	Closes work session on HB 3170. Opens work session on SB 205A.
<u>SB 205A – PUBLIC HEARING</u>		
240	Lee Beyer	Commissioner, Public Utility Commission. Testifies in support of SB 205A.
285	Bob Jenks	Citizens' Utility Board of Oregon. Submits and summarizes prepared testimony in support of SB 205A (EXHIBIT J).
331	Gary Bauer	Manager of Governmental Affairs, Northwest Natural. Submits and summarizes prepared testimony in opposition to SB 205A (EXHIBIT K).
383	Jim Fell	Northwest Natural, PacifiCorp. Testifies in opposition to SB 205A.
400	Rep. Rosenbaum	Asks about merits of SB 205A.
409	Bauer	Answers and addresses SB 205A.
424	Fell	Clarifies opposition to SB 205A.
TAPE 90, B		
001	Chair Close	Closes work session on SB 205A. Opens work session on HB 3575.
<u>HB 3575 – WORK SESSION</u>		
011	Gary Conkling	Associated Oregon Industries, Citizens Utility Board, Industrial Customers of Northwest Utilities. Submits and summarizes prepared testimony in support of HB 3575 (EXHIBIT L).
064	Eric Larson	Energy Manager, Wah Chang. Testifies in support of HB 3575.
072	Bob Jenks	Executive Director, Citizens' Utility Board. Submits and summarizes prepared testimony in support of HB 3575 (EXHIBIT M).
110	David Paulson	Governmental Affairs Director, Sprint. Submits and summarizes prepared testimony in opposition to HB 3575 (EXHIBIT N).
122	Schelly Jensen	Regulatory and Governmental Affairs Director, Verizon. Testifies in opposition to HB 3575.
174	Brant Wolf	Oregon Telecommunications Association. Testifies in opposition to HB 3575.
190	Brad Van Cleve	Industrial Customers of Northwest Utilities. Testifies in support of HB 3575.

200 Alan Meyer Western Region Energy Manager, Weyerhaeuser, Albany. Submits and summarizes prepared information in support of HB 3575 (**EXHIBIT O**).

223 Kim Burt Westland Paper Company, Westland, Oregon. Testifies in support of HB 3575.

255 Ginny Lang Qwest. Testifies in opposition to HB 3575.

286 Kevin Lynch Vice-President of Government Affairs, PacifiCorp. Testifies in opposition to HB 3575.

340 Jim Fell Northwest Natural, PacifiCorp. Submits and summarizes prepared testimony in opposition to HB 3575 (**EXHIBIT P**).

TAPE 91, B

011 John DiLorenzo Portland General Electric (PGE). Testifies in opposition to HB 3575.

080 Gary Bauer Northwest Natural. Submits and summarizes prepared testimony in opposition to HB 3575 (**EXHIBIT Q**).

100 Matt Saxe Resident Manager, Boise Cascade Paper Mill, St. Helens. Testifies in support of HB 3575.

109 Chair Close Asks about Mr. Saxe's involvement with drafting of amendment.

111 Saxe Explains involvement.

116 Lee Beyer Commissioner, Public Utility Commission. Submits and summarizes prepared testimony regarding HB 3575 (**EXHIBIT R**).

220 Chair Close Closes work session on HB 3575. Opens work session on HB 2627.

HB 2627 – WORK SESSION

230 Megan Palau Committee Administrator. Summarizes HB 2627.

240 **Rep. Merkley** **MOTION: Moves HB 2627 to the floor with a DO PASS recommendation.**

VOTE: 6-0

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

EXCUSED: 1 – Kitts

Chair Close **The motion CARRIES.**

REP. ROSENBAUM will lead discussion on the floor.

250 Chair Close Closes work session on HB 2627. Opens work session on HB 3048.

HB 3048 – WORK SESSION

260 Darrell Fuller Oregon Auto Dealers Association. Testifies in support of HB 3048.

290 **Rep. Kitts** **MOTION: Moves HB 3048 to the floor with a DO PASS recommendation.**

VOTE: 7-0

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

Chair Close **The motion CARRIES.**

REP. KITTS will lead discussion on the floor.

305 Chair Close Closes work session on HB 3048. Reopens work session on HB 2627.

HB 2627 – WORK SESSION

310 **Rep. Gallegos** **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 2627 to the floor with a DO PASS recommendation.**

VOTE: 7-0

315	Chair Close Chair Close	Hearing no objection, declares the motion CARRIED. Closes work session on HB 2627. Opens work session on HB 2765.
<u>HB 2765 – WORK SESSION</u>		
320	Megan Palau	Committee Administrator. Summarizes HB 2765.
330	Chair Close	Asks for explanation of -1 amendment.
335	John Van Landingham	Lane County Law and Advocacy Center. Explains -1 amendment.
350	Rep. Rosenbaum	MOTION: Moves to ADOPT HB 2765-1 amendments dated 4/8/03 (EXHIBIT S).
352	Bruce Miller	Office of State Court Administrator. Explains sections of bill containing fiscal implications.
TAPE 92, A		
002	Chair Close	Asks about electronic notary signatures and fiscal implications.
007	Miller	Explains issues with electronic signatures.
011	Van Landingham	Explains work done on issues with state courts.
025	Rep. Rosenbaum	MOTION: Moves HB 2765 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
	Chair Close	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
		REP. BACKLUND will lead discussion on the floor.
035	Chair Close	Closes work session on HB 2765. Opens work session on HB 2785.
<u>HB 2785 – WORK SESSION</u>		
040	John Powell	AT&T Wireless. Submits and summarizes prepared testimony in support of HB 2785 and -1 amendment (EXHIBIT T).
061	Kevin Martin	Land Use Consultant. Explains land use provisions regarding cell tower upgrades.
081	Rep. Schaufler	States support for HB 2785. Asks about potential decommissioning of cell towers if they become unnecessary.
088	Martin	Explains provisions regarding changes to cell towers.
095	Rep. Gallegos	MOTION: Moves to ADOPT HB 2785-1 amendments dated 4/8/03 (EXHIBIT U).
		VOTE: 6-0
		EXCUSED: 1 – Kitts
	Chair Close	Hearing no objection, declares the motion CARRIED.
100	Rep. Gallegos	MOTION: Moves HB 2785 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Kitts
	Chair Close	The motion CARRIES.
		REP. SCHAUFLE will lead discussion on the floor.
110	Chair Close	Closes work session on HB 2785. Opens work session on HB 3422.
<u>HB 3422 – WORK SESSION</u>		
115	Megan Palau	Committee Administrator. Summarizes HB 3422.
122	Ray Phelps	PacWest Communications. Testifies in support of HB 3422. Explains -3 amendment to HB 3422.
178	Jessica Harris	Associated General Contractors. Testifies to HB 3422.
200	Rep. Kitts	MOTION: Moves to ADOPT HB 3422-3 amendments dated 4/10/03 (EXHIBIT V).

		VOTE: 7-0
	Chair Close	Hearing no objection, declares the motion CARRIED.
210	Rep. Kitts	MOTION: Moves HB 3422 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
	Chair Close	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
215	Chair Close	REP. GALLEGOS will lead discussion on the floor. Closes work session on HB 3422. Opens work session on HB 2965.
<u>HB 2965 – WORK SESSION</u>		
225	Michael Snyder	Administrator, Oregon Landscape Contractor’s Board. Submits and summarizes prepared testimony in support of HB 2965 (EXHIBIT W) .
246	Rep. Kitts	Asks about provisions of HB 2965 regarding landscape maintenance.
256	Snyder	Clarifies provisions.
262	Chair Close	Asks about relation to Consumer Price Index (CPI).
265	Snyder	Explains CPI and provisions of HB 2965.
275	Rep. Kitts	MOTION: Moves to ADOPT HB 2965-1 amendments dated 4/8/03 (EXHIBIT X).
		VOTE: 7-0
	Chair Close	Hearing no objection, declares the motion CARRIED.
285	Rep. Kitts	MOTION: Moves HB 2965 to the floor with a DO PASS AS AMENDED recommendation.
290	Rep. Kitts	Explains personal experience with landscape maintenance and states support for HB 2965.
		VOTE: 7-0
	Chair Close	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
300	Chair Close	REP. KITTS will lead discussion on the floor. Closes work session on HB 2965. Opens work session on HB 3476.
<u>HB 3476 – WORK SESSION</u>		
320	Megan Palau	Committee Administrator. Summarizes HB 3476.
334	Jeff Bissonnette	Fair and Clean Energy Coalition. Testifies in support of HB 3476.
346	Larry Hamburg	Director of Business Development, Pacific Northwest Region, Abacus Engineered Systems. Testifies in support of HB 3476.
378	Peter White	Pacific Northwest Area Public Sector Manager, Johnson Controls. Testifies in support of HB 3476.
TAPE 93, A		
018	Rick Huddle	McKinstry Company. Testifies in support of HB 3476.
034	Mike Grainey	Director, Oregon Office of Energy. Testifies in support of HB 3476.
043	Rep. Schaufler	Clarifies that bill does not address prevailing wage laws.
046	Grainey	Answers that it does not.
052	Rep. Gallegos	Asks about savings in private sector from implementing ideas contained in HB 3476.
055	White	Answers.
064	Hamburg	Offers further explanation of savings.
070	White	Explains work done on Hanford project.
077	Rep. Merkley	Speaks in support of HB 3476.

085	Rep. Merkley	MOTION: Moves HB 3476 to the floor with a DO PASS recommendation. VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. REP. MERKLEY will lead discussion on the floor.
	Chair Close	
092	Chair Close	Closes work session on HB 3476. Adjourns meeting at 10:35 a.m.

EXHIBIT SUMMARY

A – HB 3528 & HB 3170, written testimony, Gary Conkling, 2 pp.
B – HB 3528, written testimony, John Fletcher, 4 pp.
C – HB 3528, written testimony, Jon Miller, 2 pp.
D – HB 3528, written testimony, David Tooze, 2 pp.
E – HB 3528 & HB 3170, written testimony, Fred Heutte, 2 pp.
F – HB 3170, written testimony, Debra Kennedy, 1 p.
G – HB 3170, written testimony, John Fletcher, 4 pp.
H – HB 3170, written testimony, Jon Miller, 2 pp.
I – HB 3170, -1 amendment, staff, 1 p.
J – SB 205A, written testimony, Bob Jenks, 2 pp.
K – SB 205A, written testimony, Gary Bauer, 2 pp.
L – HB 3575, written testimony, Gary Conkling, 2 pp.
M – HB 3575, written testimony, Bob Jenks, 12 pp.
N – HB 3575, written testimony, David Paulson, 1 p.
O – HB 3575, written information, Alan Meyer, 8 pp.
P – HB 3575, written testimony, Jim Fell, 5 pp.
Q – HB 3575, written testimony, Gary Bauer, 1 p.
R – HB 3575, written testimony, Lee Beyer, 7 pp.
S – HB 2765, -1 amendment, staff, 59 pp.
T – HB 2785, written testimony and information, John Powell, 7 pp.
U – HB 2785, -1 amendment, staff, 5 pp.
V – HB 3422, -3 amendment, staff, 2 pp.
W – HB 2965, written testimony, Michael Snyder, 1 p.
X – HB 2965, -1 amendment, staff, 1 p.