

**HOUSE COMMITTEE ON**  
**BUSINESS, LABOR AND CONSUMER AFFAIRS**

April 9, 2003 Hearing Room E  
8:00 A.M. Tapes 85 - 87

**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

**MEASURES HEARD:**        **HB 3229 – Public Hearing**  
                                  **HB 3159 – Public Hearing and Work Session**  
                                  **HB 2922 – Work Session**  
                                  **HB 2019 – Work Session**  
                                  **HB 2383 – Work Session**  
                                  **HB 2765 – Public Hearing**  
                                  **HB 3579 – Public Hearing**  
                                  **HB 3422 – Public Hearing**  
                                  **HB 2988 – Public Hearing**

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 85, A</b>		
003	Chair Close	Calls meeting to order at 8:04 a.m. Opens public hearing on HB 3229.
<b><u>HB 3229 – PUBLIC HEARING</u></b>		
007	Megan Palau	Committee Administrator. Summarizes HB 3229.
010	Rep. Alan Brown	House District 10. Testifies in favor of HB 3229.
024	Ron Guilter	Toledo, Oregon. Testifies in support of HB 3229. Explains that he is unable to hire his son as apprentice.
096	Chair Close	Asks about federal apprenticeship training guidelines.
098	Guilter	Explains state and federal guidelines.
168	Rep. Schaufler	Speaks on guidelines. Inquires that his son has been denied entry into apprenticeship program.
184	Guilter	Negates.
195	Rep. Schaufler	Requests evidence that his son would be denied entry into the apprenticeship program.
200	Guilter	Speaks on his knowledge of other accounts.
213	Rep. Schaufler	Asks about his experience.
215	Guilter	Notes he has been a training agent for over twenty years. Speaks on Commission Jack Roberts and unions regarding trades.
226	Rep. Rosenbaum	Asks about provisions in statute.
234	Guilter	Answers.

253	Rep. Rosenbaum	Asks about coast apprentice list.
258	Guilter	Explains apprentice list.
267	Rep. Rosenbaum	Asks if the coast list addresses the situation.
271	Guilter	Explains apprentice list.
292	John Killin	Associated Builders and Contractors (ABC). Testifies in support of HB 3229.
303	Rep. Kitts	Asks about conflict of hiring whomever.
318	Killin	Offers clarification.
325	Chair Close	Closes public hearing on HB 3229. Opens public hearing on HB 3159.

**HB 3159 – PUBLIC HEARING**

335 Megan Palau Committee Administrator. Summarizes HB 3159.

**Written testimony submitted by Dan Gardner, Bureau of Labor and Industries Commissioner (EXHIBIT A).**

340 John DiLorenzo Attorney with Davis, Wright, Tremaine, LLP. Submits and summarizes prepared testimony in support of HB 3159 on behalf of Hoyt Street Properties (**EXHIBIT B**). Explains the redevelopment project that includes Hoyt Street Properties. Speaks on single-asset entities with regard to licensing.

**TAPE 86, A**

001	DiLorenzo	Continues testimony.
070	Rep. Kitts	Presents related situation.
074	DiLorenzo	Offers clarification.
084	Rep. Kitts	States support for HB 3159.
087	Rep. Schaufler	States support for HB 3159.
100	DiLorenzo	Notes there is a -1 amendment ( <b>EXHIBIT C</b> ).
103	Chair Close	Closes public hearing on HB 3159. Opens work session on HB 3159.

**HB 3159 – WORK SESSION**

106 Rep. Kitts **MOTION: Moves to ADOPT HB 3159-1 amendments dated 4/8/03.**

107 **VOTE: 7-0**  
Chair Close **Hearing no objection, declares the motion CARRIED.**

109 Rep. Kitts **MOTION: Moves HB 3159 to the floor with a DO PASS AS AMENDED recommendation.**

111 Rep. Merkley Clarifies there is no testimony in opposition.

113 Chair Close States she does not know of any.

115 **VOTE: 7-0**

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

**REP. KITTS will lead discussion on the floor.**

120 Chair Close Closes work session on HB 3159. Opens work session on HB 2922.

**HB 2922 – WORK SESSION**

124 Megan Palau Committee Administrator. Explains the situation with the bill.

130 Rep. Merkley **MOTION: Moves HB 2922 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by prior reference.**

134 **VOTE: 7-0**

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

Chair Close

136	Chair Close	Closes work session on HB 2922. Opens work session on HB 2019.
<b><u>HB 2019 – WORK SESSION</u></b>		
144	Megan Palau	Committee Administrator. Explains -1 amendment ( <b>EXHIBIT D</b> ) and -3 amendment ( <b>EXHIBITS E</b> ) to HB 2019.
<b>Written testimony submitted by L.M. Finley, Family Financial Planners, Inc., in opposition to HB 2019 (EXHIBIT F).</b>		
160	Rep. Kitts	<b>MOTION: Moves to ADOPT HB 2019-1 amendments dated 3/13/03.</b>
165		<b>VOTE: 7-0</b>
	Chair Close	<b>Hearing no objection, declares the motion CARRIED.</b>
170	Rep. Kitts	<b>MOTION: Moves to ADOPT HB 2019-3 amendments dated 4/8/03.</b>
175		<b>VOTE: 7-0</b>
	Chair Close	<b>Hearing no objection, declares the motion CARRIED.</b>
180	Rep. Kitts	<b>MOTION: Moves HB 2019 to the floor with a DO PASS AS AMENDED recommendation.</b>
185	Rep. Kitts	States reservations on the bill, but will vote ‘yes’ in committee.
190		<b>VOTE: 7-0</b>
	Chair Close	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
		<b>CHAIR CLOSE will lead discussion on the floor.</b>
195	Chair Close	Closes work session on HB 2019. Opens work session on HB 2383.
<b><u>HB 2383 – WORK SESSION</u></b>		
200	Megan Palau	Committee Administrator. Summarizes HB 2383 and the -4 amendments ( <b>EXHIBIT G</b> ).
211	Pete Shepherd	Deputy Attorney General. Mentions the -4 amendments shorten the notice period regarding vehicle towing. Speaks on the proposals of the workgroup.
270	Chair Close	Inquires about provision for Oregon Department of Transportation (ODOT) to examine records.
272	Shepherd	Provides the location of those provisions in the -4 amendments.
295	Monty King	Oregon Independent Auto Dealers. Testifies in support of HB 2383 and -4 amendments.
305	Al Elkins	Oregon Tow Truck Association. Speaks on uniform requirements. Explains concerns with sections of HB 2383.
340	Chair Close	Offers clarification of workgroup changes for HB 2383 by the amendment.
346	Rep. Rosenbaum	Asks about provisions of sending notice to correct address.
352	Shepherd	Clarifies provisions.
360	Rep. Rosenbaum	Asks for clarification.
380	Rep. Gallegos	<b>MOTION: Moves to ADOPT HB 2383-4 amendments dated 4/9/03.</b>
384	Rep. Garrard	Requests whether Mr. Elkin’s concerns will be addressed.
386	Chair Close	States the bill will stand upon voting.
387		<b>VOTE: 7-0</b>
	Chair Close	<b>Hearing no objection, declares the motion CARRIED.</b>
388	Rep. Gallegos	<b>MOTION: Moves HB 2383 to the floor with a DO PASS AS AMENDED recommendation.</b>
392	Rep. Merkley	Asks about the bill’s language on page four of the -4 amendments.

396	Chair Close	Believes the Senate can make the change if the body sees fit. Requests Mr. King inform the Senate of the change.
<b>400</b>		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>The motion CARRIES.</b> <b>REP. GARRARD will lead discussion on the floor.</b>
	<b>Chair Close</b>	
405	Chair Close	Closes work session on 2383. Opens public hearing on HB 2765.
	<b><u>HB 2765 – PUBLIC HEARING</u></b>	
428	Megan Palau	Committee Administrator. Summarizes HB 2765.
	<b>TAPE 85, B</b>	
002	John VanLandingham	Attorney, Lane County Law and Advocacy Center. Testifies in support of HB 2765. Explains changes made by the -1 amendments ( <b>EXHIBIT H</b> ).
090	Rep. Schaufler	Clarifies the group Mr. VanLandingham is speaking of.
094	VanLandingham	Informs that the outrageous conduct provision applies to everyone.
100	Rep. Rosenbaum	Asks about reckless endangerment language in HB 2765.
104	VanLandingham	Explains language. Continues overview of HB 2765.
140	Rep. Merkley	Asks for clarification of language.
142	VanLandingham	Offers clarification and continues overview of HB 2765.
185	Sharon Fleming-Barrett	Oregon Rental Housing Association. Testifies in support of HB 2765.
192	Rep. Garrard	Asks about provisions regarding narcotics possession.
195	VanLandingham	Clarifies provisions.
209	Rep. Garrard	Expresses concern that landlords become judges.
211	VanLandingham	Offers explanation.
225	Chair Close	Asks for explanation of work group.
227	VanLandingham	Explains representatives in work group.
255	Chair Close	Closes public hearing on HB 2765. Opens public hearing on HB 3579.
	<b><u>HB 3579 – PUBLIC HEARING</u></b>	
261	Megan Palau	Committee Administrator. Summarizes HB 3579.
265	Rep. Wayne Scott	House District 39. Testifies in support of HB 3579.
306	Mark Huston	Oregon Economic and Community Development Department (OECDD). Submits and summarizes prepared testimony on HB 3579 ( <b>EXHIBIT I</b> ).
345	Rep. Schaufler	Asks for clarification of intent of HB 3579.
359	Huston	Offers clarification of HB 3579.
378	Rep. Schaufler	States he does not understand.
389	Chair Close	Asks if HB 3579 is considered in Governor’s Budget.
394	Huston	Clarifies Governor’s Budget provisions.
402	Rep. Garrard	Asks what happens to money when paid back.
	<b>TAPE 86, B</b>	
002	Huston	Explains provisions regarding loans and payment.
006	Chair Close	Asks if there would be additional revenue.
009	Huston	Offers clarification.
014	Rep. Gallegos	Wonders about the Office of Small Business relating to a bill.
023	Doris Penwell	OECDD. Speaks on a previous bill. Notes HB 3579 would require more resources.
037	Rep. Schaufler	Clarifies the amount of funds OECDD would have.
043	Huston	Concurs and lists where interest and principle would return.
050	Penwell	Comments on the Community Development Fund.
061	Rep. Schaufler	Inquires about Full Time Equivalent (FTE) employees.
067	Penwell	Responds regarding the Community Development Fund. Notes

085	Rep. Merkley	there are no personnel funded within the CDF.
093	Penwell	Requests where the parties stand on HB 3579. Replies that OECD D supports the concept of having money to do business loans for small businesses.
099	Huston	Overviews the loan programs currently in operation.
122	Chair Close	Informs there is no fiscal impact on the bill and it will return. Closes public hearing on HB 3579. Opens public hearing on HB 3422.

**HB 3422 – PUBLIC HEARING**

128	Megan Palau	Committee Administrator. Summarizes HB 3422.
130	Ray Phelps	Plumbing and Mechanical Contractors Association. Speaks on the forthcoming -1 amendments supported by the workgroup.
180	Steve Malany	General Contractor, P & C Construction. Testifies in support of HB 3422 and the -1 amendments.
188	Jessica Harris	Associated General Contractors. Testifies in support of HB 3422 and the -1 amendments.
198	Chair Close	Closes public hearing on HB 3422. Opens public hearing on HB 2998.

**Written testimony submitted by Steve Rose, IBEW Local 280 (EXHIBIT J).**

**Written testimony submitted by Tim Carrier, Painters, District Council #5 (EXHIBIT K).**

**HB 2998 – PUBLIC HEARING**

203	Megan Palau	Committee Administrator. Summarizes HB 2998.
210	Paul Romain	Oregon Petroleum Manufacturers Association (OPMA). Testifies in support of HB 2998.
276	Steve O’Toole	OPMA. Submits and summarizes prepared testimony in support of HB 2998 ( <b>EXHIBIT L</b> ).
328	Lila Leathers	Owner, Leathers Oil Company. Testifies in support of HB 2998. Explains “hypermarkets”.
419	Bryan Thompson	Past President, Oregon Gasoline Dealers Association. Testifies in support of HB 2998.

**TAPE 87, A**

034	Rep. Garrard	Asks if there is difference in quality in gasoline.
037	Leathers	Negates.
040	Rep. Garrard	Asks about price of gasoline.
044	Leathers	Responds concerning the price of gasoline.
051	Thompson	Believes hypermarkets are purchasing gasoline at reduced prices.
058	Leathers	Adds that she purchases both branded and unbranded gas.
061	Thompson	Explains branded and unbranded gas.
071	Rep. Rosenbaum	Requests reasons why intervention is necessary in the situation of gasoline.
084	O’Toole	Concurs with Rep. Rosenbaum’s comments. Adds that 21 states have general legislation against low-cost selling.
093	Rep. Kitts	Questions Mr. Romain’s premise regarding the nature of competition in the marketplace. Requests Mr. Romain provide reasons for his beliefs.
122	Romain	Explains why legislative intervention is necessary.
152	Rep. Merkley	Asks for explanation of cost markups.
165	Romain	Explains cost markups.
186	Rep. Schaufler	Expresses support for the concept.
220	Joe Gilliam	Oregon Grocery Association. Testifies in opposition to HB 2998.
257	Julie Brandis	Associated Oregon Industries (AOI). Testifies in opposition to HB 2998.

308	Rep. Kitts	Asks about Wal-Mart.
317	Gilliam	Explains the Wal-Mart situation.
337	Rep. Kitts	States he has no objections to Wal-Mart.
340	Rep. Schaufler	Provides his predictions about cost determination.
365	Chair Close	Closes public hearing on HB 2998. Adjourns meeting at 10:20 a.m.

### **EXHIBIT SUMMARY**

**A – HB 3229, written testimony, Dan Gardner, 3 pp**  
**B – HB 3159, written testimony, John DiLorenzo, 7 pp**  
**C – HB 3159, -1 amendments, staff, 2 pp**  
**D – HB 2019, -1 amendments, staff, 1 p**  
**E – HB 2019, -3 amendments, staff, 3 pp**  
**F – HB 2019, written testimony, L.M. Finley, 1 p**  
**G – HB 2383, -4 amendments, staff, 8 pp**  
**H – HB 2765, -1 amendments, staff, 59 pp**  
**I – HB 3579, written testimony, Mark Huston, 15 pp**  
**J – HB 3422, written testimony, Steve Rose, 1 p**  
**K – HB 3422, written testimony, Tim Carrier, 1 p**  
**L – HB 2998, written testimony, Steve O’Toole, 2 pp**