

**HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS**

**April 26, 1999 Hearing Room E**

**8:15 a.m. Tapes 95 - 96**

**MEMBERS PRESENT: Rep. Roger Beyer, Chair**

**Rep. Dan Gardner, Vice-Chair**

**Rep. Tim Knopp, Vice-Chair**

**Rep. Jason Atkinson**

**Rep. Bill Morrisette**

**Rep. Terry Thompson**

**Rep. Lynn Lundquist**

**MEMBER EXCUSED:**

**STAFF PRESENT: Keith Putman, Administrator**

**Frances Thomas, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2608 Public Hearing**

**HB 3622 Public Hearing and Work Session**

**HB 2738 Public Hearing and Work Session**

**HB 3048 Public Hearing and Work Session**

**HB 2661 Public Hearing**

**HB 2965 Public Hearing and 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 95, A		

001	Chair Beyer	Calls the meeting to order at 8:15 a.m.
<b><u>HB 2608 PUBLIC HEARING</u></b>		
008	Chair Beyer	Opens a Public Hearing on HB 2608.
010	Keith Putman	Committee Administrator. States there is a proposed ñ1 amendment dated 4/22/99 .
012	Joanne Bowman	District 19. Testifies in support of HB 2608 with a proposed conceptual amendment to change line 9ís figure from \$10,000 to \$20,000. States that amendment is forthcoming.
038	Rep. Morrisette	Asks the nature of the ñ1 amendment submitted today.
039	Rep. Bowman	States she does not support the submitted ñ1 amendment.
060	Jack Barnes	Farmers Insurance. Testifies in support of HB 2608 and the ñ1 amendment dated 4/22/99 ( <b>EXHIBIT A</b> ). Explains Personal Injury Protection (PIP) coverage. Speaks of added language ( <b>EXHIBIT B, page 2</b> ). States the ñ1 amendment dated 4/22/99 would limit PIP coverage with multiple liability policies.
102	Rep. Morrisette	Asks if there have been any conversations with Rep. Bowman to answer her concerns.
106	Barnes	States the attempt was made and her schedule did not allow it at this time.
122	Doug Heatherington	Farmers Insurance. Discusses wage loss provisions in the Personal Injury Protection provisions.
131	Rep. Gardner	Asks who made the recent interpretation mentioned about the determination of benefits.
132	Barnes	States no actual court case has been heard to determine this. An attorney presented this method for a client. Through a review by Farmersí counsel, the same conclusion was reached.
160	Chair Beyer	Closes the Public Hearing on HB 2608.
<b><u>HB 3622 PUBLIC HEARING</u></b>		
166	Chair Beyer	Opens a Public Hearing on HB 3622.

169	Putman	Explains HB 3622 adds Christmas trees to the definition of agricultural produce for the purpose of laws relating to agricultural produce liens.
180	Chair Beyer	Testifies in support of HB 3622. States the Christmas tree industry is one of Oregon's top ten agricultural commodities not protected by any lien laws. Introduces Joe Sharp.
193	Joe Sharp	General Manager, Yule Tree Farms, Aurora. Testifies in support of HB 3622 <b>(EXHIBIT C)</b> . States HB 3622 will enable Christmas tree dealers to collect payment on their crops sold outside of Oregon. Explains that HB 3622 will provide equal legal treatment with respect to other produce commodities.
209	Bob Schaefer	Noble Mountain Tree Farm. Testifies in support of HB 3622.
225	Rep. Morrisette	Asks for clarification of current problems for Christmas tree producers.
228	Sharp	Explains a court case from 1996 for collection of \$15,000 from a dealer in California. States HB 3622 could have accomplished this process in 30 to 60 days.
243	Rep. Morrisette	Inquires why Christmas trees have not been included in this group of agricultural products.
247	Chair Beyer	Explains that Christmas trees have become a major commodity in Oregon only in the past 25 years. As this rapid growth has occurred in the industry, the need for expanded or inclusive laws has become necessary.
263	Chair Beyer	States ORS statute for a definition of a legal Christmas tree grower.
271	Chair Beyer	Closes the Public Hearing on HB 3622.
<b><u>HB 3622 WORK SESSION</u></b>		
272	Chair Beyer	Opens a Work Session on HB 3622.
274	<b>Rep. Gardner</b>	<b>MOTION: Moves HB 3622 to the floor with a DO PASS recommendation.</b>
276	<b>Chair Beyer</b>	<b>Declares a potential Conflict of Interest. States he is a licensed Christmas tree grower.</b>
280		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>

		<b>EXCUSED: Lundquist, Thompson</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>  <b>REP. BEYER will lead discussion on the floor.</b>
290	Chair Beyer	Closes the Work Session on HB 3622.
<b><u>HB 2738 PUBLIC HEARING</u></b>		
303	Chair Beyer	Opens Public Hearing on HB 2738.
307	Putman	States workable technical amendments between the sponsor and DMV are expected, but not yet received by the committee.
314	Darrell Fuller	Oregon Automobile Dealers Association. Testifies in support of HB 2738. Submits the ñ2 amendment dated 4/23/99 ( <b>EXHIBIT D</b> ) for consideration by the committee. Explains the amendment.
340	Chair Beyer	Asks if the ñ2 amendment replaces the ñ1 amendment.
343	Fuller	States it does. Discusses the difference between the two.
392	Rep. Morrisette	Inquires if DMV supports the ñ2 amendment.
397	Fuller	Explains that DMV stated in previous testimony it does not oppose the intent of HB 2738 and the amendments were drafted to address DMVís concerns.
408	Chair Beyer	Closes the Public Hearing on HB 2738.
<b><u>HB 2738 WORK SESSION</u></b>		
409	Chair Beyer	Opens a Work Session on HB 2738.
411	<b>Rep. Knopp</b>	<b>MOTION: Moves to ADOPT HB 2738-2 amendments dated 4/20/99.</b>
416		<b>VOTE: 6-0</b>  <b>EXCUSED: 1 ñ Lundquist</b>

	Chair Beyer	Hearing no objection, declares the motion CARRIED.
420	Rep. Knopp	MOTION: Moves HB 2738 to the floor with a DO PASS AS AMENDED recommendation.
428		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Lundquist
	Chair Beyer	The motion CARRIES.  REP. KNOPP will lead discussion on the floor.
435	Chair Beyer	Closes the Work Session on HB 2738.
<b><u>HB 3048 PUBLIC HEARING</u></b>		
443	Chair Beyer	Opens a Public Hearing on HB 3048.
469	Chair Beyer	Closes the Public Hearing on HB 3048.
<b><u>HB 3048 WORK SESSION</u></b>		
470	Chair Beyer	Opens a Work Session on HB 3048.
474	Dave Barrows	Oregon Self Service Storage Association. Introduces Amanda Williams. Introduces the ñ2 amendment dated 4/23/99. Testifies in support of HB 3048 as amended ( <b>EXHIBIT E</b> ).
499	Rep. Gardner	MOTION: Moves to ADOPT HB 3048-2 amendments dated 4/23/99.
507		VOTE: 7-0

	Chair Beyer	Hearing no objection, declares the motion CARRIED.
508	Rep. Gardner	<b>MOTION: Moves HB 3048 to the floor with a DO PASS AS AMENDED recommendation.</b>
509		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Beyer	<b>The motion CARRIES.</b>  <b>REP. MORRISETTE will lead discussion on the floor.</b>
510	Chair Beyer	Closes the Work Session on HB 3048.
<b>TAPE 96, A</b>		
041	Rep. Gardner	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Lundquist and Rep. Thompson to vote on HB 3622.</b>
045		<b>AYE: In a roll call vote, the two members vote Aye.</b>  <b>TOTAL VOTE: 7-0</b>  <b>(See original motion on page 2 and 3.)</b>
	Chair Beyer	<b>The motion CARRIES.</b>
<b><u>HB 2661 PUBLIC HEARING</u></b>		
050	Chair Beyer	Opens a Public Hearing on HB 2661.
059	Robert Hastings	Architects Council of Oregon Testifies in support of HB 2661. Speaks of proposed amendment. Explains the amendment ( <b>EXHIBIT F</b> ). States the added language would insure allowance for facilitating reciprocity licensing among states.

092	Rep. Atkinson	Asks about the magnitude of this problem with architects not having continuing education.
094	Hastings	Discusses a changing industry resulting in practice variation. Explains association requirements.
140	Stephen Kafoury	Represent Architects Council of Oregon. Speaks for the sponsor of HB 2661 expressing support for the proposed amendment.
161	Rep. Lundquist	Comments with respect to passing legislation for something that should happen anyway. Agrees with Rep. Atkinson.
170	Kafoury	States not all members of the profession are members of the professional association. Explains currently the requirement for continuing education is only for American Institute of Architects (AIA) members. States HB 2661 would require the continuing education for all licensed architects.
178	Jeanette Bartel	Oregon Board of Architect Examiners. Explains continuing education requirements are necessary for many licenses. States the Board of Architect Examiners needs to have statute to make a requirement of licensees ( <b>EXHIBIT G</b> ).
193	Chair Beyer	Closes the Public Hearing on HB 2661.
194	Chair Beyer	Comments on the fiscal statement impacting HB 2661.
<b><u>HB 2965 PUBLIC HEARING</u></b>		
203	Chair Beyer	Opens a Public Hearing on HB 2965.
205	Annette Talbott	Legislative Coordinator, Employment Department. Speaks to the ñ1 amendment dated 4/20/99. Expresses support for this amendment ( <b>EXHIBIT H</b> ). States that if there is an expectation to work for room and board, there may be an issue of employee status.
234	Rep. Lundquist	Asks if "room and board" is covered by the term "remuneration."
236	Talbott	Answers under federal law if there is a requirement to work and the person did receive room and board as a result of the work requirement, there could be an "employee" issue. States if a person volunteers to work and happens to receive room and board, there is no "employee" consideration.
248	Rep. Lundquist	Expresses he does not think this amendment meets Rep. Wilson's desires.

250	Chair Beyer	Agrees. States he feels this amendment may be as close as this committee can get to achieve Rep. Wilson's desires on this issue.
252	Talbott	Comments that Rep. Wilson will be working with the Congressional Delegation to expand the federal definition to meet the necessary needs.
280	Talbott	Discusses consideration of each case individually. Describes differences between volunteering and a requirement to work.
283	Chair Beyer	Closes the Public Hearing on HB 2965.
<b><u>HB 2965 WORK SESSION</u></b>		
284	Chair Beyer	Opens a Work Session on HB 2965.
285	Rep. Thompson	<b>MOTION: Moves to ADOPT HB 2965-1 amendments dated 4/20/99.</b>
		<b>VOTE: 7-0</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>
288	Rep. Thompson	<b>MOTION: Moves HB 2965 to the floor with a DO PASS AS AMENDED recommendation.</b>
300	Rep. Thompson	Comments on the need for homeless shelters and his hope for a federal change in a definition of a "shelter workshop."
290		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Beyer	<b>The motion CARRIES.</b>  <b>REP. THOMPSON will lead discussion on the floor.</b>
317	Chair Beyer	Closes the Work Session on HB 2965.

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 2608, -1 Amendment dated 4/22/99, Jack Barnes, 3 pp**

**B ñ HB 2608, Written testimony, Jack Barnes, 2 pp**

**C ñ HB 3622, Written testimony, Joseph Sharp, 1 p**

**D ñ HB 2738, -2 Amendment dated 4/20/99, Darrell Fuller, 2 pp**

**E ñ HB 3048, -2 Amendment dated 4/23/99, Dave Barrows, 1 p**

**F ñ HB 2661, -1 Amendment dated 4/26/99, Robert Hastings, 1 p**

**G ñ HB 2661, Written testimony, Jeanette Bartel, 1 p**

**H ñ HB 2965, -1 Amendment dated 4/20/99, Annette Talbott, 1 p**