

**HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS**

**May 14, 1999 Hearing Room E**

**8:15 a.m. Tapes 111 - 112**

**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: SB 337A Public Hearing and Work Session**

**SB 654A Work Session**

**SB 254 Public Hearing and Work Session**

**SB 791A Public Hearing and Work Session**

**SB 459 Public Hearing and Work Session**

**SB 1021 Public Hearing**

**SB 1310 Public Hearing and Work Session**

**HB 3333 Work Session**

**SB 378 Work Session**

**SB 1086 Work Session**

TAPE/#	Speaker	Comments
<b>TAPE 111, A</b>		
004	Chair Beyer	Calls the meeting to order at 8:15 a.m.
<b><u>SB 337A PUBLIC HEARING</u></b>		
005	Chair Beyer	Opens a Public Hearing on SB 337A
008	Keith Putman	Presents an overview of SB 337A.
017	Shawn Miller	Pacific Northwest Christmas Tree Association. Testifies in support of SB 337A.
052	Doug Sager	Christmas tree grower, McMinnville. Testifies in support of SB 337A.
083	Lau Aunan	Department of Environmental Quality. Testifies in opposition to SB 337A <b>(EXHIBIT A)</b> .
101	Rep Morrisette	Asks about possible solutions outside the current statute.
105	Aunan	Responds.
111	Rep. Thompson	Asks if this issue has ever come before the legislature in the past.
113	Aunan	Responds.
114	Chair Beyer	Comments on the history of proposed solutions to this issue. States the issue has not been brought before the legislature.
123	Chair Beyer	Closes the Public Hearing on SB 337A.
<b><u>SB 337A WORK SESSION</u></b>		
124	Chair Beyer	Opens a Work Session on SB 337A.
125	Rep. Knopp	<b>MOTION: Moves SB 337A to the floor with a DO PASS recommendation.</b>

132		<p><b>VOTE: 7-0</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p>
134	Chair Beyer	Declares a Conflict of Interest. States he is a licensed Christmas tree grower.
	Chair Beyer	<p>The motion <b>CARRIES</b>.</p> <p><b>REP. BEYER will lead discussion on the floor.</b></p>
135	Chair Beyer	Closes the Work Session on SB 337A.
<b><u>SB 654A WORK SESSION</u></b>		
138	Chair Beyer	Opens a Work Session on SB 654A.
139	Rep. Kevin Mannix	District 32. Testifies in support of SB 654A. Introduces the ñ6 amendment, dated 5/13/99 ( <b>EXHIBIT B</b> ). States Senator Derfler does not agree with these amendments.
158	Rep. Mannix	Continues testimony. States concerns with the original bill and the reasons for the proposed amendment.
201	Rep. Lundquist	Asks if a representative of the Governor's office is present in the hearing and does the Governor support this amendment.
205	Rep. Mannix	States the Governor's office does not support this amendment.
212	Jennifer Webber	Oregon Workers' Compensation Attorneys. Introduces Attorney, Chris Moore. Submits an ñ5 amendment, dated 5/6/99 ( <b>EXHIBIT C</b> ). States the Governor's office is in agreement with this amendment.
229	Chris Moore	Attorney, Eugene. Explains the ñ5 amendment.
258	Chair Beyer	Asks if Senator Derfler has seen the ñ5 amendment.
260	Webber	States Senator Derfler does not support the ñ5 amendment.
267	Mark Gibson	Governor's office. States the Governor does not support the ñ6 amendment submitted by Rep. Mannix. Explains reasons.

297	Gibson	States the Governor does not support the ñ5 amendment. Explains reasons. States the Governor supports SB 654A as originally submitted.
324	Senator Gene Derfler	District 16. Testifies in support of SB 654A with its original language. States he opposes the ñ6 amendment.
366	Rep. Gardner	Suggests that even in the event of an ultimate decision by the Chair, it would be advantageous to have the issue reviewed in a hearing and have an official record of the facts.
375	Senator Derfler	Agrees with getting facts on the record, but feels the ultimate decision should be the Chair's.
394	Rep. Morrisette	States agreement with SB 654A. Asks why there is opposition to the ñ5 amendment.
402	Senator Derfler	Responds.
432	Rep. Morrisette	Comments on the ñ5 amendment.
436	Senator Derfler	Responds to the language in the amendment.
443	Rep. Morrisette	Discusses some suggested language for the amendment.
460	Chair Beyer	Comments on the outcome of a decision on this bill with the amendments.
480	Chair Beyer	Discusses the possibility of avoiding a conference committee
497	Chair Beyer	Recesses the Work Session on SB 654A.
<b><u>TAPE 112, A</u></b>		
<b><u>SB 254 PUBLIC HEARING</u></b>		
008	Chair Beyer	Opens a Public Hearing on SB 254.
011	Putman	Presents an overview of SB 254.
027	Putman	Submits written testimony on behalf of proponent of SB 254 ( <b>EXHIBIT D</b> ).
037	Rep. Morrisette	Asks for clarification.

041	Putman	Responds.
047	Vice Chair Gardner	Closes the Public Hearing on SB 254.
<b><u>SB 254 WORK SESSION</u></b>		
048	Vice Chair Gardner	Opens a Work Session on SB 254.
<b>050</b>	<b>Rep. Thompson</b>	<b>MOTION: Moves SB 254 to the floor with a DO PASS recommendation.</b>
<b>057</b>		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>  <b>REP. THOMPSON will lead discussion on the floor.</b>
062	Vice Chair Gardner	Calls a five minute recess.
<b><u>SB 654A WORK SESSION</u></b>		
063	Chair Beyer	Reconvenes the Work Session on SB 654 A.
<b>069</b>	<b>Rep. Gardner</b>	<b>MOTION: Moves to ADOPT SB 654A-5 amendments dated 5/6/99.</b>
<b>079</b>	<b>Chair Beyer</b>	<b>States he will not support this amendment.</b>
<b>085</b>	<b>Chair Beyer</b>	<b>VOTE: 6-1</b> <b>AYE: 6 - Atkinson, Gardner, Knopp, Lundquist, Morrisette, Thompson</b> <b>NAY: 1 ñ Beyer</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>
<b>087</b>	<b>Rep. Gardner</b>	<b>MOTION: Moves to ADOPT SB 654A-4 Conflict Amendment dated 5/4/99 (EXHIBIT E).</b>

	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED</b> .
091	Rep. Gardner	<b>MOTION: Moves SB 654A to the floor with a DO PASS AS AMENDED recommendation.</b>
097		<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. GARDNER will lead discussion on the floor.</b>
<b><u>SB 791A PUBLIC HEARING</u></b>		
102	Chair Beyer	Opens a Public Hearing on SB 791A.
119	Dan Graham	Workforce Manager, Oregon-Columbia Chapter, Associated General Contractors (AGC). Testifies in opposition to SB 791A ( <b>EXHIBIT E</b> ).
167	Rep. Gardner	Asks if there are any small businesses with sons or daughters who have not been accepted into the apprenticeship program within a couple of years.
172	Graham	Responds.
173	Beyer	Comments on his understanding of entrance into the apprenticeship program. States he does not believe this bill prevents entry.
178	Graham	Responds. Explains the entrance process.
198	Rep. Morrisette	Asks Graham's opinion on ñA2 amendment ( <b>EXHIBIT G</b> ).
202	Graham	Responds.
211	Jack Roberts	Commissioner, Bureau of Labor and Industry (BOLI). States that BOLI was not opposed to the bill when it was heard in the Senate committee. Clarifies once he understood the proponents interpretation of the bill and amendments, BOLI stated its opposition. Testifies in opposition of SB 791 A and the proposed ñA2 amendment.

234	Rep. Morrisette	Comments on specificity of small businesses.
242	Roberts	Responds.
267	Chair Beyer	Closes the Public Hearing on SB 791A.
<b><u>SB 791A WORK SESSION</u></b>		
268	Chair Beyer	Opens a Work Session on SB 791A.
270	Rep. Morrisette	Comments on constituent participation.
<b>276</b>	<b>Rep. Morrisette</b>	<b>MOTION: Moves to ADOPT SB 791A-2 amendments dated 5/10/99.</b>
280	Rep. Gardner	States objection to ñA2 amendments and SB 791A.
285	Rep. Thompson	States objection to SB 791A.
286	Rep. Morrisette	Withdraws his motion to adopt the ñ2 amendment to SB 791A. States his intention is to support the bill without the ñ2 amendment.
<b>292</b>	<b>Rep. Knopp</b>	<b>MOTION: Moves to ADOPT SB 791 A-2 amendments dated 5/10/99.</b>
		<b>VOTE: 4-3</b>  <b>AYE: 4 ñ Atkinson, Knopp, Lundquist, Beyer</b>  <b>NAY: 3 ñ Gardner, Morrisette, Thompson</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>
<b>299</b>	<b>Rep. Knopp</b>	<b>MOTION: Moves SB 791A to the floor with a DO PASS AS AMENDED recommendation.</b>
305	Rep. Lundquist	Comments with his support for SB 791A.
326	Rep. Morrisette	Clarifies his intent for support of the original bill. States he does not support the amendment.

342	Chair Beyer	<p><b>VOTE: 4-3</b></p> <p><b>AYE: 4 n Atkinson, Knopp, Lundquist, Beyer</b></p> <p><b>NAY: 3 n Gardner, Morrisette, Thompson</b></p>
	Chair Beyer	<p><b>The motion CARRIES.</b></p> <p><b>REP. BEYER will lead discussion on the floor.</b></p>
<b><u>SB 459 PUBLIC HEARING</u></b>		
353	Chair Beyer	Declares the committee at ease.
Technical difficulties with the tape recording. The tape is void for approximately 2 minutes of proceedings.		
	Chair Beyer	Reconvenes the meeting.
	Chair Beyer	Brings the committee up to date on SB 459.
355	Phillip Fell	League of Oregon Cities. Testifies in opposition to SB 459. States concerns.
404	Bob Rindy	Department of Land Conservation Department (LCDC). Testifies in opposition of SB 459. Reiterates Fellis concerns.
457	Rindy	Explains additional concerns about affordable housing and the effect that street widths have on affordability.
<b>TAPE 111, B</b>		
008	Chair Beyer	Comments on the location of manufactured home parks.
012	Rindy	Explains how local governments use zoning codes with standards on certain building types that are impossible to achieve.
036	Chair Beyer	Asks for clarification.
040	Rindy	Responds. Not opposed to a specialty code for construction. States concern for specialty codes for the design (lay out) of a development area.

055	Rep. Morrisette	Comments about street widths.
058	Rindy	Responds. LCDC has authority to adopt administrative rules to regulate street widths.
082	Fells	Comments.
099	Chair Beyer	Closes Public Hearing on SB 459.
<b><u>SB 459 WORK SESSION</u></b>		
100	Chair Beyer	Opens a Work Session on SB 459.
101	Rep. Morrisette	Comments on the regulations for the development processes in Springfield.
120	<b>Rep. Knopp</b>	<b>MOTION: Moves SB 459 to the floor with a DO PASS recommendation.</b>
126		<b>VOTE: 5-1</b> <b>AYE: 5 ñ Atkinson, Knopp, Lundquist, Thompson, Beyer</b> <b>NAY: 1 ñ Morrisette</b> <b>EXCUSED: 1 ñ Gardner</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>  <b>REP. BEYER will lead discussion on the floor.</b>
131	Chair Beyer	Closes the Work Session on SB 459.
<b><u>SB 1021 PUBLIC HEARING</u></b>		
136	Chair Beyer	Opens a Public Hearing on SB 1021.
140	Putman	Presents overview. Explains SB 1021 authorizes sewer companies to condemn private property.
153	Dave Hinterreiter	H <sub>2</sub> O & S, Inc., Lincoln County. Testifies in support of SB 1021 ( <b>EXHIBIT H</b> ).

182	Rep. Thompson	Asks how much local opposition has been expressed to putting the line in at Otter Rock.
185	Hinterreiter	Responds. Explains the history leading up to this legislation.
223	Jerry Schmidt	Oregon Association of Realtors. Testifies about a concern to include notice of entrance on private land.
245	Rep. Thompson	Asks about the decision making process for entering private property without notice.
248	Schmidt	Responds.
273	Rep. Thompson	Comments on a possible conceptual amendment to include some language about notification of entrance.
276	Schmidt	Responds.
283	Chair Beyer	Comments on the potential problems resulting from raw sewage seepage under a requirement to give a three-day or ten day entrance notice.
294	Rep. Lundquist	Comments in agreement of prior notice for certain issues.
313	Chair Beyer	Asks Rep. Thompson and Schmidt to work with Legislative Council to resolve the notice issue for SB 1021.
318	Chair Beyer	Closes the Public Hearing on SB 1021.
<b><u>SB 1310A PUBLIC HEARING</u></b>		
323	Chair Beyer	Opens a Public Hearing on SB 1310A.
237	Putman	Presents an overview. Discusses an error in the printed bill.
350	Genoa Ingram	Oregon Association of Realtors. Testifies in support of SB 1310A.
375	Rep. Gardner	How many other states have this provision.
391	Scott Taylor	Oregon Real Estate Commissioner. Responds. Testifies in support of SB 1310A.
405	Chair Beyer	Closes the Public Hearing on SB 1310A.

**SB 1310 A WORK SESSION**

406	Chair Beyer	Opens a Work Session on SB 1310A.
407	Rep. Gardner	<b>MOTION: Moves SB 1310A to the floor with a DO PASS recommendation.</b>
420		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 ñ Atkinson</b>
	Chair Beyer	<b>The motion CARRIES.</b>  <b>REP. MORRISETTE will lead discussion on the floor.</b>
423	Chair Beyer	Closes the Work Session on SB 1310A.

**HB 3333 WORK SESSION**

425	Chair Beyer	Opens a Work Session on HB 3333.
436	Chair Beyer	Explains the necessity for HB 3333 to be referred to the Rules, Election and Public Affairs Committee.
439	Rep. Knopp	<b>MOTION: Moves HB 3333 to the floor WITHOUT RECOMMENDATION as to passage.</b>
		<b>VOTE: 6-0</b> <b>AYE: All members present vote Aye.</b> <b>EXCUSED: 1 ñ Atkinson</b>
	Chair Beyer	<b>The motion CARRIES.</b>
443	Chair Beyer	Closes the Work Session on HB 3333.

**SB 378 WORK SESSION**

444	Chair Beyer	Opens a Work Session on SB 378.
448	Chair Beyer	Comments on a proposed ñ1 amendment dated 5/11/99 ( <b>EXHIBIT I</b> ).
465	Rep. Gardner	Asks if Rep. Shetterly agrees with the proposed amendment.
473	Chair Beyer	Explains Rep. Atkinsonís statement of Rep. Shetterlyís agreement with the amendment.
477	<b>Rep. Knopp</b>	<b>MOTION: Moves to ADOPT SB 378 amendments dated 5/11/99.</b>
480		<b>VOTE: 6-0</b> <b>EXCUSED: 1 ñ Atkinson</b>
	<b>Chair Beyer</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
484	<b>Rep. Knopp</b>	<b>MOTION: Moves SB 378 to the floor with a DO PASS AS AMENDED recommendation.</b>
498		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 ñ Atkinson</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>  <b>REP. ATKINSON will lead discussion on the floor.</b>
500	Chair Beyer	Closes the Work Session on SB 378.
<b>TAPE 112, B</b>		
<b>SB 1086A WORK SESSION</b>		

009	Chair Beyer	Opens a Work Session on SB 1086A.
013	Putman	Comments on a possible proposed amendment from the committee.
016	Chair Beyer	Presents the 2 amendment to SB 1086 ( <b>EXHIBIT J</b> ). Explains.
<b>019</b>	<b>Rep. Gardner</b>	<b>MOTION: Moves to ADOPT SB 1086A-2 amendments dated 5/13/99.</b>
020	Chair Beyer	Explains sponsors reason for the amendment.
023	Rep. Gardner	Agrees. States this amendment is also the recommendation from the Employment Department Advisory Committee. States it provides protection for the employer.
031	Rep. Lundquist	Requests to have Paul Cosgrove testify about the safety precautions.
034	Paul Cosgrove	VIE, LLC. Introduces self.
035	Rep. Lundquist	Asks for clarification of access to records.
036	Cosgrove	States the bill specifically designates what information can be disclosed. Comments it also gives broad authority to the department to adopt rules on exactly how that will be disclosed.
065	Rep. Gardner	Comments on Employment Department proprietary information.
072	Annette Talbott	Legislative Coordinator, Employment Department. Agrees.
075	Rep. Gardner	Asks if this amendment is adopted a person could designate participation in the electronic process.
077	Talbott	Agrees.
	Chair Beyer	States the form number being discussed and the information on the form.
100	Chair Beyer	Concludes the discussion on the motion to adopt the 2 amendment to SB 1086A.
<b>101</b>	<b>Chair Beyer</b>	<b>VOTE: 2-4</b> <b>AYE: 2  Rep. Gardner, Morrisette</b>

		<b>NAY: 4 ñ Knopp, Lundquist, Thompson, Beyer</b> <b>EXCUSED: 1 ñ Atkinson</b>
	<b>Chair Beyer</b>	<b>The motion FAILS.</b>
<b>109</b>	<b>Rep. Knopp</b>	<b>MOTION: Moves SB 1086A to the floor with a DO PASS recommendation.</b>
114	Chair Beyer	Comments on the fiscal impact.
<b>126</b>		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 ñ Atkinson</b>
	<b>Chair Beyer</b>	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
128	Chair Beyer	Closes the Work Session on SB 1086A.
130	Chair Beyer	Adjourns the meeting at 10:05 a.m.

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ SB 337A, Written testimony, Lauri Aunan, 1 p**

**B ñ SB 654A, -6 Amendment, dated 5/13/99, Kevin Mannix, 1 p**

**C ñ SB 654A, -A5 Amendment, dated 5/6/99, Jennifer Webber, 1 p**

**D ñ SB 254, Written testimony, Staff, 2 pp**

**E ñ SB 654A, -4 Conflict amendment, dated 5/4/99, Staff, 2 pp**

**F ñ SB 791A, Written testimony, Dan Graham, 1 p**

**G ñ SB 791A, -2 Amendment, dated 5/10/99, Staff, 1 p**

**H ñ SB 1021, Written testimony, Dave Hinterreiter, 1 p**

**I ñ SB 378, -1 Amendment, dated 5/11/99, Staff, 1 p**

**J ñ SB 1086A, Amendment, dated 5/13/99, Committee, 1 p**