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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

May 1, 1997 Hearing Room A

1:00pm Tapes 201 - 202

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED:

STAFF PRESENT:

David J. Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

SB 434

SB 730

SB 733

HB 2256

HB 2318

HB 2419

HB 2447

HB 24667

HB 2415

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 201, A		
004	Chair Bryant	opens meeting 1:20pm
<u>HB 2447--PUBLIC HEARING AND WORK SESSION</u>		
006	Bryant	opens public hearing on HB 2447
015	Dan Saltzman	Multnomah County Commissioner
017	Saltzman	EXHIBIT A
049	Bryant	as a county wouldn't you want an "out" so that you don't have to take the property back example of underground storage tank
055	Saltzman	that is a very real issue
066	Bryant	discusses reversionary clause
068	Saltzman	gives example of property found with underground storage tank
082	Bryant	close public hearing on HB 2447
084	Bryant	open work session on HB 2447

085	Sen. Leonard	MOTION: Moves HB 2447 to the floor with a DO PASS recommendation.
090	Bryant	no discussion; no objection Sen. Leonard will carry
094	Bryant	close work session on HB 2447
<u>SB 434--WORK SESSION</u>		
098	Bryant	open work session on SB 434
110	Richard Kosesan	Oregon Sheep Growers
112	Kosesan	explains SB 434
145	Alan Tresidder	Humane Society
150	Tresidder	explanation on EXHIBIT B
161	Bryant	explanation of \$35,000 fiscal impact
188	Brown	what if on line 16 and 19 you use the word facilitate rather than coordinate
199	Phil Ward	Department of Agriculture
200	Ward	explains Department of Agriculture's position and fiscal impact
221	Kerry Thiel	represent Animal Activists group
223	Thiel	supports SB 434
250	Bryant	explanation of section 4
270	Bryant	close work session on SB 434
<u>SB 730--WORK SESSION</u>		
272	Bryant	open work session on SB 730
280	Bryant	close work session on SB 730
<u>SB 733--WORK SESSION</u>		
282	Bryant	open work session on SB 733
290	David Amesbury	EXHIBIT C
291	Amesbury	explains EXHIBIT C
300	Sen. Bryant	MOTION: Moves to ADOPT SB 733-2 amendments dated 4/29/97.
302	Bryant	no discussion; no objection
305	Sen. Bryant	MOTION: Moves SB 733 to the floor with a DO PASS AS AMENDED recommendation.
307	Bryant	no discussion; no objection Sen. Leonard will carry

HB 2256--WORK SESSION		
334	Bryant	open work session on HB 2256
337	Amesbury	EXHIBIT D
339	Amesbury	explains EXHIBIT D
342	Sen. Bryant	MOTION: Moves to ADOPT HB 2256-A3 amendments dated 3/3/97.
345	Bryant	no discussion; no objection
348	Sen. Bryant	MOTION: Moves HB 2256 to the floor with a DO PASS AS AMENDED recommendation.
350	Bryant	no discussion; no objection Sen. Miller will carry
HB 2415--PUBLIC HEARING AND WORK SESSION		
355	Bryant	open work session on HB 2415
366	Jim Markee	Oregon Collector's Association
368	Markee	EXHIBIT E EXHIBIT F
370	Markee	explains EXHIBITS E and F
Tape 202, A		
017	Karen Hightower	State Court Administrator's office
018	Hightower	EXHIBIT G
020	Hightower	explains EXHIBIT G
026	Bryant	close public hearing on HB 2415 open work session on HB 2415
029	Sen. Bryant	MOTION: Moves to ADOPT HB 2415-A2 amendments dated 4/29/97.
031	Bryant	no discussion; no objection
033	Sen. Bryant	MOTION: Moves HB 2415 to the floor with a DO PASS AS AMENDED recommendation.
035	Bryant	no discussion; no objection Sen. Nelson will carry
HB 2467--PUBLIC HEARING		
038	Bryant	open public hearing on HB 2467
050	Bryant	close public hearing on HB 2467
HB 2318--PUBLIC HEARING		

AND WORK SESSION		
060	Bryant	open public hearing on HB 2318
062	Brenda Rocklin	assistant Attorney General
065	Rocklin	EXHIBIT H
120	Rocklin	still discussing EXHIBIT H
185	Randy Jordan	Department of Veteran Affairs
199	Charles Stern	Yamhill County Clerk
201	Stern	EXHIBIT I
202	Stern	explains EXHIBIT I
249	Bryant	gives personal example
255	Bryant	close public hearing on HB 2318 open work session on HB 2318
258	Sen. Derfler	MOTION: Moves HB 2318 to the floor with a DO PASS recommendation.
260	Bryant	no discussion; no objection Sen. Leonard will carry
SB 730--WORK SESSION		
265	Bryant	open work session on SB 730
270	Amesbury	EXHIBIT J
275	Amesbury	explanation of EXHIBIT J
276	Staff	EXHIBIT K
278	Sen. Brown	MOTION: Moves to ADOPT SB 730-1 amendments dated 4/28/97.
280	Bryant	no discussion; no objection
282	Sen. Derfler	MOTION: Moves SB 730 to the floor with a DO PASS AS AMENDED recommendation.
285	Leonard	what is the net affect of this bill
290	Bryant	it copies what was done for the private child care agencies, see subsection E
300	Bryant	roll call
302	Staff	"Brown"
303	Brown	"no"
304	Staff	"Derfler"
305	Derfler	"aye"
306	Staff	"Leonard"

307	Leonard	"no"
308	Staff	"Miller"
309	Miller	"aye"
310	Staff	"Nelson"
311	Nelson	"aye"
312	Staff	"Chair Bryant"
313	Bryant	"aye"
314	Bryant	motion carries Sen. Derfler will carry SB 730
<u>HB 2467--PUBLIC HEARING AND WORK SESSION</u>		
340	Bryant	open public hearing on HB 2467
344	Frank Brawner	President of Oregon Bankers Association
346	Brawner	EXHIBIT L
348	Brawner	explains EXHIBIT L
375	Bryant	close public hearing on HB 2467 open work session on HB 2467
378	Sen. Brown	MOTION: Moves HB 2467 to the floor with a DO PASS recommendation.
380	Bryant	no discussion; no objection Sen. Brown will carry
Tape 201, B		
<u>HB 2419--PUBLIC HEARING AND WORK SESSION</u>		
016	Bryant	open public hearing on HB 2419
018	Jim Markee	Oregon Collector's Association
019	Markee	EXHIBIT M
040	Leonard	is a dishonored check an NSF check
043	Markee	yes, in most cases distinction between NSF checks and stop payment checks
065	Bryant	close public hearing on HB 2419 open work session on HB 2419
067	Sen. Derfler	MOTION: Moves HB 2419 to the floor with a DO PASS recommendation.

069	Bryant	no discussion; no objection Sen. Nelson will carry
075	Bryant	adjourns meeting at 2:25pm

Submitted By, Reviewed By,

Andrea Terry, David J. Amesbury,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - Testimony in support of HB 2447 - introduced by D. Saltzman - 5 pages

B - -6 amendments to SB 434 - introduced by Legislative Counsel - 6 pages

C - -2 amendments to SB 733 - introduced by Legislative Counsel - 1 page

D - -A3 amendments to HB 2256 - introduced by Legislative Counsel - 12 pages

E - -A2 amendments to HB 2415 - introduced by Legislative Counsel - 1 page

F - Testimony on HB 2415 - introduced by J. Markee - 1 page

G - Letter on HB 2415-A - introduced by K. Hightower - 2 pages

H - Testimony on HB 2318 - introduced by Brenda Rocklin - 51 pages

I - Tips to Spot Questionable Documents - introduced by C. Stern - 5 pages

J - -1 amendments to SB 730 - introduced by C. Stern - 1 page

K - Letter from ARC - introduced by John Murren - 1 page

L - Testimony of Frank Brawner on HB 2467 - introduced by F. Brawner - 2 pages

M - Testimony on HB 2419 - introduced by J. Markee - 1 pages

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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

May 1, 1997 Hearing Room A

5:00pm Tapes 203 - 206

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED:

STAFF PRESENT:

David Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

SB 400

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Tape/#	Speaker	Comments
Tape 203, A		
<u>SB 400--PUBLIC HEARING</u>		
004	Chair Bryant	opens meeting at 5:10pm
036	Rep. Lynn Snodgrass	House Majority Leader
038	Snodgrass	EXHIBIT A
057	Sen. Gary George	Senator from District 2
061	George	gives example
084	John Dilorenzo	Attorney from Portland
091	Dilorenzo	introduction
100	Dilorenzo	EXHIBIT B
129	Dilorenzo	explains what the bill does not accomplish
142	Dilorenzo	introduces the rest of the panel
178	Mike Sherlock	Executive Director, OGD
180	Sherlock	EXHIBIT C (notebook)
220	Sherlock	still referring to EXHIBIT C
265	Tim Hamilton	Executive Director, Automotive United Trades Organization
270	Hamilton	history of service station owners
306	Hamilton	EXHIBIT C
371	Jack Jeffries	Former Majority Leader, Nevada Assembly
372	Jeffries	explains history of "divorcement" in Nevada
Tape 204, A		
002	Jeffries	still giving history of "divorcement" law in Nevada
016	Jeffries	refers to EXHIBIT C
052	Alan Bowdish	President OGD
053	Bowdish	represents Oregon independent dealers competition created by SB 400 will benefit the consumers

		we have 25,000 signatures from our customers who support SB 400
095	Nick Salehi	gas station owner
100	Salehi	gives personal example it is vital that this bill pass
116	Rose Salehi	gas station owner
120	Salehi	personal example I do not know what we are going to do next, this has been our livelihood for many years
153	George DeHart	third party dealer here in Salem owns gas station in South Salem
164	DeHart	personal story another service station from the same company was to be built very close to his station
211	DeHart	in the first year of competition my proceeds were down, my customer count was down I had to let employees go, I had to reduce wages and benefits to enable us to survive it is very difficult to have to go to my Senator with this issue, because I feel that the government needs to stay out of my business
271	Dick Scott	gas retailer in Northwest Portland
282	Scott	one of top Chevron dealers in Portland personal story of service station ownership in 1997 Chevron started to take a greater percentage of our profits
316	Scott	after 15 years I am hurt by the moves that Chevron is making reference to EXHIBIT C
346	Scott	asking for the Senator's support of SB 400
353	Linda Bennett	Beaverton Service Station Manager
360	Bennett	personal story
Tape 203, B		
005	Bennett	continuation of personal story
037	David Shannon	Attorney for OGD

038	Shannon	discusses that SB 400 fills in gaps in the current law
043	Shannon	reference to EXHIBIT C
080	Shannon	discusses petroleum marketing practice act
099	Dave Barrows	representing OGD
101	Barrows	summary and conclusion of Oregon Gasoline Dealers Association
156	Sen. Nelson	question about hand engrossed bill
168	Shannon	we allow for some stations to experiment with growth
187	Nelson	what is the percentage of stations are company operated
190	Sherlock	about 5 percent
233	John Burns	Attorney in Portland; WSPA Advocate
248	Burns	I have been involved in Petroleum issues for the past 25 years
279	Burns	history of petroleum issues in the Oregon Legislature
317	Burns	history of petroleum issue in the State of Oregon
350	Burns	continues history of petroleum issue in the State of Oregon
Tape 204, B		
024	Randal Pozdena	Eco Northwest
026	Pozdena	EXHIBIT D EXHIBIT E
061	Pozdena	still discussing EXHIBIT D
100	Pozdena	still discussing EXHIBIT D
134	Pozdena	still discussing EXHIBIT E
179	Pozdena	still discussing EXHIBIT E
200	Brian Boe	representing Oregon Petroleum Marketers Association
202	Boe	EXHIBIT F
250	Boe	still discussing EXHIBIT F
301	Boe	still discussing EXHIBIT F
314	Jason Powell	President of OPMA
318	Powell	discussion in opposition of SB 400
Tape 204, B		
002	Glenn Zirkle	Vice President of Astro Western Stations
004	Zirkle	EXHIBIT G
050	Zirkle	still discussing EXHIBIT G
085	John McCulley	representing Agricultural Cooperative Council of Oregon
087	McCulley	EXHIBIT H
124	Doug Hoffman	President of Wilco Farmers

126	Hoffman	EXHIBIT I
159	Hoffman	still discussing EXHIBIT I
174	Jim Gardner	representing Time Oil Company
176	Gardner	the biggest loser of SB 400 is not a large company, but a small company located in the Northwest--Time Oil Company
190	Terry Henderson	General Counsel; Time Oil Company
196	Henderson	Time Oil Company will be greatly affected by SB 400
228	Dave Rabe	Chevron Retail Marketing Manager for the Pacific Northwest
236	Rabe	representing Chevron's opposition to SB 400
254	Rabe	SB 400 will be detrimental to the consumers
262	Rabe	gives Chevrons views as to why they are in opposition to SB 400
342	Rabe	responds to Mr. Salehi's comments from earlier in the evening
372	John Alto	Chevron Dealer
Tape 206, A		
002	Alto	our oil companies do not compete directly against us there are no guarantees in this business; much of what has been discussed here tonight is about competition
026	Bill Tuninga	Chevron Dealer
028	Tuninga	speaks in opposition of SB 400
061	Tuninga	opposition to SB 400
084	Sen Leonard	how does SB 400 reduce competition
093	Pozdena	if you remove one of the classes of competition; you eliminate one of the layers of competition discusses competition
150	Bryant	adjourns meeting at 7:40pm

Submitted By, Reviewed By,

Andrea Terry, David J. Amesbury,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Letter from Rep. Lynn Snodgrass - introduced by L. Snodgrass - 2 pages

B - Hand Engrossed copy of SB 400 - introduced by J. Dilorenzo - 3 pages

C - Why Oregon lawmakers should care about who pumps gas in Oregon - introduced by OGDA - 165 pages

D - Analysis of Divorcement in Oregon - introduced by R. Pozdena - 9 pages

E - White Paper on Retail Divorcement - introduced by R. Pozdena - 23 pages

F - Testimony of Brian Boe on SB 400 - introduced by B. Boe - 5 pages

G - Testimony of G. Zirkle on SB 400 - introduced by G. Zirkle - 4 pages

H - Statement in Opposition to SB 400 - introduced by J. McCulley - 1 page

I - Wilco Farmers letter - introduced by D. Hoffman - 1 page

**J - Testimony from T. Gallagher and signed petitions- introduced by T. Gallagher - 27 pages
(OVERSIZED EXHIBIT)**
