

SENATE COMMITTEE ON
BUSINESS AND CONSUMER AFFAIRS

Hearing Room
Tapes 101 & 102

MEMBERS PRESENT:

Sen. Bill Kennemer, Chair
Sen. John Lim, Vice-Chair
Sen. Gene Derfler
Sen. Joan Dukes
Sen. William McCoy

MEMBER EXCUSED:

STAFF PRESENT:

Darrell W. Fuller, Committee Administrator
Carol A. Smith, Committee Assistant

MEASURES HEARD:

HB 2751 Public Hearing and possible Work Session - tenants
HB 2890 Public Hearing and possible Work Session - package store
HB 3021 Public Hearing and possible Work Session - contract
HB 3205 Public Hearing and possible Work Session - brewpub
HB 3279 Public Hearing and possible Work Session - common stock
HB 2054 Work Session - Gov. Housing. loan, single family.
HB 2345 Work Session-lien for long term car facilities
HB 2659 Work Session - architects
HB 2846 Work Session - utilities
HB 2093 Public Hearing and possible Work Session - guides
HB 2647 Public Hearing and possible Work Session - guides

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 101, A

003 CHAIR: Calls the meeting to order at 3:00 p.m. Announces we are in subcommittee.

CHAIR: Opens PUBLIC HEARING on HB 2751 A Engrossed.

008 DARRELL FULLER, Committee Administrator: Gives overview of the bill.

012 WITNESSES: Emily Cedarleaf, Multnomah Housing Counsel
Sharon Fleming-Barrett, Affiliated Rental Housing Association

EMILY CEDARLEAF, Multnomah Housing Counsel: Submits written testimony in support of the bill (EXHIBIT H). Addresses caution exercised by landlords hence HB 2751. Explains the -6 amendments. They clarify the rent reduction would have to be for work done on that unit. Refers to a rent credit and low income willing to work.

(3:10 SEN. LIM joins the meeting.)

040 CHAIR: We are in full committee.

038 CHAIR: Ask how these are an improvement over the previous amendments.

SHARON FLEMING BARRETT, Affiliated Rental Housing Association: Submits

written testimony in support
of the bill (EXHIBIT A).

051 CEDARLEAF: Explains the oral agreement in response to a question from
SEN. LIM.

CHAIR: Closes PUBLIC HEARING on HB 2751 A.

CHAIR: Opens WORK SESSION on HB 2751 A.

MOTION: SEN. DERFLER moves a conceptual amendment
to HB 2751-A6 amendments.

VOTE: CHAIR hearing no objection the conceptual amendments
are ADOPTED.

MOTION: SEN. DERFLER moves to ADOPT the HB 2751-A6
amendments.

VOTE: CHAIR hearing no objection the HB 2751-A6 amendments
are ADOPTED.

MOTION: SEN. DERFLER moves HB 2751-A, AS AMENDED, to the
Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DERFLER, LIM and KENNEMER
EXCUSED: DUKES and MCCOY
CARRIER: LIM

080 CHAIR: Closes WORK SESSION on HB 2751-A.

084 CHAIR: Opens PUBLIC HEARING on HB 2890.

WITNESSES: Russell Spencer, Oregon Brewers Guild
Paul Williamson, Oregon Liquor Control Commission

094 RUSSELL SPENCER, Oregon Brewers Guild: Wants to make an amendment and
gives the amount. Are asking
for authority to sell same amount you can currently sell, this is to allow
the sale of hand-crafted beers.

101 PAUL WILLIAMSON, Oregon Liquor Control Commission: Testimony in support
of the bill, after amended.

111 CHAIR: Question regarding requester of the bill. SEN. DUKES is not
here.

115 CHAIR: Closes PUBLIC HEARING on HB 2890.
CHAIR: Opens PUBLIC HEARING on HB 3205 A.

WITNESSES: Russell Spencer, Oregon Brewers Guild
Brian Boe, Distilled Spirits Council
Charles Williamson, Clear Creek Distillery
Paul Williamson, Oregon Liquor Control Commission

128 RUSSELL SPENCER, Oregon Brewers Guild: Explains the bill. Referring to
hand-crafted brewed products.
Refers to -A -2 amendments (EXHIBIT I).

145 BRIAN BOE, Distilled Spirits Council: Has concerns about the concepts.
Refers to gallonage; fruit brandies; retail
sales; cognac; vodka, selling through existing retail system. Gives his
concern; holistically, retail, sample and sell at retail.

165 SEN. DERFLER: How would you collect the taxes?

BOE: Explains.

171 CHARLES WILLIAMSON, Clear Creek Distillery: Submits written testimony
in support of the bill (EXHIBIT
B). Gives history of the company and publicity surrounding their brandy.
Refers to selling items at the distillery and
it's appeal. Wishes to sell there on site. This is a minute amount of
sales.

(3:22 SEN. MCCOY joins the meeting.)

206 SPENCER: Refers to gallonage, believes 5,000 gallons is realistic to
put in the amendment.

(3:25 SEN. DUKES joins the meeting.)

225 SEN. DERFLER: Question about on-site sale.

229 BOE: States their concern is the piecemeal approach.

240 WILLIAMSON: Comments regarding above.

253 SEN. LIM: Voices concern also, regarding approach.

258 CHAIR: We will lay this over for a work session next Tuesday. Urge to work on compromise then see if there are votes in the committee.

281 Question from SEN. DUKES. Discussion regarding above.

WILLIAMSON: Comments regarding getting approval past Bureau of Alcohol, Tobacco and Firearms (BATF).

300 PAUL WILLIAMSON, Oregon Liquor Control Commission: The commission was neutral on this bill. Clear Creek sold 447 gallons of brandy last year; substantially below the limit.

322 CHAIR: Closes PUBLIC HEARING on HB 3205-A.

328 CHAIR: Opens PUBLIC HEARING on HB 3021.

WITNESSES: State Representative Patty Milne, District 38
Dick Angstrom, Oregon Concrete & Aggregate Producers
Ken Keudell, Construction Contracting Board

355 REP. PATTY MILNE, District 38: Explains the bill.

364 DICK ANGSTROM, Oregon Concrete & Aggregate Producers: Explains the bill; refers to cost of attorney fees exceeding the claim. No opposition on the house side.

SEN. LIM: Amount allowed in small claim court?

387 KEN KEUDELL, Construction Contractors Board: Doesn't know why the limit is there. Refers to bond, award limit, no limit, judgment.

CHAIR: Averse to raising the limit? Explains.

410 REP. MILNE: Agrees with the chair. Angstrom would also.

412 SEN. DERFLER: Question and comments.

TAPE 102, SIDE A

006 Discussion continues regarding same subject.

008 KEUDELL: I believe the reason the dollar amount was there was to try to somewhat to match small claims court. The contractor could represent themselves for any amount.

015 CHAIR: Closes PUBLIC HEARING on HB 3021.
CHAIR: Opens WORK SESSION on HB 3021.

MOTION: SEN. LIM moves to change the amount to \$5,000.

032 VOTE: CHAIR hearing no objection, the conceptual amendment is ADOPTED.

035 MOTION: SEN. MCCOY moves to conceptually amend HB 3021 to eliminate the dollar amount threshold.

VOTE: CHAIR: Hearing no objection the conceptual amendment is ADOPTED.

MOTION: SEN. LIM. Moves HB 3021, AS AMENDED to the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DERFLER, DUKES, MCCOY, LIM and KENNEMER
CARRIER: LIM

060 CHAIR: Closes WORK SESSION on HB 3021.

061 CHAIR: Opens PUBLIC HEARING on HB 3279.

DARRELL FULLER, Committee Administrator: Gives history states there is a letter from Kerry Barnett of

Department of Consumer and Business Services (EXHIBIT D).

WITNESSES: Jack Barnes, Farmers Insurance

080 JACK BARNES, Farmers Insurance: Submits written testimony in support of the bill (EXHIBIT C). Explains the current statute is somewhat restrictive and gives details. Refers to young growth companies that don't produce a dividend.

082 SEN. DUKES: Question regarding investment judgment.

090 BARNES: Refers to reinvestment into research and development.

094 SEN. DUKES: How do you make money? Isn't that called speculative investment?

100 CHAIR: Closes PUBLIC HEARING on HB 3279.
CHAIR: Opens WORK SESSION on HB 3279.

MOTION: SEN. DERFLER moves HB 3279 to the Floor with a DO PASS recommendation

110 VOTE: MOTION PASSES.
AYES: DERFLER, DUKES, MCCOY, LIM and KENNEMER
CARRIER: DERFLER

120 CHAIR: Closes WORK SESSION on HB 3279.
CHAIR: Opens WORK SESSION on HB 2054.

FULLER: Gives overview and House history. Addresses HB 2055 and bonding impact. Refers to letter from Legislative Revenue regarding impact (EXHIBIT E). Housing bonds represent 7 per cent of bonding debt. They did not want to speculate on increase if this made more desirable investment.

138 CHAIR: Explains discussion in previous meeting, this bill would raise the mortgage limit from \$65,000 to \$150,000. Asks if they want to raise it.

148 SEN. LIM: States he is willing to raise it.

MOTION: SEN. LIM moves HB 2054 to the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DERFLER, DUKES, MCCOY, LIM and KENNEMER
CARRIER: LIM

159 CHAIR: Closes WORK SESSION on HB 2054.
CHAIR: Opens WORK SESSION on HB 2345.

WITNESSES: Margaret Carley, Oregon Health Care Association
Meredith Cote, Long Term Care Ombudsman
Susan Dietsche, Senior and Disabled Services

168 MARGARET CARLEY, Oregon Health Care Association: In response to SEN. DUKES, set a personal value exemption of \$2,000.

177 SEN. LIM: You have an agreement with long term care ombudsman?

181 SEN. DUKES: Two days ago you had concerns.

187 MEREDITH COTE, Long Term Care Ombudsman: Does have concerns; \$2,000 was an arbitrary number, but the only thing to say is that it is a very encompassing bill.

203 CHAIR: Comments on the bill, wishes ombudsman to follow how the \$2,000 exemption works. Would like you to bring back to us if it isn't working.

214 SEN. DUKES: It is the real property? That is where my discomfort lies.

226 CHAIR: Miss Carley what all is personal property involved here?

234 CARLEY: Explains.

242 MOTION: CHAIR moves to ADOPT the -3 amendments.

VOTE: CHAIR: Hearing no objection the -3 amendments are
ADOPTED.

245 DISCUSSION follows. SEN. DERFLER has just reentered the room and is asked by the CHAIR if he is comfortable with that. SEN. DERFLER states that if they owe the money they should pay it. The services were provided in good faith.

257 SEN. LIM: Comments about protection.

260 CARLEY: Explains this is \$2,000 per item. That would bring it to more of the higher priced items. It would have to be in excess of that amount. Discussion follows.

278 CARLEY: Reads from the amendment.

288 SEN. LIM: Question regarding the time limit and possibility of abuse in the future.

299 CARLEY: Refers to eligibility.

312 SUSAN DIETSCH, Senior and Disabled Services: Language in the amendment sufficient to protect people on Medicaid. The bill addresses those who aren't eligible for Medicaid and do not honor the debt.

328 SEN. DUKES: Question regarding liens.

CARLEY: Explains that section.

SEN. DUKES: Why do they have to request it?

363 COTE: Addresses SEN. DUKES concern and makes a suggestion; explains the rationale.

383 SEN. DUKES: Further question blanket statement.

415 CARLEY: Refers to exempt assets

TAPE 101, SIDE B

009 Discussion continues regarding lien, filing with 30-day time period, having knowledge of the resident's assets.

019 SEN. DUKES: In response to a request from the CHAIR, explains her conceptual amendment.

027 MOTION: SEN. DUKES moves to ADOPT a conceptual amendment.

036 COTE: States that won't work and gives an explanation on liens and lien releases when Medicaid eligible.

VOTE: SEN. DUKES WITHDRAWS motion to adopt conceptual amendment.

MOTION: SEN. DUKES moves to ADOPT conceptual amendment to HB 2345.

062 CARLEY: Further comments.

066 VOTE: CHAIR: Hearing no objection the HB 2345 conceptual amendments are ADOPTED.

072 SEN. MCCOY: Why do you need the bill? Do we have a record showing how badly this bill is needed?

076 COTE: No, doesn't have the record.

083 DIETSCH: She has heard from some of the industry people they do need the bill. This is the only health care provider that has the authority to have a lien like this.

092 SEN. DUKES: I heard prior, I thought, they were the only ones without any lien rights at all.

CARLEY: Refers to Medicaid, et cetera. The bill was modeled after the state institution law.

100 CHAIR: Let's reschedule, have more information about personal assets

being attached.

110 CHAIR: Closes WORK SESSION on HB 2345.

121 CHAIR: State we will reschedule HB 2846; the amendments are not in place.

127 CHAIR: Opens WORK SESSION on HB 2659-A.

DARRELL FULLER, Committee Administrator: Gives bill history.

WITNESSES: Stephen Kafoury, Architects Council of Oregon.

135 STEPHEN KAFOURY, Architects Council of Oregon: We feel that this is a compromise. Wants to avoid lawsuit with national organization. Refers to regular meetings. Bill represents a modest compromise. It takes care of being able to use initials of AIA in publications and explains.

160 SEN. DUKES: Makes a conceptual amendment to the bill. Refers to Tuesday's testimony. This satisfies her concern.

MOTION: SEN. DUKES moves to ADOPT conceptual amendments to HB 2659-A.

180 KAFOURY: Thought that would be a problem if they weren't registered anywhere. Continues, explains why it would be a problem. This is not just an AIA issue.

201 KAFOURY: Explains further, mentioning rare, emeritus and retired.

212 SEN. DUKES: You are concerned only about AIA? Asks if he would be happy with this compromise.

224 KAFOURY: No, his clients would not be happy with that.

232 CHAIR: The Board took a whole year to address this issue.

SEN. DUKES: This is broad language, refers to any trade or professional organization. Gives detailed discussion.

260 CHAIR: Believe it applies only to architects.

265 FULLER: Gives statutes that deal only with the architects.

271 KAFOURY: Refers to ENCARB.

308 Lengthy discussion continues.

MOTION: SEN. DUKES moves to ADOPT HB 2659 conceptual amendments.

VOTE: MOTION FAILS.
AYES: DUKES and MCCOY
NAYS: DERFLER, LIM and KENNEMER

MOTION: SEN. DERFLER moves HB 2659 to the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DERFLER, MCCOY and LIM
NAYS: DUKES and KENNEMER
CARRIER: DERFLER

380 CHAIR: Closes WORK SESSION on HB 2659.

415 CHAIR: Opens PUBLIC HEARING and WORK SESSION on HB 2093 and HB 2647.

DARRELL FULLER, Committee Administrator: Explains the bill and amendments (EXHIBIT's K, L&M) on both; refers to testimony for the files by Gary Krum (EXHIBIT F).

TAPE 102, SIDE B

WITNESSES: Bob Zagorin, Oregon Outdoors Association
Paul Donheffner, Marine Board

014 BOB ZAGORIN, Oregon Outdoors Association: Submits written testimony (EXHIBIT G) in support of the bill. Addresses concern of fair notice and refers to state tourism, self policing; marine board working with them. Refers to:

--six pages of documentation;
--Marine Board cover letter June 1994;
--by-laws;
--board endorsement of legislation;
--hearing;
--thousand registered guides;
--federally permitted rivers and stipulations;
--operating plan;
--compliance;
--self patrol;
--unregistered guides;
--minor infractions invalidating federal permits;

092 PAUL DONHEFFNER, Marine Board: Testimony in support the bill and the amendments.

096 CHAIR: SEN. DERFLER pointed out that we had talked about change to language in the amendment, asks question regarding violation or conviction.

FULLER: Refers to Legislative Counsel and area of clarification. Recommendation regarding where to make changes.

010 MOTION: CHAIR moves to ADOPT the HB 2093-6 amendments.

020 SEN. DERFLER: Gives comments, you are asking for this, but in my mind should add this.

SEN. LIM: Has the same reservations and says he will not support the bill.

130 SEN. DUKES: Question regarding sticker that is going to go on the boat.

136 DONHEFFNER: We will have a decal that will be developed. For those who have other means of identification, we may look at that as an alternative means of compliance as long as it is prominently displayed.

175 VOTE: CHAIR, Hearing no objection, the
HB 2093-6 amendments are ADOPTED.

MOTION: CHAIR moves HB 2093, AS AMENDED, to
the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DERFLER, DUKES, MCCOY and KENNEMER
NAY: LIM
CARRIER: KENNEMER

220 CHAIR: Opens PUBLIC HEARING and WORK SESSION on HB 2647.

227 DARRELL FULLER, Committee Administrator: Explains the amendments and history.

WITNESSES: Joe Rohleder, Oregon Guides and Packers
Paul Donheffner, Marine Board

238 JOE ROHLEDER, Oregon Guides and Packers: We support the -6 amendments.

240 PAUL DONHEFFNER, Marine Board: We support the -6 amendments, think it is important to supply relief to the industry.

Discussion regarding the -6. Joe Rohleder supports -6.

MOTION: CHAIR moves to ADOPT the HB 2647-6 amendments.

VOTE: CHAIR, hearing no objection the
HB 2647-6 amendments are ADOPTED.

MOTION: CHAIR moves HB 2647, AS AMENDED, to the
Floor with a DO PASS recommendation.

250 VOTE: MOTION PASSES.
AYES: DERFLER, DUKES, MCCOY, LIM and
KENNEMER.
CARRIER: KENNEMER

255 CHAIR: Closes WORK SESSION on HB 2647.

256 CHAIR: Adjourns the meeting at 4:52.

Submitted by, Reviewed by,

Carol A. Smith Darrell W. Fuller
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on HB 2751-A Engrossed, Sharon Fleming-Barrett - 1 page
B - Testimony on HB 3205-A, Charles R. Williamson - 2 pages
C - Testimony on HB 3279, Jack Barnes - 2 pages
D - Testimony on HB 3279 submitted by committee on behalf of Kerry Barnett
- 1 page
E - Testimony on HB 2054, Legislative Revenue, Jim Scherzinger - 1 page
F - Testimony on HB 2093, on behalf of Gary Krum - 1 page
G - Testimony on HB 2093, Bob Zagorin - 8 pages
H - Proposed -6 amendments to HB 2751 A Engrossed, Emily Cedarleaf - 1 page
I - Proposed -2 amendments to HB 3205 A, Sen. William Kennemer - 1 page
K - Proposed -5 amendments to HB 2093 - 1 page
L - Proposed -5 amendments to HB 2647, Sen. William Kennemer - 1 page
M - Proposed -6 amendments to HB 2647 - 1 page