

SENATE COMMITTEE ON BUSINESS, HOUSING AND CONSUMER AFFAIRS

July 14, 1993 Hearing Room 343 3:00 p.m. Tapes 100 - 101

MEMBERS PRESENT: Sen. Bill Dwyer, Chair Sen. Bill Kenemer, Vice-Chair Sen. Brady Adams Sen. Ron Cease Sen. Karsten Rasmussen

MEMBER EXCUSED:

VISITING MEMBER:

STAFF PRESENT: Richard Day-Reynolds, Committee Administrator Willie Tiffany, Committee Assistant

MEASURES CONSIDERED: Public Hearing and Possible Work Session: HB 3368-A - Increases amount of malt beverage to sell product for on-premise consumption. HB 3667-A - Exempts certain fenestration products from Energy Conservation Board testing requirements.

[--- Unable To Translate Graphic ---]

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation :

TAPE 100, SIDE A

008 CHAIR DWYER: Calls the meeting to order at 3:10 p.m.

(Tape 100, Side A) HB 3667-A - EXEMPTS CERTAIN FENESTRATION PRODUCTS FROM ENERGY CONSERVATION BOARD ENERGY CONSERVATION TESTING REQUIREMEN

011 HEIDE ANDERSON, OREGON REMODOLERS ASSOCIATION: Testifies in support of the bill. Reads from written testimony (EXHIBIT A).

030 GARY COOK, SUPREME SOLARIUMS: Testifies in support of the bill.

(Tape 100, Side A) HB 3667-A - EXEMPTS CERTAIN FENESTRATION PRODUCTS FROM ENERGY CONSERVATION BOARD ENERGY CONSERVATION TESTING REQUIREMEN

062 MOTION: SEN. RASMUSSEN moves the -7 amendments.

063 CHAIR DWYER: Hearing no objection, SO ORDERED.

066 MOTION: SEN. RASMUSSEN moves HB 3667-A as amended to the floor with a Do Pass recommendation.

VOTE: The motion carries 3-0, Sen. Adams, Sen. Cease excused.

Sen. Rasmussen will carry.

(Tape 100, Side A) HB 3368-A - INCREASES AMOUNT OF MALT BREWERY CAN MANUFACTURE WHILE RETAINING PRABILEGE TO SELL PRODUCT FOR ON-PREMISE CON Association Janice Krem, Wine Institute Keith Burns, Valley Wine Heide Anderson, PIA Manufacturing Ruby Haughton, US Bank

079 RICHARD DAY-REYNOLDS: Explains amendments.

131 BILL NELSON, OREGON WINE GROWERS ASSOCIATION: Testifies in support of the -13 amendments. Doesn't support the -9 amendments.

175 CHAIR DWYER: Do the small wineries buy everything in cash?

177 NELSON: Virtually, yes.

180 CHAIR DWYER: When they buy the bottles they pay cash?

182 NELSON: It varies.

184 CHAIR DWYER: Give me the name of one winery that pays cash.

186 NELSON: I can't.

187 CHAIR DWYER: I didn't think so.

188 NELSON: This bill lets the small wineries develop a following.

195 JIM BERNAU, WILLAMETTE VALLEY VINYARDS: Testifies in support of the -13 amendments. Has no problems with the -9 amendments.

215 KENEMER: Are we in a public hearing?

220 CHAIR DWYER: Yes.

222 DAVID KNOWLES, OREGON AREA CORPORATION: Testifies in support of the -10 amendments. Reads from written testimony (EXHIBIT J).

247 RUSS SPENCER, MCMENAMENS PUBS: Introduces Mike McCallum, and Mike McMenamen.

250 MIKE MCCALLUM, OREGON RESTURANT ASSOCIATION: Testifies in support of the bill.

273 SEN. KENEMER: Your's is the A-Engrossed bill?

278 MCCALLUM: Yes.

288 BRIDGET FLANNAGEN, SAFEWAY: Testifies in support of the -9 amendments. Reads from written testimony (EXHIBIT L).

TAPE 101, SIDE A

062 SEN. RASMUSSEN: How would distributors be payed under your amendment?  
070 FLANAGEN: The marketplace would determine the terms and would be billed like any other product does it.  
074 SEN. RASMUSSEN: Where are the terms going from?  
079 FLANAGEN: The marketplace would dictate the terms.  
080 SEN. RASMUSSEN: How would it be likely to work?  
084 FLANAGEN: The average for Safeway is 26 days for terms. 086 SEN. RASMUSSEN: When the product shows up you're allowed 26 days to pa  
089 FLANAGEN: Some are shorter and some are longer.  
091 SEN. RASMUSSEN: I'm concerned about the issue of financial assistance.  
102 FLANAGEN: No financial assistance would occur. The current law is antiquated.  
108 SEN. CEASE: Comment further on this Prohibition Era issue.  
118 FLANAGEN: No one knows the origin of this statute.  
125 SEN. CEASE: Have there been other attempts to change this statute?  
127 FLANAGEN: Yes. They started in 1981.  
130 SEN. CEASE: Why have you lost in the past?  
132 FLANAGEN: The retailers weren't united.  
133 SEN. KENNEMER: Do you have something to say Mr. Long.  
135 BILL LONG, WAREMART: Discusses the length of different terms. Each of the industries have different practices.  
163 SEN. CEASE: When you're talking about \$10,000. It makes a big difference who has that \$10,000 over the thirty days.  
170 LONG: Exactly.  
174 SEN. KENNEMER: I asked Legislative Counsel if this was financial assistance and they said it was not.  
187 CHAIR DWYER: It's ludicrous to me we allow the OLCC to warehouse all the liquor in the state. This amendment is a commerce issu  
alcohol issue. All the stuff that goes into the product isn't paid for  
in cash. This is an antiquated statute. However, I've been warned that  
if too much goes into this bill it will be DOA in the House.  
228 SEN. CEASE: I agree with you. I'll support this amendment unless it's going to torpedo the whole bill.  
236 CHAIR DWYER: I've been advised by people who should know, that this amendment will be fatal to this bill.  
243 SANDRA BISHOP, WINE INSTITUTE: Testifies in support of the -13 and -14 amendments. Has no problem with -10 amendments. Opposes  
amendments. Reads from written testimony (EXHIBIT M).  
314 CHAIR DWYER: Was this committee ever closed?  
317 BISHOP: No.  
320 CHAIR DWYER: We were closed.  
324 BISHOP: I believe you.  
327 CHAIR DWYER: Will the House open committees for things they want to work on?  
334 BISHOP: I don't know.  
338 CHAIR DWYER: Has it happened in the past?  
344 BISHOP: Yes.  
347 CHAIR DWYER: You're getting two bites at the apple when you haven't finished the first apple.  
355 BISHOP: I'm not sure what your reference is to.  
416 CHAIR DWYER: How can I make this any plainer? The bill has already passed the Senate. It's in the House. It's you're job to  
people in the House to open the committee. See, you're biting another  
apple now.  
TAPE 100, SIDE B  
001 BISHOP: Yes, we're working on all fronts. Continues testimony.  
011 PAUL ROMAIN, OREGON BEER AND WINE DISTRIBUTORS ASSOCIATION: Testifies in support of the -13 and -14 amendments. On the House side  
has been stoped by only one person.  
023 CHAIR DWYER: It's procecedure over there that anything amended over here will go to conference.  
026 ROMAIN: I have been told by a number of House Republicans that they will vote to concur if this bill comes up. We can also t  
amendment out in a conference committee.  
033 CHAIR DWYER: That's assuming they'll call a conference committee. They might decide never to meet.  
036 ROMAIN: That is a possiblity, but it's my belief that it will pass if it gets to the floor. Continues testimony.

098 JANICE KREM, WINE INSTITUTE: I'm here just to answer questions.

103 KEITH BURNS, VALLEY WINE: Testifies in opposition to the -9 amendments and in favor of the -16 and -14 amendments.

130 HEIDE ANDERSON, PIA MERCHANDISING: If the -14 amendments are put in this bill I think there is a possibility the bill will die in

149 RUBY HAUGHTON, US BANK: Testifies in support of the -9 amendments.

(Tape 100, Side B) HB 3368-A - INCREASES AMOUNT OF MALT BEVERAGE BREWERY CAN MANUFACTURE WHILE RETAINING PRIVILEGE TO SELL PRODUCT FOR ON-P

167 MOTION: SEN. RASMUSSEN moves the -10 amendments.

169 CHAIR DWYER: Hearing no objection, SO ORDERED.

172 MOTION: SEN. RASMUSSEN moves the -13 amendments as further amended.

180 DAY-REYNOLDS: Explains the amendments.

184 CHAIR DWYER: Hearing no objection, SO ORDERED.

192 MOTION: SEN. RASMUSSEN moves the -14 amendments.

196 SEN. KENNER: I object to these amendments.

198 SEN. CEASE: These are the ones we have on the other side in another bill?

200 CHAIR DWYER: They're somewhat like the other ones.

201 SEN. CEASE: Would you give me your assesment with the difficulty we might have on the other side with these?

203 CHAIR DWYER: I have no doubt there will be a problem. Whether it'll be fatal or not remains to be seen.

VOTE: The motion fails 3-2. No's: Sen. Cease, Sen. Kenner,  
Chair Dwyer

222 MOTION: SEN. KENNER moves -16 amendments as hand-engrossed.

245 SEN. CEASE: I will support that. I don't have a problem with the -9 amendments either.

255 CHAIR DWYER: I will support these too. The problem with these are the speaker has made it clear that he's not engaging in task force going to need an expert to study these laws.

279 SEN. KENNER: Hasn't Sen. Bradbury indicated support for this concept?

281 CHAIR DWYER: He has. Any objection to the amendment? Hearing none, SO ORDERED. VER BATIM

293 SEN. CEASE: [QUOTE] "Mister Chair, I think that's all the amendments at this point, is it not?"

298 CHAIR DWYER: [QUOTE] "Just the -9."

299 SEN. CEASE: [QUOTE] "Well, I think that's it then."

MOTION: SEN. CEASE moves the bill as amended with a Do Pass recommendation.

302 CHAIR DWYER: [QUOTE] "Sen. Cease moves the bill as amended to the floor with a Do Pass recommendation. Is there discussion? Willie, role."

VOTE: The motion carries 3-2. No's Sen. Adams, Sen. Rasmussen

310 SEN. ADAMS: [QUOTE] "Mister Chair, I'd like to serve notice I may file a minority report."

312 CHAIR DWYER: [QUOTE] "Sen. Adams files a notice of a possible minority report. That's fine. You can kill the bill if you want to. kill it right now, I'll change my vote to no and kill the bill."

316 SEN. ADAMS: [QUOTE] "It's my intention to simply study the issue."

317 CHAIR DWYER: [QUOTE] "How's that? I'll kill it right now and save you the trouble."

319 SEN. ADAMS: [QUOTE] "It's not my intention to make a declaration that I might kill the bill."

321 CHAIR DWYER: [QUOTE] "I'm just going to tell you that I'm not going to play any games on this. I'll put this baby to sleep right now

326 SEN. CEASE: [QUOTE] "Mister Chair, I would agree there's no point in fussing over it if the whole thing is going to die and maybe t

329 CHAIR DWYER: [QUOTE] "I'll change my vote to no, Willie. The bill's gone."

332 SEN. RASMUSSEN: [QUOTE] "Are we adjourned as well?"

335 CHAIR DWYER: Yes.

The meeting is adjourned at 4:30 p.m.

Submitted by: Reviewed by:

Willie Tiffany

Richard Day-Reynolds

Assistant

Administrator

EXHIBIT LOG:

A - Testimony on HB 3667 - Heide Anderson - 1 page B - -7 Amendments to HB 3667 - Staff - 1 page C - -9 Amendments to HB 3368 - Staff - 1