

SENATE COMMITTEE ON BUSINESS, HOUSING AND CONSUMER AFFAIRS

May 19, 1993           Hearing Room 343 3:00 p.m.   Tapes 74 - 75

MEMBERS PRESENT:   Sen. Bill Dwyer, Chair Sen. Bill Kennemer, Vice-Chair  
Sen. Ron Cease Sen. Karsten Rasmussen

MEMBER EXCUSED:    Sen. Brady Adams

VISITING MEMBER:

STAFF PRESENT:       Cherie Copeland, Committee Administrator Richard  
Day-Reynolds, Committee Assistant

MEASURES CONSIDERED:           Work Session: SB    893    -    Provides  
that if retailer    of alcoholic beverages    assists  
manufacturer    or

wholesaler in providing services to

retailer, then retailer must make same

assistance available to all manufacturers or wholesalers who provide  
services to

retailer SB    605    -    Authorizes    Public    Utility  
Commission to award fees to intervenors, under certain

circumstances, in ratemaking proceedings. SB    457    -    Provides  
that exclusion    in    motor vehicle liability insurance policy that  
provides

coverage in excess of amount required to

comply with financial responsibility laws is invalid if policy does not  
explicitly

provide required coverage. Public Hearing and Possible Work Session: SB  
899    -    Exempts    financial    institutions from certain  
wage and hour regulation for

public contractors. SB    952    -    Allows    dealer    to    refuse  
to    accept for refund more than 144 beverage containers

from any one person in one day. HB    2537A    -Provides    for  
reciprocal    license    fees for nonresident outfitters and guides.

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

TAPE 74, SIDE A

018 CHAIR DWYER: Calls the meeting to order at 3:15 p.m.

(Tape 74, Side A) SB 899 - PROHIBITS CLAUSE IN PUBLIC CONTRACT PROTECTING PUBLIC AGENCY OR PRIME CONTRACTOR, OR BOTH, FROM ADDITIONAL COSTS INCURRED BY SUBCONTRACTOR'S DELAY DUE TO ACTION OF AGENCY OR GENERAL CONTRACTOR - PUBLIC HEARING Witnesses: Frank Brawner, Oregon Bankers Association Dave Barrows, Oregon League of Financial Institutions

026 FRANK BRAWNER, OREGON BANKERS ASSOCIATION: Speaks in support of the bill's replacement amendments (EXHIBIT A).

052 DAVE BARROWS, OREGON LEAGUE OF FINANCIAL INSTITUTIONS: Spoke in support of the amendments and the bill.

(Tape 74, Side A) SB 899 - PROHIBITS CLAUSE IN PUBLIC CONTRACT PROTECTING PUBLIC AGENCY OR PRIME CONTRACTOR, OR BOTH, FROM ADDITIONAL COSTS INCURRED BY SUBCONTRACTOR'S DELAY DUE TO ACTION OF AGENCY OR GENERAL CONTRACTOR - WORK SESSION

062 MOTION: SEN. RASMUSSEN moves the -1 amendments

064 CHAIR DWYER: Hearing no objections, SO ORDERED.

068 MOTION: SEN. RASMUSSEN moves SB 899 to the floor as amended with a Do Pass recommendation.

VOTE: 4-0, MOTION PASSES, Sen. Adams excused. SEN. RASMUSSEN to carry.

((Tape 74, Side A) SB 605 - AUTHORIZES PUBLIC UTILITY COMMISSION TO AWARD FEES TO INTERVENORS, UNDER CERTAIN CIRCUMSTANCES, IN RATEMAKING PROCEEDINGS -WORK SESSION Witnesses: Bob Jenks, Citizens Utility Board

074 BOB JENKS, CITIZEN'S UTILITY BOARD: Describes the amendments. They limit the amounts CUB can award per year.

093 SEN. CEASE: Asks about who would benefit from bill.

096 JENKS: Answers by referring to original bill.

SEN. CEASE: Summarizes changes and gives his support for the amendments.

103 MOTION: SEN. CEASE moves the -2 amendments.

107 SEN. KENNEMER: Objects to the amendment.

109 MOTION: SEN. CEASE moves SB 605 to the floor as amended with a Do Pass recommendation.

VOTE: 3-1, MOTION PASSES, SEN. KENNEMER votes NAY, SEN. ADAMS

excused. SEN. CEASE to carry.

(Tape 74, Side A) SB 893 - PROVIDES THAT AUTHORIZED SERVICES THAT MANUFACTURER OR WHOLESALER OF ALCOHOLIC LIQUORS MAY PROVIDE TO PERSONS LICENSED TO SELL ALCOHOLIC LIQUORS AT RETAIL BY OREGON LIQUOR CONTROL COMMISSION MAY ONLY BE PROVIDED BY EMPLOYEES OF MANUFACTURER OR WHOLESALER OF ALCOHOLIC LIQUORS - WORK SESSION Witnesses: Paul Romain, Beer and Wine Distributors Association Stephen Kafoury, PIA

122 PAUL ROMAIN, BEER AND WINE DISTRIBUTORS ASSOCIATION: Speaks in support of the bill and amendments (EXHIBIT B).

151 SEN. KENNEMER: Questions appropriateness of providing personal business data. Invasive approach.

159 ROMAIN: In abstract I agree, but we can't provide any assistance to one manufacturer without providing it to everyone. We have to avoid any

form of financial assistance.

183 SEN. CEASE: Could the OLCC do this now?

186 ROMAIN: There is an opinion that the current practice is illegal. What this does is put into law that opinion. Everyone must be provided the

same information.

216 STEPHEN KAFOURY, PIA: Speaks in opposition to the amendments. The financial assistance restrictions are outdated and should be overturned.

265 CHAIR DWYER: Makes statement about business competition.

273 KAFOURY: Compares the information-sharing to attorney/client privilege.

278 CHAIR DWYER: That's a poor analogy.

282 SEN. CEASE: Does this happen in other areas of business?

292 KAFOURY: It varies from business to business. There are currently rules being promulgated by OLCC that we believe are illegal.

312 SEN. CEASE: OLCC would have to pass the rule. Would this make the rule mandatory?

KAFOURY: We believe they can't pass the rule without this bill.

SEN. CEASE: Why not let the OLCC do that?

KAFOURY: We don't believe the OLCC has the authority to make this rule.

SEN. CEASE: The OLCC doesn't have to act.

CHAIR DWYER: This bill would make it mandatory.

SEN. CEASE: I have problems with mandating this.

376 MOTION: SEN. RASMUSSEN moves the -2 amendments.

380 CHAIR DWYER: Hearing no objections, SO ORDERED.

382 MOTION: SEN. RASMUSSEN moves SB 893 as amended to the floor with a Do Pass recommendation.

404 SEN. KENNEMER: This is reprehensible. I don't support it, but as a courtesy to Mr. Romain and Sen. Adams I won't hold it up. I will vote

aye as a courtesy in committee, but I will oppose it on the floor. If

Sen. Adams changes his mind, we will bring it back to committee because of a lack of support.

418 CHAIR DWYER: I will agree to that unless it gets three votes without yours.

422 SEN. CEASE: I will be voting no.

427 CHAIR DWYER: Clarifies and agrees to Sen. Kennemer's conditions.

VOTE: 3-1, MOTION CARRIES, SEN. CEASE votes NAY, SEN. ADAMS to

carry

TAPE 75, SIDE A

(Tape 75, Side A) HB 2537 - PROVIDES FOR RECIPROCAL LICENSE FEES FOR NONRESIDENT OUTFITTERS AND GUIDES - PUBLIC HEARING Witnesses: Larry Hill, Oregon Guides and Packers Paul Donheffner, Oregon State Marine Board Tim Marshall, Tillamook Guides Association Roy Doe, Rogue River Guides Association

029 LARRY HILL, OREGON GUIDES AND PACKERS: Reads from prepared testimony in support of the bill (EXHIBIT C).

061 PAUL DONHEFFNER, OREGON STATE MARINE BOARD: Supports as amended by the House, and reads from prepared testimony (EXHIBIT D).

074 TIM MARSHALL, TILLAMOOK GUIDES ASSOCIATION: Reads from prepared testimony in of support the bill (EXHIBIT E).

082 ROY DOE, ROGUE RIVER GUIDES ASSOCIATION: Supports the bill.

(Tape 75, Side A) HB 2537-A - PROVIDES FOR RECIPROCAL LICENSE FEES FOR NONRESIDENT OUTFITTERS AND GUIDES - WORK SESSION

092 MOTION: SEN. CEASE moves HB 2537-A to the floor with a Do Pass recommendation.

VOTE: 4-0, MOTION PASSES. SEN. ADAMS excused. SEN. CEASE to carry.

(Tape 75, Side A) SB 457 - PROVIDES THAT EXCLUSION IN MOTOR VEHICLE LIABILITY INSURANCE POLICY THAT PROVIDES COVERAGE IN EXCESS OF AMOUNT REQUIRED TO COMPLY WITH FINANCIAL RESPONSIBILITY LAWS IS INVALID IF

POLICY DOES NOT EXPLICITLY PROVIDE REQUIRED COVERAGE - WORK SESSION  
Witnesses: Katy Eymann, Oregon Trial Lawyers Association John Powell,  
State Farm Insurance

106 KATY EYMANN, OREGON TRIAL LAWYERS ASSOCIATION (OTLA):  
Proposed revisions clarify the intent in a more clear brief fashion.

116 SEN. KENNEMER: Broad enough to avoid driver's exclusion  
conflicts. What impact will this have on driver's exclusions?

131 JOHN POWELL, STATE FARM INSURANCE: This language is broad  
enough to include those coverage exclusions.

154 SEN. RASMUSSEN: Does this amendment undo your legislation?

160 POWELL: There is a way to work with it. There may also be a  
problem with umbrella coverages.

170 CHAIR DWYER: Directs Ms. Eymann to make changes in amendments.

172 EYMANN: Umbrella coverages are a separate issue. Will work on  
language for exclusions.

183 SEN. RASMUSSEN: Should there be an effective date other than 90  
days?

POWELL: This may create new problems.

197 SEN. KENNEMER: There should be an effective date.

(Tape 75, Side A) SB 952 - ALLOWS DEALER TO REFUSE TO ACCEPT FOR REFUND  
MORE THAN 96 BEVERAGE CONTAINERS FROM ANY ONE PERSON IN ONE DAY - PUBLIC  
HEARING Witnesses: Keith Burns, Container Recovery INC. John Fletcher,  
Container Recovery INC.

207 KEITH BURNS, CONTAINER RECOVERY, INC.: Introduces JOHN  
FLETCHER, PRESIDENT, CONTAINER RECOVERY, INC.

213 FLETCHER: Read from prepared testimony in support of the bill.

254 SEN. CEASE: I support the idea, but what about the resident who  
brings more than that back?

267 FLETCHER: I don't think they are going to turn people down because  
they are customers.

280 SEN. CEASE: I assume this problem is mostly confined to the big  
stores.

293 CHAIR DWYER: My concern is that the relating clause is broad  
enough to be stuffed by the House. Why do we need an emergency clause?

319 BURNS: Three months difference, which equates to around  
\$250,000.

324 CHAIR DWYER: I think this is an abuse of the emergency clause.

333 SEN. KENNEMER: Gives anecdotal example of importing empty cans.  
This appears to be a problem big enough to warrant the emergency clause.

355 CHAIR DWYER: Is 96 cans enough? How about 150?

376 FLETCHER: That would be okay with us.

(Tape 75, Side A) SB 952 - ALLOWS DEALER TO REFUSE TO ACCEPT FOR REFUND MORE THAN 96 BEVERAGE CONTAINERS FROM ANY ONE PERSON IN ONE DAY - WORK SESSION Witnesses: Paul Romain, Oregon Beer and Wine Distributors

393 CHAIR DWYER: We're amending line 15, after "more than" we insert "144." On line 27, we're inserting "144." Leave the emergency clause.

Relating clause: We don't want to see this come back from the House as the omnibus Bottle Bill.

418 PAUL ROMAIN, OREGON BEER AND WINE DISTRIBUTORS ASSOCIATION: [QUOTE] "This is our bill, this is what we drafted, and I can make a pledge to

you, Sen. Dwyer, that this bill will not be changed in any form. It will not have anything relating to any other portion of the Bottle Bill. It will not be changed. We will tell the House, and we will use all of our lobbying efforts in the House to ensure that nothing additional will be done to this bill."

TAPE 74, SIDE B

024 CHERIE COPELAND, COMMITTEE ADMINISTRATOR: Are there other places "96" appears in statute?

ROMAIN: No.

COPELAND: Asks for further clarifications of the bottle bill.

ROMAIN: Answers.

052 MOTION: SEN. RASMUSSEN moves the amendments to SB 952 as agreed to by the committee.

055 CHAIR DWYER: The Committee has amended SB 952 as follows: Change references in the summary from 96 to 144, in line 15 change 96 to 144;

line 27 change 96 to 144.

- Hearing no objection, SO ORDERED.

064 MOTION: SEN. RASMUSSEN moves SB 952 as amended by committee to the floor with a Do Pass recommendation.

VOTE: 4-0, MOTION CARRIES. Sen. Adams excused. Sen. Rasmussen to carry.

072 CHAIR DWYER: Directs staff to write a letter to President Bradbury requesting to bring SB 457 back to work on it when it gets worked out.

- Adjourns the meeting at 4:15 p.m.

Submitted by:

Reviewed by:

Willie Tiffany  
Administrator

Richard Day-Reynolds Assistant

EXHIBIT LOG:

A - Amendments to SB 899 - Staff - 1 page B - Amendments to SB 893 -  
Staff - 1 page C - Testimony on HB 2537 - Larry Hill - 1 page D -  
Testimony on HB 2537 - Paul Donheffner - 1 page E - Testimony on HB  
2537 - Tim Marshall - 3 pages F - Amendments to SB 457 - Staff - 1 page  
G - Testimony on SB 457 - William Earle - 2 pages H - Testimony on SB  
952 - John Fletcher - 2 pages I - Witness Registration - Staff - 6  
pages