

SENATE COMMITTEE ON BUSINESS, HOUSING AND CONSUMER AFFAIRS

May 26, 1993           Hearing Room 343 3:00 p.m.   Tapes 79 - 81

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

MEMBER EXCUSED:   Rep. Jim Whitty, District 47

VISITING MEMBER:

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

MEASURES CONSIDERED:           Work Session: SB     560     -     Prohibits  
sale     or     use     of     certain smoke detectors. SB 787 - Requires  
hearings on filings for health insurance premium increases if increase  
exceeds 10 percent. SB 844 - Exempts persons with certain mental or  
emotional disorder diagnosed by physician from

responsibility for obligation arising from

dialing pay-per-call telephone number. HB 3067-A - Allows patron to  
take partly full

bottle of wine from premises licensed by Oregon Liquor Control  
Commission under Class "B"

dispenser's                                 license.

Public Hearing and Possible Work Session: HB     2835-A     -  
Requires     certain     land     zoned for single family residences to  
allow manufactured

homes. HB 2180 - Authorizes Oregon Liquor Control

Commission to increase premises licensed under

Class "C" dispensers' licenses each year by up

to 30 premises over number of premises licensed during preceding  
calendar year. HB 2726-B - Requires single appraisal; by

independent certified appraiser of property to

be purchased by port when property value exceeds \$100,00.

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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 79, SIDE A

021 CHAIR DWYER: Calls the meeting to order at 3:08 p.m.

(Tape 79, Side A) SB 844 - EXEMPTS PERSONS WITH CERTAIN MENTAL OR EMOTIONAL DISORDER DIAGNOSED BY PHYSICIAN FROM RESPONSIBILITY FOR OBLIGATION ARISING FROM DIALING PAY-PER-CALL TELEPHONE NUMBER - WORK SESSION Witnesses: Rep. Jim Whitty, District 47

035 REPRESENTATIVE JIM WHITTY, DISTRICT 47: Testifies in support of the replacement amendments. Reads a letter into the record (EXHIBIT A).

060 SEN. KENNEMER: Is GTE's policy a one-time only forgiveness on 1-900 bills?

065 REP. WHITTY: I don't know. Continued reading the letter.

083 CHAIR DWYER: Does the disorder have to be recognized first?

103 SEN. KENNEMER: There has to be some better language. I think that I can come up with some.

111 CHAIR DWYER: We don't want to let anyone use a disorder as an excuse.

121 MOTION: SEN. KENNEMER moves to conceptually amend SB 844 to more accurately define disorder.

130 CHAIR DWYER: Hearing no objection, SO ORDERED.

MOTION: SEN. KENNEMER moves SB 844 as conceptually amended to the floor with a Do Pass recommendation.

VOTE: The motion carries 5-0. Sen. Kennemer will carry.

(Tape 79, Side A) SB 560 - PROHIBITS SOLE OR USE OF CERTAIN SMOKE DETECTORS - WORK SESSION Witness: Todd Foster, Legislative Assistant to Sen. Trow

150 TODD FOSTER: Testifies in support of the bill.

177 SEN. KENNEMER: People need to realize that they need to test their smoke detectors more often. 190 FOSTER: Every detector produced in the U.S. uses a pezio device. The frequency of these pezio devices can not be changed.

209 CHAIR DWYER: I'd be more comfortable with requiring that they be tested before buying and installing.

217 SEN. CEASE: There aren't any detectors being manufactured for the hearing impaired?

230 FOSTER: There are, but they are expensive.

238 SEN. CEASE: Where does the customer go with this? There's a "Catch 22" here and this bill doesn't get at it.

247 SEN. ADAMS: This says that hearing impaired aren't smart enough to figure out that they should test a smoke detector before they use it.

263 SEN. KENNEMER: A lot of people aren't aware they have a hearing problem, but this bill doesn't address that.

270 SEN. CEASE: This doesn't get at the issue, but there are a lot of people buying these things and that can't hear them.

290 CHERIE COPELAND, COMMITTEE ADMINISTRATOR: I'd like to point out the -1 amendments.

301 SEN. CEASE: They get at this more clearly. Why did you change from -1 to -2?

313 FOSTER: All the smoke detectors use the same device so consumers don't have a choice.

322 SEN. CEASE: What could go on the label that would actually give the consumer some information?

331 FOSTER: If they have a high frequency hearing loss they need to buy something else.

343 SEN. CEASE: You have to put pressure on the people making hearing aids to provide for the hearing impaired.

356 CHAIR DWYER: Stop right here. I'm closing the work session.

(Tape 79, Side A) HB 2835-A - REQUIRES CERTAIN LAND ZONED FOR SINGLE FAMILY RESIDENCES TO ALLOW MANUFACTURED HOMES - PUBLIC HEARING  
Witnesses: Don Miner, Oregon Manufactured Housing Association Tammy Creel, Citizen Bobby Lapeyre, Citizen Bill Morrisette, Springfield Mayor Forrest Soth, City of Beaverton Jim Minard, City of Junction City Jeff Towery, City of Cottage Grove Bob Moore, Mortgage Banker Ardyth Badger, Oregon State Tenants Association Gail Luthy, Citizen Dan Bartlett, City of Milwaukie Jo Yeager, Citizen Emily Cedarleaf, Multi-Family Housing Council of Oregon

397 DON MINER, OREGON MANUFACTURED HOUSING ASSOCIATION:  
Testifies in support of the bill (EXHIBITS D - K). Refers to maps and charts.

TAPE 79, SIDE A

144 TAMMY CREEL, CITIZEN: Gives a personal experience that showed her support for the bill. Manufactured housing is being discriminated

against.

191 SEN. CEASE: Does this apply only to urban growth boundaries?

197 MINER: Yes.

200 CREEL: Continued to speak in favor of the bill.

220 BOBBY LAPEYRE, CITIZEN: Spoke in favor of the bill using personal experiences to express her support.

272 BILL MORRISSETTE, MAYOR OF SPRINGFIELD: Expressed his appreciation for Sen. Dwyer's support for Springfield. Testifies in opposition to the

bill. Reads from written testimony (EXHIBIT N).

379 FORREST SOTH, BEAVERTON CITY COUNCIL: Testifies in opposition to the bill.

TAPE 79, SIDE B

036 JIM MINARD, JUNCTION CITY CITY MANAGER: Testifies in opposition to the bill.

094 SEN. KENNEMER: What do you mean by "these kinds of homes".

102 MINARD: Manufactured homes have different building standards.

112 SEN. KENNEMER: Speaks to provisions of the bill that allow local control.

129 JEFF TAWRY, CITY MANAGER, COTTAGE GROVE: Testifies in opposition to the bill. 179 COPELAND: Refers to letter from agency in members' files (EXHIBIT O).

193 BOB MOORE, MORTGAGE BANKER: Testifies in support of the bill and summarizes prepared testimony (EXHIBIT P). 258 ARDYTH BADGER, OREGON STATE TENANTS ASSOCIATION: Testifies in support of the bill and summarizes written testimony (EXHIBIT Q).

289 GAIL LUTHY, CITIZEN: Testifies in support of the measure.

344 DAN BARTLETT, CITY MANAGER, MILWAUKEE: Speaks in opposition to the bill.

362 SEN. KENNEMER: Has the League of Oregon Cities taken a position on this bill?

365 BARTLETT: They oppose it.

387 JO YAEGER, CITIZEN: Testifies in support of the bill.

427 ROSALIE LAMBERT, CITIZEN: Testifies in support of the bill.

TAPE 80, SIDE B

033 EMILY CEDARLEAF, MULTIFAMILY HOUSING COUNSEL: Testifies in support of the bill.

(Tape 80, Side B) HB 2835-A - REQUIRES CERTAIN LAND ZONED FOR SINGLE FAMILY RESIDENCES TO ALLOW MANUFACTURED HOMES - WORK SESSION

047 MOTION: SEN. CEASE moves to resend the subsequent referral to the committee on Agriculture and send HB 2835 to the floor with a Do Pass recommendation.

058 SEN. RASMUSSEN: I'm voting no today because I believe this preempts local control.

062 CHAIR DWYER: You stick around here and deal with these cities as long as I have and you'll be voting aye too.

064 SEN. CEASE: I've been around this issue a long time and most of the cities are complying, the rest of these cities shouldn't have a problem doing it either. I have no problem voting aye and I would be happy to

carry the bill.

VOTE: The motion carries 4-1. No: Sen. Rasmussen. Sen. Cease will carry.

(Tape 80, Side B) HB 3067-A - ALLOWS PATRON TO TAKE PARTLY FULL BOTTLE OF WINE FROM PREMISES LICENSED BY OREGON LIQUOR CONTROL COMMISSION UNDER CLASS "B" DISPENSER'S LICENSE - WORK SESSION

076 COPELAND: Explains the -3 amendment which remove the word "glass" on page 2.

MOTION: SEN. CEASE moves the amendment.

079 CHAIR DWYER: Hearing no objection, SO ORDERED. MOTION: SEN. CEASE moves HB 3067-A to the floor, as amended, with a Do Pass recommendation.

VOTE: The motion carries 5-0. Sen. Rasmussen will carry.

(Tape 80, Side B) SB 787 - REQUIRES HEARINGS ON FILINGS FOR HEALTH INSURANCE PREMIUM INCREASES IF INCREASE EXCEEDS 10 PERCENT - WORK SESSION Witnesses: Jim Davis, United Seniors of Oregon Tom Erwin, Insurance Consumer Advocate Gary Weeks, Oregon Department of Insurance and Finance

(DIF)

118 JIM DAVIS, UNITED SENIORS OF OREGON: Testifies in support of the bill.

171 TOM ERWIN, INSURANCE CONSUMER ADVOCATE: Testifies in support of the measure. Any authority the Department may have is discretionary.

206 SEN. CEASE: Is there a subsequent referral? Asks about fiscal impact.

225 ERWIN: There is a May 26, 1993 fiscal. The DIF felt they could absorb the cost.

270 CHAIR DWYER: These agencies inflate their fiscal impacts to get more FTEs.

272 SEN. CEASE: This fiscal impact is going to have trouble on the floor.

273 ERWIN: I'm comfortable with the fiscal and feel they are accurate.

284 DAVIS: I don't think we're talking about a substantial cost.

295 SEN. KENNEMER: How are we going to pay for this?

303 GARY WEEKS, OREGON DEPARTMENT OF INSURANCE AND FINANCE: The insurance companies will pay for it.

312 SEN. KENNEMER: How would the fees get through Ways and Means?

WEEKS: The Ways and Means committee would increase the expenditure authority and increase the anticipated revenue.

SEN. KENNEMER: How important are these reviews?

WEEKS: I feel they are very important.

SEN. KENNEMER: Where is your budget bill?

WEEKS: On its way to Ways and Means.

351 SEN. CEASE: What was the group that studied and how long did it take to come up with a recommendation.

WEEKS: The group included Insurance advocates and our department.

DAVIS: We have been working on this project for 3-4 years.

SEN. CEASE: Was there unanimous agreement?

DAVIS: Yes.

SEN. CEASE: I think we could take it to the floor.

390 MOTION: SEN CEASE moves the -1 amendments.

393 CHAIR DWYER: Hearing no objection, SO ORDERED.

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

VOTE: The motion carries 4-1. Nays: Sen. Adams. Sen. Cease will carry.

TAPE 81, SIDE A

(Tape 81, Side A) HB 2726-B - REQUIRES SINGLE APPRAISAL BY INDEPENDENT CERTIFIED APPRAISER OF PROPERTY TO BE PURCHASED BY PORT WHEN PROPERTY VALUE EXCEEDS \$100,000 - PUBLIC HEARING Witnesses: Alan Willis, Port of Portland

032 ALAN WILLIS, PORT OF PORTLAND: Testifies in support of the bill.  
Reads from written testimony (EXHIBIT U).

043 CHAIR DWYER: Why is this good public policy?

048 WILLIS: This would be an independent appraiser.

CHAIR DWYER: This is based solely on cost?

WILLIS: Yes. Gives example.

071 SEN. CEASE: The original request was for \$500,000 and no  
independent appraiser?

074 CHAIR DWYER: There were two appraisers before. They raised  
the threshold to \$500,000. 076 SEN. CEASE: I understand, but do you  
retain the two appraisers in your original bill?

080 WILLIS: Yes.

083 CHAIR DWYER: I liked your original bill.

(Tape 81, Side A) HB 2180 - AUTHORIZES OREGON LIQUOR CONTROL  
COMMISSION TO INCREASE PREMISES LICENSED UNDER CLASS "C" DISPENSERS'  
LICENSES EACH YEAR BY UP TO 30 PREMISES OVER NUMBER OF PREMISES  
LICENSED DURING PRECEDING CALENDAR YEAR - PUBLIC HEARING Witnesses:  
Bill Cross, Willamette Brewing Company Barbara Pelett, Oregon Liquor  
Control Commission Paul Romain, Oregon Beer and Wine  
Distributors Association

115 BILL CROSS, WILLAMETTE VALLEY BREWING COMPANY: Testifies in  
support of the amendments.

123 SEN. CEASE: How many licenses are certified now?

140 BARBARA PELETT, OREGON LIQUOR CONTROL COMMISSION: There are 225.

145 SEN. CEASE: Does this relate to an increase in crime?

161 PELETT: These might have a stabilizing influence.

165 SEN. CEASE: With the on premises selling, are you talking  
about the brew-pubs?

170 CROSS: No, they have a different license.

188 PAUL ROMAIN: Testifies in support of the bill. Not in favor  
of the amendments.

232 CHAIR DWYER: Is the bill okay on the House side if we  
include the amendment?

237 ROMAIN: I'm not sure.

246 PELETT: Ways and Means has asked for fewer types of  
licenses. The Commission has not taken a stand on the amendment. If  
there is a way to just move the bill, do so.

283 SEN. CEASE: I would be more comfortable with the bill as  
printed.

301 CROSS: The house committee has been favorable to these types of amendments.

(Tape 81, Side A) HB 2180 - AUTHORIZES OREGON LIQUOR CONTROL COMMISSION TO INCREASE PREMISES LICENSED UNDER CLASS "C" DISPENSERS' LICENSES EACH YEAR BY UP TO 30 PREMISES OVER NUMBER OF PREMISES LICENSED DURING PRECEDING CALENDAR YEAR - WORK SESSION

306 MOTION: SEN. CEASE moves HB 2180 to the floor with a Do Pass recommendation.

VOTE: The motion carries 5-0. Sen. Kenemer will carry 315 CHAIR DWYER: Adjourns the committee at 5:22 p.m.

Submitted by:

Reviewed by:

Willie Tiffany  
Administrator

Richard Day-Reynolds Assistant

EXHIBIT LOG:

A - Testimony on SB 844 - Rep. Whitty - 4 pages B - -2 Amendments to SB 844 - Staff - 1 page C - -2 Amendments to SB 560 - Staff - 1 page D - Testimony on HB 2835 - Don Miner - 6 pages E - Testimony on HB 2835 - Don Miner - 1 page F - Testimony on HB 2835 - Don Miner - 1 page G - Charts on HB 2835 - Don Miner - 3 pages H - HB 2863 as exhibit to HB 2835 - Don Miner - 1 page I - Map on HB 2835 - Don Miner - 1 page J - Map on HB 2835 - Don Miner - 1 page K - Map on HB 2835 - Don Miner - 1 page L - Pictures on HB 2835 - Don Miner - 13 pages M - Testimony on HB 2835 - Don Miner - 1 page N - Testimony on HB 2835 - Bill Morrisette - 6 pages O - Letter on HB 2835 - David Foster - 1 page P - Testimony on HB 2835 - Bob Moore - 3 pages Q - Testimony on HB 2835 - Ardyth Badger - 1 page R - Letter on HB 2835 - Steven Koons - 2 pages S - -3 Amendments to HB 3067 - Staff - 1 page T - Fiscal impact to SB 787 - Staff - 1 page U - Testimony on HB 2726 - Alan Willis - 1 page V - -1 Amendments to HB 2180 - Staff - 1 page W - Witness Registration - Staff - 7 pages