

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON BUSINESS**

February 4, 1997 Hearing Room 357

8:30 A.M. Tapes 3 - 4

**MEMBERS PRESENT:**

Rep. Roger Beyer, Chair

Rep. Richard Devlin

Rep. Bob Montgomery

Rep. Jackie Taylor

**STAFF PRESENT:**

Keith Putman, Administrator

Annetta Mullins, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2238 - Public Hearing and Work Session

HB 2239 - Public Hearing and Work Session

HB 2151 - Work Session

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.

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 3, A</b>		
<b>003</b>	<b>Chair Beyer</b>	<b>Calls meeting to order at 8:35 and opens public hearing on HB 2238.</b>
<b><u>HB 2238 - PUBLIC HEARING</u></b>		
<b>018</b>	<b>Putman</b>	<b>Reviews HB 2238.</b>
<b>021</b>	<b>Ken Sherman, Jr.</b>	<b>Oregon Bankers Association, submits a prepared statement and testifies in support of HB 2238 (EXHIBIT A).</b>

		<b>Issues discussed:</b>
054		* retroactive provision
078		* whether the emergency clause is necessary
084	Chair Beyer	Closes public hearing and opens work session on HB 2238.
<b><u>HB 2238 - WORK SESSION</u></b>		
098	Rep. Montgomery	<b>MOTION: Moves HB 2238 to the full committee with a DO PASS recommendation.</b>
100		<b>VOTE: 3-0 EXCUSED: 1 - Devlin</b>
	Chair	<b>Hearing no objection, declares the motion CARRIED. MONTGOMERY will lead discussion in full committee.</b>
103	Chair Beyer	Closes work session on HB 2238 and opens public hearing on HB 2239.
<b><u>HB 2239 - PUBLIC HEARING</u></b>		
106	Putman	Reviews provisions of HB 2239.
114	Ken Sherman, Jr.	Oregon Bankers Association, reads a prepared statement in support of HB 2239 (EXHIBIT B).
150	Sherman	Continues presentation.
200	Sherman	Continues presentation.
233		<b>Issues discussed:</b>
		* only way to distinguish between authorized and unauthorized draft is by customer complaint
		* whether further amendment will be needed due to security liens
242		* procedures that would be followed to correct fraud activities
337		Discussion continues on fraudulent activities, and means of obtaining customer charge card numbers.
380	Chair Beyer	Closes public hearing and opens work session on HB 2239
<b><u>HB 2239 - WORK SESSION</u></b>		
380	Rep. Taylor	<b>MOTION: Moves HB 2239 to the full committee with a DO PASS recommendation.</b>
380		<b>VOTE: 4-0</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>

	Chair	REP. TAYLOR will lead discussion in full committee.
382	Chair Beyer	Opens work session on HB 2151.
<b><u>HB 2151 - WORK SESSION</u></b>		
400	Chair Beyer	Reminds members that staff was asked to check with Legislative Counsel regarding the constitutionality of the measure and whether there would be legal problems with oral permission.
390	Putman	Explains he met with staff of Housing and Community Services and discussed a series of options, that the agency went to their legal counsel, and that Ms. Partin can explain their findings.
404	Lynn Partin	Housing and Community Services Department, reports she has checked with Mr. Carlson, Assistant Attorney General about whether the measure would create liability. The opinion of Mr. Carlson is that it will not. It is an evidentiary issue. Advises the ombudsman's office will include a line on the form to enter the date consent is given by the complainant.
<b>TAPE 4, A</b>		
023	Rep. Montgomery	Comments he has not heard any industry complaints and the consumers like it, but has a problem with oral agreements and has not seen too many stand up in court.
025	Rep. Devlin	<b>MOTION: Moves HB 2151 to the full committee with a DO PASS recommendation.</b>
027		<b>VOTE: 4-0</b>
	Chair	Hearing no objection, declares the motion <b>CARRIED.</b> <b>REP. DEVLIN will lead discussion in full committee.</b>
037	Committee and Staff	Discuss procedures that will be followed when subcommittees report measures to the full committee.
055	Chair Beyer	Announces that the Department of Justice requested that HB 2301 be removed from the agenda and therefore the committee will not consider the measure today.
058	Chair Beyer	Declares the meeting adjourned at 9:07 a.m.

Submitted By, Reviewed By,

Annetta Mullins, Keith Putman,

Administrative Support Administrator

**EXHIBIT SUMMARY**

A - HB 2238, prepared statement, Ken Sherman, Jr., 2 pp

**B - HB 2239, prepared statement, Ken Sherman, Jr., 3 pp**