

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 32

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD:

Public hearing on HB 2524
Public hearing on HB 2596
Work session on HB 2079
Work session on HB 2164

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 , A

004 CHAIR TARNO: Convenes meeting at 8:34 A.M.

OPENS the WORK SESSION on HB 2164

008 ROBINSON: Overview of HB 2164. Submits [EXHIBIT A].

021 CHAIR TARNO: Does the committee have any concerns about the -1
amendments to
HB 2164 [EXHIBIT A]?

030 MOTION: REP. PROZANSKI: Moves to adopt -1
amendments.

035 CHAIR TARNO: Hearing no objection, the motion
CARRIES.

040 MOTION: REP. PROZANSKI: Moves HB 2164 as
amended to the full committee with a do pass recommendation.

042 ROBINSON: I'm not clear at this point as to whether or not this will
go to the Floor or if it
came with a subsequent referral to Ways and Means.

046 CHAIR TARNO: Hearing no objections the motion

OPENS the PUBLIC HEARING on HB 2596

050 JOHN R. GREISEN, PORTLAND POLICE BUREAU: Testimony in favor of HB 2596.
Submits [EXHIBIT B].

097 JAMES GAEBEL, PORTLAND POLICE BUREAU: Testimony in favor of HB 2596.

105 BILL MEADOWS, ANODIZING INC.: Testimony in favor of HB 2596.

111 REP. PROZANSKI: The theft laws would cover any loss that you have.

121 MEADOWS: I can gives you an example of the theft laws in action that I
was involved in.

133 REP. PROZANSKI: For your particular situation, if someone comes on
your property, you
can receive coverage from the police?

135 MEADOWS: Yes.

138 REP. PROZANSKI: The problem we are having is tracing the material to
an individual who
has unlawfully obtained it.

140 GREISEN: Gives example of theft occurrence.

161 READ RICHARDSON, SENIOR BUYER, SCHNITZER STEEL: Testimony in favor of
HB 2596.

195 CHAIR TARNO: What I think your trying to do is to create a deterrent.

209 GREISEN: That's exactly what we are trying to do.

210 REP. LEWIS: Discusses [EXHIBIT B].

218 GREISEN: We discussed with the scrap yards, why we put specific metals
in there and not
limit it.

222 RICHARDSON: Explains non-ferrous metals.

233 REP. LEWIS: With titanium and molybdenum being very expensive metals,
why didn't you
choose not to list them here?

236 GREISEN: Most police officer's would have no concept of molybdenum or
titanium, they will understand copper, aluminum, and brass.

244 RICHARDSON: We could come up with a list of non-ferrous scrap metal in
the area.

247 CHAIR TARNO: You've got stainless steel down on line 22, why didn't we
say non magnetic
stainless steel?

250 RICHARDSON: We could have. From a non-ferrous point of view, the only
type of stainless
steel we deal with is non magnetic.

261 GREISEN: Those were just examples.

270 REP. GRISHAM: What impact would this have on legitimate small
businessmen, as far as record keeping? Could you give me an example of
what type of citation will be issued?

274 GAEBEL: Explains citations issued, and impact to business owners.

309 GREISEN: Part of the people we discussed this with, were independent
scrapers, they also agree
with this law.

313 REP. PROZANSKI: Asks how metals are disposed of.

322 RICHARDSON: We demand complete identification and get a hold of the
Portland police department.

327 REP. PROZANSKI: I see a loop hole, an individual can say "I've had
this property for
more than a year".

343 GREISEN: In our enforcement, we don't look at backyard material. Were
looking for 500 mcm
copper wire.

374 REP. PROZANSKI: I understand this group is made up of Portland area
individuals, has there been any discussion with other people as to putting
this together?

380 GREISEN: We have been in contact with law enforcement through out the
state.

390 GAEBLE: We work Portland, but we have dealt with the Oregon State
Police.

CLOSES the PUBLIC HEARING on HB 2596
OPENS the WORK SESSION on HB 2596

423 REP. PROZANSKI: I just want to make sure we have things covered.

425 CHAIR TARNO: I do have a problem with this non magnetic stainless
steel thing.

428 REP. PROZANSKI: I would suggest we put in there that non-ferrous is
non magnetic.

430 ROBINSON: Let's make the amendments first and then move the bill. If
you want to put in some language that non-ferrous is the same as non
magnetic for those of us that don't understand.

438 RICHARDSON: There are a few metals which are classified as non-ferrous
that are magnetic.

TAPE 32, A

030 MOTION: REP PROZANSKI: Moves HB 2596 to
pass recommendation.

035 CHAIR TARNO: Hearing no objections the motion
CARRIES.

CLOSES the WORK SESSION on HB 2596

OPENS the PUBLIC HEARING on HB 2524

046 REPRESENTATIVE GEORGE EIGHMEY, DISTRICT 14: Testimony on HB 2524.
Submits [EXHIBITS D,E &F].

131 BOB OLSON, OREGON STATE BAR: Testimony in favor of HB 2524.

140 REES JOHNSON, ESTATE PLANNING SECTION, OREGON STATE BAR: Testimony in favor of HB 2524.

180 CHAIR TARNO: The repealing of section ORS 97.141, what does that do?

182 JOHNSON: ORS 97.141 is a statute similar to ORS 97.130, but it deals with the authorization of cemetery authorities.

189 REP. EIGHMEY: My proposed bill will resolve those differences which have existed for years between those two statutes.

212 REP. PROZANSKI: If we do have this put on the books, the other statutes that exist that are in conflict by repealing only the ORS 97.141, will that take care of all the conflicts?

220 REP. EIGHMEY: Yes, it will be packaged in this one statute.

222 REP. GRISHAM: Asks about the ranking of personal representatives.

228 REP. EIGHMEY: Discusses ranking system.

238 REP. GRISHAM: Does anything in the bill change the business relationships of the cemetery authority?

244 REP. EIGHMEY: Gives example.

275 CHAIR TARNO: Are you all in agreement in regards to the -1 amendments?

282 REP. EIGHMEY: Yes.

290 DAVID NOBLE, GENERAL MANAGER, LINCOLN MEMORIAL PARK and FUNERAL HOME, PORTLAND: Testimony on HB 2524. Submits [EXHIBIT G].

350 NOBLE: Discusses financial responsibility.

420 NOBLE: Discusses problems with the practical application of this bill.

TAPE 31, B

030 NOBLE: I don't see anywhere in this bill where it mentions who is going to enforce this statute, or what the penalty will be for the violation.

066 NOBLE: Discusses financial concerns.

120 CHAIR TARNO: If someone comes to you and they are dying, they know they are dying, and they give you a written instrument, telling you how they are to be handled, are you bound by that?

126 NOBLE: Gives example.

136 CHAIR TARNO: You have a contract with a person who has died, you have 3 or 4 members of the family who want to deviate from that contract, I would assume you would carry out the agreement of that contract.

157 REP. PROZANSKI: If I heard you correctly, your company is standing in the position of breaching what ever contract has been set, in writing, that you have agreed to with this individual.

162 NOBLE: This is not something that comes up. In my experience, in twenty years I have probably had one family or two, that chose to go against someone's pre arranged, pre paid funeral arrangements.

170 REP. PROZANSKI: You say this has only happened once, was that an upgrade?

173 NOBLE: I can't recall.

184 CHAIR TARNO: You have mentioned your concerns, is it possible for you to reduce that to writing in a way of possible amendments and submit those to our committee?

189 NOBLE: I'll be glad to work with Representative Eighmey.

197 REP. PROZANSKI: Based on the testimony I've just heard, I'm asking Representative Eighmey to include in the amendments, "if a director violates the written wishes of the decedent, that you will or your company will be held liable for that".

204 NOBLE: Gives example.

212 REP. GRISHAM: Supports Representative Prozanski.

226 NOBLE: We strongly believe that people should have input, and that the family should talk about it, they should agree and make their arrangements.

238 ROBINSON: Asks about the written instrument instructions. Is there a reason why, in section 1 of the bill, this cannot be done in a will?

247 REP. EIGHMEY: I have addressed that in the -1 amendments.

252 ROBINSON: Is there a requirement that the forms be followed specifically?

254 REP. EIGHMEY: No, it's a "may". There's no reason you must have a specific form.

291 CHAIR TARNO: May I suggest that you furnish the members of the committee with a copy of that Washington language.

293 REP. EIGHMEY: Absolutely.

300 REP. PROZANSKI: Could you give us the citation?

302 REP. EIGHMEY: The citation of the Washington revised statute is 68.50.160.

CLOSES the WORK SESSION on HB 2524
OPENS the WORK SESSION on HB 2079

323 ROBINSON: Gives brief overview of HB 2079.

351 WENDY JO PARIS, COUNCEL STATE CEMETERY BOARD, ATTORNEY GENERALS OFFICE:
These amendments were at my suggestion.

360 ROBINSON: Do you mean the amendments to the statute, not the bill?

361 PARIS: Yes.

363 ROBINSON: The new language that is contained in HB 2079, I believe was done at Ms. Paris recommendations.

370 REP. PROZANSKI: Under section 3, that's the language that has been included for proposal of an amendment that would give the mortuary board the authority over an individual who is not already under their control and jurisdiction, is that correct?

383 PARIS: Gives explanation of concerns.

410 REP. LEWIS: When you say that they would be disposing of the body in an unlawful manor, are you also including "according to any administrative rules adopted by this board"?

415 PARIS: There are administrative rules that do further define the handling of human remains.

419 REP. LEWIS: If a person wanted to use mummification, and the board had adopted rules that this was an improper disposition, then your saying this would allow the board to step in and prevent that from being done?

430 PARIS: The technical answer to that is yes.

TAPE 32, B

030 PARIS: Explains the boards concerns.

031 REP. PROZANSKI: The only thing that came up is whether or not were going to give an agency the right to interfere with a family or individual's wishes that are lawful, but may not be accepted within the general society's beliefs.

040 PARIS: I don't believe the intent was to have the board get involved with making decisions about what are accepted or not accepted religious practices.

060 REP. PROZANSKI: I'm not ready to move it.

062 CHAIR TARNO: Are you comfortable with the language we have so far?

063 REP. PROZANSKI: Discusses concerns.

066 CHAIR TARNO: With nothing further from the committee, the meeting is adjourned at 10:05 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson

EXHIBIT SUMMARY:

- A - Proposed amendments to HB 2164 - Staff - 1 page
- B - Testimony on HB 2596 - Greisen - 2 pages
- C - Testimony on HB 2596 - Kafoury - 1 page
- D - Testimony on HB 2524 - Eighmey - 1 page
- E - Proposed amendments to HB 2524 - Eighmey - 1 page
- F - Letter - HB 2524 - Eighmey - 1 page
- G - Testimony on HB 2524 - Noble - 3 pages