

SENATE COMMITTEE ON
BUSINESS AND CONSUMER AFFAIRS

Hearing Room B
Tapes & 91

MEMBERS PRESENT:

Sen. Bill Kennemer, Chair
Sen. John Lim, Vice-Chair
Sen. Joan Dukes
Sen. William McCoy

MEMBER EXCUSED:

Sen. Gene Derfler

STAFF PRESENT:

Darrell W. Fuller, Committee Administrator
Carol A. Smith, Committee Assistant

MEASURES HEARD:

SB 468 Work Session
SB 843 Work Session
SB 892 Work Session

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

002 CHAIR: Calls the meeting to order at 1:34 p.m.

013 CHAIR: Opens WORK SESSION on SB 468.

WITNESSES: John Brenneman, Oregon Funeral Directors
Lucinda Potter, State Mortuary Board
Rennia Meek, Oregon Funeral Director Association
Diane Bassett
Oneita Turner

020 JOHN BRENNEMAN, Oregon Funeral Directors: Submits written testimony in support of the bill (EXHIBIT C). Gives history of problems leading to change agreed upon between the interested parties.

032 SEN. MCCOY: Asks which amendments are being considered. CHAIR responds.

034 LUCINDA POTTER, State Mortuary Board: Submits written testimony in support of the bill (EXHIBIT A). Explains new things the bill will do and what the -4 amendments will allow.

066 POTTER: In response to questions from SEN. MCCOY gives some clarification to areas of his concern. Addresses problems between complainant and licensee and the language that allows the Board the ability to resolve concerns before they become public.

081 SEN. MCCOY: Questions how the Board would have control over that.

POTTER: This would allow them to keep control of the information.

091 CHAIR: Gives information about existing process under current law.

Very often the information consists of allegations, not necessarily fact. Mentions fulfilling regulatory obligations.

104 SEN. MCCOY: Questions length of time involved here.

120 POTTER: More times than not there is no action taken. Their board meets every two months.

130 ONEITA TURNER: We have come to agreement on the confidentiality clause. This will speed up the complaint process by not having outside interference.

139 DIANE BASSET: Voices concerns about maintaining healthy industry. Has concerns about stigma when newspaper puts information in the paper then prints a subsequent correction.

155 RENNIA MEEK, Oregon Funeral Director Association: Testimony in support of the bill. Addresses concerns about confidentiality aspect. Gives example of industry scrutiny and accusation; in a small community, the credibility and trust factor is damaged with the accusation. There is usually only one provider and no place else to go. Resolution often is a matter of simple communication.

200 SEN. MCCOY: Do you have a copy of the allegations?

202 CHAIR: States that a copy comes to his office.

205 POTTER: States she will make sure SEN. MCCOY is placed on the list.

214 BRENNEMAN: Refers to the agreement they have all signed. Makes comments regarding it.

220 MOTION: CHAIR moves to ADOPT the SB 468-4 amendments.

VOTE: CHAIR: Hearing no objection the SB 468-4 amendments are ADOPTED.

MOTION: SEN. LIM moves SB 468, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DUKES, MCCOY, LIM and KENNEMER
EXCUSED: DERFLER
CARRIER: KENNEMER

237 CHAIR: Closes WORK SESSION on SB 468.

239 CHAIR: Opens WORK SESSION on SB 843.

FULLER: Gives overview and stipulations and refers to a conference committee.

251 MOTION: SEN. DUKES moves SB 843, AS PREVIOUSLY AMENDED, to the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DUKES, MCCOY, LIM and KENNEMER
EXCUSED: DERFLER
CARRIER: DUKES

270 CHAIR: Closes WORK SESSION on SB 843.

272 CHAIR: Opens WORK SESSION on SB 892.

275 CHAIR: Gives history of work done on the bill and states the interested parties are in agreement.

283 WITNESS: Jim Gardner, Budget, Avis and Hertz
Linda Gardner, Budget, Avis and Hertz
Susan Schneider, City of Portland
Al Elkins, CATRLA
Diana Godwin, Dollar Rent A Car

295 JIM GARDNER, Budget, Avis and Hertz: Testimony in support of the bill. Gives history and refers to Judge Abraham. States he is in support of the compromise that the CHAIR has engineered.

309 SUSAN SCHNEIDER, City of Portland: Testimony in support of the bill.
Parties have worked in good faith.

316 SEN. MCCOY: Questions purpose of the bill.

320 LINDA GARDNER, Budget, Avis and Hertz: Testimony in support of the
bill. Gives overview of the bill and
explains the amendments. Refers to:
--Section 3;
--affirmative defense;
--rented cars and liability;
--city ordinance;

340 SEN. DUKES: Violating a city ordinance is now a state offense? I am
not in agreement with this.

345 L.GARDNER: Explains, this makes it consistent throughout the state; the
owner of the vehicle is the responsible party.

391 SEN. DUKES: There must be some way you can do this without making it a
state offense.

399 L.GARDNER: Responds.

TAPE 91, SIDE A

031 L.GARDNER: Refers to strict liability for owners. Refer to
jurisdictions; receiving notice being a priority; notice will be
thirty days.

043 SEN. DUKES: To take care of the problem that we first started out with
it is possible for the city council to pass an
ordinance on the strict liability and take care of it? You are saying
other cities have done that. Any particular reason
they don't want to here?

051 SCHNEIDER: I think the issue here was that we thought the issue was a
local one and could be resolved locally. I think
the chair found a way to solve the problem which was essentially a problem
between those who are responsible for
rental cars and the enforcement arm, which in this case was a state
district court, and in order to deal with all the pieces,
one of the essential pieces in the court's mind was will rental car
companies be responsible for their cars. This is the way
that got resolved.

061 CHAIR: Except that it has been argued locally for thirty years.

065 SEN. DUKES: Wouldn't the city be willing to resolve this at the local
level, if we didn't do this? I am having trouble
with suddenly it has become a state offense.

080 CHAIR: Refers to solution that the owner is responsible so creates a
way for rental car agencies to approach and
discharge that responsibility. This states that in statute all owners are
responsible.

092 SEN. DUKES: Gives an example. Discussion continues.

105 SCHNEIDER: We were in touch with the League of Oregon Cities. Heard
from Eugene but haven't heard from
anyone else.

113 CHAIR: Speculates if we left in the part about 300,000 population.

SEN. DUKES: Comments been looking forward to meeting the Judge who was
willing to go this far to resolve
something that represented only two percent of their collections.

126 CHAIR: Makes further comments regarding approaches and Judge's desire
to address this in the future.

142 JIM GARDNER, Budget, Avis and Hertz: This has been going on for forty
years and is a situation where you need
to have the legislature act.

MOTION: CHAIR moves to ADOPT conceptual
changes to SB 892-5 amendments.

VOTE: CHAIR: Hearing no objection, the conceptual changes to
the SB 892-5 amendments are ADOPTED.

MOTION: CHAIR moves to ADOPT the SB 892-5 amendments as conceptually amended.

VOTE: CHAIR: Hearing no objection, the SB 892-5 amendments, as conceptually amended, are ADOPTED.

MOTION: CHAIR moves SB 892, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: MOTION PASSES.
AYES: DUKES, MCCOY, LIM and KENNEMER
EXCUSED: DERFLER
CARRIER: KENNEMER

175 CHAIR: If this violates my agreement with the judge we may have to revisit this bill.

178 JIM GARDNER: If that becomes an issue we would volunteer to do a full canvas of every city we could find and see what their views of it are.

181 CHAIR: Closes WORK SESSION on SB 892.

182 CHAIR: Adjourns the meeting at 2:15 p.m.

Submitted by, Reviewed by,

Carol A. Smith Darrell W. Fuller
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on SB 468 Lucinda Potter, Mortuary and Cemetery Board - 1 page
B - Proposed conceptual amendments to SB 892, Jim Gardner - 3 pages
C - Testimony on SB 468, John Brenneman, Oregon Funeral Directors Association, et al - 1 page