

SENATE COMMITTEE ON
BUSINESS AND CONSUMER AFFAIRS

Hearing Room 137
Tapes & 16

MEMBERS PRESENT:

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

MEMBERS EXCUSED:

STAFF PRESENT:

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

MEASURES HEARD: Introduction of: LC 2647

Introduction of: LC 2648

SB 316 Public Hearing and Work Session

SB 365 Public Hearing and Work Session

SB 317 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

005 CHAIRMAN KENNEMER: Calls meeting to order at 3:00 p.m.

008 CHAIRMAN KENNEMER: Opens WORK SESSION for introduction of LC's.

012 COMMITTEE ADMINISTRATOR, DARRELL FULLER, gives overview of LC's 2647 and LC 2648.

020 MOTION: SEN. MCCOY: Moves to introduce LC 2647 as of 2-3-95, and LC 2648, as of 2-6-95.

023 VOTE: CHAIR KENNEMER: Hearing no objection, motion CARRIES.

030 CHAIR KENNEMER: Closes WORK SESSION.

036 CHAIR KENNEMER: Sets aside work session on SB 23 to Thursday, Feb. 9, 1995.

040 CHAIR KENNEMER: Notes not enough votes for SB 317 will open work

session on
that bill later.

044 CHAIR KENNEMER: Opens PUBLIC HEARING on SB 316.

WITNESS: Chris Lyons, Administrator, OLCC.

050 CHAIR KENNEMER: Gives brief history leading to introduction of bill.

056 CHRIS LYONS, ADMINISTRATOR of OLCC: No reservations; will support.

064 SEN. MCCOY: Comments favorably upon bill; mentions visitors from Japan, Germany, etc.; believes it would be a positive facilitator. Has no objections.

070 CHAIR KENNEMER Closes PUBLIC HEARING on SB 316.

071 CHAIR KENNEMER: Opens WORK SESSION on SB 316.

075 MOTION: SEN. MCCOY: Moves SB 316 to the floor with a DO PASS recommendation.

092 VOTE: MOTION CARRIES
AYE: DERFLER, MCCOY, LIM & KENNEMER
EXCUSED: DUKES
CARRIER: SEN. KENNEMER

093 CHAIR KENNEMER: Closes WORK SESSION ON SB 316.

095 CHAIR KENNEMER: Opens PUBLIC HEARING on SB 365.

096 DARRELL FULLER, COMMITTEE ADMINISTRATOR, gives overview of measure.

098 WITNESS: Ray Gribbling, Oregon Automobile Dealers Association.

100 RAY GRIBBLING: Speaks in support of and submits written testimony.
(Exhibit A) States SB 365 brings Oregon into conformity with the federal bankruptcy law.

131 CHAIRMAN KENNEMER: Questions conformity with federal law; placing public in jeopardy with the ten additional days.

144 FULLER: No revenue impact; has not received a fiscal impact statement, but initial indications are that there is none.

158 CHAIR KENNEMER: Closes PUBLIC HEARING on SB 365.

159 CHAIR KENNEMER: Opens WORK SESSION on SB 365.

160 MOTION: SEN. DERFLER Moves SB 365 to the floor with a DO PASS recommendation.

172 VOTE: MOTION CARRIES
AYE: DERFLER, DUKES, MCCOY, LIM & KENNEMER
CARRIER: SEN. DERFLER

174 CHAIR KENNEMER: Closes WORK SESSION on SB 365.

176 CHAIR KENNEMER: Opens WORK SESSION on SB 317.

WITNESS: Gary Conkling, representing Chemical Specialties Manufacturer's Association (CSMA).

178 CHAIR KENNEMER: Mentions minority report asked for previously by SEN. MCCOY. The bill has had a subsequent referral. The Secretary of the Senate in a letter indicated

that she did not believe a minority report could be put on a bill that has a subsequent referral.

185 SEN. MCCOY: Quotes precedent set by the House in previous years; but until matter settled accepts that.

197 MOTION: SEN. MCCOY Moves to ADOPT the SB 317-1 amendment (EXHIBIT A, Feb. 2, 1995); refers to Line 15 of the printed bill; suggests insert; cites language regarding willful and wanton misconduct.

237 CHAIR KENNEMER: Voices concerns regarding technicalities of the language; suggests it would undo the settlement agreement and breach the agreement that exists with manufacturers in regard to their support of this measure in other states.

239 SEN. MCCOY: Disagrees regarding above; refers to Pg. 7, Section 13 of the agreement.

244 CHAIR KENNEMER: This is the language they agreed on.

247 SEN. MCCOY: Disagrees.

252 CHAIR KENNEMER: Calls Mr. Gary Conkling for clarification on the agreed upon language.

255 GARY CONKLING: Agrees with chair and refers to Poison Control Task Force information.

289 CONKLING: Refers to Tab 4, settlement agreement, Provision 13, (January 31, 1995, Exhibit A) that references proposed legislation for tort immunity.

310 SEN. MCCOY: Believes that the amendment is more explicit.

320 CHAIR: Disagrees with SEN. MCCOY.

328 SEN. DERFLER: Believes it opens it to more litigation.

344 SEN. DUKES: Voices concerns regarding opening and closing of door for lawsuits; protecting the public's right versus negligence.

380 DISCUSSION: Continues.

413 VOTE: MOTION FAILS
AYE: SENATORS DUKES and MCCOY
NAY: SENATORS DERFLER, LIM and KENNEMER

431 MOTION: SEN. DERFLER moves to REFER SB 317 to Senate Judiciary Committee with a DO PASS recommendation.

430 SEN. DUKES: Asks SEN. DERFLER if possible to send bill to that committee with no recommendation.

431 CHAIR KENNEMER: Points out that a recommendation usually is made; the lack of recommendation is also a statement.

TAPE 16, SIDE A;

001 CHAIR KENNEMER: Asks SEN. DERFLER if he wishes to amend his motion.

003 SEN. DERFLER: Responds: no.

004 SEN. LIM: Makes a statement regarding language; refers also to Line 14,
reiterates his previous opinion.

024 CHAIR KENNEMER: Encourages SEN. LIM to talk to Senate Judiciary
Committee and see that he is satisfied
regarding the specific language changes.

027 VOTE: MOTION CARRIES
AYE: DERFLER, LIM AND KENNEMER
NAY: DUKES and MC COY
CARRIER: SEN. MCCOY

030 CHAIR KENNEMER: Closes WORK SESSION on SB 317.

033 CHAIR KENNEMER: Adjourns the meeting at 4:30 p.m.

Submitted by, Reviewed by,

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

EXHIBIT LOG:

A--Testimony on SB 365--Ray Gribbling--2 pages