

SENATE COMMITTEE ON BUSINESS, HOUSING AND CONSUMER AFFAIRS

April 12, 1993      Hearing Room 343 3:00 p.m.      Tapes 49 - 51

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

MEMBER EXCUSED:

VISITING MEMBER:

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

MEASURES CONSIDERED:            Public Hearing and Possible Work Session:  
SB      945            -      Requires      persons            selling prearrangement  
funeral plans    to    register    with    State

Mortuary and Cemetery Board. SB      941            -      Establishes  
certification      and regulatory program for legal technicians. SB  
712            -      Provides      that      sale            or      use            of radar detector  
is punishable by    fine of up to

\$250. SB      849            -      Provides      rules            for            certain  
out-of-state banking institutions operating within this state.

[--- Unable To Translate Graphic ---]

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 49, SIDE A

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

SB 849 - PROVIDES RULES FOR CERTAIN OUT-OF-STATE BANKING INSTITUTIONS OPERATING WITHIN THIS STATE - PUBLIC HEARING Witnesses: Frank Brawner, Oregon Bankers Association Morry Burford, Oregon Bankers Association Cecil Monroe, Oregon Department of Insurance 024      SEN. ADAMS: Declares a potential conflict of interest.

028 FRANK BRAUNER: Testifies in support of the bill. Reads from prepared testimony (EXHIBIT A).

062 MORRY BURFORD, OREGON BANKERS ASSOCIATION: No bankers oppose this legislation.

075 CECIL MONROE, OREGON DEPARTMENT OF INSURANCE AND FINANCE:  
Testifies in support of the bill.

082 CHAIR DWYER: Are you anticipating that Congress will do this,  
this year?

084 MONROE: They have pressure to do this. I don't think the fiscal  
impact would be significant.

116 SEN. KENNEMER: Have you seen the amendments?

118 MONROE: Only the -1.

123 CHERIE COPELAND, COMMITTEE ADMINISTRATOR: Explain the  
bankers amendment.

127 BRAUNER: The amendments correct the print shop errors.

131 SEN. KENNEMER: There are the -1 and a conceptual?

134 BRAUNER: Yes.

(Tape 49, Side A) SB 849 - PROVIDES RULES FOR CERTAIN OUT-OF-STATE  
BANKING INSTITUTIONS OPERATING WITHIN THIS STATE - WORK SESSION

142 MOTION: SEN. KENNEMER moves to amend the -1 amendments.  
Change "banking" to "bank" on page 1, line 14.

145 SEN. ADAMS: Declares a potential conflict of interest.

147 MOTION: SEN. KENNEMER moves the amended -1 amendments.

148 CHAIR DWYER: Hearing no objection, SO ORDERED.

150 MOTION: SEN. KENNEMER moves SB 849 to the floor, as amended,  
with a Do Pass recommendation.

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

(Tape 49, Side A) SB 712 - PROVIDES THAT SALE OR USE OF RADAR DETECTOR  
IS PUNISHABLE BY FINE OF UP TO \$250 - PUBLIC HEARING Witnesses: Rick  
Hanson, Legislative Assistant to Sen. Roberts Bill Johnson, Oregon State  
Police Marshall Coba, Oregon Trucking Association Ray Grilbing, Radio  
Association Defending Airwave Rights Incorporated Ann Brown, Citizen  
John Powell, State Farm Insurance

160 RICK HANSON, LEGISLATIVE ASSISTANT TO SENATOR ROBERTS:  
Testifies in support of the bill for Sen. Roberts, sponsor of the  
bill. Submitted

written testimony (EXHIBIT B-D, II).

208 CHAIR DWYER: How many fatalities were there ten years ago?

212 HANSON: In 1985, there were 100 more.

230 CHAIR DWYER: How would the law be enforced?

238 LT. BILL JOHNSON, OREGON STATE POLICE: Testifies in support  
of the bill. Reads from written testimony (EXHIBIT E). Enforcement

would be

during observation.

268 SEN. KENNEMER: What is the action?

270 JOHNSON: Seizure.

274 SEN. KENNEMER: Is there a fine?

276 JOHNSON: Yes.

278 SEN. KENNEMER: Why do they disallow vehicles over 18,000 lbs. in New York?

282 JOHNSON: I don't know.

286 MARSHALL COBA, OREGON TRUCKING ASSOCIATION: Testifies in support of the bill.

296 SEN. ADAMS: What's a Class B traffic infraction?

300 JOHNSON: \$100 maximum.

308 SEN. RASMUSSEN: Did you say B or C?

311 JOHNSON: I said C. I don't know what a B violation is.

318 CHAIR DWYER: Find out what a class B violation is.

327 RAY GRIBLING, RADIO ASSOCIATION DEFENDING AIRWAVE RIGHTS INCORPORATED: Testifies in opposition of the bill. Reads from written testimony

(EXHIBIT G).

TAPE 50, SIDE A

036 SEN. CEASE: Why do people use these devices?

050 GRIBLING: I don't use them, but I'm not convinced that radar detectors slow traffic down. I'm not convinced people who use them are speeders.

I'm just defending the consumer's right to have one.

066 SEN. KENNEMER: Aren't there automobiles with radar detectors built in?

070 GRIBLING: It can be done.

080 CHAIR DWYER: I had a car with a radar detector built into the grill.

086 DR. ANN BROWN, CITIZEN: Testifies in support of the bill. I see the consequences of excess speed when I patch the victims up in the

emergency room. People who use these are in denial.

122 SEN. RASMUSSEN: I think the users of these devices are law breakers and I support the bill.

126 SEN. CEASE: I do to.

128 SEN. ADAMS: I do to.

130 JOHN POWELL, STATE FARM INSURANCE: We are in support of the bill.

(Tape 50, Side A) SB 945 - REQUIRES PERSONS SELLING PREARRANGEMENT FUNERAL PLANS TO REGISTER WITH STATE MORTUARY AND CEMETERY BOARD - PUBLIC HEARING Witnesses: Ray Gribling, Oregon Cemetery Association Lucinda Potter, State Mortuary and Cemetery Board

150 RAY GRIBLING, OREGON CEMETERY ASSOCIATION: Testifies in support of the bill. Reads from prepared testimony (EXHIBIT K-J).

200 SEN. CEASE: It's desirable that people not be taken advantage of, but I'm troubled by turning it over to a board. I don't want a group of

businessmen keeping out the competition.

219 SEN. ADAMS: Does the employer of a sales person have to have a certificate of registration?

222 GRIBLING: The employer has to have a certificate in order to offer these trusts.

SEN. ADAMS: Why do we need additional protection?

GRIBLING: When the problem is discovered, it's at need, not pre-need.

Our client will honor the contract, but the sales person could have performed mischief long before the time of service.

SEN. ADAMS: I'm confused about why employers can't do this on their own.

GRIBLING: If an employee has been dishonest we don't want to broadcast that to the public and ruin the industry's reputation.

SEN. ADAMS: Why wouldn't you just be more careful when you hire these people?

GRIBLING: This provides the public with protection.

310 CHAIR DWYER: Would a bond be more appropriate?

328 GRIBLING: We still honor the contract, so a bond wouldn't provide the protection.

331 CHAIR DWYER: Are you compelled to honor a fraudulent contract?

333 GRIBLING: The customer isn't aware the contract was fraudulent.

338 CHAIR DWYER: Why would want to give the Board this when we don't know where they stand on this?

343 GRIBLING: The administrator is in the room.

347 SEN. KENNEMER: Are these pre-need programs just for certain dollars or are they specific to a mortuary?

352 GRIBLING: No. They are to the practitioners.

361 LUCINDA POTTER, OREGON STATE MORTUARY AND CEMETERY BOARD: The board does not have a stand on the bill. We haven't had time to work on a

fiscal impact.

381 CHAIR DWYER: Address Sen. Cease's concerns and get a fiscal worked up and we'll revisit this at the appropriate time.

(Tape 50, Side A) SB 941 - ESTABLISHES CERTIFICATION AND REGULATORY PROGRAM FOR LEGAL TECHNICIANS - PUBLIC HEARING Witnesses: Robin Smith, Oregon Legal Technicians Jim Davis, Oregon State Council of Senior Citizens Harold King, Oregon State Council of Senior Citizens Alfred Chrzan, Legal Technician Christy Matson, Legal Assistant Linda Triden, Legal Assistant Gayla Austin, Legal Assistant Ronald Somers, Lawyer Carol Lowe, Citizen Jane Lesser, Oregon Student Lobby Jon Stubenvoll, Oregon State Public Interest Research

Group Katy Eyeman, Oregon Trial Lawyers Association Glenn Leier, Legal Assistant Beryl Mortensen, Oregon City Task Force Bill Lowe, Retired Minister Nathan Steinbock, Citizen

414 ROBIN SMITH, OREGON LEGAL TECHNICIANS: Testifies in support of the bill. Reads from prepared testimony (EXHIBIT O).

050 JIM DAVIS, OREGON STATE COUNCIL OF SENIOR CITIZENS: Testifies in support of the bill. Reads from written testimony (EXHIBIT L-M).

069 CHAIR DWYER: This wouldn't help the people you mention. They need a lawyer.

074 DAVIS: Some would need a lawyer. That's why these technicians need to be trained.

076 CHAIR DWYER: The bill says a High School degree or GED.

079 DAVIS: It also talks about two years of experience and passing an examination.

086 SMITH: Legal aid is losing funding and can't address all the needs.

092 CHAIR DWYER: Why is there no fiscal impact?

098 DAVIS: There are fees in the bill to cover the costs.

106 SEN. KENNEMER: What do legal technicians charge?

108 SMITH: There are flat fees.

110 SEN. KENNEMER: What's it going to cost me if I'm facing an eviction?

112 SMITH: I can't tell you what to do in that situation. You'd have to come in.

116 SEN. KENNEMER: What about under this law?

118 SMITH: I could file a response and we could at start looking at different defenses.

SEN. KENNEMER: How much would you charge?

SMITH: Probably \$35.

SEN. KENNEMER: What would an attorney cost?

SMITH I worked for an attorney who charged a 1/2 month's rent and that is low.

136 DAVIS: This is a two-teired system of justice.

153 HAROLD KING, OREGON STATE COUNCIL OF SENIOR CITIZENS: Testifies in support of the bill. Reads from written testimony (EXHIBIT P).

192 CHAIR DWYER: Don't they do this already?

197 KING: Our only recourse is Oregon Legal Aid.

202 SMITH: Attorneys can charge us with practicing law and shut us down.

215 SEN. KENNEMER: Gives a personal example of a need for this service.

226 SMITH: The State Bar has passed a budget to come after legal aids.

239 ALFRED CHRZAN, LEGAL TECHNICIAN: Testifies in support of the bill. There are limitations to what areas we work in. I normally refer 60% of the calls I get to attorneys or credit counseling. The marketplace does not respond quick enough to deal with unscrupulous practitioners.

324 CHAIR DWYER: What kind of malpractice insurance do you have?

328 CHRZAN: None. Malpractice insurance is unavailable.

338 CHAIR DWYER: Could you provide us with the narrow area in which you practice?

341 CHRZAN: I have two college degrees, neither of them in law. I was trained by an attorney in the State in Washington. I operate in the

areas of bankruptcy, divorce and wills.

358 CHAIR DWYER: Hands over the gavel to Sen. Kennemer so Democratic members could go to a caucus. The hearing continues in Sub-Committee.

380 COPELAND: Legislative Fiscal won't release information until they are sure the bill will receive a work session.

395 CHRISTIE MATSON, LEGAL ASSISTANT: Testifies in opposition of the bill. Introduces (EXHIBIT Q). Legal Assistants should be excluded from the

bill.

TAPE 50, SIDE B

059 SEN. KENNEMER: Why do you want to be excluded?

066 MATSON: We don't want to included as technicians.

074 LINDA TRIDEN, LEGAL ASSISTANT: Testifies in opposition to the bill. Read from prepared testimony (EXHIBITS S, U-X).

115 SEN. KENNEMER: How do we increase pro-bono services by attorneys?

119 TRIDEN: Attorneys need to realize this themselves.

123 SEN. KENNEMER: I know some lawyers that do.

127 GAYLA AUSTIN: Testifies in opposition the measure. Read from prepared testimony (EXHIBITS Y-BB).

269 RON SOMERS, LAWYER: Had one of the first legal assistants in the state. Discussed parts of the bill. Recommends a \$300,000 liability. There's

nothing in this bill to prohibit disbarred lawyers or felons from the license. There is a constitutional issue here. Many of these services exist already. There needs to be some minimum training for anyone doing this kind of work. People need the services and the public needs to be protected.

453 CAROL LOWE, CITIZEN: Testifies in support of the bill.

TAPE 51, SIDE A

031 JANE LESSER, OREGON STUDENT LOBBY: Testifies in support of the bill. Reads from written testimony (EXHIBIT CC).

052 JON STUBENVOLL, OREGON STATE PUBLIC INTEREST RESEARCH GROUP: Testifies in support of the bill. Reads from written testimony (EXHIBIT DD).

118 KATY EYMANN, OREGON TRIAL LAWYERS ASSOCIATION: Testifies in opposition to the bill. There is too much possibility for fraud.

Lawyers are not

always expensive. There is access to less expensive services and the bill is unnecessary.

208 GLENN LEIER, ATTORNEY: Testifies in opposition of the bill. Reads from written testimony (EXHIBIT FF).

267 BERYL MORTENSEN, OREGON CITY TASK FORCE: Testifies in support of the bill. Introduces (EXHIBIT GG).

326 BILL LOWE, RETIRED MINISTER: Testifies in support of the bill. I'm a great believer in the service this would provide.

350 NATHAN STEINBOCK, CITIZEN: Testifies in support of the bill from personal experience. 392 CHAIR KENNEMER: Adjourned the meeting at 5:25 p.m.

Submitted by:

Reviewed by:

Willie Tiffany

Richard Day-Reynolds

Assistant

Administrator

EXHIBIT LOG:

A - Testimony on SB 849 - Frank Brawner - 14 pages B - Testimony on SB 712 - Rick Hanson - 2 pages C - Letter on SB 712 - Rick Hanson - 1 page D - Testimony on SB 712 - Rick Hanson - 2 pages E - Testimony on SB 712 - Bill Johnson - 2 pages F - Letter on SB 712 - Bill Johnson - 1 page G - Testimony on SB 712 - Ray Gribling - 3 pages H - Information on SB 712 - Ray Gribling - 5 pages I - Information on SB 712 - Ray Gribling - 6 pages J - Testimony on SB 945 - Ray Gribling - 3 pages K - Pamphlet on SB 945 - Ray Gribling - 2 pages L - Testimony on SB 941 - Jim Davis - 2 pages M - Fact Sheet on SB 941 - Jim Davis - 12 pages N - Letter on SB 941 - Robin Smith - 1 page O - Testimony on SB 941 - Robin Smith - 13 pages P - Testimony on SB 941 - Harold King - 1 page Q - Testimony on SB 941 - Christy Matson - 2 pages R - Pamphlet on SB 941 - Christy Matson - 2 pages S - Testimony on SB 941 - Linda Triton - 3 pages T - Pamphlet on SB 941 - Christy Matson - 2 pages U - Statement on SB 941 - Linda Triton - 8 pages V - Information on SB 941 - Linda Triton - 4 pages W - Information on SB 941 - Linda Triton - 1 page X - Study on SB 941 - Linda Triton - 8 pages Y - Testimony on SB 941 - Gayla Austin - 4 pages Z - Information on SB 941 - Gayla Austin - 3 pages AA - Information on SB 941 - Gayla Austin - 14 pages BB - Information on SB 941 - Gayla Austin - 8 pages CC - Testimony on SB 941 - Jane Lesser - 1 page DD - Testimony on SB 941 - Jon Stubenvoll - 5 pages EE - Testimony on SB 941 - Terry Murry - 20 pages FF - Testimony on SB 941 - Glenn Leier - 6 pages GG - Report on SB 941 - Keith Tichenor - 29 pages HH - Witness Registration - Staff - 5 pages II - Information on SB 712 - Rick Hanson - 13 pages