

SENATE COMMITTEE ON BUSINESS, HOUSING AND CONSUMER AFFAIRS

June 16, 1993      Hearing Room 343 3:00 p.m.      Tapes 94 - 95

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:            Richard Day-Reynolds, Committee Administrator  
Willie Tiffany, Committee Assistant

MEASURES CONSIDERED:            Public Hearing and Possible Work Session:  
SB 946 - Requires retail dealers of oxygenated

gasoline to post label or notice prescribed by

federal Clean Air Act. HB 2826 - Deletes provision requiring mortgagees  
to reimburse tax collectors for postage and other

costs incurred in mailing property tax statements. HB 3429 - Prohibits  
licensed funeral service

practitioner from serving as personal

representative except in specified cases. HB 2102 - Allows State  
Mortuary and Cemetery Board to confer credit for apprenticeship  
service

performed by applicant for license whose license or certificate of  
apprenticeship has lapsed. HB 2099 - Modifies fee authority of State  
Mortuary and Cemetery Board. HB 2098 - Changes licenses and  
certificates of

authority issued by State Mortuary and Cemetery

Board from annual licenses to biennial licenses. HB 2728 - Revises  
requirements for imposing late

charges in connection with certain loans.

Executive Appointment: Laura A. Fine - Oregon Racing Commission

[--- 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 94, SIDE A

024 CHAIR DWYER: Calls the meeting to order at 3:07 p.m.

(Tape 94, Side A) SB 946 - REQUIRES RETAIL DEALERS OF OXYGENATED GASOLINE TO POST LABEL OR NOTICE PRESCRIBED BY FEDERAL CLEAN AIR ACT - PUBLIC HEARING Witnesses: Roger Martin, BP Oil Ken Simila, Oregon Department of Agriculture

032 ROGER MARTIN, BP OIL: Testifies in support of the bill. Reads from written testimony (EXHIBIT A). Supports the amendments.

080 CHAIR DWYER: The federal label makes it look like these fuels are wonderful, but what does that tell me in regards to my automobile?

098 MARTIN: The big companies don't sell oxygenated fuel. Oxygenated fuels are only sold at certain times and in non-attainment areas.

119 SEN. KENNEMER: A comment about getting a quality fuel: the proof is in how it works.

135 KEN SIMILA, OREGON DEPARTMENT OF AGRICULTURE: Testifies in opposition to the bill. Introduces (EXHIBIT C).

193 MARTIN: The state law doesn't require the federal label only. It requires two labels.

202 CHAIR DWYER: He is saying there are two notices on one label. You want to amend a federal process. We are only amending the bill as it relates to the federal attainment areas.

212 MARTIN: Our attorneys say that present state law requires two labels.

215 CHAIR DWYER: Forget what your lawyer said. If you could put just one label on would you object to this format?

224 MARTIN: I'd have to ask the people that actually do the labeling.

226 CHAIR DWYER: We can tweak this bill to have the language say that one label is sufficient.

236 MARTIN: It also has to do with size.

239 CHAIR DWYER: The federal size is 36 points.

247 MARTIN: We tried to combine these earlier and we were told that we couldn't do it. This is an illustration of how easy it is to do

business in some places and how hard it is in this state.

258 CHAIR DWYER: What if it's possible to do it in one label?

262 MARTIN: We don't want to have a different label for Oregon and the rest of the country. 266 SIMILA: A California label marketer tells us it isn't a problem to use the same label.

283 RICHARD DAY-REYNOLDS, COMMITTEE ADMINISTRATOR: Roger, so one label is not what you're concerned about.

185 MARTIN: We are concerned about one label, but I don't have the information to debate this. We all have bigger things to deal with. I

concede to him.

290 CHAIR DWYER: We can pass this out and get it moving through the process and fix it along the way.

297 MARTIN: Let's have our staffs fix it and move along.

300 SIMILA: This bill comes down to the word "only" in line 32. If it stays in the bill then Oregon consumers are the losers.

(Tape 94, Side A) EXECUTIVE APPOINTMENT - OREGON RACING COMMISSION - LAURA FINE

335 SEN. KENNEMER: Can you give us some information about your background, qualifications and why you want to serve on the racing commission?

342 LAURA FINE: There are two parts of my background which qualify me. My horse background and the fact that I'm an attorney.

354 SEN. KENNEMER: There isn't currently an attorney on the commission?

357 FINE: Yes, there is one, but they need a spare.

360 SEN. KENNEMER: What area of law do you practice?

363 FINE: I'm a legal aid attorney. My horse experience has been a life long thing. I am currently competing as an amateur in the Northwest

Hunter Association Circuit.

373 SEN. KENNEMER: Not for money, right?

376 FINE: No. I have a lot of experience with race horses. It's important to me that horse racing has a good image.

398 SEN. KENNEMER: Where are the commission meetings and can you make it to those easily?

402 FINE: In Portland, and I can make those easily.

408 CHAIR DWYER: What's the connection between the racing commission and jumping horses?

415 FINE: They aren't except that they both use horses.

418 CHAIR DWYER: Do they use thoroughbred reds for jumping? 419 FINE: Yes.

427 SEN. KENNEMER: What are some of the key issues confronting

the commission?

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017 FINE: I'm not familiar with the key issues. I'm going to look into the issue of the lottery drawing people of the track.

022 SEN. KENNEMER: Are you familiar with some of the Commission's disciplining actions?

028 FINE: I've only read the statutes on it.

029 SEN.KENNEMER: How often do they meet?

031 FINE: Once a month.

(Tape 95, Side A) EXECUTIVE APPOINTMENT - OREGON RACING COMMISSION - LAURA FINE

039 MOTION: SEN. KENNEMER moves to approve the governor's appointment of Laura Fine to the Oregon Racing Commission.

VOTE: The motion carries 4-0, Sen. Cease excused. Chair Dwyer will carry.

(Tape 95, Side A) HB 2826 - DELETES PROVISION REQUIRING MORTGAGEES TO REIMBURSE TAX COLLECTORS FOR POSTAGE AND OTHER COSTS INCURRED IN MAILING PROPERTY TAX STATEMENTS - PUBLIC HEARING Witnesses: Frank Brawner, Oregon Bankers Association

063 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Testifies in support of the bill. Explains the amendments.

083 CHAIR DWYER: The -1 amendments accomplish what you want?

085 BRAUNER: Yes, except the effective date.

090 CHAIR DWYER: What do we have to do?

091 BRAUNER: We have to make Section 1 applicable to 94-95 tax year and make Section 2 applicable to the 93-94 tax year.

093 CHAIR DWYER: We don't have language to do that?

084 BRAUNER: I have language, but only one copy.

085 SEN. KENNEMER: Is the tax year the actual year? (Doesn't get an answer) 100 DOLORES DEVINE, OREGON ASSOCIATION OF COUNTY TAX COLLECTORS: We are in agreement with the amendments.

(Tape 95, Side A) HB 2826 - DELETES PROVISION REQUIRING MORTGAGEES TO REIMBURSE TAX COLLECTORS FOR POSTAGE AND OTHER COSTS INCURRED IN MAILING PROPERTY TAX STATEMENTS - WORK SESSION

106 SEN. ADAMS: Declares a potential conflict of interest as a president of a financial institution.

110 MOTION: SEN. KENNEMER moves to amend the -1 amendments.

116 DAY-REYNOLDS: Explains how the amendments would be added.

120 CHAIR DWYER: Hearing no objection SO ORDERED.

122 MOTION: SEN. KENNEMER moves the -1 amendments.

VOTE: The motion carries 3-0, Sen. Cease and Sen. Rasmussen excused.

130 MOTION: SEN. KENNEMER moves HB 2826 as amended to the floor with a Do Pass recommendation.

VOTE: The motion carries 3-0, Sen. Cease excused. Sen. Rasmussen allowed to vote aye by unanimous consent (Tape 95, Side A, Count 202 ). Final vote: 4-0. Sen. Kennemer will carry HB 2826.

(Tape 95, Side A) HB 3429 - PROHIBITS LICENSED FUNERAL SERVICE PRACTITIONER FROM SERVING AS PERSONAL REPRESENTATIVE EXCEPT IN SPECIFIED CASES - PUBLIC HEARING Witnesses: Lucinda Potter, Oregon State Mortuary and Cemetery

Board

143 CHAIR DWYER: Nobody is signed up. Why should we pass a bill that no one cares about?

145 SEN. KENNEMER: Who is Don Payne.

148 DAY-REYNOLDS: Cherie was unable to get in touch with him.

152 LUCINDA POTTER, OREGON STATE MORTUARY AND CEMETERY BOARD: Testifies for Mr. Payne (Sponsor). He is trying to get some consistency in the

statute. It's unclear in statute whether a funeral director can serve as a legal representative or not.

(Tape 95, Side A) HB 3429 - PROHIBITS LICENSED FUNERAL SERVICE PRACTITIONER FROM SERVING AS PERSONAL REPRESENTATIVE EXCEPT IN SPECIFIED CASES - WORK SESSION

178 SEN. KENNEMER: This just closes a loophole.

181 MOTION: SEN. KENNEMER moves HB 3429 to the floor with a Do Pass recommendation.

VOTE: The motion carries 4-0, Sen. Cease excused. Sen. Rasmussen will carry.

(Tape 95, Side A) HB 2102 - ALLOWS STATE MORTUARY AND CEMETERY BOARD TO CONFER CREDIT FOR APPRENTICESHIP SERVICE PERFORMED BY APPLICANT FOR LICENSE WHOSE LICENSE OR CERTIFICATE OF APPRENTICESHIP HAS LAPSED - PUBLIC HEARING Witnesses: Lucinda Potter, Oregon State Mortuary and Cemetery

Board

191 LUCINDA POTTER, OREGON STATE MORTUARY AND CEMETERY BOARD:

Testifies in support of the bill. Reads from written testimony (EXHIBIT D).

(Tape 95, Side A) HB 2102 - ALLOWS STATE MORTUARY AND CEMETERY BOARD TO CONFER CREDIT FOR APPRENTICESHIP SERVICE PERFORMED BY APPLICANT FOR LICENSE WHOSE LICENSE OR CERTIFICATE OF APPRENTICESHIP HAS LAPSED - WORK SESSION

MOTION: SEN. RASMUSSEN moves HB 2102 to the floor with a Do Pass recommendation.

VOTE: The motion carries 4-0, Sen. Cease excused. Sen. Rasmussen will carry HB 2102.

202 CHAIR DWYER: Asks unanimous consent to let Sen. Rasmussen vote on HB 2826. If there is no objection, how do you vote?

SEN. RASMUSSEN: Aye.

(Tape 95, Side A) HB 2099 - MODIFIES FEE AUTHORITY OF STATE MORTUARY AND CEMETERY BOARD -PUBLIC HEARING Witnesses: Lucinda Potter, Oregon State Mortuary and Cemetery

Board

210 LUCINDA POTTER, OREGON STATE MORTUARY AND CEMETERY BOARD: Testifies in support of the bill. Reads from written testimony (EXHIBIT E).

225 CHAIR DWYER: What are we repealing?

229 POTTER: A provision for change of name.

234 CHAIR DWYER: Are we changing the way we access fees?

236 POTTER: That's done by administrative rule.

237 SEN. ADAMS: Can you explain the one fee that is added?

239 POTTER: That fee is for reissuance of license. 245 SEN. ADAMS: How much is that?

246 POTTER: 10 dollars.

247 SEN. KENNEMER: The -1 amendments only delete the word "service"?

251 POTTER: That's correct.

253 SEN. KENNEMER: Why the change?

255 POTTER: It's not commonly used language in the industry.

(Tape 95, Side A) HB 2099 - MODIFIES FEE AUTHORITY OF STATE MORTUARY AND CEMETERY BOARD -WORK SESSION

257 MOTION: SEN. RASMUSSEN moves the -1 amendments.

260 CHAIR DWYER: Hearing no objection SO ORDERED.

263 MOTION: SEN. RASMUSSEN moves HB 2099 to the floor as amended with a Do Pass recommendation.

VOTE: The motion carries 5-0. Sen. Rasmussen will carry HB 209 9.

(Tape 95, Side A) HB 2098 - CHANGES LICENSES AND CERTIFICATES OF AUTHORITY ISSUED BY STATE MORTUARY AND CEMETERY BOARD FROM ANNUAL LICENSES TO BIENNIAL LICENSES - PUBLIC HEARING Witnesses: Lucinda Potter, Oregon State Mortuary and Cemetery

Board

276 LUCINDA POTTER, OREGON STATE MORTUARY AND CEMETERY BOARD: Testifies in support of the bill. Reads from written testimony (EXHIBIT H).

303 CHAIR DWYER: What kind of criticism will we get if we pass this bill in regards to the Lincoln City episode?

310 POTTER: This was a tremendous consideration. Because of regular inspections we are reaching a much higher level of compliance.

330 CHAIR DWYER: Will a reduction in the annual inspections be the result of the fact that they know you won't be coming around anymore

333 POTTER: I can't answer that.

341 SEN. KENNEMER: Do you inspect cemeteries?

344 POTTER: Yes. This is new for them. 362 SEN. KENNEMER: Are some inspections based on complaints?

370 POTTER: That's correct

372 SEN. KENNEMER: All our professional licenses are for two years.

380 CHAIR DWYER: It gives them money to use for a year too.

390 SEN. KENNEMER: Most boards stagger their renewals. How much revenue does this give you?

395 POTTER: It keeps our revenues the same.

TAPE 94, SIDE B

(Tape 94, Side B) HB 2098 - CHANGES LICENSES AND CERTIFICATES OF AUTHORITY ISSUED BY STATE MORTUARY AND CEMETERY BOARD FROM ANNUAL LICENSES TO BIENNIAL LICENSES - WORK SESSION

010 MOTION: SEN. CEASE moves HB 2098 to the floor with a do pass recommendation.

VOTE: The motion carries 5-0. Sen. Rasmussen will carry HB 2098

(Tape 94, Side B) HB 2728 - REVISES REQUIREMENTS FOR IMPOSING LATE CHARGES IN CONNECTION WITH CERTAIN LOANS - PUBLIC HEARING Witnesses: Frank Brawner. Oregon Bankers Association

019 FRANK BRAWNER, OREGON BANKERS ASSOCIATION: Testifies in favor

of the bill. The goal of this bill is to treat customers will automatic

withdraw loans the same as those with coupon book loans. Explains the typical procedures banks use for automated repayment.

091 SEN. RASMUSSEN: If an account had been pulled from automatic deduction and there was not sufficient funds, then you have no obligation to

process it as an N.S.F. (Non-sufficient funds)

099 BRAUNER: That's correct.

102 SEN. RASMUSSEN: So you're not treating it as an N.S.F

104 BRAUNER: You will never charge against the checking account unless there is customer direction to do that.

109 SEN. RASMUSSEN: This new regulation is going to require even more notification.

111 BRAUNER: That is correct.

113 CHAIR DWYER: How about the notice of the law change?

117 BRAUNER: We can make the customers aware.

127 SEN. RASMUSSEN: If it comes up for the first time after this bill passes then it wouldn't be an issue because they have the notice we

talked about. If it comes up before, then the customer knows because they have been late already.

136 BRAUNER: That's correct

(Tape 94, Side B) HB 2728 - REVISES REQUIREMENTS FOR IMPOSING LATE CHARGES IN CONNECTION WITH CERTAIN LOANS - WORK SESSION

168 SEN. ADAMS: Declares a potential conflict of interest as the president of a financial institution.

170 MOTION: SEN. CEASE moves HB 2728 to floor with a Do Pass recommendation.

VOTE: The motion carries 5-0. Sen Kennemer will carry HB 2728.

(Tape 94, Side B) SB 946 - REQUIRES RETAIL DEALERS OF OXYGENATED GASOLINE TO POST LABEL OR NOTICE PRESCRIBED BY FEDERAL CLEAN AIR ACT - WORK SESSION

178 CHAIR DWYER: Conceptually amends the bill. Delete the word "only" on line 31 and indicate that if one label complies with both state and

federal requirements.



182 MOTION: SEN. KENNEMER moves SB 946, as conceptually amended, to the floor with a Do Pass recommendation.

VOTE: The motion carries 5-0. Sen. Kennemer will carry SB 946.

205 CHAIR DWYER: Adjourns the meeting at 4:17 p.m.

Submitted by:

Reviewed by:

Willie Tiffany  
Administrator

Richard Day-Reynolds Assistant

EXHIBIT LOG:

A - Testimony on SB 946 - Roger Martin - 4 pages B - Amendments to SB 946 - Staff - 1 page C - Testimony on SB 946 - Ken Simila - 1 page D - Testimony on HB 2102 - Lucinda Potter - 1 page E - Testimony on HB 2099 - Lucinda Potter - 1 page F - Amendments to HB 2099 - Staff - 1 page G - Hand-Engrossed copy of HB 2099 - Staff - 4 pages H - Testimony on HB 2098 - Lucinda Potter - 1 page I - Testimony on HB 2728 - Steve Rodeman - 1 page