

HOUSE COMMITTEE ON
BUSINESS, LABOR, AND CONSUMER AFFAIRS

May 13, 2005 Hearing Room B

8:00 A.M. Tapes 126 - 127

Corrected 09/30/05

MEMBERS PRESENT: Rep. Alan Brown, Chair

Rep. Sal Esquivel, Vice-Chair

Rep. Mike Schaufler, Vice-Chair

Rep. Paul Holvey

Rep. George Gilman

Rep. Chip Shields

MEMBERS EXCUSED: Rep. Derrick Kitts

STAFF PRESENT: Janet Adkins, Committee Administrator

Katie Howard, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3363 – Work Session

SB 563A – Work Session

SB 136 – Public Hearing and Work Session

SB 137 – Public Hearing and Work Session

SB 576A – Public Hearing and Work Session

SB 837A – Public Hearing and Work Session

SB 83 – Public Hearing and Work Session

SB 574A – Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 126, A

003	Chair Brown	Calls the meeting to order at 8:05 a.m. Opens the work session on HB 3363.
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HB 3363 – WORK SESSION

008	Janet Adkins	Committee Administrator. Explains HB 3363 and submits the -3 amendments (EXHIBIT A).
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028	Rep. Schaufler	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 3363.
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037		VOTE: 6-0-1
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AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Kitts

	Chair Brown	The motion CARRIES.
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050	Rep. Schaufler	MOTION: Moves to RECONSIDER the vote by which HB 3363 was moved with a DO PASS AS AMENDED recommendation and REFERRED to the committee on Ways and Means.
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053		VOTE: 6-0-1
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EXCUSED: 1 - Kitts

	Chair Brown	Hearing no objection, declares the motion CARRIED.
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055 Rep. Schaufler **MOTION: Moves to ADOPT HB 3363-3 amendments dated 05/11/05 and REMOVE HB 3363-1 amendments dated 05/06/05.**

058 **VOTE: 6-0-1**

EXCUSED: 1 - Kitts

Chair Brown Hearing no objection, declares the motion CARRIED.

061 Rep. Schaufler **MOTION: Moves HB 3363 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

065 **VOTE: 6-0-1**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Kitts

Chair Brown The motion CARRIES.

REP. DINGFELDER will lead discussion on the floor.

078 Chair Brown Closes the work session on HB 3363. Opens the work session on SB 563 A.

SB 563A – WORK SESSION

082 Janet Adkins Committee Administrator. Explains SB 563 A.

094 Rep. Esquivel **MOTION: Moves SB 563A to the floor with a DO PASS recommendation.**

096 **VOTE: 6-0-1**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Kitts

Chair Brown The motion CARRIES.

103	Rep. Esquivel	MOTION: Moves SB 563A be placed on the CONSENT CALENDAR.
105		VOTE: 6-0-1 EXCUSED: 1 - Kitts
	Chair Brown	Hearing no objection, declares the motion CARRIED.
108	Chair Brown	Closes the work session on SB 563A. Opens the public hearing on SB 136.

SB 136 - PUBLIC HEARING

111	Janet Adkins	Committee Administrator. Explains SB 136.
119	Marc Zolton	Bureau of Labor and Industries. Submits written testimony on behalf of Dan Gardner in support of SB 136 (EXHIBIT B). Talks about flaggers that were not covered under the Davis-Bacon Act in 1995. States that the changes are merely technical to clean up language about flaggers that was created in the 1990s.
132	Rep. Shields	Asks what happens if the federal government decides not to cover flaggers under the Davis-Bacon Act in the future.
133	Zolton	Believes that the federal government will most likely continue to cover flaggers and states that if they do not it would be the prerogative of the Legislature to address it at that time.
142	Chair Brown	Closes the public hearing on SB 136 and opens the work session on SB 136.

SB 136 – WORK SESSION

145	Rep. Schaufler	MOTION: Moves SB 136 to the floor with a DO PASS recommendation.
147		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kitts

Chair Brown The motion CARRIES.

155 Rep. Schaufler MOTION: Moves SB 136 be placed on the CONSENT CALENDAR.

156 **VOTE: 6-0-1**

EXCUSED: 1 - Kitts

Chair Brown **Hearing no objection, declares the motion CARRIED.**

160	Chair Brown	Closes the work session on SB 136. Opens the public hearing on SB 137.
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SB 137 – PUBLIC HEARING

161 Marc Zolton Bureau of Labor and Industries. Submits written testimony on behalf of Dan Gardner in support of SB 137 (**EXHIBIT C**). Says that SB 137 is a minor housekeeping bill. Explains that it allows minors to take their lunches at a time other than noon.

172 Rep. Schaufler Speaks in support of SB 137.

175	Chair Brown	Closes the public hearing on SB 137. Opens the public hearing on SB 137.
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SB 137 – WORK SESSION

178	Rep. Esquivel	MOTION: Moves SB 137 to the floor with a DO PASS recommendation.
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180 **VOTE: 6-0-1**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Kitts

Chair Brown The motion CARRIES.

186 Rep. Schaufler

MOTION: Moves SB 137 be placed on the CONSENT CALENDAR.

188

VOTE: 6-0-1

EXCUSED: 1 - Kitts

Chair Brown

Hearing no objection, declares the motion CARRIED.

191

Chair Brown

Closes the work session on SB 137. Opens the public hearing on SB 576A.

SB 576A – PUBLIC HEARING

195

Janet Adkins

Committee Administrator. Explains SB 576A. Submits written testimony on behalf of Rep. Debi Farr in support of SB 576A **(EXHIBIT D)**.

220

Martin Taylor

Oregon Nurses Association. Speaks in support of SB 576A. Talks about how parents need a note from a physician under current law if their child has been sick more than three days. Notes that SB 576A would allow a school nurse to write a note for the parent's employer.

268

Rep. Schaufler

Asks if a dentist will be able to write a note for a person experiencing back pain.

272

Taylor

States that a dentist could not write the note.

275

Rep. Holvey

Asks about the treatment of employees through spiritual means.

277

Taylor

States that he is unqualified to answer the question and notes that it is a pre-existing statute.

284

Chair Brown

Closes the public hearing on SB 576A. Opens the work session on SB 576A.

SB 576A – WORK SESSION

295

Rep. Esquivel

MOTION: Moves SB 576A to the floor with a DO PASS recommendation.

300

VOTE: 6-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Kitts

Chair Brown

The motion CARRIES.

208

Rep. Schaufler

MOTION: Moves SB 576A be placed on the CONSENT CALENDAR.

315

VOTE: 6-0-1

EXCUSED: 1 - Kitts

Chair Brown

Hearing no objection, declares the motion CARRIED.

318

Chair Brown

Closes the work session on SB 576A and opens the public hearing on SB 837A.

SB 837A – PUBLIC HEARING

322

Janet Adkins

Committee Administrator. Explains SB 837A.

345

Hasina E. Squires

Special Districts Association of Oregon. Submits written testimony in support of SB 837A (**EXHIBIT E**). States that SB 837A creates minimum standards for operating a self-insured public pool.

365

Frank Stratton

Underwriting Manager, Special Districts Association of Oregon. States that self-insured public pools help people save money. Believes that SB 837A will help create transparency and standards for the industry.

415

Rep. Schaufler

Asks what the minimum financial requirements are for Damascus.

TAPE 127, A

001

Stratton

States that once the assets are attributed to the pool, the city of Damascus needs to have a financial audit by an outside auditor annually. States that an actuary would also be required to look at the fund. Indicates that other controls exist as well.

010	Rep. Schaufler	Asks if anyone is currently making undisclosed commissions.
014	Stratton	Talks about a broker in Washington that is trying to come into the state. Says St. Paul Insurance Company controls the program.
028	Chair Brown	Closes the public hearing on SB 837A. Opens the work session on SB 837A.

SB 837A – WORK SESSION

030	Rep. Schaufler	MOTION: Moves SB 837A to the floor with a DO PASS recommendation.
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032		VOTE: 5-0-2
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AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Esquivel, Kitts

	Chair Brown	The motion CARRIES.
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040	Rep. Schaufler	MOTION: Moves SB 837A be placed on the CONSENT CALENDAR.
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042		VOTE: 5-0-2
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EXCUSED: 2 - Esquivel, Kitts

	Chair Brown	Hearing no objection, declares the motion CARRIED.
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043	Chair Brown	Closes the work session on SB 837A. Opens the public hearing on SB 83.
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SB 83 – PUBLIC HEARING

044	Janet Adkins	Committee Administrator. Explains SB 83.
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063	Stuart Albright	President, Oregon State Board of Examiners. Speaks in support of SB 83. States that they are trying to help small essential buildings in rural communities that are currently required to be designed by
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structural engineers. Says that a structural engineer is not necessary and SB 83 will waive the requirement.

080 Chair Brown Closes the public hearing on SB 83. Opens the work session on SB 83.

SB 83 – WORK SESSION

083 Rep. Schaufler **MOTION: Moves SB 83 to the floor with a DO PASS recommendation.**

086 **VOTE: 5-0-2**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Esquivel, Kitts

Chair Brown The motion CARRIES.

090 Rep. Schaufler **MOTION: Moves SB 83 be placed on the CONSENT CALENDAR.**

093 **VOTE: 5-0-2**

EXCUSED: 2 - Esquivel, Kitts

Chair Brown Hearing no objection, declares the motion CARRIED.

096 Chair Brown Closes the work session on SB 83. Opens the public hearing on SB 574A.

SB 574A – PUBLIC HEARING

099 Chair Brown Moves to a recess at 8:40 a.m. Calls the meeting to order at 8:49 a.m.

103 Janet Adkins Committee Administrator. Explains SB 574A.

125 Rep. Schaufler States that he believes SB 574A will help the consumer. Notes that no one is at the public hearing testifying in opposition to SB 574A.

129	Chair Brown	Closes the public hearing and opens the work session on SB 574A.
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SB 574A – WORK SESSION

130 Rep. Schaufler MOTION: Moves SB 574A to the floor with a DO PASS recommendation.

133 **VOTE: 5-0-2**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Esquivel, Kitts

Chair Brown The motion CARRIES.

139 Rep. Schaufler **MOTION: Moves SB 574A be placed on the CONSENT
CALENDAR.**

141 **VOTE: 5-0-2**

EXCUSED: 2 - Esquivel, Kitts

Chair Brown **Hearing no objection, declares the motion CARRIED.**

146	Chair Brown	Closes the work session on SB 574A and adjourns the meeting at 8:53 a.m.
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EXHIBIT SUMMARY

- A. HB 3363, -3 amendments, staff, 4 pp
- B. SB 136, written testimony of Dan Gardner, Marc Zolton, 1 p
- C. SB 137, written testimony of Dan Gardner, Marc Zolton, 1 p
- D. SB 576, written testimony of Rep. Debi Farr, staff, 1 p
- E. SB 837, written testimony, Hasina E. Squires, 2 pp