

HOUSE COMMITTEE ON
VETERANS' AFFAIRS

March 29, 2005 Hearing Room C

8:30 A.M. Tapes 48 - 50

MEMBERS PRESENT: **Rep. Donna Nelson, Chair**

Rep. Phil Barnhart, Vice-Chair

Rep. Debi Farr, Vice-Chair

Rep. Brian Boquist

Rep. Scott Bruun

Rep. Dave Hunt

Rep. Betty Komp

STAFF PRESENT: **Jim Stembridge, Committee Administrator**

Erin Seiler, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2843 – Public Hearing

HB 2134 – Public Hearing

HB 2470 – Public Hearing

HB 2471 – Public Hearing

HB 3327 – Public Hearing

HB 2818 – Public Hearing

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 48, A

001	Chair Nelson	Opens the meeting at 8:35 a.m. Opens a public hearing on HB 2843.
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HB 2843 - PUBLIC HEARING

023	Jim Stembridge	Committee Administrator. Explains HB 2843, which requires waiver of occupational and professional license, certificate, permit and registration fees for veterans.
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026	Jim Willis	Director, Oregon Department of Veterans' Affairs (ODVA). Speaks to the "laudable intent" and "unintended consequences" associated with the bill.
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044	Chair Nelson	Speaks to the original intent of the bill and why it needs to be amended to reflect the change to the statutory definition of veteran in Oregon.
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064	Rep. Farr	Confirms that the intention was to waive fees for just occupational and professional licenses.
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067	Chair Nelson	Explains why no specific dates were set for applying for the waiver.
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089	Rep. Boquist	States that the intent of the bill is "to get veterans up on their feet and functioning" as a piece of a larger employment package and asks what the "latitude" should be for applying for a license waiver.
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099	Willis	Explains the challenge of determining the scope of eligibility for the waiver program, suggesting that the theaters of combat determine eligibility.
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125	Kevin O'Reilly	Government Relations/Advocacy Director, Oregon Paralyzed Veterans' of America. Testifies in support of HB 2843.
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150	Chair Nelson	Verifies that there are not any particular types of professional or occupational licenses that paralyzed veterans require.
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162 Mac MacDonald Representative, Veterans' Organizations. Testifies that HB 2843 is "too expensive for the State of Oregon," suggesting that a veteran be limited to a one time only waiver.

The following written testimony is submitted for the record without public testimony:

Robin Freeman Legislative Liaison, Oregon Department of Transportation. Submits written testimony in opposition to HB 2843 (**EXHIBIT A**).

177 Chair Nelson Closes the public hearing HB 2843. Opens a public hearing on HB 2134.

HB 2134 – PUBLIC HEARING

185 Jim Stembridge Committee Administrator. Explains HB 2134, which modifies employment rights of state employees on active state service.

192 Colonel Mike Caldwell Deputy Director, Oregon Military Department. Testifies in support of HB 2134.

242 Chair Nelson Asks if HB 2134 is funded in the Oregon Military Department budget.

247 Caldwell Explains that state active duty commitments are not funded in the Oregon Military Department budget, but a soldier's full-time position is funded by agency budget.

276 Chair Nelson Verifies what is meant by base salary and what state employees qualify for protection under HB 2134.

287 Chair Nelson Clarifies the meaning of the language about the continuation of sponsored health plan.

309 Chair Nelson Cites language that could be considered discriminatory to some soldiers.

331 Caldwell Verifies that any employee who works for any subdivision of the State of Oregon is considered a public employee and protected under HB 2134.

340 Rep. Hunt

Confirms that the bill would amend statute to include employment rights protection for state employees.

- 360 Rep. Barnhart Points out that it clear that it applies only to state employees, but the question is whether it should apply to employees of any government subdivision in the state.
- 370 Caldwell Explains why the Oregon Military Department asked for HB 2134 to be introduced and the statute regarding state employee rights' be amended.
- 378 Rep. Boquist Asks what protections are there for private employees called up for state duty and what percentages of private employees receive a supplemental salary from employers.
- 388 Caldwell Speaks to what employment protections exist for public employees versus private employees.

TAPE 49, A

- 009 Chair Nelson Suggests a possible tax credit for private employers who supplement salaries and benefits for Oregon National Guard soldiers.
- 017 Rep. Boquist Asks if state active duty pay is calculated from a rank or per day structure.
- 023 Caldwell Explains the pay and benefit structure for Oregon National Guard soldiers.
- 053 Rep. Komp Clarifies what the fiscal impact is for HB 2134.
- 057 Caldwell Explains the challenge of determining what the fiscal impact would be when a state employee, in a funded agency position, is called up for duty, in an unfunded state military position.
- 139 Chair Nelson Closes the public hearing on HB 2134. Opens a public hearing on HB 2470.

HB 2470 – PUBLIC HEARING

- 141 Jim Stembridge Committee Administrator. Explains HB 2470, which modifies requirements for public employers regarding continuation of leave benefits for public officers and employees on military leave.
- 153 Chair Nelson Closes the public hearing on HB 2470.
- 185 Chair Nelson Opens a public hearing on HB 2470 and HB 2471

HB 2470/HB 2471 – PUBLIC HEARINGS

- 187 Rep. Mike Schaufler House District 28. Testifies in support of HB 2470 and HB 2471.
- 239 Chair Nelson Speaks to concerns regarding the exclusion of private employees from the benefits of HB 2470 and HB 2471.
- 250 Chair Nelson Points out several discrepancies in the language of HB 2470 that should be amended.
- 287 Rep. Bruun Asks if HB 2470 and HB 2471 are applicable to all public employees or just State of Oregon employees.
- 294 Rep. Schaufler Affirms that the intent is for all public employees, not just those in Oregon.
- 308 Chair Nelson Raises the question of whether HB 2470 and HB 2471 should be retroactive to military conflicts before the Afghan-Iraqi conflicts.
- 320 Rep. Farr Asks whether the fifteen days of leave per year is designed to cover annual training or the pre-deployment training of a National Guard or Reserve soldier.
- 361 Colonel Mike Caldwell Deputy Director, Oregon Military Department. Clarifies current law which allows for fifteen days of military leave and discusses the dispute regarding the meaning of annual training.
- 402 Chair Nelson Asks why HB 2470 limits a soldier to one year of hospitalization.

TAPE 48, B

- 004 Caldwell

Points out that the language relating to a one year limit on hospitalization is “old language” and “pretty meaningless in the big picture” because it does not reflect how the system of medical care currently operates.

- 030 Chair Nelson Questions whether or not this should be made retroactive.
- 034 Caldwell Explains the protection afforded to National Guard and Reserve soldiers by the Uniform Services Employment/Reemployment Rights Act 1994 (USERA).
- 070 Chair Nelson Explains the protections given to military personnel by USERA.
- 116 John Powell Representative, Oregon State Sheriff’s Association (OSSA). Testifies that HB 2470 needs to clarify the applicability of the language regarding the accrual of vacation and sick leave.
- 146 Powell Questions whether HB 2471 provides fifteen days leave in addition to the two weeks already authorized.
- 153 Rep. Boquist Agrees that the language in HB 2471 could be interpreted to mean that a soldier would receive an additional fifteen days of leave, in addition to the two weeks already authorized.
- 170 Michelle Deister Senior Staff Associate, League of Oregon Cities. Testifies in opposition to HB 2470.
- 216 Chair Nelson Asks about possible amendment that would make HB 2471 acceptable to the League of Oregon Cities.
- 219 Deister States that it would likely be more acceptable if cities were given some additional funds so that it is not an entirely unfunded mandate for local governments.
- 231 Rep. Farr Asks if League of Oregon Cities would support HB 2471 if it applied only to Oregon National Guard soldiers called up on active duty.
- 240 Rep. Boquist Explains that many collective bargaining agreements already cover the fifteen days of annual training.
- 258 Rep. Farr

Asks if League of Oregon Cities would support HB 2470 if it applied only to Oregon National Guard soldiers on active duty because typical length of duty is eighteen months.

- 265 Deister Explains how restricting applicability to Oregon National Guard soldiers could still impose financial hardships on cities.
- 281 Rep. Boquist Explains the difference in the potential fiscal impact of covering active duty soldiers versus drilling Reservists.
- 301 Deister Comments on the “do diligence” of personnel offices throughout the state to adhere to all the provisions of USERA.
- 322 Jason Leon Political Coordinator, Oregon AFSCME Council 75. Submits and summarizes written testimony in support of HB 2470 (**EXHIBIT B**).
- 363 Rep. Farr Comments on the need to amend HB 2470.
- 383 Mary Botkin Political Coordinator, Oregon AFSCME Council 75. Speaks to the intent of Oregon AFSCME Council 75 to prevent returning soldiers from losing seniority or employee status and ensuring employers abide by collective bargaining agreements.

TAPE 49, B

- 060 Rep. Boquist Comments on the continued lack of clarity regarding the intent of HB 2471.
- 071 Botkin Explains that the intention of HB 2471 is to protect employees, covered by collective bargaining agreements, from having to use vacation time to meet training requirements by identifying under law an additional number of days for training not under the employee’s discretion.
- 110 Chair Nelson Asks what the training requirement is for Oregon National Guard and Reserve soldiers.
- 112 Caldwell Explains what the training requirements are for Oregon National Guard and Reserve soldiers.
- 126 Rep. Farr Speaks to the original intent of the HB 2471.

140	Caldwell	Explains the difference between pre-deployment train-up and annual training and that the intent of HB 2471 is to prevent penalizing soldiers who are going to pre-mobilization training, not annual training.
176	Botkin	Points out that Oregon AFSCME is “trying to make sure that all training needs are being met under the law.”
188	Caldwell	Comments on how current military circumstances have resulted in National Guard and Reserve soldiers being deployed for indeterminate periods of time and under these circumstance, if HB 2471 is read literally, it does provide an additional 15 days leave.
203	Chair Nelson	Reiterates the need to provide assistance to employees who are in private enterprise.
217	Botkin	Suggests an amendment to HB 2470 to eliminate concern regarding one year time limit on hospitalization.
242	Chair Nelson	Closes the public hearing on HB 2470 and HB 2471. Opens a public hearing on HB 3327.

HB 3327 – PUBLIC HEARING

261	Jim Stembridge	Committee Administrator. Explains HB 3327, which provides tax credit for employers who hire veterans of United States military.
265	Chair Nelson	Closes the public hearing on 3327. Opens the public hearing on HB 2818.

HB 2818 – PUBLIC HEARING

275	Jim Stembridge	Committee Administrator. Explains HB 2818, which requires the Employment Department to refer unemployment insurance recipient who is spouse or dependent of individual deployed on active military duty to JOBS Plus Program job before referring other unemployment insurance recipients to program job.
278	Tim Nesbitt	President, Oregon AFL-CIO. Testifies in opposition of HB 2818.

324	Chair Nelson	Asks why Oregon AFL-CIO has a problem providing assistance to the spouses and dependents of deployed soldiers.
346	Nesbitt	Explains how job referrals could run counter to purpose of JOBS Plus Program and to the financial health of the family.
368	Rep. Farr	Asks if the JOBS Plus Program “kicks in” after unemployment benefits expire and what are considered to be low wages.
375	Nesbitt	Considers anything under nine or ten dollars per hour a low wage job.
387	Rep. Farr	Questions whether it would still be considered low wage employment if an individual earned eight dollars at a JOBS Plus jobs instead of seven dollars per hour at non-JOBS Plus position.
394	Greg Hickman	Deputy Director, Oregon Employment Department.
402	Rep. Farr	Restates question regarding the purpose of JOBS Plus Program.

TAPE 50, A

001	Hickman	Explains the purpose, target, and eligibility qualifications for JOBS Plus Program.
010	Chair Nelson	Asks why the spouse of a deployed soldier could not be “given top priority” for a JOBS Plus job referral if the family is in “critical, bad shape.”
028	Hickman	Explains that all individuals eligible for JOBS Plus Program have access to all JOBS Plus referral listing.
047	Chair Nelson	Asks what can be done so that the OED will “give these military families priority treatment.”
054	Hickman	Speaks to the potential consequences for OED and all JOBS Plus Program participants of HB 2818. Submits written testimony on behalf of Gwyn Harvey in opposition to HB 2818 (EXHIBIT C).
085	Nesbitt	Clarifies the concerns of Oregon AFL-CIO and OED regarding HB 2818.

104	Chair Nelson	Expresses the need to provide financial support and protect all soldiers and their families.
153	Rep. Hunt	Speaks to the potential consequences of HB 2818, in particular, how using job referrals in this matter could negatively impact those people who are most likely to exhaust unemployment benefits.
179	Tamara Brickman	Legislative Coordinator, OED. Points out that the JOBS Plus Program already has identified and referred out spouses and family members of deployed military personnel.
189	Rep. Boquist	Concurs that HB 2818 could have unintended consequences for all parties involved and that the best option could be to create a priority category for families within the Oregon Department of Veterans' Affairs.
206	Rep. Farr	Asks if an individual who has exhausted unemployment benefits can still participate in JOBS Plus Program.
211	Hickman	States that an individual would not be eligible for JOBS Plus Program if they have exhausted benefits.
220	Chair Nelson	Asks if the issue is because military does not pay taxes.
224	Hickman	States that the OED objection to HB 2818 is not because the military does not pay because both the state and federal government are considered reimbursing employers.
243	Chair Nelson	Comments about importance of having a job.
257	Chair Nelson	Closes the public hearing on HB 2818. Adjourns the meeting at 10:44 a.m.

EXHIBIT SUMMARY

- B. HB 2470, written testimony, Jason Leon, 1 p**
- C. HB 2818, written testimony of Gwyn Harvey, Greg Hickman, 1 p**

The following written testimony is submitted for the record without public testimony:

A. HB 2843, written testimony, Robin Freeman, 2 pp