

SENATE COMMITTEE ON COMMERCE

March 31, 2005 Hearing Room C
3:10 P.M. Tapes 47 - 48

Corrected 8/12/05

MEMBERS PRESENT: **Sen. Floyd Prozanski, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Ginny Burdick
 Sen. Doug Whitsett

MEMBER EXCUSED: **Sen. Charlie Ringo**

STAFF PRESENT: **Anna Braun, Committee Administrator**
 Karen Scoffield, Committee Assistant

MEASURES/ISSUES HEARD:
 SB 118 – Work Session
 SB 142 – Work Session
 SB 194 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<u>TAPE 47, A</u>		
005	Chair Prozanski	Calls the meeting to order at 3:10 p.m.
006	Chair Prozanski	Announces that the work session for SB 139 will be carried over to April 7, 2005. Opens work session on SB 118.
<u>SB 118 – WORK SESSION</u>		
010	Anna Braun	Committee Administrator. Provides an overview of SB 118. Introduces the -4 amendments to SB 118 (EXHIBIT A). States that a work group was formed on SB 118 and the committee will receive a report from some of the participants.
030	Joel Ario	Administrator, Insurance Division, Department of Consumer and Business Services (DCBS). Discusses and submits written testimony in support of SB 118 with the -4 amendments (EXHIBIT B). States that the -4 amendments are a consensus from all parties involved in the work group and the only outstanding issues are technical issues in the drafting of the -4 amendments.
044	Chair Prozanski	Clarifies his understanding of the resolution of the work group.
048	Ario	Responds that Chair Prozanski is correct.
050	Chair Prozanski	Asks Ario if he needs to comment further.
052	Ario	Discusses changes needed to SB 118.
062	Gary Oxley	Oregon Association of Realtors. Testifies in support of SB 118 with the -4 amendments.
066	John Shaw	Liberty Northwest. Testifies in support of SB 118 with the -4 amendments.
070	Steve Murrell	State Farm Insurance Companies. Testifies in support of SB 118 with the -4 amendments. Remarks that there may be more technical issues, not conceptual, with SB 118.
082	Greg Ledbetter	Services Employees International Union (SEIU). Testifies in

087 Ario support of SB 118 with the -4 amendments.
Notes appreciation of Anna Braun, Committee Administrator, and others who assisted with the work group for SB 118.

095 Sen. Beyer **MOTION: Moves to ADOPT SB 118-4 amendments dated 3/30/05.**
VOTE: 4-0-1
EXCUSED: 1 - Ringo
Hearing no objection, declares the motion CARRIED.

105 Chair Prozanski **MOTION: Moves SB 118 to the floor with a DO PASS AS AMENDED recommendation.**
Sen. Beyer **VOTE: 4-0-1**
EXCUSED: 1 - Ringo
Hearing no objection, declares the motion CARRIED.
Chair Prozanski **SEN. PROZANSKI will lead discussion on the floor.**

110 Chair Prozanski Closes work session on SB 118 and opens work session on SB 142.

SB 142 – WORK SESSION

112 Anna Braun Committee Administrator. Provides an overview of SB 142. Introduces the -1 amendments (**EXHIBIT C**) and the -2 amendments (**EXHIBIT D**) to SB 142.

125 Annette Talbott Deputy Labor Commissioner, Bureau of Labor and Industries (BOLI). Testifies in support of SB 142.

133 Chair Prozanski Clarifies that BOLI would like SB 142 to go to the Ways and Means Committee.

135 Talbott Responds that BOLI has decided that the bill does not need to go to the Ways and Means Committee.

138 Chair Prozanski States understanding that BOLI would like to move SB 142 to the Senate Floor.

140 Sen. Beyer Asks for clarification regarding the -2 amendments.

146 Talbott Discusses the -2 amendments to SB 142.

165 Sen. Beyer Discusses concern with the -2 amendments.

172 Talbott Responds.

182 Sen. Whitsett Discusses concern with the -2 amendments.

The following is submitted for the record without public testimony:

Greg Austin Attorney, Portland, Oregon. Submits written testimony regarding SB 142 (**EXHIBIT I**).

186 Chair Prozanski Carries the work session for SB 142 over to April 7, 2005. Closes work session on SB 142 and opens public hearing on SB 194.

SB 194 – PUBLIC HEARING

200 Annette Talbott Deputy Labor Commissioner, Bureau of Labor and Industries (BOLI). Testifies in support of SB 194. Submits written testimony on behalf of Dan Gardner, Commissioner, BOLI, in support of SB 194 (**EXHIBIT E**). Submits an “Analysis of Workers Who Were Fired or Laid Off After a Work-Related Injury” by the Texas Department of Insurance dated, August 1998, in support of SB 194 (**EXHIBIT F**).

290 Talbott Discusses EXHIBIT F. Summarizes and concludes testimony.

335 Chair Prozanski Clarifies that the -1 amendments to SB 194 are a “rewrite” of the original bill.

340 Talbott Answers, yes. Remarks that the Department of Consumer and Business Services (DCBS) and BOLI worked together on the -1 amendments to SB 194.

347 Ernest Delmazzo Executive Director, Injured Workers’ Alliance. Discusses and

submits written testimony in support of SB 194 (**EXHIBIT G**) and submits written testimony on behalf of Judith Churchill, citizen, Baker City, Oregon, in support of SB 194 (**EXHIBIT H**).

TAPE 48, A

030	Delmazzo	Summarizes and concludes testimony.
060	Sen. Beyer	Remarks that an amount is not stated regarding the cost of a study.
065	Talbott	Responds that they are working with DCBS to identify the cost of other studies they have performed. Provides figures of the estimated costs.
095	Chair Prozanski	Asks BOLI and DCBS to get together and find out the cost of the studies and provide the information to the committee.
100	Anna Braun	Comments that SB 194 has a subsequent referral to the Ways and Means Committee.
103	Talbott	Responds.
105	Chair Prozanski	Clarifies that the subsequent referral is based on the original bill and not the -1 amendments.
106	Braun	Answers, yes. Speculates that there will still be a subsequent referral.
107	Chair Prozanski	States that the committee is assuming that SB 194 will go to the Ways and Means Committee unless something changes.
112	Talbott	Responds.
115	Chair Prozanski	Discusses plans for SB 194.
119	Sen. Beyer	Discusses options for the potential study. Comments on Delmazzo's testimony.
138	Delmazzo	Responds.
140	Beyer	Remarks that injuries often occur on the last day of the work performed.
148	Delmazzo	Remarks that Oregon law prohibits a person from being terminated because the worker has filed a claim.
150	Sen. Beyer	States that this is exactly his point.
153	Chair Prozanski	Clarifies Sen. Beyer's concerns.
155	Talbott	Remarks that the literature reflects that this does occur.
157	Sen. Whitsett	Comments that he agrees with Sen. Beyer.
159	Delmazzo	Comments that he does not think there has been a study on this issue.
165	J.L. Wilson	National Federation of Independent Businesses (NFIB). Co-Chair, Management Labor Advisory Committee (MLAC). Testifies with a neutral position to SB 194.
210	Chair Prozanski	Asks Wilson to ask MLAC their opinion of who should perform the study.
218	Wilson	Responds. Discusses experience of contracting with an outside party to have a study performed.
226	Chair Prozanski	Closes public hearing on SB 194. Adjourns the meeting at 4:00 p.m.

EXHIBIT SUMMARY

- A. **SB 118, -4 amendments, staff, 31 pp**
- B. **SB 118, written testimony, Joel Ario, 3 pp**
- C. **SB 142, -1 amendments, staff, 1 p**
- D. **SB 142, -2 amendments, staff, 1 p**

- E. SB 194, written testimony of Dan Gardner, Annette Talbott, 4 pp**
- F. SB 194, analysis, Annette Talbott, 3 pp**
- G. SB 194, written testimony, Ernest Delmazzo, 6 pp**
- H. SB 194, written testimony of Judith Churchill, Ernest Delmazzo, 1 p**

The following is out of order in the body of the document:

- I. SB 142, written testimony, Greg Austin, 1 p**