

SENATE COMMITTEE ON COMMERCE

April 07, 2005
3:10 P.M.

Hearing Room C
Tapes 51 - 52

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

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

MEASURES/ISSUES HEARD:

SB 190 – Public Hearing
SB 433 – Work Session
SB 355 – Work Session
SB 194 – Work Session
SB 139 – Work Session
SB 141 – Work Session
SB 573 – Work Session
SB 142 – Work Session
SB 635 – Work Session
SB 669 – 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
TAPE 51, A		
005	Chair Prozanski	Calls the meeting to order at 3:26 p.m. Announces that SB 334, SB 426, SB 935, SB 944 and SB 975 will not be heard today. Opens public hearing on SB 190.
<u>SB 190 – PUBLIC HEARING</u>		
030	Anna Braun	Committee Administrator. Provides an overview of SB 190.
040	Julia Huddleston	Introduces the -1 amendments to SB 190 (EXHIBIT A). Seniors and People with Disabilities, Department of Human Services. Testifies with a neutral position on SB 190. Submits written testimony on behalf of Lynn Cameron, Vice Chair, Home Care Commission, in support of SB 190 (EXHIBIT B).
085	Chris Davie	State Accident Insurance Fund (SAIF) Corporation. Testifies in support of SB 190. States that there is a technical portion of SB 190 that needs an amendment.
100	Karla Spence	Homecare Director, Service Employees International Union (SEIU), Local 503. Testifies in support of SB 190 and the -1 amendments. States desire for a further amendment to SB 190.
170	Sen. Beyer	Asks if the cost provided by Spence for workers' compensation insurance was annually.
173	Spence	Responds.
175	Huddleston	Responds to Sen. Beyer.
183	Sen. Whitsett	Inquires how many home healthcare workers are employed in

		Oregon.
187	Huddleston	Answers, approximately 13,000.
190	Sen. Whitsett	Asks if the home healthcare workers receive retirement benefits.
192	Huddleston	Answers, no.
193	Sen. Whitsett	Asks how many home healthcare workers are currently receiving medical insurance premiums.
194	Huddleston	States that about 4,000 people are enrolled in health insurance offered through the homecare commission.
196	Sen. Whitsett	Asks how many people they would have to insure to provide workers' compensation insurance to all employees.
200	Huddleston	Responds that they currently insure the entire workforce with workers' compensation insurance. States that the health insurance has eligibility parameters.
205	Sen. Whitsett	Clarifies that health insurance is available to all employees if they work the required number of hours.
206	Huddleston	Answers, yes.
209	Chair Prozanski	Asks Davie when the amendments he spoke of will be available.
213	Davie	States that he did not ask for the amendment, but only spoke with legislative counsel regarding the need of it.
215	Chair Prozanski	Asks Braun if she would get the necessary information to have the amendment drafted.
220	Davie	States that he would be happy to work with the Committee Administrator on drafting the amendment.
223	Chair Prozanski	Closes public hearing on SB 190. Re-announces the bills that will not be heard today. Opens work session on SB 433.

SB 433 – WORK SESSION

252	Anna Braun	Committee Administrator. Provides an overview of SB 433. Introduces the -1 amendments to SB 433 (EXHIBIT C).
265	Chair Prozanski	Discusses SB 433.
269	Sen. Beyer	MOTION: Moves to ADOPT SB 433-1 amendments dated 3/10/05.
		VOTE: 4-0-1
		EXCUSED: 1 - Burdick
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
274	Sen. Beyer	MOTION: Moves SB 433 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Burdick
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
		SEN. PROZANSKI will lead discussion on the floor.
278	Chair Prozanski	Closes work session on SB 433 and opens work session on SB 355.

SB 355 – WORK SESSION

282	Anna Braun	Committee Administrator. Provides an overview of SB 355. Introduces the -3 amendments to SB 355 (EXHIBIT D).
300	Sen. Beyer	MOTION: Moves to ADOPT SB 355-3 amendments dated 4/7/05.
		VOTE: 4-0-1
		EXCUSED: 1 - Burdick
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
309	Sen. Beyer	MOTION: Moves SB 355 to the floor with a DO PASS AS AMENDED recommendation.
314	Sen. Beyer	Clarifies that individuals who testified worked on the

		amendments to SB 355.
318	Braun	Affirms.
320	Chair Prozanski	Clarifies that Senator Nelson supported the work on the -3 amendments.
322	Braun	Affirms.
325	Sen. Ringo	Expresses concern with gambling.
		VOTE: 4-0-1
		EXCUSED: 1 - Burdick
330	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
		SEN. NELSON will lead discussion on the floor.
337	Chair Prozanski	Closes work session on SB 355. Discusses plans with SB 194.
355	Sen. Beyer	Asks for information on SB 194.
358	Braun	Discusses the -1 amendments to SB 194 (EXHIBIT E).
378	Sen. Beyer	Recognizes that there have been no more amendments to SB 194 since the public hearing.
382	Chair Prozanski	Opens work session on SB 194.
		<u>SB 194 – WORK SESSION</u>
387	Sen. Beyer	MOTION: Moves to ADOPT SB 194-1 amendments dated 3/30/05.
391	Sen. Beyer	States that he will not object to the motion, but would like to reiterate his previous concern regarding the possible study.
400	Chair Prozanski	Comments that if SB 194 moves forward, they can then raise concern as individual members.
410	Sen. Whitsett	Responds.
414	Chair Prozanski	Responds to Sen. Whitsett.
		VOTE: 5-0-0
015	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
017	Sen. Burdick	MOTION: Moves SB 194 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
020	Sen. Beyer	Comments on sending SB 194 to the Ways and Means Committee.
030	Sen. Burdick	VOTE: 3-2-0
		AYE: 3 - Burdick, Ringo, Prozanski
		NAY: 2 - Beyer, Whitsett
	Chair Prozanski	The motion CARRIES.
		The following is submitted for the record without public testimony:
	Rep. Diane Rosenbaum	House District 42. Submits written testimony in support of SB 194 (EXHIBIT F).
037	Chair Prozanski	Closes work session on SB 194 and opens work session on SB 139.
		<u>SB 139 – WORK SESSION</u>
040	Anna Braun	Committee Administrator. Provides an overview of SB 139.
043	Sen. Burdick	MOTION: Moves SB 139 to the floor with a DO PASS recommendation.
048	Sen. Beyer	Discusses concern of duplicate penalties. Remarks that he cannot support SB 139.
053	Sen. Whitsett	States that he opposes SB 139.
055		VOTE: 3-2-0
		AYE: 3 - Burdick, Ringo, Prozanski
		NAY: 2 - Beyer, Whitsett

	Chair Prozanski	The motion CARRIES.
		SEN. RINGO will lead discussion on the floor.
060	Chair Prozanski	Closes work session on SB 139 and opens work session on SB 141.
<u>SB 141 – WORK SESSION</u>		
063	Anna Braun	Committee Administrator. Provides an overview of SB 141. Introduces the -2 amendments to SB 141 (EXHIBIT G).
075	Chair Prozanski	Comments that he spoke with Tim Martinez about the outstanding issues on SB 141 and they will be addressed on the House side.
085	Sen. Beyer	MOTION: Moves to ADOPT SB 141-2 amendments dated 4/6/05.
088	Sen. Beyer	Comments that he does not see how SB 141 will be used.
092	Chair Prozanski	Responds.
097	Sen. Whitsett	Clarifies that SB 141 will be voluntary for the employees.
099	Chair Prozanski	Notes a nod from the Bureau of Labor and Industries.
102	Sen. Beyer	Clarifies that SB 141 will be voluntary for the employer.
104	Chair Prozanski	Answers, yes.
107	Sen. Whitsett	Notes concern of employees having transportation to use an electronic payment device.
109	Chair Prozanski	States that SB 141 is voluntary for employees and employers.
112		VOTE: 4-0-1
		EXCUSED: 1 - Ringo
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
114	Sen. Beyer	MOTION: Moves SB 141 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Ringo
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
120	Chair Prozanski	Closes work session on SB 141. Discusses SB 142.
130	Sen. Beyer	States that he supports the -1 amendments to SB 142, but he does not support the -2 amendments to SB 142.
131	Sen. Whitsett	Comments on the -2 amendments to SB 142.
137	Braun	Clarifies the intent of the -2 amendments.
140	Chair Prozanski	Opens work session on SB 573.
<u>SB 573 – WORK SESSION</u>		
148	Sen. Beyer	Clarifies that all parties are in agreement on the -2 amendments. Recognizes nods from audience members.
150	Sen. Beyer	MOTION: Moves to ADOPT SB 573-2 amendments dated 4/5/05.
		VOTE: 5-0-0
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
158	Sen. Beyer	MOTION: Moves SB 573 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-0
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
		SEN. RINGO will lead discussion on the floor.
165	Chair Prozanski	Closes work session on SB 573 and opens work session on SB 142.
<u>SB 142 – WORK SESSION</u>		
168	Anna Braun	Committee Administrator. Provides an overview of SB 142. Introduces the -1 amendments (EXHIBIT H) and the -2

		amendments (EXHIBIT I) to SB 142.
179	Sen. Burdick	MOTION: Moves to ADOPT SB 142-1 amendments dated 2/18/05.
		VOTE: 5-0-0
	Chair Prozanski	Hearing no objection, declares the motion CARRIED.
182	Sen. Burdick	MOTION: Moves to ADOPT SB 142-2 amendments dated 3/10/05.
		VOTE: 3-2-0
		AYE: 3 - Burdick, Ringo, Prozanski
		NAY: 2 - Beyer, Whitsett
	Chair Prozanski	The motion CARRIES.
195	Sen. Burdick	MOTION: Moves SB 142 to the floor with a DO PASS AS AMENDED recommendation.
199	Sen. Beyer	States that he will not support SB 142 because he supports the -1 amendments and not the -2 amendments.
212		VOTE: 3-2-0
		AYE: 3 - Burdick, Ringo, Prozanski
		NAY: 2 - Beyer, Whitsett
	Chair Prozanski	The motion CARRIES.
		SEN. PROZANSKI will lead discussion on the floor.
220	Chair Prozanski	Closes work session on SB 142 and opens work session on SB 635.

SB 635 – WORK SESSION

226	Anna Braun	Committee Administrator. Provides an overview of SB 635.
238	Sen. Beyer	Introduces the -1 amendments to SB 635 (EXHIBIT J).
240	Braun	Asks why the fiscal impact of SB 635 is unknown.
250	Sen. Beyer	Responds.
		Asks what happens if the Department of Human Services does not put this into their budget.
255	Chair Prozanski	States understanding.
265	Sen. Beyer	Responds.
270	Braun	Clarifies that the Department of Consumer and Business Services (DCBS) would perform the study and would put it in their budget.
275	Sen. Whitsett	Inquires if SB 635 will go to the Ways and Means Committee.
278	Chair Prozanski	States that it would not go to the Ways and Means Committee because the effective date is not during the next biennium.
281	Sen. Ringo	Comments that he supports the concept, but is uncomfortable passing SB 635 without having the budgeting worked out.
292	Chair Prozanski	Closes work session on SB 635 and opens work session on SB 669.

SB 669 – WORK SESSION

294	Anna Braun	Committee Administrator. Provides an overview of SB 669.
300	Sen. Beyer	Comments that the Management Labor Advisory Committee (MLAC) was going to discuss SB 669 and he would like to receive a report from them.
304	Chair Prozanski	Responds.
312	Sen. Beyer	States that he would like to hear a report from MLAC.
325	John Shilts	Administrator, Workers' Compensation Division, Department of Consumer and Business Services (DCBS). States that MLAC voted to not recommend support of SB 669.
343	Chair Prozanski	Clarifies that MLAC met Monday, April 4, 2005.
345	Shilts	Answers, yes.

353	Chair Prozanski	Discusses the need of SB 669.
395	Shilts	Responds. Discusses MLAC's position.
415	Chair Prozanski	Clarifies that MLAC will not make a decision this session.
418	Shilts	Answers, yes.
420	Sen. Burdick	Inquires why some doctors are included and others are not.
426	Shilts	Responds.
TAPE 51, B		
017	Sen. Burdick	MOTION: Moves SB 669 to the floor with a DO PASS recommendation.
020	Sen. Beyer	Comments that he will not support SB 669 as MLAC does not support it.
024		VOTE: 3-2-0
		AYE: 3 - Burdick, Ringo, Prozanski
		NAY: 2 - Beyer, Whitsett
	Chair Prozanski	The motion CARRIES.
		SEN. PROZANSKI will lead discussion on the floor.
032	Braun	Reminds the committee about the April 14 th Senate Commerce Committee meeting in Eugene, Oregon.
035	Chair Prozanski	Closes work session on SB 669. Adjourns the meeting at 5:24 p.m.

EXHIBIT SUMMARY

- A. **SB 190, -1 amendments, staff, 1 p**
- B. **SB 190, written testimony of Lynn Cameron, Julia Huddleston, 2 pp**
- C. **SB 433, -1 amendments, staff, 1 p**
- D. **SB 355, -3 amendments, staff, 8 pp**
- E. **SB 194, -1 amendments, staff, 2 pp**
- F. **SB 141, -2 amendments, staff, 1 p**
- G. **SB 194, written testimony, Rep. Diane Rosenbaum, 1 p**
- H. **SB 573, -2 amendments, staff, 1 p**
- I. **SB 142, -1 amendments, staff, 1 p**
- J. **SB 142, -2 amendments, staff, 1 p**
- K. **SB 635, -1 amendments, staff, 1 p**