

HOUSE COMMITTEE ON
BUSINESS, LABOR AND CONSUMER AFFAIRS

April 23, 2003 Hearing Room E
8:30 A.M. Tapes 103 – 104

MEMBERS PRESENT: Rep. Betsy Close, Chair
Rep. Derrick Kitts, Vice-Chair
Rep. Diane Rosenbaum, Vice-Chair
Rep. Mary Gallegos
Rep. Bill Garrard
Rep. Jeff Merkley
Rep. Mike Schaufler

STAFF PRESENT: Megan Palau, Committee Administrator
Mike Reiley, Committee Assistant

MEASURE/ISSUES HEARD: SB 341A – Public Hearing
HB 2172 – Work Session
HB 3069 – Work Session
HB 3300 & HB 3400 – Work Session
HB 3544 – Work Session
HB 3229 – Work Session
SB 739 – Public Hearing and Work Session
SB 602 – Public Hearing and Work Session
HB 3622 – Public Hearing and Work Session
HB 2341 – 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 103, A		
003	Chair Close	Calls meeting to order at 8:37 a.m. Opens work session on SB 341A.
<u>SB 341A– PUBLIC HEARING</u>		
009	Sen. Roger Beyer	Senate District 9. Testifies in support of SB 341A and submits written information (EXHIBIT A).
021	Ross Day	Attorney. Testifies in support of SB 341A.
065	Annette Talbott	Deputy Commissioner, Bureau of Labor and Industries (BOLI). Submits written testimony in support of SB 341A (EXHIBIT B).
075	Rep. Gallegos	MOTION: Moves SB 341A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Rosenbaum
	Chair Close	The motion CARRIES.
085	Chair Close	Closes public hearing on SB 341A. Opens work session on HB 2172.

HB 2172 – WORK SESSION

086	Megan Palau	Committee Administrator. Summarizes HB 2172.
095	Rep. Gallegos	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2172. VOTE: 6-0 EXCUSED: 1 - Rosenbaum Hearing no objection, declares the motion CARRIED .
100	Chair Close Rep. Gallegos	MOTION: Moves to RECONSIDER the vote by which HB 2172 was sent to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED . VOTE: 7-0 Hearing no objection, declares the motion CARRIED .
110	Rep. Gallegos	MOTION: Moves HB 2172 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference. VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye . The motion CARRIES .
123	Chair Close Chair Close	Closes work session on HB 2172. Opens work session on HB 3069.

HB 3069 – WORK SESSION

140	John VanLandingham	Lance County Law & Advocacy Center. Submits and summarizes prepared testimony (EXHIBIT C) in support of HB 3069 and -2 amendments (EXHIBIT D).
185	Rep. Gallegos	Asks for clarification of conditions of timeframe for approving purchasing manufactured homes.
194	VanLandingham	Offers clarifications of provisions regarding timeframe.
228	Rep. Gallegos	Asks for clarification of process.
240	VanLandingham	Explains provisions regarding eviction.
267	Rep. Gallegos	Asks for further clarification of eviction process.
274	VanLandingham	Clarifies.
278	Rep. Merkley	Asks about value and equity of homes when selling.
289	VanLandingham	Explains that issue was addressed but not resolved by work group.
319	Chair Close	Closes work session on HB 3069. Opens work session on HB 3300 and HB 3400.

HB 3300 & HB 3400 – WORK SESSION

340	Rob Douglas	Oregon Self-Insurers Association. Testifies in support of HB 3300 and HB 3400.
347	Linda Barno	Chair, Legislative Committee, Oregon Self-Insurers Association. Submits and summarizes prepared testimony in support of HB 3300 (EXHIBIT E) and testifies in support of HB 3400 (EXHIBIT F).

Written testimony submitted by Linda Jefferson, Workers' Compensation Manager, City of Portland's Bureau of General Services-Risk Management Division; Oregon Self-Insurers Association, in support of HB 3300 (EXHIBIT G) and HB 3400 (EXHIBIT H).

400	Rep. Rosenbaum	Asks about reporting denied claims requirement in HB 3300.
402	Barno	Offers clarification of claims process.

TAPE 104, A

012 John Shilts Administrator, Workers' Compensation Division, Department of Consumer and Business Services. Testifies in support of HB 3300.

033 Rep. Rosenbaum **MOTION: Moves to ADOPT HB 3300-1 amendments dated 4/23/03 (EXHIBIT I).**
VOTE: 7-0
Chair Close **Hearing no objection, declares the motion CARRIED.**

036 Rep. Rosenbaum **MOTION: Moves HB 3300 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 7-0
AYE: In a roll call vote, all members present vote Aye.
Chair Close **The motion CARRIES.**
REP. KNOPP will lead discussion on the floor.

045 Rep. Rosenbaum **MOTION: Moves HB 3400 to the floor with a DO PASS recommendation.**
VOTE: 7-0
AYE: In a roll call vote, all members present vote Aye.
Chair Close **The motion CARRIES.**
REP. KNOPP will lead discussion on the floor.

055 Chair Close Closes work session on HB 3300 & HB 3400. Opens work session on HB 3544.

HB 3544 – WORK SESSION

056 Megan Palau Committee Administrator. Summarizes HB 3544 and -1 amendment (**EXHIBIT J**).

060 Dan Gardner Commissioner, Bureau of Labor and Industries (BOLI). Submits and summarizes prepared testimony in support of HB 3544 (**EXHIBIT K**).

090 Darrell Fuller Oregon Auto Dealers Association. Testifies in support of HB 3544.

100 Rep. Merkley Asks for clarification of commissions and penalties for wages owed.

105 Gardner Offers clarification.

110 Rep. Kitts **MOTION: Moves to ADOPT HB 3544-1 amendments dated 4/22/03.**
VOTE: 7-0
Chair Close **Hearing no objection, declares the motion CARRIED.**

115 Rep. Kitts **MOTION: Moves HB 3544 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 7-0
AYE: In a roll call vote, all members present vote Aye.
Chair Close **The motion CARRIES.**
REP. KITTTS will lead discussion on the floor.

125 Chair Close Closes work session on HB 3544. Opens work session on HB 3229.

HB 3229 – WORK SESSION

130 Dan Gardner Commissioner, Bureau of Labor and Industries. Submits and

193	Chair Close	summarizes prepared testimony in opposition to HB 3229
196	Steve Sims	(EXHIBIT L). Asks for explanation of “Coastal Book System”. Apprenticeship and Training Division, BOLI. Explains “Coastal Book System”.
224	Chair Close	Closes work session on HB 3229. Opens public hearing on SB 739.

SB 739 – PUBLIC HEARING

235	Megan Palau	Committee Administrator. Summarizes SB 739.
245	Julie Brandis	Associated Oregon Industries. Submits and summarizes prepared information in support of SB 739 (EXHIBIT M) .
298	Rep. Garrard	Clarifies nature of case of stolen baby formula in Klamath Falls.
304	Brandis	Offers additional clarification of case.
312	Rep. Rosenbaum	Asks about fiscal impact.
315	Palau	Explains fiscal impact.
320	Brandis	Clarifies fiscal impact and explains importance of bills.
339	Rep. Rosenbaum	Asks about classification of crimes and prosecution.
346	Brandis	Clarifies crimes and prosecution.
357	Rep. Gallegos	Asks about exemptions for garage sales.
362	Brandis	Explains exemptions for garage sales.
383	Chair Close	Clarifies statute addressing garage sales. Closes public hearing on SB 739. Opens work session on SB 739.

SB 739 – WORK SESSION

400	Rep. Rosenbaum	MOTION: Moves SB 739 to the floor with a DO PASS recommendation.
410	Rep. Merkley	Asks about relationship of SB 739 to SB 466.
412	Brandis	Explains provisions of SB 466.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Kitts
	Chair Close	The motion CARRIES.
		REP. KITTTS will lead discussion on the floor.
	Chair Close	Closes work session on SB 739. Opens public hearing on SB 602.

TAPE 103, B

SB 602 – PUBLIC HEARING

012	Darrell Fuller	Oregon Auto Dealers Association. Submits and summarizes prepared testimony in support of SB 602 (EXHIBIT N) .
040	Rep. Gallegos	Asks about provisions for test drives.
043	Fuller	Explains test driving provisions.
058	Rep. Merkley	Asks for clarification of insurance coverage.
066	Fuller	Explains insurance coverage.
083	Rep. Merkley	Asks about faulty vehicles and liability.
085	Fuller	Clarifies faulty vehicles and liability.
100	Rep. Merkley	Asks about insurance coverage and responsibility.
109	Fuller	Explains insurance coverage and responsibility.
115	Chair Close	Closes public hearing on SB 602. Opens work session on SB 602.

SB 602 – WORK SESSION

120	Rep. Garrard	MOTION: Moves SB 602 to the floor with a DO PASS recommendation.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote

Aye.

EXCUSED: 1 – Kitts

The motion CARRIES.

REP. ROSENBAUM will lead discussion on the floor.

Closes work session on SB 602. Opens public hearing on HB 3622.

Chair Close

130 Chair Close

HB 3622 – PUBLIC HEARING

135 Megan Palau

Committee Administrator. Summarizes HB 3622.

140 Jim Welsh

Oregon State Grange. Testifies in support of HB 3622.

170 Chair Close

Clarifies that bill is new approach from previous approach.

172 Welsh

Explains that exemption is necessary.

184 Rep. Schaufler

Asks about support for bill.

186 Welsh

Clarifies support for bill.

190 Rep. Rosenbaum

Asks about independent contractor provision.

194 Welsh

Clarifies independent contractor provision.

200 Rep. Merkley

Asks for clarification of extent of bill's provisions.

205 Welsh

Responds.

208 Chair Close

Closes public hearing on HB 3622. Opens work session on HB 3622.

HB 3622 – WORK SESSION

210 Rep. Kitts

MOTION: Moves HB 3622 to the floor with a DO PASS recommendation.

215 Rep. Merkley

States reservations to HB 3622.

227 Rep. Schaufler

States opposition to HB 3622.

232 Chair Close

Explains exemptions in HB 3622.

236 Rep. Kitts

States support for HB 3622.

252 Rep. Merkley

Explains objections to HB 3622.

271 Rep. Rosenbaum

Expresses concerns that bill was not approved by Management Labor Advisory Committee (MLAC).

280 Welsh

Explains position of MLAC on bill and situation addressed by bill.

310 Rep. Merkley

Asks about workers' compensation and injuries to workers.

314 Welsh

Responds.

323 Rep. Kitts

Asks how long LRI, Inc. has been in business.

325 Welsh

Answers 6 years.

327 Rep. Kitts

Asks if any worker has been hurt in that time.

330 Welsh

Answers that he is unaware of anyone being injured.

345 Chair Close

Explains precedent for exemptions.

VOTE: 5-2

AYE: 5 - Gallegos, Garrard, Kitts, Merkley, Close

NAY: 2 - Rosenbaum, Schaufler

Chair Close

The motion CARRIES.

REP. BROWN will lead discussion on the floor.

362 Chair Close

Closes work session on HB 3622. Opens work session on HB 2341.

HB 2341 – WORK SESSION

370 Megan Palau

Committee Administrator. Summarizes HB 2341.

380 Jessica Harris

Associated General Contractors. Submits and summarizes prepared testimony and information in support of HB 2341 and - 7 amendment (**EXHIBIT O**).

TAPE 104, B

001 Harris

Continues testimony.

092 Chair Close

Commends work done on HB 2341.

097 Rep. Garrard

Commends work done on HB 2341.

116	Rep. Schaufler	Clarifies that intent of HB 2341 is not to harm qualified rehabilitation facilities, disabled individuals, or displace workers.
124	Harris	Concurs.
134	Chair Close	Closes work session on HB 2341. Adjourns meeting at 10:10 a.m.

EXHIBIT SUMMARY

A – SB 341A, BOLI letter, Sen. Roger Beyer, 1 p
B – SB 341A, written testimony, Annette Talbott, 2 pp
C – HB 3069, written testimony, John VanLandingham, 3 pp
D – HB 3069, -2 amendment, staff, 59 pp
E – HB 3300, written testimony, Linda Barno, 2 pp
F – HB 3400, written testimony, Linda Barno, 2 pp
G – HB 3300, written testimony, Linda Jefferson, 3 pp
H – HB 3400, written testimony, Linda Jefferson, 5 pp
I – HB 3300, -1 amendment, staff, 1 p
J – HB 3544, -1 amendment, staff, 1 p
K – HB 3544, written testimony, Dan Gardner, 2 pp
L – HB 3229, written testimony, Dan Gardner, 3 pp
M – SB 739, prepared information, Julie Brandis, 3 pp
N – SB 602, written testimony, Darrell Fuller, 3 pp
O – HB 2341, engrossed with -7 amendment, Jessica Harris, 124 pp