

# SENATE COMMITTEE ON BUSINESS AND LABOR

March 12, 2003  
1:00 p.m.

Hearing Room C  
Tape 32-33

**MEMBERS PRESENT:**     **Sen. David Nelson, Chair**  
                                  **Sen. Vicki Walker, Vice-Chair**  
                                  **Sen. Roger Beyer**  
                                  **Sen. Rick Metsger**

**STAFF PRESENT:**       **Dennis Dotson, Committee Administrator**  
                                  **Heather Gravelle, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **SB 43 – Public Hearing**  
                                  **SB 63 – Public Hearing**  
                                  **SB 233 – Public Hearing and Work Session**  
                                  **SB 341 – Public Hearing**  
                                  **SB 406 – Public Hearing**  
                                  **SB 546 – Public Hearing**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 32, A</b>		
005	Chair Nelson	Calls the committee to order at 3:00 p.m. Opens a public hearing on SB 43.
<b><u>SB 43 – PUBLIC HEARING</u></b>		
006	Dennis Dotson	Committee Administrator. Provides overview of SB 43.
010	George Reimer	Oregon State Bar. Testifies in support of SB 43. Explains position. Provides history of SB 43.
055	Sen. Beyer	Asks for clarification on specific amendments.
065	Reimer	Clarifies amendments to SB 43.
075	Chair Nelson	Closes public hearing on SB 43. Opens public hearing on SB 63.
<b><u>SB 63 – PUBLIC HEARING</u></b>		
080	Dennis Dotson	Committee Administrator. Provides overview on SB 63.
085	Curtis Moore	Attorney. Testifies in support of SB 63. Explains history of SB 63. Clarifies the restrictions.
105	Steve Cotton	Attorney. Testifies in support of SB 63. Explains the amendments are still in progress.
135	Chair Nelson	Closes public hearing on SB 63. Opens public hearing on SB 233.

**SB 233 – PUBLIC HEARING**

138	Dennis Dotson	Committee Administrator. Provides overview of SB 233 and the -1 amendment. <b>(EXHIBIT F)</b>
140	John Shilts	Administrator, Workers' Compensation Division. Testifies in support of SB 233. Provides written testimony <b>(EXHIBIT A)</b> .
190	Shilts	Explains position. States concern with original language of bill; explains the amendment.
195	Sen. Walker	Asks if they are trying to keep this out of the bankruptcy trustee.
200	Shilts	Responds the goal is to keep the securities under their control.
205	Sen. Walker	Asks for clarification on the alternative deposit.
208	Shilts	Explains the advice received from the Department of Justice.
220	Shilts	Clarifies the goal is to maintain control to ensure the injured workers receives the benefit money directly from this form of security.
240	Chair Nelson	Recesses the public hearing on SB 233. Opens a public hearing on SB 341.

**SB 341 – PUBLIC HEARING**

255	Dennis Dotson	Committee Administrator. Provides overview of SB 341.
260	Dan Gardner	Commissioner, Bureau of Labor and Industries. Testifies in support of SB 341. Provides written testimony <b>(EXHIBIT B)</b> .
295	Ross Day	Explains position. Provides history of SB 341.
350	Day	Attorney. Testifies as neutral on SB 341. Provides background and intent of the statutes; most of which is for consumer protection.
400	Chair Nelson	States he will be happy to work with the Commissioner to draft any necessary amendments.
		Closes the public hearing on SB 341. Re-opens public hearing on SB 233.

**TAPE 33, A**

**SB 233 – PUBLIC HEARING**

005	Sen. Walker	Asks Sen. Beyer if the amendment addresses his concerns.
010	Sen. Beyer	Responds yes, there are no conflicts.
015	Chair Nelson	Closes the public hearing on SB 233. Opens a work session on SB 233.

**SB 233 – WORK SESSION**

020	Chair Nelson	<b>MOTION: Moves adoption of the -1 amendment to SB 233. VOTE: 4-0</b>
025	Chair Nelson	<b>Hearing no objection, declares the motion CARRIED.</b>
030	Chair Nelson	<b>MOTION: Moves SB 233 as amended to floor with a DO PASS recommendation.</b>
035	Chair Nelson	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. WALKER will lead discussion on the floor.</b>
035	Chair Corcoran	Closes the work session on SB 233. Opens a public hearing on SB 406.

**SB 406 - PUBLIC HEARING**

040	Dennis Dotson	Committee Administrator. Provides overview on SB 406.
045	Dan Gardner	Commissioner, Bureau of Labor and Industries. Testifies in support of SB 406. Provides written testimony ( <b>EXHIBIT C</b> ).
055	Annette Talbott	Deputy Commissioner, Bureau of Labor and Industries. Testifies in support of SB 406.
085	Chair Nelson	Asks about the complaint process.
100	Gardner	Explains the process.
105	Chair Nelson	Asks about a check list, and cause of action.
110	Gardner	Replies and provides specific examples.
115	Sen. Metsger	Asks if it is gender neutral.
118	Gardner	States yes.
120	Sen. Metsger	Asks for statistics.
125	Gardner	Comments he doesn't have statistics. Provides example of current case.
140	Marcia Kelley	Women's Rights Coalition. Testifies in support of SB 406.
160	Lisa Trussell	Associated Oregon Industries. Testifies against SB 406. States the current law and administrative rules address the issue satisfactorily.
175	Sen. Walker	Inquires how the current laws address the issue.
180	Trussell	Responds there are a number of areas relating to the family leave law that any particular group may want to implement changes in.
225	Gardner	Clarifies the bill is not an expansion law. Explains current rules. States it mirrors federal law.
235	Chair Nelson	Indicates he would like both parties to sit down and meet before proceeding.
240	Sen. Metsger	Suggests defining what the problem is, offer a solution and present amended language.
245	Chair Nelson	Closes the public hearing on SB 406. Opens a public hearing on SB 546.

**SB 546 – PUBLIC HEARING**

300	Dennis Dotson	Committee Administrator. Provides an overview of SB 546.
300	Dianne Lancaster	Chief Procurement Officer, Department of Administrative Services. Testifies as neutral on SB 406. Provides written testimony ( <b>EXHIBIT D</b> ). Explains position and outcome if SB 406 becomes law.
330	Lancaster	Explains reciprocity agreements with other states.
400	Chair Nelson	Asks for clarification on specific language.
<b>TAPE 32, B</b>		
005	Lancaster	Answers and clarifies language.
025	Ed Glad	Pacific Northwest Regional Council of Carpenters. Testifies in support of SB 546. Explains position.
042	Jessica Harris	Association of General Contractors. Testifies against SB 546. States concern and provides examples of consequences for companies in Oregon if SB 546 passes.
100	Sen. Metsger	Asks what the preference of using Oregon workers versus out of state.
110	Harris	Mentions the local hiring requirements.
160	Sen. Walker	Mentions previous law passed, which causes uproar with neighboring states, concerned it may happen again.
175	Harris	States they are willing to discuss the issue and try and come to a resolution.
180	Tim Nesbitt	President, Oregon AFLCIO. Testifies in support of SB 546. Explains position. States he would like to find a way to help

215	James Van Dyke	businesses and Oregon's economy. Testifies against SB 546. Provides written testimony ( <b>EXHIBIT E</b> ). Raises concerns. States what the reciprocal effects on other states would impose on other contractors. Comments on the responsibility of ensuring Oregon has quality construction at an affordable price.
295	Chair Nelson	Closes public hearing on SB 546. Adjourns meeting at 3:00 p.m.

### **EXHIBIT SUMMARY**

**A – SB 233, written testimony, John Shilts, 2 pp**  
**B – SB 341, written testimony, Dan Gardner, 2 pp**  
**C – SB 406, written testimony, Dan Gardner, 2 pp**  
**D – SB 546, written testimony, Diane Lancaster, 18 pp**  
**E – SB 546, written testimony, James Van Dyke, 2 pp**

**The following exhibit is listed out of order in the body of the tape log:**

**F – SB 233-1, -1 amendments dated 3/7/03, staff, 1 p**