

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

June 12, 2001 Hearing Room D
8:30 AM Tapes 140-141

MEMBERS PRESENT: Rep. Carl Wilson, Chair
Rep. Richard Devlin, Vice-Chair
Rep. Dan Doyle, Vice-Chair
Rep. Dan Gardner
Rep. Bill Garrard
Rep. Steve March
Rep. Bruce Starr
Rep. Joanne Verger
Rep. Cheryl Walker

MEMBERS EXCUSED:

STAFF PRESENT: Cara Filsinger, Administrator
Megan Palau, Administrator
Sandy Thiele-Cirka, Administrator
Jim Stenbridge, Administrator
Diane Lewis, Administrator
Paula Merritt, Committee Assistant

MEASURE/ISSUES HEARD: SB 439A Public Hearing
SB 144A Public Hearing and Work Session
HB 3810 Public Hearing
SB 334 Work Session
SB 365A Work Session
SB 423B 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 |
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| TAPE 140, A | | |
| 003 | Chair Wilson | Calls committee to order at 8:33 a.m. and opens a public hearing on SB 439A. |
| <u>SB 439A PUBLIC HEARING</u> | | |
| 005 | Jim Stenbridge | Committee Administrator. Explains SB 439. |
| 006 | Sen. Roger Beyer | District 15. Explains SB 439A. |
| 030 | Rep. Doyle | Comments on the Supreme Court decision and the higher workload for next year. |
| 037 | Sen. Beyer | Responds that the decision has been brought forward but he believes that they will not see the increase in the next year. Comments on temporary appointments. |
| 057 | Jim Egan | Oregon Workers' Compensation Attorneys. Submits and presents written testimony opposing SB 439A (EXHIBIT A). Explains the vote out of the Management Labor Advisory Committee (MLAC). |
| 107 | Chair Wilson | Comments on the temporary appointment. |
| 110 | Egan | Explains that he does not believe the temporary appointment to be appropriate. |
| 115 | Rep. Walker | Comments on the hearings of the Department of Justice and |

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| 118 | Egan | questions the number of hearings per year. Explains that the current caseload is approximately 18,000 appeals each year. |
| 150 | Rep. Verger | Asks Egan about the Smother's ruling and how this impacts the board. |
| 158 | Egan | Responds that the standard remains the same although civil court hearings must go through the board. |
| 177 | Rep. March | Asks Egan if he feels anything "broken" in this procedure. |
| 187 | Egan | Responds no, everything is working fine and explains that approximately 50% of time is spent on administrative work and 50% on the tie breaking procedure. |
| 203 | Rep. Diane Rosenbaum | District 14. Presents testimony opposing SB 439A and refers to written testimony (EXHIBIT B) . Explains that the workload will not stay constant. |
| 258 | Meg Reinhold | Oregon Department of Business and Consumer Services. Introduces Mike Manley. |
| 268 | Mike Manley | Oregon Department of Business and Consumer Services. Explains the graph in the committee packet (EXHIBIT C) . Comments on the Smother's case. |
| 308 | Rep. Starr | Asks Manley what are the percentage of cases. |
| 309 | Reinhold | Responds that the majority of cases fit under Smother's, now being denied, and they do not anticipate additional cases. |
| 311 | Rep. Starr | Says this is not a clear answer and explains that he believes the reduction to be 5 to 3. |
| 315 | Reinhold | Responds that she does not know. States that the 1,000 cases mentioned are not accurate and she believes there should be a significant increase. |
| TAPE 141, A | | |
| 003 | Rep. Walker | Comments on timelines declining and asks if there are requirements or time limits. |
| 0916 | Manley | Responds that the statute requires scheduling be within 90 days but there is no limit. |
| 019 | Rep. Garrard | Comments of the board members opinion and the size of the hoard. |
| 020 | Reinhold | Responds that they can meet as a group but most often make decisions independently. |
| 039 | Rep. Garrard. | Assumes that the number of members on the board is not significant. |
| | Reinhold | Responds that usually one member will hear a case. |
| 046 | Rep. Verger | Comments on the fiscal impact statement and the dollar amount (EXHIBIT D) . |
| 070 | Reinhold | States that is accurate but the lower the support staff, the more reduced the number. |
| 077 | Lisa Trussell | Associated Oregon Industries. Presents written testimony (EXHIBIT E) supporting SB 439A. Explains there are approximately 90-100 cases a month. |
| 080 | Rep. Starr | Comments on the MLAC vote. |
| 090 | Trussell | Responds that they initially voted against but later voted for the amendments. |
| 098 | Rep. Starr | Clarifies that they voted no but voted yes on the four-member board. |
| 100 | Trussell | Believes this is correct but will make sure. |
| 105 | Rep. Starr | Asks if MLAC ever voted on a four-member board. |

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| 107 | Trussell | Responds she is unsure. |
| 117 | Rep. Doyle | Comments on the impact of the Smother's case. |
| 120 | Trussell | Comments on the potential of court actions and denial cases. |
| 125 | Rep. Doyle | Comments on what should be addressed. |
| 145 | Trussell | Responds that is the committee's decision. |
| 153 | Chris Davie | Saif Corporation. Presents testimony supporting SB 439A. Explains the initial bill. |
| 187 | Rep. Starr | Comments on the reduction amount. |
| 190 | Davie | Explains that the funds come from the operating account. |
| 197 | Chair Wilson | Closes the public hearing on SB 439A and opens a public hearing on HB 3810. |

HB 3810 PUBLIC HEARING

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| 200 | Megan Palau | Committee Administrator. Explains HB 3810. Submits the -2 amendments (EXHIBIT F) . |
| 202 | Rep. Tootie Smith | District 28. Presents testimony supporting HB 3810. Explains this is a technical fix of the law. |
| 244 | Rep. March | Comments on clarification of farmer loans for second dwellings and incorporation into the existing loan. |
| 250 | Rep. Smith | Responds this would be on the subsection of the dwelling. |
| 300 | Don Schellenberg | Oregon Farm Bureau. Submits and presents written testimony (EXHIBIT G) supporting HB 3810. Comments on the bankruptcy law. |
| 308 | Rep. Verger | Comments on other issues in the bill and asks if the Farm Bureau approves. |
| 309 | Schellenberg | Responds yes. |
| 310 | Rep. March | Comments on the possibility of this bill creating subdivisions. |
| 325 | Schellenberg | Responds that he does not anticipate this on a regular basis but it is a possibility. |
| 335 | Harlan Levy | Oregon Association of Realtors. Presents testimony supporting HB 3810 and the -2 amendments. |
| 363 | Chair Wilson | Suggests looking at the -2 amendments. Closes the public hearing on HB 3810 and opens a public hearing on SB 144A. |

SB 144A PUBLIC HEARING

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| 377 | Barry S. Kast | Administrator, Mental Health and Developmental Disabilities Services Division. Presents testimony supporting SB 144A. |
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TAPE 140, B

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| 003 | Bob Joondeph | Oregon Advocacy Center. Submits and presents written testimony supporting SB 144A (EXHIBIT H) . |
| 020 | Rep. Verger | Comments on the 1999 legislative session and the work groups that were formed. |
| 025 | Joondeph | Discusses the local level of coordinated planning for the delivery of mental health services. |
| 043 | Chair Wilson | Closes the public hearing on SB 144A and opens a work session. |

SB 144A WORK SESSION

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| 045 | Garrard | States that he is a past member of the Governor's Mental Health Alignment Work Group. Provides his support for SB 144A. |
| 046 | Rep. March | MOTION: Moves SB 144A to the floor with a DO PASS recommendation. |
| 049 | Rep. Verger | Explains that she is not clear on this bill and would like to learn more. |
| 050 | Chair Wilson | Refers Rep. Verger to the report in the packet (EXHIBIT I) . |
| 052 | Rep. March | Comments on the importance of passing this bill. |

VOTE: 9-0
AYE: In a roll call vote, all members present vote Aye.

047 Chair Wilson The motion CARRIES.
REP. MARCH will lead discussion on the floor.
055 Chair Wilson Closes the work session on SB 144A and recesses the committee at 9:35a.m

(PLEASE NOTE RECORDING MALFUNCTION. TIC # 056 TO 090 NOT RECORDED)

056 Chair Wilson Reconvenes the committee at 9:45 a.m. and opens a work session on SB 334.

SB 334 WORK SESSION

057 Jim Stembridge Committee Administrator. Explains SB 334.
058 Rep. Gardner **MOTION: Moves SB 334 to the floor with a DO PASS recommendation.**

VOTE: 9-0

AYE: In a roll call vote, all members present vote Aye.

NOTE: A motion is made later in the meeting to allow Rep. Devlin and Rep. Garrard to cast their vote on SB 334.

060 Chair Wilson The motion CARRIES.
REP. GARDNER will lead discussion on the floor.
070 Chair Wilson Closes the work session on SB 334 and opens a work session on SB 354A.

SB 365A WORK SESSION

071 Sandy Thiele-Circka Committee Administrator. Explains SB 365 A.
072 Rep. Verger Comments that this is a major bill
076 Chair Wilson Comments on final approval.
079 Rep. Starr **MOTION: Moves SB 365A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 9-0

AYE: In a roll call vote, all members present vote Aye.

NOTE: A motion is made later in the meeting to allow Rep. Garrard and Rep. Devlin to cast their vote on SB 365A.

088 Chair Wilson The motion CARRIES.
089 Chair Wilson Closes the work session on SB 365A and opens a work session on SB 423A

SB 423A WORK SESSION

180 Chair Wilson Asks committee for final thoughts on the bill.
190 Thiele-Circka Submits and presents a summary of the -8 amendments (EXHIBIT J).
193 Rep. March Comments on the bill in the Revenue Committee and cigarette taxes.
213 Bob Alexander Oregon Department of Revenue. Explains that they wanted to update taxes.
228 Rep. March Comments on raising an additional 8 million dollars and questions the status of the additional 6 million dollars.
229 Alexander Responds that it has been included in the forecast.
230 Rep. Gardner **MOTION: Moves to ADOPT SB 423A-8 amendments dated 06/05/01.**
231 Rep. Gardner **MOTION: Moves to the floor with a BE ADOPTED AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**
235 Chair Wilson **VOTE: 8-1**
AYE: 8 - Devlin, Doyle, Gardner, Garrard, Starr, Verger, Walker C, Wilson
NAY: 1 - March

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| 236 | Chair Wilson | The motion CARRIES. |
| | | REP. GARRARD will lead discussion on the floor. |
| | Chair Wilson | Closes the work session on SB 423A. |
| 238 | Cara Filsinger | Committee Administrator. Explains the malfunction of the sound system and reiterates the roll call votes on SB 334 and SB 354. Asks Rep. Garrard and Rep. Devlin if they would like to vote on these bills. |
| 250 | Chair Wilson | Reopens a work session on SB 334. |
| | <u>SB 334 WORK SESSION (CONTINUED)</u> | |
| 253 | Chair Wilson | MOTION: Request unanimous consent that the rules be suspended to allow REP. DEVLIN and REP. GARRARD to BE RECORDED as voting AYE on SB 334. |
| 254 | Chair Wilson | Closes work session on SB 334 and reopens a work session on SB 365. |
| | <u>SB 354 WORK SESSION (CONTINUED)</u> | |
| 255 | Chair Wilson | MOTION: Request unanimous consent that the rules be suspended to allow REP. DEVLIN and REP. GARRARD to BE RECORDED as voting AYE on SB 365. |
| 258 | Chair Wilson | Closes work session on SB 354 and adjourns committee at 9:50 a.m. |

Submitted By,

Reviewed By,

Paula Merritt,
Committee Assistant

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

- A - SB 439A, written testimony, Jim Egan, 2 pp.**
- B - SB 439A, written testimony from Worker's Compensation Board, Rep. Rosenbaum, 6 pp.**
- C - SB 439A, written testimony, Mike Manley, 2 pp.**
- D - SB 439A, fiscal impact statement, staff, 1 page**
- E - SB 439A, written testimony, Lisa Trussell, 1 page**
- F - HB 3810, -2 amendments, staff, 29 pp.**
- G - HB 3810, written testimony, Don Schellenberg, 1 page**
- H - SB 144A, written testimony, Bob Joondeph, 1 page**
- I - SB 144A, written report from Mental Health Allignment Workgroup, staff, 15 pp.**
- J - SB 423A, -8 amendments, staff, 3 pp.**