

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

May 05, 1999 Hearing Room E

8:15 AM Tapes 103 ñ 104

MEMBERS PRESENT: Rep. Roger Beyer, Chair

Rep. Tim Knopp, Vice-Chair

Rep. Terry Thompson

Rep. Lynn Lundquist

Rep. Jason Atkinson

Rep. Dan Gardner, Vice-Chair

Rep. Bill Morrisette

STAFF PRESENT: Keith Putman, Administrator

Frances Thomas, Administrative Support

MEASURE/ISSUES HEARD: SB 451A Public Hearing and Work Session

SB 591 Public Hearing and Work Session

SB 592 Public Hearing and Work Session

SB 220A Public Hearing and Work Session

SB 654A Public Hearing and Work Session

SB 700 Work Session

SB 787A Public Hearing and Work Session

SB 938 Public Hearing

SB 177A Public Hearing and Work Session

SB 562 Public Hearing and Work Session

SB 296 Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 103, A		
003	Chair Beyer	Calls the meeting to order at 8:15 a.m.
<u>HB SB 451A PUBLIC HEARING</u>		
006	Chair Beyer	Opens a Public Hearing on SB 451A.
016	Keith Putman	Committee Administrator. Presents an overview of SB 451A.
026	Francie Cushman	Representing Senator Neil Bryant, Senate District 27. Testifies in support of SB 451A (EXHIBIT A).
034	Chair Beyer	Recognizes the Bill Patterson written testimony in support of SB 451A, submitted by Francie Cushman (EXHIBIT B).
035	Chair Beyer	Closes the Public Hearing on SB 451A.
<u>SB 451A WORK SESSION</u>		
037	Chair Beyer	Opens a Work Session on SB 451A.
038	Rep. Knopp	MOTION: Moves SB 451A to the floor with a DO PASS recommendation.
045		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Beyer	The motion CARRIES. REP. KNOPP will lead discussion on the floor.
047	Chair Beyer	Closes the Work Session on SB 451A.
<u>SB 591 PUBLIC HEARING</u>		

048	Chair Beyer	Opens a Public Hearing on SB 591.
054	Putman	Presents an overview of SB 591.
064	Rob Douglas	Oregon Self Insurers Association. Testifies in support of SB 591. Introduces Joe McLaughlin. Introduces Dave Schaerer.
076	David Schaerer	Sr. Vice President, Sedgwick. Testifies on behalf of Oregon Self Insurers Association. Testifies in support of SB 591 (EXHIBIT C).
105	Schaerer	Continues testimony.
116	Rep. Morrisette	Asks how many cities, counties, and special districts are involved in self insurance for workers' compensation.
119	Joe McLaughlin	Responds.
126	Joseph McLaughlin	Vice President/Owner, Self-Insured Management Services, Inc. Testifies in support of SB 591 (EXHIBIT D).
165	Jennifer Miller	Special Districts Insurance Services. Testifies in support of SB 591.
174	Lisa Trussell	Associated Oregon Industries. Testifies in support of SB 591.
180	Chair Beyer	Asks why is the emergency clause attached to this bill.
182	Douglas	States he does not know.
190	Chair Beyer	Closes the Public Hearing on SB 591.
<u>SB 591 WORK SESSION</u>		
191	Chair Beyer	Opens a Work Session on SB 591.
193	Rep. Knopp	MOTION: Moves SB 591 to the floor with a DO PASS recommendation.
204		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.

	Chair Beyer	<p>The motion CARRIES.</p> <p>REP. THOMPSON will lead discussion on the floor.</p>
206	Chair Beyer	Closes the Work Session on SB 591.
<u>SB 592 PUBLIC HEARING</u>		
208	Chair Beyer	Opens a Public Hearing on SB 592.
215	Putman	Presents an overview of SB 592.
224	Rob Douglas	Oregon Self-Insurers Association. Testifies in support of SB 592.
239	Chair Beyer	Closes the Public Hearing on SB 592.
<u>SB 592 WORK SESSION</u>		
240	Chair Beyer	Opens a Work Session on SB 592.
243	Rep. Knopp	MOTION: Moves SB 592 to the floor with a DO PASS recommendation.
249		<p>VOTE: 7-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p>
	Chair Beyer	<p>The motion CARRIES.</p> <p>REP. ATKINSON will lead discussion on the floor.</p>
254	Chair Beyer	Closes the Work Session on SB 592.
<u>SB 220A PUBLIC HEARING</u>		
255	Chair Beyer	Opens a Public Hearing on SB 220A.

260	Putman	Presents an overview of SB 220A. Comments on a fiscal impact included in the information packet. Comments on a ñ4 Conflict Amendment, dated 5/4/99 (EXHIBIT E) .
288	Chair Beyer	Comments on the "negative" fiscal impact.
290	Tom Mattis	Deputy Administrator, Workersí Compensation Division. Testifies in support of SB 220A (EXHIBIT F) . Comments on the current law.
340	Mattis	Continues testimony. Comments on what SB 220A does.
402	Mattis	Continues testimony. Comments on the billís support. Comments on the fiscal impact.
429	Chair Beyer	Closes the Public Hearing on SB 220A.
<u>SB 220A WORK SESSION</u>		
430	Chair Beyer	Opens a Work Session on SB 220A.
432	Rep. Gardner	MOTION: Moves to ADOPT SB 220A-4 amendments dated 5/4/99.
435		VOTE: 7-0
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
436	Rep. Gardner	MOTION: Moves SB 220A to the floor with a DO PASS AS AMENDED recommendation.
448		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Beyer	The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.

452	Chair Beyer	Closes the Work Session on SB 220A.
<u>SB 654A PUBLIC HEARING</u>		
454	Chair Beyer	Opens a Public Hearing on SB 654A.
467	Putman	Presents an overview of SB 654A. Submits the -4 Conflict Amendment, dated 5/4/99 (EXHIBIT G).
499	Jennifer Webber	Oregon Workersí Compensation Attorneys. Introduces Randy Elmer, Attorney. Testifies in opposition to SB 654A. States the Oregon Workersí Compensation Attorneys opposition is to the amended version, not the original bill (EXHIBIT H).
Tape 104, A		
077	Randy Elmer	President, Oregon Workersí Compensation Attorneys. Testifies in opposition to SB 654A.
112	Mark Gibson	Governorís Policy Advisor for Health and Human Resources. States the Governorís support of SB 654A in its current form.
161	Rep. Lundquist	Asks the history of how many Administrative Law Judges (ALJ) have been dismissed.
165	Maureen Bock	Chair, Workersí Compensation Board. Responds about 30 years ago.
175	Rep. Morrisette	Asks for clarification of the Governorís support of the amended bill.
178	Gibson	Responds.
195	Rep. Morrisette	Inquires about a conflict with the administrative branch moving a judicial acting part of that branch.
200	Gibson	Responds. Explains the process of removal of an ALJ.
223	Bock	Submits written testimony (EXHIBIT I).
228	Brad Witt	Secretary/Treasurer, Oregon AFL-CIO. Testifies in support of SB 654A.
253	Lisa Trussell	Associated Oregon Industries. Testifies in support of SB 654A.

273	Chris Davie	SAIF Corporation. Testifies in support of SB 654A as amended.
298	Chair Beyer	Asks about the levels of appeal.
292	Davie	Responds.
314	Tom Busch	Oregon State Bar Workers' Compensation Section. Testifies in opposition to SB 654A. States reasons of opposition (EXHIBIT J).
367	Chair Beyer	Closes the Public Hearing on SB 654A.
<u>SB 654A WORK SESSION</u>		
368	Chair Beyer	Opens a Work Session on SB 654A.
372	Chair Beyer	Comments on testimony for SB 654A from Rep. Mannix.
381	Rep. Morrisette	Comments on the repercussions of amendment.
394	Chair Beyer	Closes the Work Session on SB 654A.
<u>SB 700 WORK SESSION</u>		
398	Chair Beyer	Opens a Work Session on SB 700.
407	Putman	Presents an overview of SB 700.
432	Rep. Knopp	MOTION: Moves SB 700 to the floor WITHOUT RECOMMENDATION as to passage.
436	Rep. Thompson	Asks permission to submit an amendment.
441	Chair Beyer	Points out there is a motion before the committee.
445	Rep. Morrisette	Comments this issue should be heard publicly. Appreciates moving it out of the committee.
487	Rep. Gardner	Concurs with Rep. Morrisette's comments. Asks respectfully for a withdrawal of the motion before the committee for the purpose of discussing some proposed amendments.

498	Rep. Knopp	Declines to withdraw the motion.
500	Rep. Gardner	Comments he will not support the motion to move the bill to the floor without hearing the amendments.
Tape 103, B		
010	Rep. Lundquist	Asks for a point of clarification. Inquires if this motion fails is there an option for another motion.
015	Chair Beyer	Responds that option is available as long as the committee is still in Work Session.
017	Rep. Lundquist	Asks if the committee could consider the amendments if this motion fails.
019	Chair Beyer	Responds by saying "if we are still in Work Session."
020	Rep. Lundquist	Asks for clarification.
021	Chair Beyer	Responds that he can close the Work Session as soon as the motion is voted on.
023	Rep. Thompson	Comments on how the government process proceeds.
029	Chair Beyer	Comments on the specifics of the request letter received.
031	Rep. Gardner	Begins a comment.
032	Chair Beyer	Contends the custom of this committee is to do what the majority desires. Clarifies the majority of the committee asked for a Work Session only.
033	Rep. Gardner	States it has been the custom of this committee to allow testimony even in Work Session.
034	Chair Beyer	Reiterates the committee has a motion in front of it now.
036	Rep. Lundquist	Requests a 10 minute recess.
043	Chair Beyer	Without objection and at the request of Rep. Lundquist, the chair ordered a 10 minute recess.

044	Chair Beyer	Cautions the committee against a quorum discussion outside the committee session.
047	Chair Beyer	Reconvenes the committee at 9:35 a.m.
048	Chair Beyer	Reminds the committee of the pending motion. Asks for further discussion on the motion.
050	Rep. Thompson	Comments on his desire to adopt an amendment to SB 700. Explains amendment.
055	Chair Beyer	Explains that at this point in the procedure, an amendment adoption motion would be out of order. States unless the motion originator would consent to withdraw his motion.
058	Rep. Knopp	States he does not wish to do that.
059	Rep. Lundquist	Comments on support of the democratic process. Shares personal experiences about owning guns. Does not see this bill is in conflict with the Second Amendment. Appreciates the opportunity to have his comments on the record.
114	Rep. Thompson	Expresses his opinion about his intention for a "fair" process to include public discussion from both sides when he made the formal request a Work Session. States he will vote for the motion to send this issue to the floor (House) in hopes that he can express his desires there.
131	Knopp	Comments on irrelevancy of some of the discussion in today's meeting. States that even though he made the motion he will be voting against the motion here and against the bill on the floor (House).
154		VOTE: 4-3 AYE: 4 ñ Gardner, Lundquist, Morrisette, Thompson NAY: 3 ñ Atkinson, Beyer, Knopp
	Chair Beyer	The motion Carries. REP. LUNDQUIST, and REP. THOMPSON will lead discussion on the floor.
157	Chair Beyer	Closes the Work Session on SB 700.

SB 787A PUBLIC HEARING

160	Chair Beyer	Opens a Public Hearing on SB 787A.
170	Putman	Presents an overview of SB 787A.
177	Brian Boe	National Association of Independent Insurers. Testifies in support of SB 787A. Introduces Mark Hall.
186	Mark Hall	Argonaut Insurance Company. Explains the purpose of the bill (EXHIBIT K) .
234	Rep. Lundquist	Comments about the program in Portland.
243	Vice Chair Knopp	Closes the Public Hearing on SB 787A.

SB 787A WORK SESSION

244	Vice Chair Knopp	Opens a Work Session on SB 787A
248	Rep. Lundquist	MOTION: Moves SB 787A to the floor with a DO PASS recommendation.
258		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Beyer
	Vice Chair Knopp	The motion CARRIES. REP. LUNDQUIST will lead discussion on the floor.
263	Vice Chair Knopp	Closes the Work Session on SB 787A.

SB 938 PUBLIC HEARING

270	Vice Chair Knopp	Opens a Public Hearing on SB 938.
274	Putman	Presents an overview of SB 938.

286	Peter Bragdon	Stoel Rives, LLP, Portland. Testifies in support of SB 938 (EXHIBIT L).
310	Putman	States a proposed amendment is still in Legislative Counsel.
317	Rep. Beyer	Comments on getting expertise information from Rep. Hill.
328	Vice Chair Knopp	Asks how is it determined that a vote by a telephone transmission has taken place.
335	Bragdon	States there is an awareness that a mechanism of confirmation is needed.
345	Rep. Atkinson	Asks if there would be some communication as to whether the vote will be by mail, or an electronic proxy vote or will both have to done.
355	Bragdon	Responds.
363	Vice Chair Knopp	Comments that the committee will be discussing this bill again.
367	Vice Chair Knopp	Closes the Public Hearing on SB 938.
368	Vice Chair Knopp	Recesses the committee until 6:00 p.m.
373	Chair Beyer	Reconvenes the meeting at 6:05 p.m.
<u>SB 177A PUBLIC HEARING</u>		
375	Chair Beyer	Opens a Public Hearing on SB 177A.
380	Putman	Presents an overview on SB 177A. Comments on SB 177ñ4 Amendment (EXHIBIT M).
433	Jack Roberts	Commissioner, Oregon Bureau of Labor and Industries (BOLI). Testifies in support of SB 177A. Comments on an emergency clause.
483	Kevin Lafky	Attorney. Testifies in support of SB 177A. Comments on the language of proposed amendment (EXHIBIT N).
TAPE 104, B		
		Copies of Senator Bryantis written testimony distributed.

077	Chair Beyer	Asks about how many would be involved in the retroactivity issue.
080	Lafky	Responds.
095	Roberts	Responds to Chair Beyer's question about retroactivity.
118	Lundquist	Asks if it is true that some people would not be covered regardless.
123	Roberts	Responds.
147	Lafky	Comments on statutory remedy.
158	Chair Beyer	Closes the Public Hearing on SB 177A.
<u>SB 177A WORK SESSION</u>		
159	Chair Beyer	Opens a Work Session on SB 177A.
165	Rep. Knopp	MOTION: Moves to ADOPT SB 177A-2 amendments dated 4/28/99.
167	Rep. Lundquist	Disagrees with the ñ2 Amendment.
173	Rep. Thompson	Concurs with Rep. Lundquist.
177	Chair Beyer	Agrees with colleagues. Feels the amendment does not fit properly into the bill. States he would support the bill as is.
185	Rep. Knopp	Withdraws his motion to adopt the ñ2 amendment to SB 177A.
192	Rep. Knopp	MOTION: Moves SB 177A to the floor with a DO PASS recommendation.
205		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 ñ Atkinson, Gardner, Morrisette
	Chair Beyer	The motion CARRIES.

		REP. BEYER will lead discussion on the floor.
207	Chair Beyer	Closes the Work Session on SB 177A.
<u>SB 562 PUBLIC HEARING</u>		
209	Chair Beyer	Opens a Public Hearing on SB 562.
211	Putman	Presents an overview on SB 562. Comments on an emergency clause for this bill.
225	Scott Gallant	Oregon Medical Association. Testifies in support of SB 562.
258	Chair Beyer	Closes the Public Hearing on SB 562.
<u>SB 562 WORK SESSION</u>		
259	Chair Beyer	Opens a Work Session on SB 562.
261	Rep. Thompson	MOTION: Moves SB 562 to the floor with a DO PASS recommendation.
273		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Atkinson, Gardner, Morrisette
	Chair Beyer	The motion CARRIES. REP. THOMPSON will lead discussion on the floor.
278	Chair Beyer	Closes the Work Session on SB 562.
<u>SB 296 PUBLIC HEARING</u>		
281	Chair Beyer	Opens a Public Hearing on SB 296.

284	Putman	Presents an overview of SB 296.
295	Vicki McLean	Marion County Public Utility Commission. Introduces Damara Paris. Testifies in support of SB 296. Comments on programs for hearing impaired. Comments on fiscal impact.
367	Rep. Lundquist	Asks who qualifies for this program and is there an income requirement.
372	McLean	Responds.
381	Rep. Thompson	Asks what is the number of individuals serviced in the program.
384	McLean	Responds.
396	Chair Beyer	Closes the Public Hearing on SB 296.
<u>SB 296 WORK SESSION</u>		
398	Chair Beyer	Opens a Work Session on SB 296.
401	Rep. Thompson	MOTION: Moves SB 296 to the floor with a DO PASS recommendation.
409	Rep. Thompson	Comments that this is very worthwhile legislation.
411		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Atkinson, Gardner, Morrisette
	Chair Beyer	The motion CARRIES. REP. LUNDQUIST will lead discussion on the floor.
414	Chair Beyer	Closes the Work Session on SB 296.
420	Chair Beyer	Adjourns the meeting at 6:37 p.m.

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 177A, Senator Neil Bryantís written testimony, Staff, 2 pp
B ñ SB 451A, Bill Patterson written testimony, Francie Cushman, 3 pp
C ñ SB 591, Written testimony, David Schaerer, 2 pp
D ñ SB 591, Written testimony, Joseph McLaughlin, 1 p
E ñ SB 220A, -4 Conflict Amendment, dated 5/4/99, Staff, 1 p
F ñ SB 220A, Written testimony, Tom Mattis, 3 pp
G ñ SB 654A, -4 Conflict Amendment, dated 5/4/99, Staff, 2 pp
H ñ SB 654A, Written testimony, Jennifer Webber, 1 p
I ñ SB 654A, Written testimony, Maureen Bock, 2 pp
J ñ SB 654A, Written testimony, Tom Busch, 2 pp
K ñ SB 787A, Written testimony, Mark Hall, 4 pp
L ñ SB 938, Written testimony, Peter Bragdon, 2 pp
M ñ SB 177A, -2 Amendment, Staff, 1 p
N ñ SB 177A, Written testimony, Kevin Lafky, 3 pp