

## **HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS**

**June 14, 1999 Hearing Room D**

**3:30 P.M. Tapes 92 - 93**

**MEMBERS PRESENT: Rep. Mark Simmons, Chair**

**Rep. Richard Devlin, Vice-Chair**

**Rep. Bruce Starr, Vice-Chair**

**Rep. Jason Atkinson**

**Rep. Chris Beck**

**Rep. Roger Beyer**

**Rep. Randall Edwards**

**Rep. Dan Gardner**

**Rep. Kevin Mannix**

**Rep. Kitty Piercy**

**Rep. Jim Welsh**

**Rep. Max Williams**

**STAFF PRESENT: Cletus B. Moore, Jr., Administrator**

**Kevin E. Wells, Administrative Support**

**MEASURES HEARD: HB 3053 Public Hearing and Work Session**

**SB 504 Public Hearing and Work Session**

**HB 2830 Public Hearing and Work Session**

**HB 3400 Public Hearing and Work Session**

**HB 3629 Work Session**

**SB 879 Public Hearing and 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
<b>TAPE 92, A</b>		
003	Chair Simmons	Calls meeting to order at 4:15 p.m. Opens Public Hearing HB 3053.
<b><u>HB 3053 PUBLIC HEARING</u></b>		
014	Cletus Moore	Administrator. Reviews the ñ2 amendments to HB 3053 ( <b>EXHIBIT A</b> ).
026	Paul Phillips	American Federation of State, County and Municipal Employees, IBW, and State Building Trades. Explains the ñ2 amendments address statistical sampling procedures for verifying signatures on initiative petitions.
037	Chair Simmons	Closes Public Hearing HB 3053. Opens Work Session HB 3053.
<b><u>HB 3053 WORK SESSION</u></b>		
038	Rep. Beyer	<b>MOTION: Moves to ADOPT HB 3053-2 amendments dated 5/18/99.</b>
		<b>VOTE: 10-0</b> <b>EXCUSED: 2 - Edwards, Piercy</b>
	Chair Simmons	<b>Hearing no objection, declares the motion CARRIED.</b>
042	Rep. Beyer	<b>MOTION: Moves HB 3053 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 10-0</b> <b>EXCUSED: 2 - Edwards, Piercy</b>
	Chair Simmons	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. MANNIX will lead discussion on the floor.</b>

053	Chair Simmons	Closes Work Session HB 3053. Opens Public Hearing SB 504A.
<b><u>SB 504A PUBLIC HEARING</u></b>		
057	Keith Putman	Administrator. Explains that SB 504A deals with motorist insurance. Reviews the -A5 amendments ( <b>EXHIBIT B</b> ).
072	John Powell	North Pacific Insurance Company (NPIC). Supports SB 504A.
082	Tom Mortland	Claims Attorney, NPIC. Supports SB 504A. Discusses the problem of uninsured and underinsured motorist claims. Explains the benefit of resolving these claims through mediation.
107	Mic Alexander	Oregon Trial Lawyer Association. Supports SB 504A and the ñA5 amendments.
112	Rep. Williams	Comments on the support for SB 504A.
120	Powell	Opposes any further amendments to SB 504A.
130	Jeff Heatherington	Osteopathic Physicians and Surgeons of Oregon. Proposes conceptual amendment for SB 504A. Explains that osteopathic physiciansí claims are not always reimbursed by insurance companies ( <b>EXHIBIT C</b> ).
180	Heatherington	Proposes a conceptual amendment to ensure that claims from osteopathic physicians are reimbursed.
197	Vice-Chair Starr	Asks if Heatherington has discussed the amendment with interested parties.
202	Heatherington	Indicates that he has talked with those in the insurance industry, but they did not support his idea.
213	Chair Simmons	Asks for clarification of the proposed amendment. Asks Heatherington to work with interested parties to find another remedy. Closes Public Hearing SB 504A. Opens Work Session SB 504A.
<b><u>SB 504A WORK SESSION</u></b>		
246	Rep. Beyer	<b>MOTION: Moves to ADOPT SB 504-A5 amendments dated 6/14/99.</b>
250	Rep. Mannix	Declares possible conflict of interest.

255		<b>VOTE: 8-0</b>  <b>EXCUSED: 4 - Atkinson, Devlin, Edwards, Piercy</b>
	Chair Simmons	Hearing no objection, declares the motion <b>CARRIED</b> .
265	Rep. Beyer	<b>MOTION: Moves SB 504A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 8-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 4 - Atkinson, Devlin, Edwards, Piercy</b>
	Chair Simmons	<b>The motion CARRIES.</b>  <b>REP. WILLIAMS will lead discussion on the floor.</b>
284	Chair Simmons	Closes work session on SB 504A. Opens public hearing on HB 2830.
<b><u>HB 2830 PUBLIC HEARING</u></b>		
290	Moore	Reviews the ñ5 amendments to HB 2830 ( <b>EXHIBIT D</b> ).
299	Rep. Jeff Kropf	House District 37. Testifies in support of HB 2830 with the ñ5 amendments. Outlines ongoing discussions to further refine HB 2830. Reviews the ñ5 amendments.
323	Rep. Beyer	Asks if HB 2830 with move today.
327	Chair Simmons	Indicates a preference to move HB 2830.
331	Rep. Beyer	Explains that he will support the bill, but has reservations about passing a bill that needs further work.
344	Rep. Kropf	Explains the technical changes that will be proposed in the Senate to accommodate Oregon Occupational Safety Health Departmentís (OR OSHD) concerns as well as union concerns.

390	David Sparks	Deputy Administrator, OR OSHD. Supports HB 2830 with the 5 amendments. Agrees with Rep. Kropf's review of the proposed amendments.
409	Rep. Beyer	States that he will support moving HB 2830 out of committee.
414	Rep. Gardner	States that legislation should not be passed with the hope that the Senate will adopt amendments to address this committee's concerns. States that he will not support HB 2830.
<b>TAPE 93, A</b>		
005	Chair Simmons	Explains that each committee member will have further opportunity to vote on HB 2830. Closes Public Hearing HB 2830. Opens Work Session HB 2830.
<b><u>HB 2830 WORK SESSION</u></b>		
<b>016</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT HB 2830-5 amendments dated 5/28/99.</b>
		<b>VOTE: 4-2</b>  <b>AYE: 8</b> — Atkinson, Beck, Beyer, Mannix, Starr, Simmons, Welsh, Williams  <b>NAY: 2</b> - Devlin, Gardner  <b>EXCUSED: 2</b> — Edwards, Piercy
	<b>Chair Simmons</b>	<b>The motion CARRIES.</b>
<b>023</b>	<b>Rep. Starr</b>	<b>MOTION: Moves HB 2830 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-2</b>  <b>AYE: 7</b> — Atkinson, Beyer, Mannix, Starr, Simmons, Welsh, Williams  <b>NAY: 3</b> — Beck, Devlin, Gardner  <b>EXCUSED: 2</b> — Edwards, Piercy
	<b>Chair Simmons</b>	<b>The motion CARRIES.</b>

		<b>REP. KROPF will lead discussion on the floor.</b>
040	Chair Simmons	Closes Work Session HB 2830. Opens Public Hearing HB 3400.
<b><u>HB 3400 PUBLIC HEARING</u></b>		
045	Rep. Beck	Reviews the 5 amendments ( <b>EXHIBIT E</b> ). Notes that written confirmation of a federal grant to subsidize the cost of closed captioning has not been secured. Discusses fiscal impact of HB 3400.
093	Vice-Chair Devlin	Explains that Rep. Lewis has indicated that Ways and Means does not need to see HB 3400.
105	Chair Simmons	Agrees with Vice-Chair Devlin's statements. Closes Public Hearing HB 3400. Opens Work Session HB 3400.
<b><u>HB 3400 WORK SESSION</u></b>		
110	Rep. Beck	<b>MOTION: Moves to ADOPT HB 3400-5 amendments dated 6/9/99.</b>
		<b>VOTE: 10-0</b> <b>EXCUSED: 2 - Atkinson, Piercy</b>
		<b>Chair Simmons</b> <b>Hearing no objection, declares the motion CARRIED.</b>
115	Rep. Beck	<b>MOTION: Moves HB 3400 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b>
		<b>VOTE: 11-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Piercy</b>
		<b>Chair Simmons</b> <b>The motion CARRIES.</b>

		<b>REP. BECK will lead discussion on the floor.</b>
137	Chair Simmons	Closes Work Session HB 3400. Opens Work Session HB 3629.
<b><u>HB 3629 WORK SESSION</u></b>		
<b>145</b>	<b>Rep. Mannix</b>	<b>MOTION: Moves to ADOPT HB 3629-4 amendments dated 6/11/99.</b>
150	Rep. Mannix	States that the ñ3 amendments to HB 3629 are not needed.
151	Chair Simmons	Asks for an overview of the ñ4 amendments to HB 3629.
152	Moore	Reviews the ñ4 amendments to HB 3629 ( <b>EXHIBIT F</b> ).
163	Rep. Mannix	Notes that a potion of the ñ3 amendments will need to be adopted. Explains the ñ4 amendments establishes new statute to deal with Hepatitis B and C as an occupational disease and establishes a rebuttable presumption of on the job exposure.
182	Rep. Beyer	Asks if the assumption is that one is exposed to Hepatitis B or C on the job.
194	Rep. Mannix	Answers yes.
196	Rep. Beyer	Comments that it is very difficult to prove that exposure to Hepatitis B or C did not occur on the job. Discusses the rebuttable presumption clause. Expresses discomfort with provisions of HB 3629 and its amendments.
223	Vice-Chair Starr	States that the fiscal impact will cover both state and local employees.
229	Vice-Chair Devlin	Clarifies which state employees will be covered.
238	Rep. Beyer	Reads the ñ4 amendment to clarify which state employees are covered.
241	Rep. Mannix	Explains the rebuttable presumption clause. Points out that workers need to document incidents of exposure. States that the issue is whether the Legislature wants to support emergency workers within these specific circumstances.
297	Vice-Chair Starr	Asks if Rep. Mannix talked with interested parties.
301	Rep. Mannix	Replies that he has not talked with interested parties. Comments on the ñ4 amendments and the problems it addresses.

324	Rep. Edwards	Asks for clarification on how the ñ4 amendments work.
339	Rep. Mannix	Discusses the specifics of the ñ4 amendments.
360	Moore	Asks which lines of the ñ3 amendments need to be adopted.
363	Rep. Mannix	Clarifies what is needed from the ñ3 amendments.
368	Rep. Edwards	Asks who carries the burden for testing newly hired employees.
379	Rep. Mannix	Replies that employers should provide the test.
389	Chair Simmons	Points out that fiscal impact for the ñ2 amendments are being distributed.
<b>TAPE 92, B</b>		
001	Rep. Beyer	States the ñ2 amendments require that HB 3629 be referred to Ways and Means.
011	Chair Simmons	Discusses the fiscal impact statement. States that HB 3629 will be rescheduled
016	Vice-Chair Devlin	Asks for clarification on the fiscal impacts for the ñ2 and ñ4 amendments.
026	Rep. Mannix	Withdraws the motion to adopt the ñ4 amendments.
031	Chair Simmons	Closes Work Session HB 3629. Comments on the seriousness Hepatitis B and C as occupational diseases. Opens Public Hearing SB 879A.
<b><u>SB 879 PUBLIC HEARING</u></b>		
048	Sen. Lee Beyer	Senate District 21. Testifies in support of SB 879 ( <b>EXHIBIT G</b> ). Explains the bill addresses regulation of amateur radio antennas.
076	Chair Simmons	Asks if there is need for an emergency clause.
079	Marshall Johnson	Assistant Section Manager, State of Oregon American Radio League. Supports SB 879. Explains the need for the emergency clause.
093	Rep. Beyer	Suggests that the emergency clause is important considering the Y2K problem.
103	Rep. Mannix	Supports SB 879.

107	Chair Simmons	Close Public Hearing SB 879. Opens Work Session SB 879.
<b><u>SB 879 WORK SESSION</u></b>		
109	Rep. Starr	<b>MOTION: Moves SB 879 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 11-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Piercy</b>
	Chair Simmons	<b>The motion CARRIES.</b>  <b>REP. EDWARDS will lead discussion on the floor.</b>
123	Chair Simmons	Closes Work Session SB 879. Adjourns the meeting at 5:25 p.m.

Submitted By, Reviewed By,

Kevin E. Wells, Amy Fraley,

Administrative Support Committee Coordinator

#### **EXHIBIT SUMMARY**

**A ñ HB 3053, -2 amendments, staff, 2 pp**

**B ñ SB 504, -A5 amendments, staff, 1 p**

**C ñ SB 504, statute and ñA7 amendments to HB 2465, Jeff Heatherington, 2 pp**

**D ñ HB 2830, -5 amendments, staff, 2 pp**

**E ñ HB 3400, -5 amendments, Rep. Chris Beck, 7 pp**

**F ñ HB 3629, -4 amendments, staff, 2 pp**

**G ñ SB 879, written testimony, articles, letter, bill, -1 amendments, and charts, Sen. Lee Beyer, 23 pp**