

CONFERENCE COMMITTEE ON HB 2813

July 22, 1999 Hearing Room E

5:00 p.m. Tape 1

MEMBERS PRESENT: Rep. Roger Beyer, Chair

Sen. Gene Derfler

Sen. Joan Dukes

Rep. Dan Gardner

Rep. Kevin Mannix

Sen. Charles Starr

STAFF PRESENT: B. Harrison Conley, Administrator

Susan M. Pettey, Administrative Support

MEASURE HEARD: HB 2813B 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 1, A		
004	Chair Beyer	Opens meeting at 5:38 p.m., and opens work session on HB 2813.
<u>HB 2813B WORK SESSION</u>		
007	Sen. Derfler	Asks for an explanation of the ramifications of the potential failure of HB 2813. Asks why HB 2813 should pass out of committee.
011	Virlena Crosley	Director, Employment Department. Submits written testimony (EXHIBIT A). Indicates that an individual subject to a collective bargaining agreement can

		qualify for unemployment benefits. Discusses the <u>Potter</u> decision relative to increased costs for the agency.
017	Annette Talbott	Legislative Coordinator, Employment Department. Discusses agency restrictions on decision-making. Addresses party characterization of issues in a contested case.
047	Sen. Dukes	Asks about the construction field.
050	Talbott	Addresses seasonal employers.
055	Sen. Derfler	Asks about experience rating.
058	Talbott	Indicates that the experience rating is affected because of increased claims and costs.
065	Chair Beyer	Asks when in 1997 the <u>Potter</u> case was decided.
069	Talbott	Explains it was submitted and argued in September of 1997.
074	Chair Beyer	Asks about the negative impact on employers since September 1997.
079	Talbot	Explains administrative appeal process.
082	Sen. Derfler	Discusses ñB7 amendments (EXHIBIT B). Comments that the Employment Department has been uncooperative. Asks for suggestions to address this situation.
094	Crosley	Indicates the Employment Department takes a neutral position on most bills containing impermissible exclusions. Describes discussions with Governor Kitzhaber and John Yunker. Adds that the agency has attempted to apply the law.
124	Sen. Derfler	Expresses frustration that any change will prompt a veto.
134	Rep. Mannix	Discusses the remand of the <u>Kaib</u> case.
149	Talbott	Clarifies the Appeals Court decision.
155	Rep. Mannix	Disagrees with the Employment Department.
175	Talbott	Discusses federal law regarding nonemployees.

192	Rep. Mannix	Suggests language change in the Oregon Revised Statutes which addresses policy issues.
201	Talbott	Comments on the definition of independent contractor.
217	Sen. Derfler	Expresses concern that this problem has not been addressed earlier. Asks how often the Legislature must express frustration.
249	Crosley	Discusses independent contractor status. Comments on inclusion and exclusion.
278	Rep. Beyer	MOTION: Moves HB 2813B to the floor with the recommendation that the House concur in Senate amendments dated 7/17/99 and repass the Measure.
		VOTE: 5-0 EXCUSED: 1 - Starr
	Chair Beyer	Hearing no objection, declares the motion CARRIED. REP. BEYER will lead discussion on the floor.
298	Chair Beyer	Closes work session on HB 2813B. Adjourns the meeting at 6:05 p.m.

Submitted By, Reviewed By,

Susan M. Pettey, B. Harrison Conley,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2813B, written testimony, Virlena Crosley, 2 pp.

B - HB 2813-B7 amendments, 1 p.