

## SENATE COMMITTEE ON PUBLIC AFFAIRS

July 15, 1999 Hearing Room B

3:00 p.m. Tapes 101 ñ 102

**MEMBERS PRESENT:** Sen. Charles Starr, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Marylin Shannon

Sen. Veral Tarno

Sen. Thomas Wilde

**STAFF PRESENT:** Brian Smith, Administrator

Sandy Thiele-Cirka, Administrator

Marjorie Taylor, Administrator

Andrew Morris, Administrative Support

**MEASURES HEARD:** HB 2938A Work Session

HB 3635 Work Session

HB 2813 Work Session

SB 875A Work Session

HB 3055A Work Session

HB 3629A 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 101, A		
003	Chair Starr	Calls the meeting to order at 3:19 p.m. and opens a work session on HB 2938.

**HB 2938 WORK SESSION**

005	Marjorie Taylor	Committee Administrator. Summarizes provisions of the measure. Introduces the -A11 amendment ( <b>EXHIBIT A</b> ).
017	Chair Starr	Explains that the amendments must be amended so that they do not replace the entire measure. Indicates that there are other requests for conceptual amendments.
027	Taylor	States that the bill also needs conflict amendments related to SB 483.
032	Mike Grainey	Assistant Director, Office of Energy. Explains that the conflict needs to be resolved from SB 483 which has already passed.
059	Taylor	Discusses the conceptual amendments.
076	Sen. Dukes	Suggests that the conceptual amendments be drafted by Legislative Counsel before they are adopted by the committee.
108	Sen. Shannon	Closes the work session on HB 2938 and opens a work session on HB 3635.

**HB 3635 WORK SESSION**

118	Rep. Ron Sunseri	House District 22. Discusses the background for HB 3635. Testifies in support of HB 3635 ( <b>EXHIBIT B</b> ).
148	Chair Starr	Asks if the bill has been through Ways and Means.
151	Rep. Sunseri	Explains that the impact is not significant enough for their review.
157	Chair Starr	Asks if there is opposition to the measure.
160	Rep. Sunseri	Indicates that he has not heard of opposition to the measure.
172	Sen. Tarno	<b>MOTION: Moves HB 3635 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b> <b>AYE: 5 - Dukes, Shannon, Tarno, Wilde, Starr</b>
180	Chair Starr	<b>The motion CARRIES.</b>

		<b>SEN. DUKES will lead discussion on the floor.</b>
187	Chair Starr	Closes the work session on HB 3635 and opens a work session on HB 2813.
<b><u>HB 2813 WORK SESSION</u></b>		
191	Sandy Thiele-Cirka	Committee Administrator. Summarizes provisions of the measure. Introduces the -A3 amendments ( <b>EXHIBIT C</b> ). Discusses background information.
213	Annette Talbott	Legislative Coordinator, Employment Department. Testifies in support of HB 2813. Summarizes the background of the bill. States the bill is a result of a recent court ruling. Explains the ñA3 amendments. Indicates that issues related to domestic violence in the original bill will be addressed by the department by administrative rule.
246	Sen. Tarno	<b>MOTION: Moves to ADOPT HB 2813-A3 amendments dated 6/23/99.</b>
252	Chair Starr	<b>Hearing no objections, declares the motion CARRIED.</b>
253	Sen. Tarno	<b>MOTION: Moves HB 2813 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0</b>  <b>AYE: 4 - Dukes, Tarno, Wilde, Starr</b>  <b>EXCUSED: 1 - Shannon</b>
264	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. STARR will lead discussion on the floor.</b>
266	Chair Starr	Closes the work session on HB 2813 and opens a work session on SB 875.
<b><u>SB 875 WORK SESSION</u></b>		
274	Brian Smith	Committee Administrator. Summarizes provisions of the measure and introduces the -5 amendment that replaces the original measure ( <b>EXHIBIT D</b> ).
300	Sen. Dukes	Comments on SB 875. Wonders what is meant by remote areas.
322	David Hayden	Employee, State of Oregon. Testifies in support of SB 875 ( <b>EXHIBIT E</b> ). Explains the background of SB 875. Relates personal experiences and the need

		to carry a weapon in remote areas.
385	Sen. Shannon	Explains that -5 amendments were approved by interested parties.
420	Frank Thompson	Assistant Director, Department of Corrections (DOC). Expresses concerns with the amendment and explains the need for DOC to keep weapons away from inmates ( <b>EXHIBIT F</b> ).
440	Sen. Shannon	Indicates that she has spoken with Legislative Counsel about the location of the proposed conceptual amendment.
447	Sen. Tarno	Expresses concern with the measure. Suggests that the amendment will put the state in a certain position of liability. Indicates that the provisions should not be mandatory.
460	Sen. Shannon	Indicates that the Oregon Department of Forestry requested some language that would make provisions of the measure mandatory.
<b>TAPE 102, A</b>		
005	Sen. Tarno	Discusses issues related to concealed weapons.
010	Sen. Shannon	Describes an issue related to the U.S. Forest Service.
023	Chair Starr	Clarifies that the concern is having a weapon in a vehicle that isn't concealed.
027	Sen. Tarno	Continues to express concern about the measure being mandatory.
030	Sen. Shannon	Explains that departments must determine that a weapon is necessary before they require staff to carry firearms.
032	Hayden	Indicates that the Department of Forestry has a policy against employees carrying any weapons. Indicates that their trappers could carry weapons for their job.
042	Sen. Tarno	States that guns are not appropriate in office buildings. Expresses hesitation about exposing the state to liability.
060	Sen. Shannon	Explains that the Risk Management Office has expressed support for the measure. States all parties involved are in agreement with the bill.
074	Sen. Dukes	Expresses concerns about the measure and the liability imposed on the state.

105	Clark Sealy	Assistant State Forester, Department of Forestry. Testifies on SB 875. Comments on the ñ5 amendment and the changes that need to be made. Explains risks employees could face.
153	Sen. Shannon	Suggests that the bill is addressing telecommunications workers in remote areas. Asks how many Forestry engineers are in Salem.
159	Sealy	Indicates that there are two technicians in Salem and eight others around the state.
164	Sen. Shannon	Continues to discuss the amendment.
170	Chair Starr	Suggests that there are significant problems with the amendment.
186	Sen. Tarno	Asks if the telecommunications workers are with one or multiple agencies.
191	Sealy	Indicates that the amendment would cover the Department of Transportation, State Police, and the Department of Forestry.
195	Sen. Tarno	Asks if each agency has separate stations and towers.
197	Sealy	Responds the agencies operate their own telecommunication systems.
207	Chuck Hayes	Director, Training Division, Oregon State Police.
209	Sen. Tarno	Asks if the State Police telecommunications workers are sworn officers and if they carry firearms.
211	Hayes	States that they are not sworn officers, nor do they carry firearms.
212	Sen. Tarno	Asks if it is wise to have the telecommunications workers carry firearms.
214	Hayes	Expresses concerns with SB 875. Comments on the training, expense, and liability issues. Discusses the training that would be involved.
253	Sen. Wilde	Indicates that an agency must determine that the safety of an employee is at risk. Wonders why the state would send an employee into the field that might be at risk. Expresses the need for safety mitigation.
269	Hayes	States that if the State Police determine that an employee is at risk, precautions are taken.

285	Sen. Wilde	Comments on the need for employee protection.
299	Sen. Shannon	States the bill applies to three agencies and 30 employees. Comments on the workgroup.
314	Hayes	Restates concerns with training and liability issues.
324	Sen. Tarno	Comments on training programs that could take place.
337	Sen. Shannon	Explains that the Department of Public Safety Standards and Training was contacted about training classes.
351	Sen. Dukes	Requests that the committee hear from Risk Management and suggests that insurance rates must be higher for those agencies who have employees that carry weapons. Asks for testimony from the Department of Transportation also.
365	Michael Baird	Deputy Administrator, Risk Management Division. Indicates that he has reviewed the measure with the Department of Justice. Expresses concern that immunity language would not survive a court challenge. Indicates that claims and lawsuits will follow the discharge of a weapon, therefore there would be an increased cost of litigation to the state.
396	Sen. Dukes	Expresses concern for liability issues.
423	Chair Starr	Closes the work session on SB 875 and opens a work session on HB 3055.
<b><u>HB 3055 WORK SESSION</u></b>		
440	Brian Smith	Committee Administrator. Summarizes provisions of the measure and introduces the -A7 amendments ( <b>EXHIBIT G</b> ).
<b>TAPE 101, B</b>		
001	Chris Davie	State Accident Insurance Fund. Expresses the desire to consider the -A5 amendments.
005	Chair Starr	Indicates that the -A7 amendments are under consideration.
022	Sen. Dukes	<b>MOTION: Moves to ADOPT HB 3055-A7 amendments dated 7/13/99.</b>
025	Chair Starr	<b>Hearing no objections, declares the motion CARRIED.</b>

026	Sen. Starr	<b>MOTION: Moves HB 3055 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 3-0</b> <b>AYE: 3 - Dukes, Wilde, Starr</b> <b>EXCUSED: 2 - Shannon, Tarno</b>
038	Chair Starr	<b>The motion CARRIES.</b> <b>SEN. STARR will lead discussion on the floor.</b>
040	Chair Starr	Closes the work session on HB 3055 and opens a work session on HB 3629.
<b><u>HB 3629 WORK SESSION</u></b>		
041	Brian Smith	Committee Administrator. Introduces the -A11 amendments. Summarizes provisions of the measure <b>(EXHIBIT H)</b> .
052	Sen. Dukes	Asks why the bill is necessary.
056	Chair Starr	Explains that it is important to study the issue of Hepatitis, and the best method for understanding would be a study. Comments on employees who have contracted Hepatitis B and C.
075	Sen. Dukes	Expresses concern for employees who catch the disease.
078	Sen. Shannon	Wonders if employees can catch Hepatitis from on-the-job activities.
082	Chair Starr	Indicates that some employees have higher chances of exposure than others.
086	Smith	States that committee members have received a letter pertaining to the measure from the Department of Consumer and Business Services. <b>(EXHIBIT I)</b>
098	Chair Starr	Requests that the committee consider the -A11 amendment.
101	Sen. Tarno	Suggests that there should be a study of how at-risk employees are for catching the disease. Expresses concern that employees are not covered by workers' compensation for Hepatitis.
117	Chair Starr	Emphasizes the importance of the issue.

120	Sen. Tarno	<b>MOTION: Moves to ADOPT HB 3629-A11 amendments dated 7/15/99.</b>
123	Sen. Shannon	Comments on foster parents who are exposed to communicable diseases.
132	Sen. Dukes	Comments on the processing of claims. Asks if the claims process should be examined.
151	Chair Starr	Suggests leaving in Section 3 of the bill to study the claims process.
155	Chris Davie	SAIF Corporation. Explains the claims process for a Hepatitis case. Indicates that it is considered an occupational disease.
182	Sen. Dukes	Asks if it is possible to leave the section in the bill.
188	Davie	Responds the amendment would affect the whole bill.
205	Sen. Tarno	Asks for testimony about leaving Section 3 in the measure.
210	Hasina Squires	Representative, Special Districts Association. Explains that Section 3 lowers the burden of proof for an employee to prove their injury.
226	Chair Starr	<b>Hearing no objections, declares the motion CARRIED.</b>
229	Sen. Tarno	<b>MOTION: Moves HB 3639 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-1</b> <b>AYE: 4 - Shannon, Tarno, Wilde, Starr</b> <b>NAY: 1 - Dukes</b>
239	Chair Starr	<b>The motion CARRIES.</b> <b>SEN. SHANNON will lead discussion on the floor.</b>
243	Chair Starr	Closes the work session on HB 3629 and adjourns the meeting at 4:34 p.m.

Submitted By, Reviewed By,



Marjorie Taylor, Jennifer Peck,

Committee Administrator Senate Committee Coordinator

**EXHIBIT SUMMARY**

**A ñ HB 2938, -A11 amendments, Staff, 2 pp.**

**B ñ HB 3635, Written materials, Rep. Sunseri, 3 pp.**

**C ñ HB 2813, -A3 amendments, Staff, 7 pp.**

**D ñ SB 875, -5 amendments, Staff, 8 pp.**

**E ñ SB 875, Written testimony, David Hayden, 4 pp.**

**F ñ SB 875, Conceptual amendment, Frank Thompson, 1 pg.**

**G ñ HB 3055, -A7 amendments, Staff, 2 pp.**

**H ñ HB 3629, -A11 amendments, Staff, 1 pg.**

**I ñ HB 3629, Written materials, Staff, 8 pp.**