

HOUSE COMMITTEE ON LABOR

June 12, 1997 Hearing Room E

8:30 AM Tapes 86 - 87

MEMBERS PRESENT:

Rep. Steve Harper, Chair

Rep. Mike Fahey, Vice-Chair

Rep. Chris Beck

Rep. Dan Gardner

Rep. Bill Markham

Rep. John Minnis

Rep. Ron Sunseri

MEMBER EXCUSED:

STAFF PRESENT:

Cara Filsinger, Administrator

Steve Wermuth, Administrative Support

MEASURE/ISSUES HEARD:

SB 484A - 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 86, A		
004	Chair Harper	Calls meeting to order at 8:37. Opens work session on SB 484A.
<u>SB 484A - WORK SESSION</u>		
007	Cara Filsinger	Explains SB 484A and the -A11 and -A12 amendments.

021	Dave Fiskum	Representing Providence Vantage. States that he had followed up with Senator Yih, who would not oppose removal of "and opportunity to discuss" on pages 3 and 6. Comments that a doctor constituent of Senator Yih's is the person responsible for putting those four words in the bill.
030	Rep. Harper	MOTION: Moves to ADOPT SB 484A-11 amendments dated 6/2/97.
031	Chair Harper	Hearing no objections, declares the motion CARRIED.
033	Rep. Markham	Asks if this is the doctor that would force people to "jump through hoops."
035	Fiskum	Responds yes, he believes so.
038	Rep. Markham	Asks if reasons need to be given to the doctor.
040	Fiskum	Responds that reasons for being "turned down" need to be given.
044	Chair Harper	Introduces the -A12 amendments.
049	Rep. Bob Repine	District 49 [EXHIBIT A] . Gives concerns for level of Workers' Benefit Fund reserve being considered.
069	Rep. Repine	States that Ways and Means Committee found it appropriate to spend the reserve down, but ask that Workers' Compensation Management Labor Advisory Committee study the reserve level and make recommendations.
081	Chair Harper	Asks where the six month idea originated.
084	Mike Manley	Department of Consumer and Business Services, Information Management Division. States that policy was to draw down fund balance to lowest prudent level at the time.
096	Rep. Repine	Comments that employers have had reductions in their rates. States the problem is, if level gets too low, rates go up. Finds two quarters more appropriate for a one-year reserve, and four quarters for a two-year reserve.
118	Chair Harper	Asks if it was deliberate that two quarters were used when the law was passed.
120	Rep. Repine	Responds that when decision was made, it was based on reconfiguring pools of money and reserves.
135	Rep. Sunseri	MOTION: Moves to ADOPT SB 484A-12 amendments dated 6/3/97.
136	Chair Harper	Hearing no objections, declares the motion CARRIED.
139	Chair Harper	Calls for a recess at 8:48 a.m.
141	Chair Harper	Calls meeting back to order at 8:49 a.m.
151	Chris	Attorney. Explains hand-engrossed -A13 amendments [EXHIBIT B] .

	Moore	Mentions <i>SAIF v. Shipley</i> case.
199	Chair Harper	Asks why we are just hearing about this now.
200	Moore	Responds the court decision came on April 21, 1997. Explains.
216	Rep. Minnis	Asks about bolded language on page 6, states the two sections are different now and asks if that was intended.
226	Moore	Responds that it is the same statute being amended two different times.
230	Rep. Minnis	Suggests if one section was hand-engrossed, both should be.
232	Moore	Agrees.
238	Rep. Minnis	Asks how amended language would solve the problem.
240	Moore	Responds it would make clear whether condition is work related for disputes of medical conditions being sought for.
250	Rep. Fahey	Asks if conditions are compensable, will they go to the board.
252	Moore	Responds yes. Explains.
264	Rep. Sunseri	MOTION: Moves SB 484A to the floor with a DO PASS AS AMENDED recommendation.
277	Kevin Mannix	Attorney. States he has no objection to -A13 amendments. Gives concern for no L.C. draft of amendments. Suggests language on pages 6 and 10 need to be identical.
324	Bob Shiprack	Oregon Building Trades. States that -A13 amendments would probably clarify current law.
337	Lisa Trussell	Associated Oregon Industries (AOI). Does not see <i>Shipley</i> case as a problem. Comments that if this is an issue, it can be worked on in the interim.
372	Rep. Fahey	Asks why wait for the interim.
383	Trussell	Responds she would be more comfortable waiting until the interim.
397	Chris Davie	SAIF. States that he is not sure there is a problem that needs to be fixed. States that <i>SAIF v. Shipley</i> case is pending review before the Supreme Court.
TAPE 87, A		
006	Davie	States that if this law is good as written as interpreted by Court of Appeals, it will expedite decisions on compensability of those cases because it will not break it into two parts as many cases have been in the past. Comments that SAIF would prefer to wait.
021	Mary Neidig	Administrator, Workers' Compensation Division. Comment on consensus around this language. States that if this language takes care of how the <i>SAIF v. Shipley</i> case gets applied, Workers' Compensation Division would not be opposed to the language.

032	Chair Harper	Asks if this will hurt or help the process.
034	Neidig	Responds that it sounds like it will help.
037	Rep. Minnis	Asks if the <i>Shipley</i> case appealed to Oregon Supreme Court.
037	Neidig	Responds correct.
038	Rep. Minnis	States it should rise or fall in the merits of the case as presented to the Supreme Court.
047	Mannix	States that if this case is on review to Supreme Court, problem in interpretation can be presented to Supreme Court and can be asked to include some direction in their decision as to what their interpretation means. Comments the language of -A13 amendments is just for clarity and does not hurt in terms of what the law was intended. Explains.
078	Rep. Sunseri	Withdraws his motion to move SB 484 to the floor with a DO PASS AS AMENDED recommendation.
079	Rep. Fahey	MOTION: Moves to ADOPT SB 484A-13 amendments dated 6/11/97.
090	Chair Harper	The motion FAILS.
091	Rep. Sunseri	MOTION: Moves SB 484A to the floor with a DO PASS AS AMENDED recommendation.
095		VOTE: 7-0 AYE: 7 - Beck, Fahey, Gardner, Markham, Minnis, Sunseri, Harper
097	Chair Harper	The motion CARRIES. REP. FAHEY will lead discussion on the floor.
102	Chair Harper	Closes work session on SB 484A.
119	Chair Harper	Adjourns meeting at 9:15 a.m.

Submitted By, Reviewed By,

Steve Wermuth, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 484A, written material, Rep. Bob Repine, 3 pp.

B - SB 484A, hand-engrossed -A13 amendments, Staff, 10 pp.