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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**February 7, 1997 Hearing Room A**

**1:00pm Tapes 38 - 39**

**MEMBERS PRESENT:**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED: Sen. Neil Bryant, Chair**

**STAFF PRESENT:**

**David Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 273**

**SB 117**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 38, A</b>		
	Vice Chair Miller	Opens meeting at 1:12
007	Miller	open public hearing on SB 273
116	Kingsley Click	State Court Administrator
020	Click	explaining SB 273 and refers to dash 1 amendments
032	Click	question about the term "judicial days"  EXHIBIT B  when a period of time less than seven days then weekends and legal holidays are not counted in that period of time; if it is over that time frame than it is consecutive days
074	Layne Barlow	Oregon Men's Association
093	Barlow	EXHIBIT C
097	Barlow	when someone gets served with a restraining order that person is "homeless", he can't go home  refers to third paragraph of EXHIBIT B
105	Sen. Leonard	please give me an example of the kind of thing that occurs that allows a person not to be in their home
111	Barlow	contained in the law is fear of abuse
114	Leonard	walk me through this
119	Barlow	it goes before a Judge; Judge signs the restraining order
120	Leonard	what does the Judge hear
125	Barlow	the Judge hears one side of the story  can't have any contact with the family or home
130	Brown	reads ORS and question to Barlow
138	Brown	what kind of time frame are you looking at, would you be flexible on the time frame issue, for example six calendar days

		rather than five judicial days
145	Barlow	I would not be flexible there are a great many blue collar workers who can't go home, they need their tools
159	Brown	a peace officer can accompany the person to the home
165	Leonard	I am not sympathetic with keeping the time frame to what it is to anyone (man or woman) who has abused  I am having trouble understanding what you are saying  do you have statistics as to how many people abuse the statute and file a restraining order against someone and then subsequently drops the charge
178	Barlow	we don't have numbers on this  the five day period is only involved when children are involved
193	Derfler	to Sen. Brown asks her to explain the statute
197	Brown	a person could use this to get temporary custody of children to get a leg up in a custody matter
215	Barlow	being deprived of your children is awful
217	Derfler	does this give the court ample time
223	Barlow	not sympathetic to the court's plight, the court needs to make the decision quickly  this is the most emotionally charged piece of legislation
260	Miller	close public hearing on SB 273, open worksession on SB 273
268	Leonard	move that the language found in section 7, page 3, lines 12 and 14 "judicial" be struck; and also section 8, page 15, line 17 "judicial" be struck
282	Brown	friendly amendment to Sen. Leonard's amendment; let's put in the word "calendar" in place of the word "judicial"
285	Leonard	agrees with Sen. Brown
291	Miller	no discussions, no objections to the Sen. Leonard/Sen. Brown motion
294	Sen. Leonard	<b>MOTION: Moves SB 273 to the floor with a DO PASS AS AMENDED recommendation.</b>
298	Miller	asks for some advice on the direction of this motion
301	David Amesbury	typical to have us send these amendments to Legislative Counsel to draft them and bring the entire bill back for a worksession at a later date
		we will send the amendments to Legislative Counsel to draft and bring back for another worksession

317	Miller	close worksession on SB 273
<b><u>SB117--PUBLIC HEARING AND WORKSESSION</u></b>		
318	Miller	open public hearing on SB 117
328	Mary Neidig	Administrator of Workers' Compensation Division
335	Neidig	<p>SB 117 is a "technical fix" to the workers' comp law as it exists in Oregon</p> <p>process of bringing bills forward: bills were drafted last summer for the Governor's approval, then our ten member advisory board took a look at our ten bills, suggested some "friendly" amendments</p> <p>today I have brought you the original bill and the amendments proposed by our advisory board</p> <p>we also have one additional amendment that will be discussed in a few minutes</p>
371	Greg Malkasian	Manager of Compliance Section at the Workers' Compensation Division
Tape 39, A		
008	Malkasian	the intent of the SB 117 is to assure that we protect the confidentiality of a person who files a complaint with Workers' Comp Division and protecting the identity of those who have unproved allegations, as well as protecting the department and complainants from possible tort actions
011	Malkasian	EXHIBIT E
045	Malkasian	second thing I want to share is why this bill is important: protects the identity of complainants and encourages the reporting of violations that can be costly to the system; and protects the identity of the accused
060	Malkasian	<p>third thing I want to go over is to review the Management Advisory Labor Committee's process</p> <p>they wanted to ensure that three things were achieved through the adoption of SB 117</p> <ol style="list-style-type: none"> <li>1. name of the complainant always held confidential</li> <li>2. party being investigated should be apprised of the nature of the investigation</li> <li>3. at the close of the investigation the parties involved should be</li> </ol>

		fully informed of the findings of the investigation
088	Malkasian	fourth item I want to review is the amendments as explained on my testimony (EXHIBIT E)
098	Malkasian	we believe providing this type of confidentiality is a prudent public policy
110	Derfler	without this bill you can't keep the names confidential
116	Malkasian	that has been the advice of counsel, without this bill confidentiality would have trouble standing up in court
118	Derfler	reinforces that workers' comp has the right to not release confidential information
123	Miller	close the public hearing on SB 117; open worksession on SB 117
128	Derfler	move the engrossed version that includes all the amendments proposed
138	Amesbury	explanation of Sen. Derfler's motion
140	Miller	this motion moves the bill just to Legislative Counsel for drafting of these amendments  no discussion, no objections
143	Miller	close worksession on SB 117
146	Amesbury	LC draft introduction (#2378); relating to workers' compensation
148	Leonard	wants to look at the LC draft before agreeing to have it introduced
150	Miller	there are no other objections besides Sen. Leonard  LC 32378 adjourns at 1:54pm

**Submitted By, Reviewed By,**

**Andrea Terry, David Amesbury,**

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

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