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

**April 15, 1997 Hearing Room A**

**1:00pm Tapes 161 - 163**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

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

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**David Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 253**

SB 599

SB 706

SB 590

SB 1089

SB 835

**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 161, A</b>		
004	Chair Bryant	opens meeting at 1:08pm
<b><u>SB 835--PUBLIC HEARING AND WORK SESSION</u></b>		
006	Bryant	opens public hearing on SB 835
008	Sen. Bob Kintigh	Senator from District 21
010	Kintigh	EXHIBIT A
020	Laurie Neilson Lee	Attorney from Foster Pepper & Shefelman
022	Lee	EXHIBIT B
074	Lee	still explaining EXHIBIT B
118	Bryant	discusses proposed language
125	Sen. Derfler	can we circumvent the IRS
131	Lee	if we strengthen our statute then it gives us more leverage to circumvent the IRS
140	Bryant	close public hearing on SB 835
<b><u>SB 706--PUBLIC HEARING</u></b>		
142	Bryant	open public hearing on SB 706
145	Betsy Earls	AOI
		EXHIBIT C

146	Earls	EXHIBIT D
160	Larry Amburgey	AOI
162	Amburgey	explanation of SB 706
216	Sen. Brown	was there an opportunity during the 1995 session to address the 75 mile rule
230	Amburgey	there is always an opportunity
232	Brown	is this a clean up bill and also has substantive changes
235	Amburgey	it is a clean up bill
240	Amburgey	explains the proposed changes (EXHIBIT C)
281	Amburgey	still explaining proposed changes (EXHIBIT C)
323	Amburgey	resumes explaining proposed changes (EXHIBIT C)
371	Amburgey	refers to EXHIBIT D
Tape 162, A		
002	Amburgey	resumes explaining proposed changes (EXHIBIT C)
052	Amburgey	still explaining proposed changes (EXHIBIT C)
061	Amburgey	EXHIBIT E
077	Sen. Leonard	did you support the bill that came out of the 1995 session
088	Amburgey	as best I could at the time
091	Sen. Leonard	my recollection is that all the things you are saying were not discussed actually were discussed
100	Amburgey	the HB I worked on had one of the things from SB 706 in it
115	Sen. Leonard	I understand that the current law allows a parent who has a child under 18 with physical or mental disabilities to take "Family Law"
119	Amburgey	no, if the child had a serious health condition than the parent could take leave the only change is simply sick child leave
133	Leonard	refers to wording of current statute
135	Amburgey	it doesn't define the word "child"
157	Leonard	discusses provision that appears to be deleted looking at line 26 - 28 of the bill
173	Amburgey	parental leave still exists it is not our intent to change Oregon Law in terms of Family Leave
187	Amburgey	we clarified insurance issues in our discussion with BOLI
		why should two parents who are married and work for the

201	Sen. Brown	same company be only given 12 weeks total, while 2 people who are married and don't work for the same company and get 12 weeks each
210	Amburgey	I go with what Congress has passed we are talking about accommodating, not only the parents, but the company and customers as well
241	Brown	refers to page 4 and retaining position for person on leave
245	Amburgey	responds to Sen. Brown
260	Brown	my recollection of your testimony is that the economy is thriving despite the Family Leave legislation
265	Amburgey	times change, businesses change example of in house tax person who needs to go on Family Leave
280	Brown	refers to amendments
300	Brown	you referred to the attorneys who work part time and worrying about their time; the law firms I have worked in allow the attorneys to schedule their own time
310	Amburgey	our practice covers six states and the courts time far exceeds the attorneys who claim to have conflicts some judges are sympathetic for family time others put things on the docket no matter what
325	Brown	I am in Family and Juvenile Courts and the Courts have been very accommodating for people who have to be gone for Families
330	Leonard	question about section 3 (married couples working for the same company and taking family leave) an unmarried couple working for the same company can take two separate leaves
345	Amburgey	yes and unmarried couple can take two separate leaves
350	Amburgey	only one parent can be gone at a time to take care of a sick child under Oregon Leave Act
Tape 161, B		
003	Brown	why would you deny a married couple what a lesbian couple would be entitled to
006	Amburgey	we are following Federal Law
016	Bryant	close public hearing on SB 706
<b>SB 253--WORK SESSION</b>		
020	Bryant	open work session on SB 253

021	Richard Lane	OSB
022	Lane	EXHIBIT F
024	Staff	EXHIBIT G
025	Lane	explains EXHIBIT F
045	Brown	was the Mental Health Community involved in these discussions
047	Lane	many of the facilities that were involved have Mental Health facilities within them
053	Sen. Leonard	why would anyone be denied any part of their medical records
063	Lane	Sub-Section 4 addresses a Board of Medical Examiners Rule
080	Leonard	it is an administrative rule, what is the reason behind denying a patient his records
094	Lane	Sub-Section 4 addresses this issue
118	Leonard	I don't think this is answering my question I was hoping for a clear answer
121	Bryant	discusses original purpose of the bill
142	Scott Gallant	Oregon Medical Association
144	Gallant	discusses OMA view on the bill
<b>187</b>	<b>Sen. Bryant</b>	<b>MOTION: Moves to ADOPT SB 253-5 amendments dated 4/10/97 and conceptual amendments.</b>
198	Leonard	amendment to motion gives explanation of this amendment
215	Bryant	vote on Sen. Leonard's motion voting no: Brown, Nelson, Bryant voting yes: Derfler, Leonard
220	Bryant	vote on Sen. Bryant's motion voting yes: Brown, Derfler, Leonard, Nelson, Bryant
<b>230</b>	<b>Sen. Bryant</b>	<b>MOTION: Moves SB 253 to the floor with a DO PASS AS AMENDED recommendation.</b>
235	Bryant	no discussion; no objection Sen. Bryant will carry
245	Bryant	closes work session on SB 253
<b><u>SB 599--WORK SESSION</u></b>		
246	Bryant	opens work session on SB 599

253	Charlie Davis	Judicial Fitness Committee
255	Davis	EXHIBIT H
300	Doug Bray	State Court Administrator's Office
302	Staff	EXHIBIT I
<b>350</b>	<b>Sen. Bryant</b>	<b>MOTION: Moves to ADOPT SB 599-1 amendments dated 4/11/97.</b>
352	Bryant	no discussion; no objection
<b>355</b>	<b>Sen. Bryant</b>	<b>MOTION: Moves SB 599 to the floor with a DO PASS AS AMENDED recommendation.</b>
360	Bryant	no discussion; no objection Sen. Bryant will carry
373	Bryant	close work session on SB 599
<b><u>SB 706--PUBLIC HEARING</u></b>		
375	Bryant	open public hearing on SB 706
378	Earls	EXHIBIT J
380	Jack Roberts	Labor Commissioner, State of Oregon
Tape 162, B		
005	Roberts	refers to amendments (EXHIBIT E) discusses area of opposition
059	Roberts	discusses 75 mile rule, this is Federal Law discusses three conceptual amendments
092	Sen. Leonard	the employer would then pay the employer and the employee insurance contribution
095	Roberts	discusses contributions made
102	Roberts	continues discussing conceptual amendments
129	Bryant	goes over the changes proposed by Betsy Earls
159	Roberts	explanation of leave for a sick child
203	Brown	why discriminate against married persons
206	Roberts	we follow the Federal Law this is not an ideal situation
217	Bryant	close public hearing on SB 706
<b><u>SB 835--WORK SESSION</u></b>		
218	Bryant	open work session on SB 835

227	Lee	worked out a slight change on suggested language
232	David Amesbury	reads proposed changes
<b>252</b>	<b>Bryant</b>	<b>Motion: moves conceptual amendment</b>
254	Bryant	no discussion; no objection
255	Bryant	close work session on SB 835
<b><u>SB 706--PUBLIC HEARING</u></b>		
260	Bryant	open public hearing on SB 706
271	Jennifer Webber	Executive Director of the Oregon Commission for Women
274	Webber	EXHIBIT K
326	Webber	still discussing EXHIBIT K
374	Webber	still discussing EXHIBIT K
Tape 163, A		
004	Webber	discussion of Legislative members on committee
012	Sen. Brown	do the legislative members regularly attend meetings
015	Webber	no, they do not
020	Sen. Leonard	I thought Legislative members are prohibited constitutionally from casting votes on executive departments
025	Bryant	I think they can vote
032	Leonard	I believe they can't; this is found in The Constitution
034	Bryant	close public hearing on SB 706
<b><u>SB 1089</u></b>		
037	Bryant	discusses SB 1089
039	Brown	this is just like a HB and there is no need to refer SB 1089
<b><u>SB 590--REFERRAL</u></b>		
<b>041</b>	<b>Bryant</b>	<b>MOTION: moves SB 590 to Senate Water and Land Use</b>
042	Bryant	no discussion; no objection
<b><u>SB 706--PUBLIC HEARING</u></b>		
043	Bryant	open public hearing on SB 706
050	Amy Klare	Research and Education Director of the Oregon AFL-CIO
053	Klare	EXHIBIT L
089	Diane Rosenbaum	Oregon State Industrial Union Council
93	Rosenbaum	example of U.S. West employees
120	Marcia Latta	Women's Rights Coalition

123	Latta	EXHIBIT M
156	Bryant	adjourns meeting at 3:08pm

**Submitted By, Reviewed By,**

**Andrea Terry, David J. Amesbury,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Letter and Testimony to Senator Kintigh on SB 835 - introduced by Sen. Kintigh - 21 pages**

**B - Memo from Laurie Neilson Lee - introduced by Lee - 4 pages**

**C - Memo from Betsy Earls on SB 706 - introduced by B. Earls - 2 pages**

**D - Letter from Peter Carew - introduced by B. Earls - 1 page**

**E - -1 amendments to SB 706 - introduced by AOI - 2 pages**

**F - -5 amendments to SB 253 - introduced by R. Lane - 5 pages**

**G - Memo from Joil Southwell - introduced by staff - 3 pages**

**H - Chronology of SB 599 - introduced by C. Davis - 9 pages**

**I - -1 amendments to SB 599 - introduced by D. Bray - 4 pages**

**J - Letter from Leon Farer - introduced by B. Earls - 1 page**

**K - SB 706 Testimony - introduced by J. Webber - 4 pages**

**L - Memo from Amy Klare - introduced by A. Klare - 1 page**

**M - Testimony on SB 706 - introduced by M. Latta - 1 page**



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