

HOUSE COMMITTEE ON
LABOR

Hearing Room
Tapes - 52

MEMBERS PRESENT:

Rep. John Watt, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Mike Fahey
Rep. Lynn Lundquist
Rep. Lynn Snodgrass

STAFF PRESENT: Aaron Felton, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD: Public Hearing on Senate Bill 369

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

02 CHAIR WATT: Brings meeting to order at 1:35

05 Opens Public Hearing on Senate Bill 369

Witnesses: Kevin Earls
 Junior Earls
 Connie Gibbs
 Milinda Robertson
 Kate King
 Diane Rosenbaum
 Bill Thorndike
 Jim McClain
 Kevin Spellman
 Brad Will
 Jim Lomnicky
 Patty Cole
 Jerry Butler
 Bob Shiprack

08 AARON FELTON, COUNSEL: Gives summary of Senate Bill 369.

14 KEVIN EARLS, ASSOCIATED OREGON INDUSTRIES, Testifies with written
testimony [EXHIBIT A] in favor of Senate Bill 369.

48 Feels that Workers Compensation should favor neither the worker or
management.

67 JUNIOR PEAL, INJURED WORKER: Testifies against Senate Bill 369.

85 If the bill passes, the insurance companies can go back and use anything
in your past history.

98 CONNIE GIBBS, MEDITE CORPORATION, Testifies in favor of Senate Bill 369.

115 Oregon businesses need to be protected by the high cost of workers
compensation.

128 I support the fairness clause.

133 Exclusive remedy should be in this bill.

146 REP. BEYER: Has your company experienced any problems in the area of
workers compensation that this bill will solve?

150 GIBBS: Yes, on preexisting conditions, gives an example.

167 REP. BEYER: Was the eight thousand all medical costs?

169 GIBBS: Yes

172 REP. BEYER: So, would this have been an injury that would have been
covered under you medical insurance if it wasn't a workers compensation
claim?

175 GIBBS: Yes.

180 REP. BEYER: Why didn't you counsel the employee to just take a medical
claim?

185 GIBBS: You cannot do that, it would not be wise.

194 REP. FAHEY: With preexisting condition, there is always some wear and
tear on you body, why can't you expect people to wear out.

206 GIBBS: Responds to question.

230 MILINDA ROBERTSON, TIMBER OPERATORS COUNSEL: Supports Senate Bill 369.

254 I do not think it is fair to pay for the aging process.

263 KATE KING, SMALL BUSINESS OWNER: Testifies in support of Senate Bill
369.

284 The whole thing has become a huge game.

344 Several times, we have considered closing our doors because of the
system.

354 I am in favor of section four.

389 Continues with testimony.

426 I do not like section twenty-nine.

TAPE 52, SIDE A

51 Continues with testimony.

57 CHAIR WATT: Do you use an insurance company and what is your rate?

61 KING: We use an insurance company and our rate is twenty-eight dollars per every one hundred dollars of payroll.

82 REP. FAHEY: Do you report any problems about doctors. to the American Medical Association?

85 KING: Responds.

93 DIANE ROSENBAUM, COMMUNICATIONS WORKERS OF AMERICA AND OREGON STATE INDUSTRIAL UNION COUNCIL: Testifies against Senate Bill 369 with written Testimony [EXHIBIT B].

125 Many of the significant issues are the new definitions.

131 I also have concerns about the procedural changes.

165 I do not like the failure to cooperate, there is no definition for that.

176 Referees need to be protected.

201 People should have the extra time to file claims when they have a illness form working conditions.

241 REP. BROWN: Do you think anything in the bill supports work place safety?

247 ROSENBAUM: No.

258 BILL THORNDIKE, MEDFORD FABRICATION: Testifies in favor of Senate Bill 369.

268 Workers compensation insurance is our third largest cost.

294 Parts of the 1990 reforms needed reformed.

306 Please focus on pre-existing conditions.

321 JIM MCCLAIN, COLUMBIA HELICOPTERS: Testifies in favor of Senate Bill 369 with written testimony [EXHIBIT C].

354 This bill will allow us to return to the concept of 1990.

393 I think that the Board members should have a fixed term.

413 We have lost the concept of accountability.

460 Statistics show that the longer a worker is off work the less likely they will come back to work.

TAPE 51, SIDE B

48 Continues with statement referring to [EXHIBIT C].

62 KEVIN SPELLMAN, PRESIDENT OF EMERENT CONSTRUCTION: Testifies in favor of Senate Bill 369, providing written testimony [EXHIBIT D].

96 The 1990 bill has been damaged by several court decisions.

125 BRAD WITT: AFL-CIO: Testifies against Senate Bill 369 with written testimony [EXHIBIT E].

155 I will over the sections of the bill that concern me.

192 We do see some positive aspects of this bill.

209 REP. LUNDQUIST: Can you give me a definition of work induced?

211 WITT: I will be happy to do so.

219 JIM LOMNICKY, INJURED WORKER: Testifies against Senate bill 369.

227 PATTY COLE, DIRECTOR OF SAFETY AND HEALTH SYSTEMS AT SACRED HEART HOSPITAL IN EUGENE: Testifies in favor of Senate Bill 369.

259 I feel most of the workers that just want to get back to work.

279 I support the concept of using objective findings.

303 I oppose the exclusive remedy clause.

321 I have concerns about the chiropractors being back in the system.

364 I like the reaffirmation of the workers, so have the burden of proving stress claims.

395 REP. BROWN: If your injured worker is feeling pain and the doctor can't prove it, with this bill they could not get time loss?

415 COLE: Responds.

432 REP. FAHEY: Is your hospital a MCO?

440 COLE: Not sure.

444 REP. FAHEY: There must be validity to pain centers.

456 COLE: Responds.

TAPE 52, SIDE B

49 REP. BROWN: Why are you concerned about chiropractors?

56 COLE: Responds.

62 JERRY BUTLER, NORPAC FOOD: Testifies in favor of Senate Bill 369.
72 My company is self-insured.
89 All of the associations my company belongs to are in favor of this bill.
121 BOB SHIPRACK, OREGON BUILDING TRADES COUNSEL; Testifies against Senate
Bill 369 with written testimony [EXHIBIT E].
143 I do not understand why the bill needs to be changed. What is exactly
is the problem?
151 There are sections in this bill that go beyond what happened at Mahonia
Hall. Many sections are technically flawed.
163 I will go over the sections that I feel are flawed.
194 The definition of preexisting condition is far too broad.
223 I agree that the benefits need to be increased.
236 I am opposed the sunset on the benefits.
240 You should leave in the cost of living.
246 REP. LUNDQUIST: In your example of the preexisting condition, if you
throw in a trick football knee, explain to me what would happen.
258 SHIPRACK: This claim would be denied.
265 CHAIR WATT: Do you think it would be fair to say the changes in 1990
are fair. Did you support the bill?
268 SHIPRACK: Yes.
276 CHAIR WATT: Are there some of the people in your group still saying the
same things as last time?
278 SHIPRACK: Yes.
280 CHAIR WATT: Adjourns the meeting at 3:15pm.

Submitted by, Reviewed by,

Paula Gilmer Purcell	Aaron Felton
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on Senate Bill 369, submitted by Kevin Earls on the behalf of
Dick Lindsay.

B - Testimony on Senate Bill 369, submitted by Diane Rosenbaum.

C - Testimony on Senate Bill 369, submitted by Jim McClain.

D - Testimony on Senate Bill 369, submitted by Kevin Spellman.

E - Testimony on Senate Bill 369, submitted by Bradley Witt.

F- Testimony on Senate Bill 369, submitted by Bob Shiprack.