

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

May 17, 1995 Hearing Room B
8:00 AM Tapes 180 - 184

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Bob Kintigh
Sen. Neil Bryant
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel
Glenda Fields, Committee Assistant

MEASURES HEARD:

HB 3365 WORK SESSION
SB 464 WORK SESSION
HB 3114 WORK SESSION
HB 2138 WORK SESSION
HB 3180 WORK SESSION
HB 2187 PUBLIC HEARING / WORK SESSION
HB 2475 PUBLIC HEARING
HB 2476 PUBLIC HEARING

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 180, A

005 CHAIR DERFLER: Calling meeting to order at 8:00 AM.

006 CHAIR DERFLER: Opening WORK SESSION on HB 3365.

009 RITA THOMAS: Explaining bill.

MOTION: SEN. KINTIGH moves HB 3365 to the Senate floor with a DO PASS
recommendation.

VOTE: 3-0
AYE: Bryant, Kintigh, Derfler
NO: None

Sen. Bryant will carry the bill.

015 CHAIR DERFLER: Closing WORK SESSION on HB 3365.

016 CHAIR DERFLER: Opening WORK SESSION on SB 464.

020 RITA THOMAS: Explaining SB 464.

030 SEN. BRYANT: So this conforms with the Federal law?

040 SEN. LEONARD: Are these amendments according to the meeting we had?

047 CHAIR DERFLER: Explaining changes in the -8 amendments.

065 JACK ROBERTS: Explaining the changes that the -8 amendments make.

081 SEN. LEONARD: I would like to support these. Could we call up Laurie Wimmer?

088 LAURIE WIMMER: Commission for Women, testifying against the -8 amendments.

MOTION: SEN. LEONARD moves that the Committee accept the SB 464-6 Amendments.

VOTE: 2-3

AYE: McCoy, Leonard

NO: Bryant, Kintigh, Derfler

120 SEN. MCCOY: Who was responsible for the -8 amendments?

MOTION: SEN. BRYANT moves that the Committee accept the SB 464-8 Amendments.

VOTE: 3-2

AYE: Bryant, Kintigh, Derfler

NO: McCoy, Leonard

MOTION: SEN. BRYANT moves SB 464 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 3-2

AYE: Bryant, Kintigh, Derfler

NO: McCoy, Leonard

Sen. Derfler will carry the bill.

135 CHAIR DERFLER: Closing WORK SESSION on SB 464.

140 CHAIR DERFLER: Opening WORK SESSION HB 3114.

MOTION: SEN. BRYANT moves that the Committee accept the HB 3114-2 Amendments.

HEARING NO OBJECTIONS, the HB 3114-2 AMENDMENTS are ACCEPTED by the Committee.

MOTION: SEN. KINTIGH moves HB 3114 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 3-1

AYE: Bryant, Kintigh, Leonard
NO: McCoy
SEN. KINTIGH will carry the bill.

170 CHAIR DERFLER: Closing WORK SESSION on HB 3114.

175 SEN. BRYANT: Opening WORK SESSION on HB 2138.

180 RITA THOMAS: Explaining HB 2138 and amendments.

200 SEN. LEONARD: I have some problems with SB 750.

215 JACK ROBERTS: Explaining the overtime laws.

250 SEN. LEONARD: I am confused about which amendment pays overtime for over 10 hours.

280 SEN. BRYANT: I think that the -2 amendments accomplish what was requested.

MOTION: SEN. BRYANT moves that the Committee accept the HB 2138-2 Amendment.

HEARING NO OBJECTIONS, the HB 2138-2 AMENDMENTS are ACCEPTED by the Committee.

MOTION: SEN. KINTIGH moves HB 2138 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 4-1
AYE: Bryant, Kintigh, Leonard, Derfler
NO: McCoy
SEN. LEONARD will carry the bill

350 CHAIR DERFLER: Closing WORK SESSION on HB 2138.

354 CHAIR DERFLER: Opening WORK SESSION HB 3180.

365 CHAIR DERFLER:: I need to make a correction. I just talked with Mark Gibson. He was not involved in the discussion on SB 464. Bill Wyatt was involved.

390 SEN. BRYANT: Does the hand engrossed version on -12 refer to the problems of the District Attorney's office

410 TOM HART: Just got the amendments and has not gone over them yet.

431 CHAIR DERFLER: Closing WORK SESSION HB 3180.

440 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2187.

455 SUSAN KLOSTERMAN: DAS, testifying in favor of HB 2187 (EXHIBIT A).

TAPE 181, A

040 CHAIR DERFLER: Does this bill just shorten the process.

055 SUSAN KLOSTERMAN: Continuing testimony explaining HB 2187.

066 SEN. MCCOY: Do you take all of the overpayment out of the employees check all at one time?

072 CAMERON BIRNIE: DAS, testifying on HB 2187.

103 CHAIR DERFLER: What does Section 11 do?

110 CAMERON BIRNIE: Explaining the rationale behind Section 11.

140 KAREN ROACH: Explaining Section 16 on HB 2187.

150 CHAIR DERFLER: Does this shift the FTE? What about funding?

175 SUSAN KLOSTERMAN: Explaining Section 17.

197 CAMERON BIRNIE: Explaining Section 21.

230 CAMERON BIRNIE: Explaining Section 22.

270 SUSAN KLOSTERMAN: Explaining Section 23 and 24.

308 SEN. LEONARD: Question regarding Section 7.

360 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2187.

362 CHAIR DERFLER: Opening WORK SESSION on HB 2187.

MOTION: SEN. KINTIGH moves HB 2187 to the Senate floor with a DO PASS recommendation.

VOTE: 5-0

AYE: Bryant, Kintigh, Leonard, McCoy, Derfler

NO: None

Sen. Kintigh will carry the bill.

384 CHAIR DERFLER: Closing WORK SESSION on HB 2187.

390 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2476.

398 REP. TIERNAN: Explaining HB 2476.

450 REP. TIERNAN: Continuing explanation of HB 2476.

TAPE 180, B

040 REP. TIERNAN: This is not revolutionary. Other states have passed similar bills. Oregon is behind the times.

067 REP. TIERNAN: Explaining proposed amendment HB 2476-A4.

105 REP. STROBECK: Explaining the difference between 51-71% without Social Security (EXHIBIT B).

120 CHAIR DERFLER: Can the employee decide what plan he is in?

163 REP. TIERNAN: Discussing the history of this bill.

177 SEN. LEONARD: What were the elements of the plan?

186 REP. STROBECK: 8% has been the average rate of return over the years.

230 SEN. LEONARD: Questioning the 51%. The employee could lose all of their principle as well as not have any earnings.

254 FRED MCDONNAL: PERS, explaining the 51% number on the plan.

300 SEN. LEONARD: How was this figure arrived at?

340 SEN. LEONARD: A person my age will not be able to draw Social Security at the age of 62.

360 FRED MCDONNAL: I am here to address questions and not to comment on the bill.

380 REP. STROBECK: We had discussions in the work group about not linking benefits to Social Security.

400 REP. TIERNAN: In the task force, we discovered that there is no higher rate in the country.

430 CHAIR DERFLER: Is it possible that your package will be flexible so that the employee can choose the plan they desire?

460 REP. TIERNAN: Discussing the issue of Workers Compensation and PERS both paying on a claim.

TAPE 181, B

050 REP. TIERNAN: Discussing 35 years of service.

066 CHAIR DERFLER: Would you continue to accrue benefits after 30 years?

088 SEN. LEONARD: Do you want to have a defined benefit and not roll in vacation or sick time?

122 REP. STROBECK: The type of benefits you are talking about are nonexistent in the private sector.

145 REP. TIERNAN: You can retire anytime before 35 years. The benefits will just be less.

170 SEN. LEONARD: We can't allow 62 year olds to continue to work as Police and Fire Fighters. Where else will they be able to find jobs after the age of 55?

200 REP. TIERNAN: We have the same goal as is currently being used. This plan only pertains to people hired after this bill passes.

250 CHAIR DERFLER: We need to get on to other witnesses.

263 REP. STROBECK: We are also looking at saving costs for the State.

280 TOM CLIFFORD: Commenting on the -4 amendments. Would like to delete lines 11-20.

325 BOB MUIR: Dept. of Justice, discussing the -5 amendments.
370 BOB MUIR: We are currently in litigation over this issue.
395 FRED MCDONNAL: Commenting on Rep. Teirnan's testimony.
450 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2476.
455 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2475.
465 FRED MCDONNAL: Testifying on HB 2475. The board is not taking a
position on this bill.

TAPE 182, A

050 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2475.
060 CHAIR DERFLER: Opening WORK SESSION on HB 3180.
065 TOM HART: Testifying on the -12 & -13 Amendments.
108 SEN. BRYANT: I would favor former state policy about reporting.
128 CHAIR DERFLER: It would be possible in the family conference that
people would not be open if the information was not confidential.
137 TOM HART: If there are disclosures about people outside of the family
conference, that information will also be confidential.
160 SEN. BRYANT: Maybe we need to craft something that makes criminal
reporting separate from other reporting.
175 SEN. KINTIGH: Could we tighten up the language to require criminal
reporting.
200 TOM HART: Discussing page 19 regarding eliminating civil liability for
anyone in family group conference.
220 SEN. BRYANT: The meaning of this is that the information obtained in
family conference cannot be used as evidence in court.
250 TOM HART: Discussing criminal prosecution and immunity for the
Coordinator.
272 TOM HART: Discussing Section 8 (a) line 23.
300 NANCY MILLER: Some of these things did not get changed here. Some of
these things got missed by LC.
335 TOM HART: Discussing reasonable efforts to maintain the child in the
home needs to be consistent throughout the bill.
369 TOM HART: Discussing page 9, line 22.
420 TOM HART: Would like to remove the word "immediate".
450 TOM HART: Can the Family Group Coordinator have the police do a
criminal check as well as investigation about abuse?

TAPE 183, A

040 TOM HART: Are we going to have to get restraining orders before we act?

045 SEN. BRYANT: A judge can not be readily available in most counties.

060 TOM HART: Discussing Section 11.

080 SEN. LEONARD: Did we agree to change that to Judge?

090 NANCY MILLER: Explaining why the word Judge can not be used.

110 TOM HART: Discussing "last alternative" clause.

140 CHAIR DERFLER: We need to have some discretion for CPS as to when to remove a child from the home.

162 SEN. LEONARD: Do you believe that CPS has the flexibility in this bill to protect the child by removing the child from the home?

180 TOM HART: I do not think this bill allows for the CPS worker to use discretion as to the removal of the child from the home.

200 TOM HART: Discussing mandate for Family Group Conference.

250 TOM HART: Discussing the ability of the perpetrator to communicate in writing with members of the family conference.

300 TOM HART: Continuing testimony.

325 SEN. BRYANT: Has some amendments dealing with confidentiality.

330 CHAIR DERFLER: Taking a recess to vote on the Senate floor at 10:45 AM.

335 CHAIR DERFLER: Resuming meeting on May 18, 1995, 8:10 AM in HRB.

338 CHAIR DERFLER: Opening WORK SESSION on HB 3180.

355 RITA THOMAS: Explaining the HB 3180-14 Amendments.

420 SEN. BRYANT: What about abuse situations involving others besides the child.

455 SEN. BRYANT: I was contacted indirectly by Angela Sherbow. She feels that things still need to be worked out.

475 CHAIR DERFLER: There will be continued work on this bill as it goes to Ways and Means.

TAPE 182, B

038 SEN. BRYANT: I would hope that assistance will still be offered to families with a child that has disabilities.

055 RITA THOMAS: The effective dates of this bill have been moved back to March 1.

061 SEN. MCCOY: Why is this bill going to Ways and Means?

076 SEN. KINTIGH: Do all the Counties that are in the program want to be in it?

MOTION: SEN. BRYANT moves that the Committee accept the HB 3180-14 AMENDMENTS with the word "civil" added before "judicial".

HEARING NO OBJECTIONS, the HB 3180-14 AMENDMENTS are ACCEPTED by the Committee with the conceptual change.

MOTION: SEN. BRYANT moves that the Committee accept the HB 3180-12 AMENDMENTS with the changes made in the HB 3180-14 AMENDMENTS.

HEARING NO OBJECTIONS, the HB 3180-12 AMENDMENTS are ACCEPTED by the Committee.

MOTION: SEN. BRYANT moves HB 3180 AS AMENDED to the subsequent referral the WAYS and MEANS Committee with a DO PASS recommendation.

VOTE: 3-1
AYE: Bryant, Kintigh, Derfler
NO: No

099 CHAIR DERFLER: Closing WORK SESSION on HB 3180.

101 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2476.

115 DON SATCHELL: Testifying against HB 2476.

130 SEN. BRYANT: What page is that on?

180 DON SATCHELL: Discussing death benefits.

240 DON SATCHELL: I do not find where this bill addresses Workers Compensation.

260 CHAIR DERFLER: Their benefits must be twice what ours are.

307 DON SATCHELL: Describing PGE's pension plan.

325 SEN. LEONARD: It would be helpful if you could provide the documentation.

340 CHAIR DERFLER: From what you are telling me, we have a lousy system.

370 DON SATCHELL: I never heard anyone complain that the death benefit was too high.

400 DON SATCHELL: Explaining the section of the bill that changes the death benefits.

410 SEN. LEONARD: What do you think of 75 - 80 % of base pay, after an offset of Social Security?

450 CHAIR DERFLER: I think we should have a flexible plan that will meet the employees needs.

TAPE 183, B

050 DON SATCHELL: We would be receptive to a change if it was for the better.

068 MARI ANNE GEST: Testifying against HB 2476.

110 CHAIR DERFLER: Would you rather go into a defined benefit package?

130 SEN. LEONARD: If the employees were educated as to what these options were, they would choose the defined benefit plan.

153 MARI ANNE GEST: Continuing testimony. The current system is not uncommon as was suggested yesterday.

186 SEN. LEONARD: I have not heard that the employer cost is too high only that the employee benefit is too high. The benefit is due to wise investments.

200 FRED MCDONNAL: No, the 8% guaranteed return was not repealed by measure 8. It was intended to be but was not.

225 CHAIR DERFLER: Last year's return was 2%. Who pays the difference?

250 SEN. LEONARD: So it is not true that there is a subsidy when the rates are down?

260 MARY BODKINS: I do not have anything further to add.

270 CHAIR DERFLER: Calling a recess for 15 minutes at 9:00 AM.

275 CHAIR DERFLER: Calling meeting to order at 9:30.

280 MARY BODKINS: Testifying on HB 2476 (EXHIBIT D).

350 MARY BODKINS: I think we need a fair system where the employee and employer pay in the same amount.

372 JIM WITTY: AOI, testifying on HB 2476.

404 JIM WITTY: I am talking about the structure of the plan.

435 SEN. LEONARD: What is the typical 401K plan in the private sector?

TAPE 184, A

030 CHAIR DERFLER: Isn't it true that a lot of private employees do not have any retirement plan?

048 MARY BODKINS: I do not know much about 401K plans.

062 SEN. BRYANT: If you are going to study the private sector, then you have to include all the private employees including those who do have any retirement plan.

073 SEN. LEONARD: You have to study like situations to like situations.

090 MARY BODKINS: There has to be some changes made to the studies because

of the passage of Measure 8.

110 SEN. LEONARD: This is a catch 22. Tiernan says this is the most generous plan and then other witnesses give other facts.

125 SEN. BRYANT: Surely the task force went through all of these same discussions.

133 SEN. MCCOY: We can compare Oregon with all surrounding states.

142 SEN. LEONARD: We need to get back to where we started. The people that have not been hired yet need to be treated fairly (EXHIBIT E).

180 JIM WITTY: I would like to continue my testimony.

220 JIM WITTY: Discussing COLA plans.

264 SEN. LEONARD: I am totally offended by this discussion.

295 JIM WITTY: I think that everyone could support an elective COLA.

300 MARY BODKIN: Our discussion earlier included a COLA. I have seen to many people out live their retirement because there was no COLA.

325 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2476.

330 CHAIR DERFLER: Opening WORK SESSION on SB 464.

335 SEN. BRYANT: Previously we voted to move SB 464 as amended with the -8 amendments to the Senate floor with an understanding that there was an agreement of the parties. We have found that this is not the case and I would like us to reconsider our vote.

345 SEN. LEONARD: Do you have to serve notice to reconsider.

350 SEN. BRYANT: We are still in the same hearing.

MOTION: Sen. Bryant serves notice that he was on the prevailing side and moves that the vote on SB 464 be reconsidered and be brought back to Committee.

VOTE: 5-0

AYE: Bryant, Kintigh, Leonard, McCoy, Derfler

NO: None

385 CHAIR DERFLER: Closing WORK SESSION on SB 464.

388 CHAIR DERFLER: Meeting is adjourned at 10:07 AM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on HB 2187 - Pat O'Sullivan - 8 pages
- B - Testimony on HB 2476 - Rep. Strobeck - 2 pages
- C - Testimony on HB 2476 - Sen. Hamby - 1 page
- D - Testimony on HB - Mary Bodkins - 1 page
- E - SB 802 - Sen. Leonard - 12 pages.