

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

May 19, 1995 Hearing Room B
8:00 AM Tapes 185 - 187

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 2475 WORK SESSION
HB 2476 WORK SESSION
HJR 2 WORK SESSION
HB 3447 PUBLIC HEARING / WORK SESSION
HB 2038 PUBLIC HEARING / WORK SESSION
HB 2372 PUBLIC HEARING / WORK SESSION
HB 3434 PUBLIC HEARING / WORK SESSION
HB 3181 PUBLIC HEARING / WORK SESSION

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 185, A

005 CHAIR DERFLER: Calling meeting to order at 8:05 AM.

006 CHAIR DERFLER: Opening PUBLIC HEARING on HB 3447.

008 RAYMOND REESE: Testifying on HB 3447.

039 RAYMOND REESE: This bill clarifies the policy that these people should
be a part of the National Guard.

063 LYNN ASHCROFT: Testifying on HB 3447.

085 LYNN ASHCROFT: Talking about whistle blowing remedies.

102 JACK ROBERTS: BOLI, testifying in support of HB 3447.

108 CHAIR DERFLER: Closing PUBLIC HEARING on HB 3447.

109 CHAIR DERFLER: Opening WORK SESSION on HB 3447.

MOTION: SEN. KINTIGH moves HB 3447 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.

115 CHAIR DERFLER: Closing WORK SESSION on HB 3447.

116 CHAIR DERFLER: Opening PUBLIC HEARING and HB 3434.

120 RITA THOMAS: Explaining HB 3434.

133 LLOYD ATHEARN: Testifying against HB 3434.

170 LLOYD ATHEARN: Cellular phones can be a big help in rescue efforts.

175 SEN. BRYANT: This bill is written with a reasonable care clause.

210 LLOYD ATHEARN: There is no cap for the group liability.

230 SEN. BRYANT: What would you see as the appeal process?

250 SEN. KINTIGH: There is a cap in that they may only collect actual expenses.

290 LLOYD ATHEARN: Continues discussion on rescues.

324 SEN. MCCOY: What kind of bill would you like see?

332 SAM CRIBB: Testifying against HB 3434.

370 CHAIR DERFLER: Closing PUBLIC HEARING on HB 3434.

372 CHAIR DERFLER: Opening WORK SESSION on HB 3434.

380 SEN. LEONARD: Would like to propose an amendment to HB 3434 that would allow for an appeal to the County Commission.

MOTION: Sen. Leonard moves that the Committee ACCEPT an AMENDMENT to HB 3434 that would allow for an appeal to the County Commission.

HEARING NO OBJECTIONS, the Committee ACCEPTS the AMENDMENT to HB 3434.

MOTION: Sen. Leonard moves HB 3434 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.

398 CHAIR DERFLER: Closing WORK SESSION on HB 3434.

400 CHAIR DERFLER: Opening WORK SESSION on HB 2475.

410 JIM WITTY: Testifying on HB 2475.

465 SEN. LEONARD: What is the problem with the current system?

TAPE 186, A

035 SEN. BRYANT: What number would the sponsor suggest?

055 FRED MCDONNELL: Explaining the makeup of the members of the board.

073 SEN. MCCOY: Isn't it more work to have a larger board?

080 FRED MCDONNELL: Working with a larger board is more cumbersome, but we do not object to working with a larger board.

088 SEN. LEONARD: Is there a law that requires release time for board members?

118 SEN. BRYANT: Historically there is not compensation or release time unless you are already a state employee.

137 FRED MCDONNELL: Explaining other duties of board members.

160 SEN. BRYANT: Closing WORK SESSION on 2475.

166 SEN. BRYANT: Opening PUBLIC HEARING on HB 2372.

175 DICK RIGGS: Testifying in favor of HB 2372 (EXHIBIT A).

185 KEN KEUDELL: CCB, testifying in favor of HB 2372.

200 REP. BEYER: Testifying in favor of HB 2372.

205 SEN. MCCOY: How do you know the property owner is not hiring someone else to come in and do the work?

214 KEN KEUDELL: This is only in effect if the owner is working with a contractor.

237 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2372.

240 CHAIR DERFLER: Opening WORK SESSION on HB 2372.

MOTION: Sen. McCoy moves HB 2372 to the Senate floor with a DO PASS recommendation.

VOTE: 5-0

AYE: Bryant, Kintigh, Leonard, McCoy, Derfler

NO: None

Sen. McCoy will carry the bill.

248 CHAIR DERFLER: Closing WORK SESSION on HB 2372.

250 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2038.

256 JAN WAGNER: Oregon OSHA, testifying in favor of HB 2038.

270 SEN. BRYANT: I think this is a good direction to go.

280 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2038.

282 CHAIR DERFLER: Opening WORK SESSION on HB 2038.

MOTION: SEN. BRYANT moves HB 2038 to the Senate floor with a DO PASS recommendation.

VOTE: 5-0

AYE: Bryant, Kintigh, Leonard, McCoy, Derfler.

NO: None

Sen. Bryant will carry the bill.

282 CHAIR DERFLER: Closing WORK SESSION on HB 2038.

293 CHAIR DERFLER: Opening PUBLIC HEARING on HB 3181.

300 KATHRYN WEIT: Oregon Family Support Council, testifying in favor of HB
3181 (EXHIBIT B).

350 KATHRYN WEIT: One person needs to follow through with the families.

370 CHAIR DERFLER: Some of the resources we spend help save money in the
long run.

382 GAIL ARKLEY: Testifying in favor of HB 3181 (EXHIBIT C).

410 SEN. MCCOY: Do you have the staff to carry out the intent of this bill?

430 SEN. BRYANT: Discussing the needs of children when there is not abuse.

464 KATHRYN WEIT: We believe that this is just the first step in supporting
families.

TAPE 185, B

044 CHAIR DERFLER: Closing PUBLIC HEARING on HB 3181.

046 CHAIR DERFLER: Opening WORK SESSION on HB 3181.

MOTION: Sen. McCoy moves HB 3181 to Senate floor with a DO PASS recommendation.

VOTE: 5-0

AYE: Bryant, Kintigh, Leonard, McCoy, Derfler

NO: None

Sen. McCoy will carry the bill.

049 CHAIR DERFLER: Closing WORK SESSION on HB 3181.

050 CHAIR DERFLER: Opening WORK SESSION on HJR 2.

067 SEN. BRYANT: I agree with the overall policy but I do not want to tie
the hands of future legislators. Discussing the -17 amendments.

105 SEN. BRYANT: Discussing the different amendments.

150 SEN. BRYANT: We have tried to reduce the possibility of future

litigation this session. Discussing reimbursement responsibilities.

170 SEN. MCCOY: Would you rather have this in a statute rather than the constitution?

195 SEN. BRYANT: We would be setting policy. Maybe we could put it in the constitution with some sort of sunset.

210 SEN. MCCOY: We should get some information from the Counties.

218 SEN. LEONARD: Those that want power will do anything to get it. Discussing the problems of amending the constitution.

260 CHAIR DERFLER: I do not disagree. Most of my questions have been answered.

270 SEN. LEONARD: We as legislators are part of Oregon and we understand the effect of the laws we pass.

288 SEN. BRYANT: Should there be a clause stating "whichever is greater" on page 2 (3) a & b?

300 BOB CANTINE: Explaining the section of the bill.

326 CHAIR DERFLER: Are you suggesting 1% for new projects?

366 SEN. BRYANT: You might be putting yourself in a trap.

375 BOB CANTINE: That is part of our responsibility.

MOTION: SEN. LEONARD moves that HJR 2 be tabled with a interim committee.

410 SEN. BRYANT: Wants to put together some amendments.

MOTION: SEN. BRYANT moves that the Committee ACCEPT the HJR 2 -17, -14, -13, -12 AMENDMENTS.

450 SEN. MCCOY: Can we go through the amendments.

470 SEN. BRYANT: Explaining amendments.

HEARING NO OBJECTIONS, the HJR 2 -17, -14, -13 & -12 AMENDMENTS are ACCEPTED by the Committee.

TAPE 186, B

053 SEN. KINTIGH: Question regarding fee for service.

MOTION: Sen. Bryant moves that the Committee ACCEPT a conceptual AMENDMENT that changes 2/3 to 3/5 in subsections 5, 6 and 7 a.

HEARING NO OBJECTIONS, the Committee ACCEPTS the Conceptual AMENDMENT to change 2/3 to 3/5 in subsections 5, 6 and 7 a.

067 SEN. BRYANT: Discussing conceptual amendments.

111 SEN. BRYANT: Amendment about who decides funding.

118 SEN. BRYANT: Wants a sunset amendment.

150 SEN. MCCOY: I think it is a very costly adventure to experiment with the constitution.

160 SEN. KINTIGH: We did that with the sales tax.

180 CHAIR DERFLER: Why don't you get the amendments drafted and we will look at it again?

200 SEN. BRYANT: The -16 amendments delete Section 5.

215 CHAIR DERFLER: Closing WORK SESSION and HJR 2.

228 CHAIR DERFLER: Opening WORK SESSION on HB 2475.

230 SEN. LEONARD: I would support this bill if the Committee will accept some conceptual amendments.

236 SEN. MCCOY: I would recommend staying at a 9 member board.

265 CHAIR DERFLER: I would like the retiree to be one of the 4 public employees.

MOTION: SEN. LEONARD moves that the Committee accept AMENDMENTS requiring release time for public employee board members when doing PERS business with reimbursement from PERS to the employer and that the board consist of one retiree from a political subdivision of the State.

HEARING NO OBJECTION, the conceptual AMENDMENTS are ACCEPTED by the Committee.

MOTION: SEN. LEONARD moves HB 2475 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 5-0
AYE: Bryant, Kintigh, Leonard, McCoy, Derfler
NO: None
Sen. Leonard will carry the bill.

316 CHAIR DERFLER: Closing WORK SESSION on HB 2475.

330 CHAIR DERFLER: Calling a 30 minute recess at 9:50 AM.

332 CHAIR DERFLER: Calling meeting to order at 1:30 PM.

333 CHAIR DERFLER: Opening WORK SESSION on HB 2089.

MOTION: SEN. KINTIGH moves that HB 2089 be returned to the President's desk and referred to the Rules and Elections Committee without recommendation.

VOTE: 4-0
AYE: Kintigh, Leonard, McCoy, Derfler
NO: None

350 CHAIR DERFLER: Closing WORK SESSION on HB 2089.

355 CHAIR DERFLER: Opening WORK SESSION on HB 2476.

361 SEN. LEONARD: I would like to hear from management.

380 HASSINA CASSIM: Testifying on HB 2476.

408 SEN. LEONARD: Discussing the age of retirement for fire and police employees.

420 SEN. KINTIGH: Is this mandatory retirement?

MOTION: SEN. BRYANT moves that the Committee accept the HB 2476A-5 Amendments.

HEARING NO OBJECTIONS, the HB 2476A-5 AMENDMENT is ACCEPTED by the Committee.

MOTION: SEN. BRYANT moves that the Committee ACCEPT a conceptual AMENDMENT that deals with a 1% Cola adjustment applied to the total benefit.

HEARING NO OBJECTIONS, the Committee ACCEPTS the AMENDMENT dealing with a 1% Cola adjustment.

TAPE 187, A

047 SEN. LEONARD: Proposing a conceptual amendment to HB 2486 that restores the retirement age for fire and police to the existing statute language which reads that after 25 years of service or 50 years of age a public safety officer can retire.

059 FRED MCDONNELL: Explaining current law regarding fire employees retirement.

070 CHAIR DERFLER: Questions regarding early retirement.

100 SEN. BRYANT: This is going to go to Conference Committee and we could take care of this then.

MOTION: SEN. BRYANT with that Amendment, moves HB 2486 as AMENDED to the Senate floor with a DO PASS recommendation.

120 MARGIE LOWE: DAS, testifying on the match 6 and 6.

VOTE: 3-2

AYE: Kintigh, Bryant, Derfler

NO: Leonard, McCoy

Sen. DERFLER carries the bill.

146 CHAIR DERFLER: Closing WORK SESSION on HB 2476.

148 CHAIR DERFLER: Meeting is adjourned at 2:00 PM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas

EXHIBIT SUMMARY:

- A - Testimony on HB 2372 - Dick Briggs - 1 page
- B - Testimony on HB 3181 - Kathryn Weit - 35 pages
- C - Testimony on HB 3181 - Gail Arkley - 1 page
- D - Testimony on HB 2476 - Cecil Baird - 3 pages
- E - Testimony on HB 2476 - Steve Telfer - 6 pages