

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

January 23, 1995                      Hearing Room B  
8:00 AM Tapes 7 - 8

MEMBERS PRESENT:

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

MEMBER EXCUSED:

SEN. Brady Adams, Vice-Chair

STAFF PRESENT:

Rita Thomas, Counsel  
Glenda Fields, Assistant

MEASURES HEARD:

SB 25    Public Hearing  
SB 46    Public Hearing, Work Session  
SB 108   Public Hearing, Work Session  
SB 142   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 7, A

004        CHAIR DERFLER:    Calls meeting to order at 8:00 AM.

006        CHAIR DERFLER:    Opening of public hearing on SB 25.

010        AARON COOPER:    Target Plastics, Inc. Testifying about SB 25 (Exhibit A).

043        SEN. LEONARD:    If an employee is on Worker's Compensation what is the amount he would receive in holiday pay?

049        AARON COOPER:    Paid holidays also computed into Workers' Comp premium as well as            Employee contribution.

100 PATRICK GALLAGHER, SAIF Corporation: Testifying on SB 25 (Exhibit B).

137 SEN. LEONARD: Do other states compare to Oregon?

144 PATRICK GALLAGHER: Yes, I believe the next witness could testify to  
this.

150 CHAIR DERFLER: Who would this help and who would it hurt?

159 LEN TRAIMAN, Natl. Counsel Compensation Insurance: Issues on rate  
making.

200 LEN TRAIMAN: 3 1/2 percent increase would be filed if this bill passed.

202 SEN. KINTIGH: Did you assume that all employers pay 7 or 8 days a  
year?

208 CHAIR DERFLER: So there would be a cost shift for the employer that  
offered more holidays?

215 SEN. MCCOY: How would the plastics industry come out on this?

216 LEN TRAIMAN: In the plastics industry rate would go up 3 1/2 %.

230 SEN. LEONARD: Are Workers' Comp rates set by Employer or Industry?

263 CHAIR DERFLER: The general shift would be if they have more paid  
holidays they will pay a higher rate?

275 LEN TRAUMAN: Vast majority of states do not have these types of  
exclusions.

280 CHAIR DERFLER: Closing public hearing on SB 25.  
Opening public hearing on SB 46.

285 RITA THOMAS: Explanation of SB 46.

300 TOM MCCLELLAN, Employment Department, Manager of the Fiscal and Economic  
Unit: Testifying on SB 46.

310 CHAIR DERFLER: Could you tell us why it was done that way?

315 TOM MCCLELLAN: I believe it was a reference in the statute.

325 CHAIR DERFLER: Where do the funds go now?

330 TOM MCCLELLAN: Right now we can request the State Treasurer to invest  
funds in short term investments.

362 CHAIR DERFLER: That is used for administrative costs.

375 TOM MCCLELLAN: Payment schedules.

383 CHAIR DERFLER: Is this one of the funds you are unable to collect  
interest on?

400 TOM MCCLELLAN: According to the statutes we are not allowed to collect  
interest on those funds.

410 CHAIR DERFLER: Is the interest always going to go the Treasurer?

420 TOM MCCLELLAN: \$500,000 in the Administration fund , 3,000,000 in special Administrative fund and \$300,000. We have assumed 4% interest rate. \$152,000 fiscal impact.

438 SEN. KINTIGH: So they are just holding the money?

440 SEN. LEONARD: It would not be proper for me to draw an analogy to the presentation made by the County Treasurer of Orange County.

450 CHAIR DERFLER: It seems interesting that we would just put the money in the bank without interest even on a short term basis.

472 TOM MCCLELLAN: I don't think there is a down side.

TAPE 8, A

49 CHAIR DERFLER: Close public hearing on SB 46.  
Opening work session on SB 46.

050 MOTION: SEN. MCCOY moves to pass SB 46.

051 VOTE: Hearing no objections SB 46 is passed. Sen. McCoy will carry bill SB 46.

055 CHAIR DERFLER: Closing WORK SESSION on SB 46  
Opening public hearing on SB 108.

061 RITA THOMAS: Explaining SB 108.

075 Jeffrle Riha, Records manager for OREGON DEPT. OF VETERANS AFFAIRS:  
Testifying on SB 108.

106 CHAIR DERFLER: Are will still getting more records?

110 SEN. KINTIGH: I think that they still have to register by a certain date.

115 SEN. MCCOY: What were the records used for?

116 JEFFRLE RIHA: Records were used for veteran tracking information.

123 SEN. MCCOY: No one from the State authorized destruction of records?

133 CHAIR DERFLER: You haven't gotten any records since 1957?

136 SEN. LEONARD: The selective service records are distinct from the military records?

176 SEN. LEONARD: Another question on the name change?

180 JEFFRLE RIHA: The Federal Government has changed its name.

184 CHAIR DERFLER - Closed public hearing on SB 108.  
Opening work session on SB 108.

188 MOTION: SEN. KINTIGH: Moves for do pass on SB 108.

190 VOTE: Hearing no objections SB 108 is passed. SEN. Kintigh will carry the bill.

191 CHAIR DERFLER: Closing WORK SESSION on SB 108  
Opening public hearing on SB 142.

192 RITA THOMAS: Summary of SB 142.

205 FRED MCDONNAL, Representing Public Employees Retirement System (PERS):  
Testifying on SB 142.

224 CHAIR DERFLER: Who determines that?

226 FRED MCDONNAL: The Doctor.

234 SEN. BRYANT: Currently to become a guardian or conservator you file a petition. Filing to Circuit Court within 30 days. Could cost \$500 or up.

246 FRED MCDONNAL: Continuing testimony.

250 SEN. BRYANT: People of interest must be notified.

257 FRED MCDONNAL: Continuing testimony on SB 142.

273 CHAIR DERFLER: What would happen if an individual were taking care of that person?

275 FRED MCDONNAL: Definition of Health Care Facility.

285 SEN. KINTIGH: They would have to go through getting a power of attorney?

286 FRED MCDONNAL: That is correct.

289 SEN. LEONARD: This bill would circumvent going to Circuit Court and allow the administrator of the care facility and a physician to determine that for 6 months?

295 FRED MCDONNAL: Process of conservatorship.

320 BOB ANDREWS, PERS: The affidavit would be for personal items or treatment not provided by care facility. Monies are for the well being of that individual.

340 SEN. LEONARD: What kind of Accounting System will be used?

350 BOB ANDREWS: The accounting procedure will be set up.

360 SEN. MCCOY: Why is applicant limited to a physician only?

375 FRED MCDONNAL: For control.

387 SEN. BRYANT: There is an accounting procedure for Conservatorship. Affidavit should include a statement that they have provided a copy of who the funds are going to.

400 CHAIR DERFLER: Are you suggesting that the bill be amended?

410 SEN. BRYANT: It could be done in the rules. Usually on something like  
notice, I think it is appropriate to put that in the statute.

415 SEN. MCCOY: How is physician defined?

420 RITA THOMAS: I think as a matter of common law it would be a medical  
doctor.

425 BOB ANDREWS: I would have to go back to the chapter and read what the  
definition of physician.

445 FRED MCDONNAL: Since 1991 number of affected people has risen.

462 CHAIR DERFLER: How do you respond to Sen. McCoy concern?

470 FRED MCDONNAL: If it is the wish of the committee that the range of  
practitioners be broadened then we would consider it.

TAPE 7, B

035 BOB ANDREWS: This is not a singular affidavit.

052 SEN. MCCOY: I would think an Administrator would be reluctant to  
receive funds.

065 CHAIR DERFLER: Who would the funds go to then?

066 SEN. MCCOY: A third party.

070 SEN. LEONARD: Why couldn't PERS be that?

080 FRED MCDONNAL: It is possible but there would be some fiscal  
administrative impact.

085 CHAIR DERFLER: How often would the PERS funds be greater than the care?

088 FRED MCDONNAL: I would not anticipate that would occur.

090 SEN. KINTIGH: Definition of Physician.

095 CHAIR DERFLER: Do you want to look into Sen. McCoy and Sen. Bryant's  
concerns and come back?

100 BOB ANDREWS: Clarification on Sen. McCoy's suggestion.

114 SEN. MCCOY: There is a procedure establishing competency.

120 CHAIR DERFLER: Closing public hearing on SB 142.  
Meeting is adjourned.

Submitted by,

Reviewed by,

Glenda Fields  
Committee Assistant

Rita Thomas  
Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on SB 25 - Aaron B. Cooper, Target Plastics - 1 page
- B - Testimony on SB 25 - Patrick Gallagher, SAIF - 2 pages
- C - Testimony on SB 46 - Tom McClellan, Employment Dept - 3 pages
- D - Testimony on SB 108 - Jon Mangis, Oregon Dept. of Veterans' Affairs - 1  
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