

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

Hearing Room
Tapes 15 - 18

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Brady Adams, Vice-Chair
Sen. Neil Bryant
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

Sen. Bob Kintigh

STAFF PRESENT:

Rita Thomas, Committee Counsel
Amy Baker, Committee Assistant

MEASURES HEARD:

SB 369 - 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 15, A

- 002 SEN. DERFLER: Opens PUBLIC HEARING on SB 369.
Committee meeting jointly with House Labor Committee. Rep. Watt, Rep. Beyer, Rep. Brown, Rep. Carpenter, Rep. Fahey, Rep. Lundquist and Rep. Snodgrass present.
- 009 SEN. BRADY: Sitting in as acting Chair.
- 017 SEN. DERFLER: Begins witness testimony on SB 369.
- 046 SEN. DERFLER: Testifies on SB 369, referencing [EXHIBIT A].
- 081 SEN. DERFLER: Continues background testimony of Worker's Compensation.
- 105 SEN. DERFLER: Describes why there is a need to update the current Workers' Compensation law.
- 145 SEN. DERFLER: Describes how the interim committee went about writing

the initial legislative draft.

164 REP. WATT: Introduces himself .

205 REP. WATT: Describes the need for new Workers' Compensation legislation.

257 SEN. DERFLER: Describes the difficulty of definition clarification.

272 REP. MANNIX: Describes the significant points of the bill. Beginning section by section.

311 REP. MANNIX: Describes the changes in benefits to surviving spouse who caused the death of the workers' compensation recipient.[EXHIBIT A] page 1.

363 REP. MANNIX: Describes test to prove injury from consumption of alcohol or drugs. [EXHIBIT A] page 1.

TAPE 16, A

020 REP. MANNIX: Discusses technical change to limited liability. [EXHIBIT A] page 3.

060 REP. MANNIX: Discusses sole and exclusive remedy.

080 REP. MANNIX: Describes the clarification on corporate officers. [EXHIBIT A] page 4.

120 REP. MANNIX: Describes the increased benefits to spouse, children, orphaned children and burial expense.

140 REP. MANNIX: Describes change in definition of gainful employment.

180 REP. MANNIX: Reviews change to ORS 656.214(6). References page 7 [EXHIBIT A].

200 REP. MANNIX: References chart. Detailing increases in permanent partial disability benefits.[EXHIBIT A] page 7.

245 REP. MANNIX: Describes the lump sum request by injured worker.

270 REP. MANNIX: Describes the change which effects the alien worker.

322 REP. MANNIX: Describes the change in the Court of Appeals jurisdiction over Workers' Compensation claims.

369 REP. MANNIX: References [EXHIBIT A] page 10, first paragraph.

TAPE 15, B

020 REP. MANNIX: Describes the innovative change for post closure medical treatment and places conditions on curative care.

060 REP. MANNIX: Describes managed care organizations.

100 REP. MANNIX: Describes changes in ORS 656.262 (6) (a).

150 REP. MANNIX: Describes changes in ORS 656.262(7) [EXHIBIT A] page 14.

176 REP. MANNIX: Describes changes in ORS 656.262 (14) and (15).
210 REP. MANNIX: Describes changes in ORS 656.268 (1).
250 REP. MANNIX: Describes changes in ORS 656.268 (4) (5) and (6).
285 REP. MANNIX: Describes changes in ORS 656.268 (8).
320 REP. MANNIX: Describes changes in ORS 656.268 (13) and (15).
355 REP. MANNIX: Describes changes in ORS 656.278 (2) related to
aggravation rights expiration.
400 REP. MANNIX: Describes the issue of evidence.

TAPE 16, B

020 REP. MANNIX: Describes the change to ORS 656.307 (2).
060 REP. MANNIX: Describes modification made in ORS 656.313.
101 REP. MANNIX: Describes the additions to ORS 656.325 (5).
140 REP. MANNIX: ORS 656.340 (5) added changes.
185 REP. MANNIX: ORS 656.390 changes. Relating to a frivolous appeal.
230 REP. MANNIX: Describes the offsets stated in ORS 656.596.
270 REP. MANNIX: Describes the need for the change made in ORS 656.724 and
Sections 53 and 54.
310 REP. MANNIX: Continues discussion on referees, who will now be called
Workers' Compensation Law Judges.
350 REP. MANNIX: ORS 656.807, reduction in time to file occupational
disease claim.
405 REP. MANNIX: Describes change in expiration date for reinstatement
rights.

TAPE 17, A

020 REP. MANNIX: Talks about change in section 63. Page 27 of [EXHIBIT A].
039 SEN. ADAMS: Opens discussion session.
055 SEN. LEONARD: Reference page 18, line 30 of SB 369.
077 REP. MANNIX: Describes his view of how this bill does not in his
opinion solely go back to intent of original bill.
110 SEN. LEONARD: States that he does not agree with repeal of ORS 656.226.
120 REP. FAHEY: States that he finds the repeal inconsistent with funding
the benefits from one program which can provide for beneficiaries.
140 REP. BROWN: ORS 656.012.

150 REP. WATT: Responds regarding purpose of Workers' Compensation.

210 REP. UHERBELAU: Isn't it true that currently the courts are in favor of the worker?

220 REP. UHERBELAU: Isn't the exclusive remedy a trade off within the system between the favoring of the worker and their restriction from filing a private suit?

235 REP. MANNIX: Answer to the intent of the exclusive remedy clause.

245 SEN. LEONARD: References Section 1, page 2. Questions the effect of this law on older workers to receive fair compensation.

275 REP. MANNIX: Describes how this clause will effect each section of society and how they will be compensated differently.

321 REP. FAHEY: Looks for clarification on how the standard of preexisting conditions, developed over age, would be factored in with the injury benefit allowance.

397 SEN. LEONARD: Section 1(17), page 3 of SB 369, lines 18-23, what is the time frame?

418 REP. MANNIX: Yes, there should be a time frame inserted in this section.

TAPE 18, A

021 REP MANNIX: Discusses the standards proposed in the legislation in regard to what the physician observed.

030 REP. BROWN: Questions the intent of SB 1197 in relation to sponsors intent in SB 369.

035 REP. MANNIX: Responds to question discussing the intent and apparent need of SB 1197 and SB 369.

063 REP. BEYER: What is the extent of changes to the proposed SB 369 which are to be anticipated and accepted?

095 SEN. ADAMS: Closes PUBLIC HEARING on SB 369

100 SEN. ADAMS: Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - SB 369 Summary-Sen. Derfler-33 pages