

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

Hearing Room  
Tapes - 29

MEMBERS PRESENT:

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

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel  
Henry Tilghman, Research Assistant  
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 , A

004 CHAIR DERFLER: Opens PUBLIC HEARING on SB 369.  
006 ROSS DWINELL: Representing United Grocers, testifying in favor of SB 369.  
040 ROSS DWINELL: Section 25, 5 (b), page 22 of SB 369.  
080 CHAIR DERFLER: Discusses the MCO aspect of the bill.  
082 ROSS DWINELL: Discusses Page 33, section 30.  
110 ROSS DWINELL: Continues discussion of legal counsel fees.  
121 ROSS DWINELL: Discusses Page 22 section 26, line 30, fee schedule.  
189 SEN. LEONARD: References page two of [EXHIBIT A].

225 ROSS DWINELL: The problems that United Grocers has is the liberalization of the court decisions.

260 ROSS DWINELL: Continues testimony relating to the intent of pre-existing conditions.

305 SEN. LEONARD: References page 4, the new pre-existing condition language of the bill.

370 ROSS DWINELL: Continues testimony, detailing his understanding what the language will mean.

TAPE 27, A

015 CHAIR DERFLER: Returns to the discussion regarding pre-existing conditions.

050 SEN. LEONARD: Discusses what he believes is a favorable relationship between pre-existing conditions and natural deterioration of the worker with age.

080 SEN. LEONARD: Discusses his philosophy of the purpose of Workers' Compensation.

125 ROSS DWINELL: Discusses the no fault portion of the bill.

170 ROSS DWINELL: Discusses the permanent total disability compensation.

210 SEN. LEONARD: Would you support an amendment which ties prior wage to the claim for disabled workers, who can only work part or at a limited work level then previously worked?

261 SEN. LEONARD: References section 21, page 18.

330 SEN. LEONARD: Did you discuss issues similar to section 21 at Mahonia/Hall?

385 CHAIR DERFLER: References 6005, item 10 of the Workers' Compensation law.

420 SEN. LEONARD: References page 58 of SB 369 section 60, line 27.

TAPE 26, B

024 SEN. LEONARD: What are the reinstatement rights of the employees at United Grocers?

050 RITA THOMAS: References the Workers' Compensation act to point out that under the new bill dependents of the deceased worker would still be compensated.

100 RCA MOORE: Here as a friend of Kathi Dix.

110 KATHI DIX: Injured worker. Discusses the difficulties of the current Workers' Compensation laws. Particularly, modified jobs offered to workers'

compensation claims workers.

185 KATHI DIX: Continues testimony.

210 KATHI DIX: Discusses the problems with the modified job she received after her injury.

260 KATHI DIX: Details her experience with the MCO doctor to whom she was sent.

300 KATHI DIX: Tells the committee that the injured workers are the least informed about the rules in Workers' Compensation claims.

383 DON CHANDLER: Representing BoilerMakers #72. Discusses HMOs.

TAPE 27, B

025 DON CHANDLER: Continues testimony of the effects of the system on the injured worker.

065 ROBERT SHIPRARK: Begins testimony against SB 369, representing Oregon Building and Construction Trades Council.

125 ROBERT SHIPRARK: Continues testimony describing what the legislature must do in order to balance out both sides of the Workers' Compensation.

155 ROBERT SHIPRARK: Discusses some inconsistencies he sees in the SB 369.

200 ROBERT SHIPRARK: Discusses the objective findings section of the SB 369.

260 SEN. LEONARD: Do you agree that this legislature has the right to push forth legislation in the areas that were not even discussed in Mahonia/Hall?

321 SEN. LEONARD: Does the exclusive remedy eliminate some criminal liability on the part of the employer?

345 ROBERT SHIPRARK: Discusses the problems with "casual labor" employees.

400 ROBERT SHIPRARK: Discusses "temporary", "permanent" and "partial" injury claims.

TAPE 28, A

020 ROBERT SHIPRARK: Discusses "waxing", "waning" and "flare-ups" and the resulting amount of litigation which will result from with the use of such language in the bill.

050 ROBERT SHIPRARK: Discusses section 20, benefits.

100 ROBERT SHIPRARK: Discusses MCO's and the physicians which the injured worker is allowed to see under a Workers' Compensation claim.

150 ROBERT SHIPRARK: Discusses sanctions against workers which do not seem to be fairly applied to all parties involved in the claim.

206 ROBERT SHIPRARK: References page 56, technical problem, factors for rating disabilities.

250 ROBERT SHIPRARK: Discusses reinstatement section.

316 ROBERT SHIPRARK: Concludes testimony discussing the essential problems with the SB 369.

340 CHRIS MOORE: Testifies, submitting [EXHIBIT B].

400 CHRIS MOORE: Continues testimony relating to pre-existing conditions.

TAPE 29, A

021 CHRIS MOORE: Discusses exclusive remedy section of the bill and the problems.

055 CHRIS MOORE: Talks about work-related uncompensable claims, and the lack of an adequate definition in the bill.

100 CHRIS MOORE: Continues discussion relating to employee fault injuries.

141 CHAIR DERFLER: Closes PUBLIC HEARING on SB 369.

Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker                      Rita Thomas  
Committee Assistant              Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 369 - Ross Dwinell - 3 pages  
B - Testimony on SB 369 - Chris Moore - 2 pages

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

February 6, 1995                      Hearing Room B  
7:00 PM Tapes 30 - 33

MEMBERS PRESENT:

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

MEMBER EXCUSED:

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MEASURES HEARD:

SB 369 - PUBLIC HEARING

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TAPE 30, A

005:     CHAIR DERFLER:   Calls meeting to order at 7:00 PM

          Opening PUBLIC HEARING on SB 369

006     EDWIN L. FREEMAN:   City of Portland, Fire and Police Disability and Retirement Fund, testifying against SB 369. (EXHIBIT A)

058     SEN. LEONARD:    I asked Edwin Freeman to come here tonight.

072     Babette Means:    City of Portland, testifying about numbers in disability.

100     ASHLEY MEDFORD:    Medford Enterprises, testifying against SB 369. (EXHIBIT B)

130     ASHLEY MEDFORD:    Continuing testimony.

190 ASHLEY MEDFORD: Continuing testimony.  
240 ASHLEY MEDFORD: Continuing testimony.  
290 ASHLEY MEDFORD: Continuing testimony.  
330 ASHLEY MEDFORD: Continuing testimony.  
360 ASHLEY MEDFORD: Continuing testimony. Section 25 of SB 369.  
400 ASHLEY MEDFORD. Claim worsening.

TAPE 31, A

030 ASHLEY MEDFORD: Continuing testimony.  
080 ASHLEY MEDFORD: Continuing testimony.  
097 WILLIAM MOORE: Interstate Roofing, testifying in favor of SB 369.  
125 WILLIAM MOORE: Continuing testimony.  
170 WILLIAM MOORE: Continuing testimony.  
200 WILLIAM MOORE: Continuing testimony.  
230 SEN. BRYANT: Your profession has the higher comp rates? Have the 1990 changes helped you?  
235 WILLIAM MOORE: Yes. We have seen many improvements.  
260 SEN. LEONARD: In the four areas you have pointed out, has your company dealt with any of these problems?  
315 SEN. LEONARD: Section 3 on preexisting conditions. Have you had specific problems with this?  
365 CHAIR DERFLER: Would like to hear witnesses from out of town.  
370 JIM GOURLEY: UPIU-OSIUC, testifying against SB 369.  
400 SEN. BRYANT: Could you cite the section.

TAPE 30, B

026 JIM GOURLEY: Continuing testimony.  
060 JIM GOURLEY: Talking about choice of doctors verses managed care.  
085 Patty Cole: Sacred Heart, Eugene, testifying in favor of SB 369. Frustration with fraudulent claims.  
135 Patty Cole: Continuing testimony.  
180 Patty Cole: Continuing testimony.

205 SEN. MCCOY: The injured man you referred to earlier, was he injured on the job?

230 Patty Cole: We do have a lot of injuries, but they are usually minor.

250 SEN. LEONARD: You stated that the costs of premiums have gone down in the past 5 years but the cost of workers' compensation has not. Could you explain?

290 PATTY COLE: Overall costs are up.

300 SEN. LEONARD: Can you provide costs for us from 1990 to date?

330 SEN. LEONARD: Phone calls from employee to doctor for time loss?

370 PATTY COLE: Retroactive authorization from physicians for time loss.

400 SEN. LEONARD: Fraud on doctors part.

475 ANNOBELLE JORORUILLO: Testifying against SB 369. Discrimination against aliens. (EXHIBIT C)

TAPE 31, B

050 ANNOBELLE JORORUILLO: Continuing testimony.

085 SEN. BRYANT: Evidently this language is already law now.

105 KAY KING: R & R Logging, testifying on SB 369. (EXHIBIT D)

150 KAY KING: Continuing testimony.

200 KAY KING: Continuing testimony.

250 KAY KING: Continuing testimony.

270 SEN. LEONARD: Percentage of payroll dollar now going for Workers' Compensation?

300 KAY KING: We have to keep things in control or our rates will go right back up.

340 CHAIR DERFLER: Mode rates.

360 Marlin Aerni: UPIU, testifying against SB 369.

450 Marlin Aerni: Continuing testimony.

TAPE 32, A

040 CHAIR DERFLER: Is there anything in the bill that you like?

048 VERLE STEELE: WCIW, Testifying against SB 369.

075 SEN. BRYANT: Labor/Management did not perform their task.

092 JOHNNY LAKE: Testifying against SB 369.

130 JOHNNY LAKE: Continuing testimony.  
165 JOHNNY LAKE: Continuing testimony.  
205 JOHNNY LAKE: Continuing testimony.  
230 JIM MCCLAIN: Columbia Helicopters, Inc., testifying in favor of SB 369.

(EXHIBIT E)

270 JIM MCCLAIN: Continuing testimony.  
320 JIM MCCLAIN: Continuing testimony.  
360 JIM MCCLAIN: Referee review section. Surviving children. Assistance to encourage rehabilitation for worker who cannot return to occupation.  
415 JIM MCCLAIN: Continuing testimony.

TAPE 33, A

030 JIM MCCLAIN: Continuing testimony.  
050 SEN. LEONARD: What are your workers comp rates in other states?  
070 SEN. LEONARD: Is it fair to say you are saving money?  
090 JIM MCCLAIN: Injured worker is trapped in the system.  
120 SEN. LEONARD: Loss of benefit to children if benefits are taken out of family unit.  
155 JON C. CORRELL: Attorney for injured workers, testifying against SB 369.  
200 JON C. CORRELL: Continuing testimony.  
240 JON C. CORRELL: Continuing testimony.  
250 SEN. BRYANT: Do you have a suggestion on a minimum?  
300 JON C. CORRELL: Continuing testimony.  
340 JON C. CORRELL: Safety in the workplace.  
350 SEN. BRYANT: Workers' Compensation plaintiff attorneys verses insurance defense attorneys.  
375 MARSHA JONSON: Agripac, testifying in favor of SB 369.  
425 MARSHA JONSON: Continuing testimony.

TAPE 32, B



030 MARSHA JONSON: Continuing testimony.

050 MARSHA JONSON: Hearing Referees.

065 SEN. BRYANT: Is there a provision for filing an affidavit if you don't feel as though you would get a fair hearing?

090 MARSHA JONSON: Hearing Referees failure to issue decisions in a timely manner.

130 SEN. LEONARD: This bill will create more of a black hole. It will invite more law suits.

140 CHAIR DERFLER: Closing WORK SESSION on SB 369

Meeting is adjourned at 10:00 PM

Submitted by, Reviewed by,

Glenda Fields Rita Thomas  
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 369 - Edwin Freeman, City of Portland - pages  
B - Testimony on SB 369 - Ashley Medford, injured worker - 7 pages  
C - Testimony on SB 369 -Annabelle Jaramillo, Hispanic Affairs - 2 pages  
D - Testimony on SB 369 - Kay King, R & R King Logging, Inc. - 3 pages  
E - Testimony on SB 369 - Jim McClain, Columbia Helicopters, Inc. - 20 pages