

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

Hearing Room  
Tapes 48 - 149

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Sen. Randy Leonard

STAFF PRESENT:

Rita Thomas, Committee Counsel  
Amy Baker, Committee Assistant

MEASURES HEARD:

HB 2237 - Work Session  
SB 1100 - Work Session  
HB 2188 - Public Hearing & Work Session  
HB 2322 - Public Hearing & Work Session  
HB 2633 - Public Hearing & Work Session  
HB 2192 - Public Hearing & Work Session  
HB 3019 - Public Hearing & Work Session  
HB 2794 - 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 48, A

002 CHAIR DERFLER: Opens WORK SESSION on HB 2237.

009 CHRIS DAVIE: SAIF Corporation. Describes the A7 amendments.

025 SEN. BRYANT: Does this bill effect workers compensation rules as far as your determination of who is an independent contractor?

032 CHRIS DAVIE: If a person (contractor) is registered with the CCB then that creates a conclusive presumption that that person is an independent contractor?

045 CHRIS DAVIE: This only relates to contractors who are CCB registered.

058 motion: SEN. KINTIGH: Moves to ADOPT HB 2237 A7 amendments.

VOTE: SEN. MCCOY OBJECTS TO THE PROPOSED AMENDMENTS. SEN. LEONARD IS EXCUSED.

062 motion: SEN. KINTIGH: Moves HB 2237A as amended to the floor with a DO PASS recommendation.

VOTE: 3-1. MOTION PASSES.  
AYE: DERFLER, BRYANT, KINTIGH  
NO: MCCOY  
EXCUSED: LEONARD

069 CHAIR DERFLER: Closes WORK SESSION on HB 2237.

070 CHAIR DERFLER: Opens WORK SESSION on SB 1100.

071 RITA THOMAS: Gives background on 1100.

084 MOTION: SEN. BRYANT: Moves to ADOPT SB 1100-1 amendments.

VOTE: Hearing no objections the motion passes. Sen. Leonard is excused.

087 SEN. BRYANT: Explains the amendments in greater detail.

100 motion: sen. bryant: Moves SB 1100 as amended to the floor with a DO PASS recommendation.

VOTE: 3-1. MOTION PASSES  
AYE: DERFLER, KINTIGH, BRYANT  
NO: MCCOY  
EXCUSED: LEONARD

108 CHAIR DERFLER: Closes WORK SESSION on SB 1100.

110 CHAIR DERFLER: Opens PUBLIC HEARING on HB 2188.

117 KAREN ROACH: Department of Administrative Services, Human Resource Management Division. Testifying in Favor of HB 2188.[EXHIBIT B]

150 KAREN ROACH: Discusses definition of managerial employee.

162 MARY ANN GEST: OPEU, testifying against HB 2188

181 CHAIR DERFLER: Closes PUBLIC HEARING on HB 2188.

182 CHAIR DERFLER: Opens WORK SESSION on HB 2188.

183 motion: sen. Bryant: Moves the ADOPT the conceptual amendments to HB 2188.

VOTE: Hearing no objections the motion passes. Sen. Leonard is excused.

188 motion: SEN. BRYANT: Moves HB 2188 as amended to the floor with a DO PASS recommendation.

VOTE: 3-1. MOTION PASSES

AYE: DERFLER, KINTIGH, BRYANT  
NO: MCCOY  
EXCUSED: LEONARD

197 CHAIR DERFLER: Closes WORK SESSION on HB 2188.

198 CHAIR DERFLER: Opens PUBLIC HEARING on HB 2192.

201 JIM MCINTOSH: Representing Human Resource Management Division. Gives Background on HB 2192.

247 CHAIR DERFLER: Closes PUBLIC HEARING on HB 2192.

249 CHAIR DERFLER: Opens work session on HB 2192.

252 motion: SEN. KINTIGH: Moves HB 2192 to the floor with a DO PASS recommendation.

VOTE: 4-0. MOTION PASSES  
AYE: DERFLER, KINTIGH, BRYANT, MCCOY  
NO: NONE  
EXCUSED: LEONARD

260 CHAIR DERFLER: Closes WORK SESSION on HB 2192

261 CHAIR DERFLER: Opens PUBLIC HEARING on HB 2633.

270 PAUL TIFFANY: Representing the Bureau of Labor and Industries. Testifying in favor of HB 2633.

310 PAUL TIFFANY: Discusses the methods which would be implemented by employers to track minors in employment. [EXHIBIT C]

355 PAUL TIFFANY: This method is an improvement from the proposed legislation of the last session.

394 JULIE BRANDIS: Associated Oregon Industries. Testifying in favor of HB 2633.

[EXHIBIT D]

TAPE 149, A

008 MIKE MCCALLUM: Oregon Restaurant Association. Testifying in favor of HB 2633. Discusses the benefits to the employers and the state.

019 STEVE MCCOID: Representing Oregon Food Industries. Testifying on HB 2633.

[EXHIBIT E]

042 SEN. MCCOY: Who will keep the records of the individual employees?

049 MIKE MCCALLUM: Right now that information is processed by the Employment Department and the Bureau of Labor and Industries has access to these records.

071 MOTION: SEN. KINTIGH: Moves HB 2633A to the floor with a DO PASS recommendation.

VOTE: 4-0. MOTION PASSES

AYE: DERFLER, KINTIGH, MCCOY, BRYANT  
NO: NONE  
EXCUSED: LEONARD

082 CHAIR DERFLER: Closes WORK SESSION on HB 2633.

083 CHAIR DERFLER: Opens PUBLIC HEARING on HB 2794.

084 REP. NAITO: Testifying on HB 2794. [EXHIBIT F]

105 REP. NAITO: Describes how the training will be reviewed by the legislature.

117 CHAIR DERFLER: Closes PUBLIC HEARING on HB 2794.

120 CHAIR DERFLER: Opens WORK SESSION on HB 2794.

124 MOTION: SEN. MCCOY: Moves HB 2794 to the floor with a DO PASS recommendation.

VOTE: 4-0. MOTION PASSES  
AYE: DERFLER, KINTIGH, MCCOY, BRYANT  
NO: NONE  
EXCUSED: LEONARD

125 CHAIR DERFLER: Closes WORK SESSION on HB 2794.

127 CHAIR DERFLER: Opens PUBLIC HEARING on HB 3019.

134 MIKE DEWEY: Representing Oregon Wheat Growers. Testifying in favor of HB 3019. Discusses exemption in the measure.

170 MIKE DEWEY: Discusses the advisory committee and the rules evaluation.

186 CLINTON REEDER: Oregon Wheat Growers League. Discusses the current chances of being inspected by OR OSHA for safety measures.

224 JAN WAGNER: Oregon OSHA. Does not have the number of complaints reported by farms with fewer than 10 employees. [EXHIBIT G]

250 MIKE DEWEY: Points out the benefits of this proposed system of safety inspection as opposed to the current method of inspection.

324 DON SCHELLENBERG: Representing Oregon Farm Bureau. Testifying on the hands on approach of this proposed measure. [EXHIBIT H]

352 CHAIR DERFLER: Closes PUBLIC HEARING on HB 3019.

353 CHAIR DERFLER: Opens WORK SESSION on HB 3019.

354 MOTION: SEN. KINTIGH: Moves HB 3019 to the floor with a DO PASS recommendation.

VOTE: 4-0. MOTION PASSES  
AYE: DERFLER, KINTIGH, MCCOY, BRYANT  
NO: NONE  
EXCUSED: LEONARD

357 CHAIR DERFLER: Closes WORK SESSION on HB 3019.

358 CHAIR DERFLER: Opens PUBLIC HEARING on HB 2322.

360 REP. MANNIX: Describes HB 2322 and it's effect on workers.

395 REP. MANNIX: Supports the proposed amendments from the Employment Department.

TAPE 148, B

018 SEN. BRYANT: Discusses a similar bill he introduced and why he supports such measures.

031 SEN. BRYANT: Suggests that an amendment for random drug testing be included in the bill.

052 REP. MANNIX: Discusses the employer/employee agreement.

088 SEN. BRYANT: Describes the conditions of employment.

105 RICHARD VANPELT: Employment Department. Describes Oregon's history on drug testing for employment. [EXHIBIT I]

125 RICHARD VANPELT: Discusses proposed amendments (HB 2322 -A5)

136 BILL BRINEGAR: Administrative Rules Technician for the Employment Department. Testifying on how the bill defines what the legislature desires for this policy.

155 BILL BRINEGAR: Discusses Sen. Bryant's proposed conceptual amendment.

179 SEN. BRYANT: Clarifies how the proposed amendment will read.

184 RICHARD GOHEEN: Representing Citizens for a Drug Free Oregon. Discusses his concerns regarding HB 2322.

251 RICHARD GOHEEN: Discusses his concerns as they relate to collective bargaining agreements differentiation.

295 RICHARD GOHEEN: Does not have suggested language in addition to proposed amendments

303 CHAIR DERFLER: Closes PUBLIC HEARING on HB 2322.

304 CHAIR DERFLER: Opens work session on HB 2322.

318 MOTION: SEN. BRYANT: Moves to ADOPT HB 2322 AMENDMENTS.

VOTE: Hearing no objections the motion passes.

322 MOTION: SEN. BRYANT: Moves to as HB 2322 AMENDED to the floor with a DO PASS recommendation.

VOTE: 4-0. MOTION PASSES  
AYE: DERFLER, MCCOY, KINTIGH, BRYANT  
NO: NONE  
EXCUSED: LEONARD

328 330 CHAIR DERFLER: Closes WORK SESSION on HB 2322.

330 CHAIR DERFLER: Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker                      Rita Thomas  
Committee Assistant              Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on HB 2237 - Sandra Bishop - 1 page
- B - Testimony on HB 2188 - Karen Roach - 1 page
- C - Testimony on HB 2633 - Paul Tiffany - 4 pages
- D - Testimony on HB 2633 - Julie Brandis - 2 pages
- E - Testimony on HB 2633 - Steven McCoid - 2 pages
- F - Testimony on HB 2794 - Rep. Lisa Naito - 1 page
- G - Testimony on HB 3019 - Jan Wagner - 1 page
- H - Testimony on HB 3019 - Don Schellenberg - 1 page
- I - Testimony on HB 2322 - Dick VanPelt - 3 pages