

HOUSE COMMITTEE ON COMMERCE SUBCOMMITTEE ON LABOR

April 16, 1993 Hearing Room D 8:30 a.m. Tapes 88 - 90

MEMBERS PRESENT: Rep. John Watt, Chair

Rep. Lee Beyer Rep. Michael Payne

Rep. Charles Starr

Rep. Bob Tiernan

STAFF PRESENT: Marilyn Johnston, Committee Administrator Kimberly Burt,
Committee Assistant

MEASURES CONSIDERED: HB 2475 HB 3354 SB 69 HB 3421

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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. [--- Unable To Translate Graphic ---]

TAPE 88, SIDE A

CHAIR WATT, calls the meeting to order at 8:32

PUBLIC HEARING ON HB 2475 Witnesses: Alan Contreras, Oregon Community College Association Phil Barth, Director, Business Services, Chemeketa Community College Allen Bunch, Risk Management Analyst, Chemeketa Community College Jack Pompei, Administrator, OR-OSHA, Department of Insurance and Finance, (DIF) Rep. Liz Vanleeuwen, House District 37 Fred Hoesly, MD Karen Stefonek, RN, MPH CIC Marv Evans, Task Force Advisory Committee to the Interim Committee on Government Mandates

015 ALAN CONTRERAS, OREGON COMMUNITY COLLEGE ASSOCIATION, testifies in support of HB 2475; introduces next witnesses.

021 PHIL BARTH, DIRECTOR, BUSINESS SERVICES, CHEMEKETA COMMUNITY COLLEGE, (CCC), testifies in support of HB 2475; submits and summarizes written testimony, (EXHIBIT A).

> Rep. Payne arrives, all members present. (8:35 a.m.)

044 REP. BEYER, questions why students are required to have shots.

BARTH, responds.

ALLEN BUNCH, RISK MANAGEMENT ANALYST, CHEMEKETA COMMUNITY COLLEGE, describes how practice students are covered under workers' compensation.

REP. BEYER, asks if professionals in the business should have inoculations.

BARTH, responds yes, they should at least be offered.

090 REP. BEYER, questions the cost of the inoculations.

BARTH, responds; continues summarizing testimony, see Exhibit A.

CHAIR WATT, questions what is considered "exposure".

BARTH, responds artery cuts, needle sticks.

140 JACK POMPEI, ADMINISTRATOR, OR-OSHA, DEPARTMENT OF INSURANCE AND FINANCE, (DIF), testifies in opposition to HB 2475.

CHAIR WATT, asks what a bloodborne pathogen is.

POMPEI, describes.

161 CHAIR WATT, questions the reason for federal legislation.

POMPEI, responds.

REP. BEYER, questions if the inoculation is effective in preventing the spread of hepatitis.

POMPEI, responds that it is; describes the impact on the workers' compensation system; questions if students should be charged for workers' compensation fees.

225 REP. LIZ VANLEEUEWEN, HOUSE DISTRICT 37, testifies in opposition to the cost.

CHAIR WATT, questions if the community colleges should be charging for workers' compensation.

305 FRED HOESLY, MD, submits and summarizes written testimony in opposition to HB 2475, (EXHIBIT B).

344 REP. TIERNAN, questions the effectiveness of inoculations.

HOESLY, responds that individuals usually respond to the inoculation.
> States that human hepatitis B immune globulin can be given to those infected who haven't been inoculated, but that it is very expensive and must be given as soon as possible.

405 REP. PAYNE, asks what the worst case scenario is.

HOESLY, responds that it could be fatal and approximately ten percent infected become lifetime carriers.

430 KAREN R. STEFONEK, RN, MPH CIC, submits and summarizes written testimony in opposition to HB 2475, (EXHIBIT C).

TAPE 89, SIDE A

050 CHAIR WATT, questions how inoculations are paid for where the witness works.

STEFONEK, responds that the hospital pays for the inoculation.
> Describes process for inoculating students working in the hospital.

REP. BEYER, asks if employees are required to be vaccinated.

STEFONEK, responds it is offered to employees.

115 REP. TIERNAN, questions if hepatitis is the only bloodborne virus.

STEFONEK, responds that there are many, but that this inoculation is only for hepatitis B.

140 REP. PAYNE, questions the amount of costs for inoculations and if anything could be saved.

STEFONEK, responds that it costs less as time goes on as most employees have already been inoculated.

REP. STARR, states that it seems the student should have to pay the cost of inoculation.

STEFONEK, explains that the school takes care of workers' compensation coverage for the students.

175 POMPEI, clarifies that the students are in the workers' compensation system and payment by employees for services isn't how the system works. > States that the inoculation is mandatory for first responders and it is mandatory for the employer to pay.

REP. BEYER, asks if an employee can refuse the inoculation.

POMPEI, responds that the employee can refuse, but the employer is still responsible. 280 MARV EVANS, TASK FORCE ADVISORY COMMITTEE TO THE INTERIM COMMITTEE ON GOVERNMENT MANDATES, describes process from interim. > States that the issue was raised in the context of immediate cost and establishing the concept that school districts should pay the cost of immunization of students. > Indicates that the dialog was along the lines that the school would be responsible for notification and the actual cost would be on the family.

REP. BEYER, asks if community colleges are responsible if students get the disease.

EVANS, responds that the issue is much more complicated.

360 REP. VANLEEUEWEN, states that this seems to be limited in ORS 656.046, (8).

CHAIR WATT, questions if the interim committee had testimony other than on the costs.

REP. VANLEEUEWEN, yes.

CHAIR WATT, states that the hearing will be closed and more information will be gathered.

420 REP. VANLEEUEWEN, indicates that the interim committee discussed notification of parents.

> Committee members indicate questions they need answers to.

PUBLIC HEARING ON 3354 & 3421 Witnesses: Rep. Chuck Norris, House District 57 Mike Dewey, Oregon Wheat Growers League Bob Johns, President, Oregon Wheat Growers League Bill Perry, Oregon Farm Bureau

Federation Jack Pompei, Administrator, OR-OSHA, Department of Insurance and Finance, (DIF) RCA Moore, Oregon Workers' Compensation Attorneys

080 REP. CHUCK NORRIS, HOUSE DISTRICT 57, testifies in support of HB 3354.

108 MIKE DEWEY, OREGON WHEAT GROWERS LEAGUE, testifies in support of HB 3354.

140 BOB JOHNS, PRESIDENT, OREGON WHEAT GROWERS LEAGUE, submits and summarizes written testimony in support of HB 3354, (EXHIBIT D).

176 DEWEY, suggests that there are two minor amendments proposed, see (EXHIBIT E). > Line 8 speaks to being exempted if there have been no serious accidents, but there needs to be a time frame, the proceeding two years. > Line 12 deals with four hours of safety courses.

CHAIR WATT, asks if they had gone to OR-OSHA to work this out.

JOHNS, responds they had, but the law was already on the record.

210 CHAIR WATT, questions what changes were made in 1991.

JOHNS, responds.

233 CHAIR WATT, questions if all or one or more of the conditions in the bill must be met.

DEWEY, responds all.

258 REP. NORRIS, points out that statutorily there is no relief in this area.

280 BILL PERRY, ASSISTANT DIRECTOR, GOVERNMENTAL AFFAIRS DIVISION, OREGON FARM BUREAU, submits and summarizes written testimony in support of HB 3421, (EXHIBIT F).

CHAIR WATT, questions if this can be done by administrative rule.

PERRY, explains that isn't possible.

325 JACK POMPEI, ADMINISTRATOR, OR-OSHA, DEPARTMENT OF INSURANCE AND FINANCE, testifies in support of HB 3354 and HB 3421. > States that small farms are more hazardous than large. > Indicates there needs to be an amendment "and or an employee complaint" in section two of the bill to comply with federal rules. > Points out the need to open doors to various other consultants to assist the agriculture business and that he would have problems supporting the bill if that doesn't occur.

428 POMPEI, testifies in support of HB 3421 with an amendment to section one to add, in concept, that it stays for agricultural employers.

470 BRADLEY WITT, SECRETARY-TREASURER, OREGON AFL-CIO, submits and summarizes written testimony in opposition to HB 3421, (EXHIBIT G).

TAPE 98, SIDE B 056 CHAIR WATT, questions how many businesses with ten or fewer employees the witness represents.

WITT, many and this would impact them.

082 RCA MOORE, OREGON WORKERS' COMPENSATION ATTORNEYS, testifies in opposition.

108 CHAIR WATT, asks the committee to consider HB 3354 and HB 3421 before the next hearing; announces that the public hearing is closed.

PUBLIC HEARING ON SB 69 Witnesses: Pamela Mattson, Employment Division

130 PAMELA MATTSON, EMPLOYMENT DIVISION, submits and summarizes written testimony and summary of SB 69, (EXHIBIT H).

237 MATTSON, describes theory behind benefit trust fund, see history statement, Exhibit G. > If this bill doesn't pass the funds will go to the main benefit trust fund.

285 REP. TIERNAN, questions how the fund was established and where funds came from.

MATTSON, clarifies that there are two different funds; the UCTF fund principal comes from the offset of employer contributions. > we had planned on needing to put approximately \$200 million into the fund.

REP. TIERNAN, questions if the trust fund is all Oregon employer dollars.

MATTSON, responds it is; the fund is structured carefully and is vested in the rights of unemployed workers. > Before we were to go broke we would use the \$200 million in the fund and that is the only way those funds could be used. > The legislature must approve the expenditure of those dollars.

400 REP. TIERNAN, questions the need for the sunset originally.

MATTSON, responds that this was an experiment; describes reasoning.

CHAIR WATT, announces public hearing closed.

TAPE 90, SIDE A

WORK SESSION ON SB 69

MOTION: REP. BEYER MOVES THAT SB 69 BE SENT TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

044 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES UNANIMOUSLY. WATT WILL CARRY.

CHAIR WATT, announces that the work session is closed and the hearing adjourned. (10:26 a.m.)

Submitted by

Reviewed by

Kimberly Burt

Marilyn Johnston Committee

EXHIBIT LOG:

A - HB 2475: Written testimony and article submitted by Barth, pp 3
B - HB 2475: Written testimony submitted by Hoesly, pp 2
C - HB 2475: Written testimony submitted by Stefonek, pp 112
D - HB 3354: Written testimony submitted by Johns, pp 2
E - HB 3354: (-1) amendments and electronically engrossed copy submitted by staff, pp 2
F - HB 3421: Written testimony submitted by Perry, pp 1
G - HB 3421: Written testimony submitted by Witt, pp 2
H - SB 69: Written testimony submitted by Mattson, pp 4
I - HB 2475: Preliminary staff measure summary and revenue impact statement submitted by staff, pp 2
J - HB 3354: Preliminary staff measure summary, revenue impact statement, (-1) amendments and hand engrossed version submitted by staff, pp 4
K - SB 69: Preliminary staff measure summary, fiscal impact statement and revenue impact statement submitted by staff, pp 3
L - HB 3421: Preliminary staff measure summary, (-1) amendments and revenue impact statement submitted by staff, pp 3