

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS \ --

April 21, 1993 Hearing Room B 8:00 A.M. Tapes 98 - 101 MEMBERS  
PRESENT: Senator Tricia Smith, Chair Senator Karsten Rasmussen, Vice  
Chair Senator Wes Cooley Senator Dick Springer MEMBER EXCUSED: Sen.  
Brady Adams STAFF PRESENT: Joan Van Almen, Committee Counsel  
Stephanie Holmes, Committee Research Pamela Stefani, Committee Clerk  
MEASURES CONSIDERED: SB 316 - Relating to property foreclosure SB 402  
- Relating to Workers' Compensation Board SB 822 - Relating to attorney  
fees SB 824 - Relating to attorney fees SB 1106 - Relating to Department  
of Insurance and Finance SB 1109 - Relating to unlawful employment  
practices SB 328 - Relating to video display work stations

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 98, SIDE A

006 CHAIR SMITH: Calls meeting to order at 8:16 a.m.

WORK SESSION ON SB 316

011 CHAIR SMITH: Reviews bill and history.

MOTION: CHAIR SMITH: Moves to reconsider SB 316. VOTE: CHAIR  
SMITH: Hearing no objection, the motion CARRIES. SEN ADAMS is  
EXCUSED.

MOTION: CHAIR SMITH: Moves to submit a letter to the Senate President  
asking for permission to rescind referral to Senate Revenue and School  
Finance Committee. VOTE: CHAIR SMITH: Hearing no objection, the  
motion CARRIES. SEN ADAMS is EXCUSED. Senate Labor and Gov't  
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WORK SESSION ON SB 328

045 CHAIR SMITH: In that the parties responsible for the information on  
SB 328 were not available at this time. the work session will be  
revisited.

PUBLIC HEARING ON SB 402

WITNESSES: Diane Rosenbaum, Oregon State Industrial Union Council  
Brad Witt, OAFI-CIO Frank Biehl, Western Pulp and Paper Works Peter  
Preston, Portland Attorney Kathy Olson SAFECO Insurance Ed Redman, AOI  
Cathy Olson, SAFECO Insurance Chris Davie, SAIF Insurance

050 DIANE ROSENBAUM, OREGON STATE INDUSTRIAL UNION COUNCIL: Testifies  
on SB 402. 126 BRAD WITT, AFL-CIO: Testifies in support of SB 402.  
135 FRANK BIEHL, WESTERN PULP AND PAPER WORKS: Testifies in support  
of SB 402. 150 SEN. COOLEY: Asks how he can justify the process of  
legally requiring to comply with. 164 ROSENBAUM: Replies that this  
is a protective program and employee representation is an extension of  
Workers' Compensation. 180 PETER PRESTON, PORTLAND ATTORNEY: Presents  
testimony on SB 402 (EXHIBIT A). 236 ED REDMAN, ASSOCIATED OREGON  
INDUSTRIES: Testifies in opposition to SB 402. 319 CATHY OLSON,  
SAFECO INSURANCE: Testifies in opposition of SB 402. 342 CHRIS DAVIE,  
SAIF CORPORATION: Presents testimony on SB 402 (EXHIBIT B). 360 SEN.

SPRINGER: Asks Davie if the Department is authorized to give legal advice by the Oregon State Bar. 370 DAVIE: The Department does not necessarily advise the workers; rather, they give referrals to law providers. -Continues with testimony.

TAPE 99, SIDE A

030 SEN. RASMUSSEN: Asks Biehl if there are reserve requirements on their policies.

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040 BIEHL: In that they are self insured, the process on reserves is different than other insurance types. 090 JOAN VAN ALMEN. LEGAL COUNSEL: Asks witnesses what information the insurer provides the injured worker and what standard does the insurer use in terms of fairness in r epresentation. 1190LSON: States that actuarial statistics are given and explained to the employee. 148 DAVIE: Indicates that benefits are explained to the employee and if necessary, an attorney will assist in clarifying the information. 190 LINDA LOVE, OREGON WORKERS' COMPENSATION ATTORNEYS: Testities in tavor ot SB 402.

PUBLIC HEARING ON SB 822 WITNESSES: Chris Moore, Eugene Attorney Mari Miller, Department of Insurance and Fmance (DIF) Sheila Tapp, Salem Ray Ellers, Eugene

240 CHRIS MOORE, EUGENE ATTORNEY: Presents testimony on SB 822 (EXHIBIT C). 377SHIRLA TAPP, SALEM: Testifies in favor of SB 822. 394 RAY ELLERS, EUGENE: Testifies in favor of SB 822.

TAPE 98, SIDE B

006 SEN. SPRINGER: Asks if there is a regulation on defense attorney fees.

010 MOORE Replies that there is none.

020 MART MILLER, DIF: Presents testimony on SB 822 (EXHIBIT D).

PUBLIC HEARING ON SB 824

WITNESSES: Diane Rosenbaum, Oregon State Industrial Union Council Brad Witt, OAFI'CIO Linda Love, Oregon Workers' Compensation Attorneys Mike Howard, injured worker Peter Preston, Portland Attorney Chris Davie, SAIF Corporation Tom Mattis, Workers' Compensation Division Ed Redman, AOI Nancy Chapman, Beaverton Attorney

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090 JOAN VAN ALMEN, COMMITTEE COUNSEL: Reviews Staff Measure Summary.

-Provides for reasonable attorney fees in addition to penalty for unreasonable delay in making workers' compensation payments.

100 DIANE ROSENBAUM, OREGON STATE INDUSTRIAL UNION COUNCIL: Testifies in favor of SB 824. 143 BRAD WITT, OAFI-CIO: Testifies in favor of SB 824. 175 LINDA LOVE, OREGON WORKERS' COMPENSATION ATTORNEYS: Testifies in Opposition to SB 824. 200 MIKE HOWARD, INJURED WORKER: Testifies in opposition to SB 824. 385 TOM MATTIS, WORKERS' COMPENSATION DIVISION: Testifies on SB 824. -Requests a definition on "reasonable attorney's fees" from the committee in the bill. 030 ED REDMAN, AOI: Testifies on SB 824. 043 CHAIR SMITH: States that the bill acts as a deterrent to the insurers from paying late fees. 090 CHRIS DAVIE, SAIF CORPORATION: Presents testimony on SB 824 (EXHIBIT E). 133 PETER PRESTON, PORTLAND ATTORNEY: Testifies against SB 824. 175 NANCY CHAPMAN, BEAVERTON ATTORNEY: Testifies against SB 824.

PUBLIC HEARING ON SB 110 6

WITNESSES: Sen. Karsten Rasmussen, District 22 Tom Mattis, Workers' Compensation Division Ed Bissel, DIF Brad Witt, OAFI-CIO Diane Rosenbaum, Oregon State Union Council Nancy Chapman, Beaverton Attorney

200 SEN. KARSTEN RASMUSSEN, DISTRICT 22: Presents testimony on SB 1106. 250 TOM MATTIS, WORKERS' COMPENSATION DIVISION: Testifies on SB 1106. 320 CHAIR SMITH: States that public records laws would not require the sale of audio tapes on all compensation cases. -Asks the witnesses why the information would be sought and what extent is it given. 340 ED BISSEL, DIF: States that because the proceedings are public record, they must be accessible to the public to the extent that they are seeking. -Under SB 500 exist limited access rules. -Presents testimony on SB 1106 (EXHIBITS G, H, and I).

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088 SEN. RASMUSSEN: Would like to further examine the public records issue. -Comments on the ability to buy accident reports from the Department of Motor Vehicles- another example of a potentially unethical purchase of public information. 130 DIANE ROSENBAUM, OREGON STATE INDUSTRIAL UNION COUNCIL: Testifies in favor of SB 1106. 190 NANCY CHAPMAN, BEAVERTON ATTORNEY: Testifies in favor of SB 1106. 212 BRAD WITT, OAFI-CIO: Testifies in favor of SB 1106.

PUBLIC HEARING ON SB 1109 WITNESSES: Johnnie Bell, Bureau of Labor and Industries (BOLI) Sue Jordan, Civil Rights Division, BOLI Tom Mattis, Workers' Compensation Division

270 JOHNNIE BELL, BOLI: Testifies in favor of SB 1109. 300 CHAIR SMITH: Asks Bell if would support amendments to SB 1109. 305 BELL: Indicates that they would. 318 JOAN VAN ALMEN, COMMITTEE COUNSEL: Asks witnesses about the legality of various questions an employer may ask a job candidate. 320 SUE JORDAN, CIVIL RIGHTS DIVISION OF BOLI: States that the questions may not be illegal per se. but their use in hiring or considering an employee generally is. 400 TOM MATTIS, WORKERS' COMPENSATION DIVISION: Testifies on SB 1109

TAPE 101, SIDE A

0 11 CHAIR SMITH: Adjourns meeting at 10:35 a.m.

Submitted by: Reviewed by:

Katy Yett r Joan Van Almen Committee Assistant  
Committee Counsel

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EXHIBIT LOG:

A - Testimony on SB 402 - P. Preston - 2 pages B - Testimony on SB 402 - C. Davie - 2 pages C - Testimony on SB 822 - C. Moore - 16 pages D - Testimony on SB 822 - M. Miller - 1 page E - Testimony on SB 824 - C. Davie - 1 page F - Testimony on SB 1106 - K. Rasmussen - 2 pages G - Testimony on SB 1106 - E. Bissel - 1 page H - Testimony on SB 1106 - E. Bissel - 1 page I - Testimony on SB 1106 - E. Bissel - 1 page J - Testimony on SB 402 - C. Olson - 1 page K - Testimony on SB 824 - C. Olson - 2 pages

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