

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

June 23, 1993 Hearing Room B 8:00 a.m. Tapes 168 - 169
MEMBERS PRESENT: Sen. Tricia Smith, Chair Sen. Karsten Rasmussen,
Vice-Chair Sen. Dick Springer Sen. Brady Adams Sen. Wes Cooley VISITING
MEMBER: Rep. Eldon Johnson, District 34 Rep. John Schoon, District 51
STAFF PRESENT: Joan Van Almen, Committee Counsel Stephanie Holmes,
Committee Research Counsel Katy Yetter, Committee Clerk MEASURES
CONSIDERED: SB 1134 - Relating to PERS HB 2414 - Relating to Wage
Security Fund HB 2330 - Relating to Workers' Memorial Scholarship
Account

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 168, SIDE A

004 CHAIR SMITH: Calls the meeting to order at 8:40 a.m.

PUBLIC HEARING ON HB 2414

WITNESSES: Rep. John Schoon, District 34 Rep. Eldon Johnson, District
51 Mary Wendy Roberts, Bureau of Labor and Industries Paul Tiffany, BOLI
Michael Dale, Oregon Legal Services Irv Fletcher, OAFI~CIO Steve Taeger,
Employment Division

010 JOHN SCHOON, DISTRICT 34: Testifies in favor of HB 2414.

026 REP. ELDON JOHNSON, DISTRICT 51: Testifies in favor of HB 2414.
-Extends expiration date of Wage Security Fund to July 1, 1997. Senate
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093 MARY WENDY ROBERTS, BUREAU OF LABOR AND INDUSTRIES (BOLI): Presents
testimony on HB 2414 (EXHIBIT A). -Is in favor of removing the sunset
clause and comments on the amendments. -Expresses concern over certain
issues inherent in the fund. The fund is sustained by tax collection on
a minimal basis.

190 CHAIR SMITH: Asks Roberts the opinion of the Employment Division.

197 ROBERTS: States that the Employment Division opposed certain
aspects of the bill. -BOLI deals with wage claims and non-payment by the
employer, not the Employment Division. -Reviews graphs attached to the
testimony. -Addresses amendments that in her opinion substantially
change the current law; not procedural, high impact. Employer must be
out of business and have no assets to pay wages.

292 CHAIR SMITH: Clarifies that the fund would provide pay to
employees regardless of the ability of the employer to pay.

300 ROBERTS: Indicates that it does; the bill does not act as the
nsafetynet" that it was intended. -Continues with testimony on original
intent of the bill and the changes brought about by the amendments.

TAPE 169, SIDE A

003 ROBERTS: Continues reading from testimony on HB 2414.
-Enforcement of wage claims would be separated into two agencies, which
could cause confusion among the claimants. -Would restore original

provisions of the bill. 047 PAUL TIFFANY, BOLI: Testifies on HB 2414 and clarifies some issues for the committee. -Discusses issues of authority of the agency. 070 ROBERTS: Continues with testimony. 100 SEN. COOLEY: Asks Roberts why the proposal has changed in terms of handling the fund.

114 ROBERTS: Replies that the current program is functioning well and the mechanisms should not be changed.

142 MICHAEL DALE, OREGON LEGAL SERVICES: Testifies in favor of HB 2414 with modifications. -Would like to keep fund useful to the agricultural processing community. 222 SEN. COOLEY: Asks Dale what an appropriate figure for the Fund might be. 230 DALE: Indicates that the granted monies should reflect the individual's wages. 270 IRV FLETCHER, OAL~CIO: Testifies in favor of HB 2414.

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300 SEN. ADAMS: Asks Steve Taeger why the Employment Division is not responsible for wage claims or the program. 307 STEVE TAEGER, EMPLOYMENT DIVISION: Indicates that they are responsible for tax collection that funds the program. The Employment Division has not been asked to participate in the Fund.

TAPE 168, SIDE B

002 TAEGER: Continues with testimony. -Deleting the word l~wagel~ preserves BOLI's wage collection procedure. Wants to work with BOLI so either agency can assist the claimant. -There would be an approximate 15-day turn-around on payment. 100 SEN. RASMUSSEN: Comments on some of the provisions, would like to make some changes before moving on the bill.

WORK SESSION ON HB 2414

127 MOTION: SEN. RASMUSSEN: Moves to ADOPT the -A4 amendments to HB 2414 dated 6-22-93 (EXHIBIT Ii). 130 VOTE: CHAIR SMITH: Hearing no objection, the motion CARRIES. SEN. ADAMS is EXCUSED.

144 MOTION: SEN RASMUSSEN: Moves to AMEND HB 2414-A by restoring language: -Line 17 of original bill restore COMMISSIONER and delete ASSISTANT DIRECTOR OF EMPLOYMENT. 150 VOTE: CHAIR SMITH: Hearing no objection, the motion CARRIES. SEN. ADAMS is EXCUSED.

155 MOTION: SEN. RASMUSSEN: Moves to AMEND HB 2414 by adding: -Line 28 add REAL AND after the first THE. -Line 33 restore deleted language from original bill. 167VOTE: CHAIR SMITH: Hearing no objection, the motion CARRIES. All members are present for vote.

170 MOTION: SEN. RASMUSSEN: Moves HB 2414-A AS AMENDED to the Floor with a DO PASS recommendation. 173VOTE: In a roll call vote, all members are present and vote AYE.

177 CHAIR SMITH: The motion CARRIES. 179 CHAIR SMITH will lead discussion on the Floor. .s

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200 CHAIR SMITH: Recesses at 9:50 a.m.

201 CHAIR SMITH: Reconvenes at 11:50 a.m.

WORK SESSION ON HB 2330

228 STEPHANIE HOLMES, COMMITTEE RESEARCH COUNSEL: Reviews HB 2330 and the amendments. 247 MOTION: SEN. COOLEY: Moves to ADOPT the -A2 amendments to HB 2330 dated 6-17-93 (EXH1BIT G).

250 VOTE: CHAIR SMITH: Hearing no objection, the motion CARRIES. All members are present for vote. 255 MOTION: SEN. COOLEY: Moves HB 233 0-A AS AMENDED to the Floor with a DO PASS recommendation.

257 VOTE: In a roll call vote, all members present vote AYE.

260 CHAIR SMITH: The motion CARRIES. 262 SEN. COOLEY will lead discussion on the Floor.

PUBLIC HEARING ON SB 1134

WITNESSES: Phonacelle Shapel, Oregon Council of Federally Related Organizations (OCFRO) Walt McCollum, OCFRO Parks Walker, OCFRO Greg Hartman, Oregon firefighters Tom Chamberlain, Portland Firefighters Pat West, Oregon State firefighters Joe Grey, Oregon City

265 PHONACELLE SHAPEL, OCFRO: Presents testimony in opposition to SB 1134 (EXEIIIBIT B). 324 CHAIR SMITH: Recesses at 11:55 a.m. and reconvenes at 12:05 p.m. 325 SHAPEL: Continues with testimony. -States her opinion on the intent of the bill.

TAPE 169, SIDE B

027 WALT MCCOLLUM, OCFRO: Presents testimony in opposition to SB 1134 (EXHIBIT C). Begins with a review of past legislation similar in quality to SB 1134.

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070 PARKS WALKER, OCFRO: Testifies in opposition to SB 1134.

080 SEN. SPRINGER: Comments on the bill and the public's willingness to give to the future generations schooling and safety.

120 GREG HARTMAN, OREGON FIREFIGHTERS: Presents testimony in favor of SB 113 4 (EXHIBIT D). -Reviews amendments and fiscal impacts of the bill. 214 CHAIR SMITH: Asks Hartman how SB 1134 may effect retirement

benefits from SB 656. 219 HARTMAN: SB 1134 should not dilute the benefits from SB 656. -Set-off would not be appropriate under any anticipated contracts. -Continues with review of the amendments.

380 TOM CHAMBERLAIN, PORTLAND FIREFIGHTERS: Testifies in favor of SB 1134. 399 PAT WEST, OREGON STATE FIREFIGHTERS: Testifies in favor of SB 1134.

TAPE 170, SIDE A

001 JOE GREY, OREGON CITY: Testifies in opposition to SB 1134. -Would
return to 1991 legislation by exempting the individuals within the
current bill. 080 JOAN VAN ALMEN, COMMITTEE COUNSEL: Reviews the
amendments. -Changes and limitations related to the bill within the
amendments. 170 CHAIR SMITH: States that the amount of 9% tax rate
was proposed in order to determine an appropriate judgment of tax.
180 VAN ALMEN: Continues with review of engrossed bill and the
amendments. ~ amendments were under review of the Supreme Court.
309 CHAIR SMITH: Adjourns at 1:00 p.m.

Submitted by: Reviewed by: Katy Yetter Pamela Stefani Committee
Clerk Committee Coordinator These minutes contain materials
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EXHIBIT LOG:

A - Testimony on HB 2414 - W. Roberts - 15 pages B - Testimony on SB
1134 - P. Shapel - 2 pages C - Testimony on SB 1134 - W. McCollum - 1
page D - Testimony on SB 1134 - G. Hartman - 1 page E - Testimony on SB
1134 - Staff - 1 page - Amendments to HB 2414-A4 - Legislative Council -
1 page G - Amendments to HB 2330 - Legislative Council - 1 page

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