

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

June 27, 1991 Room 350 8:00 a.m. Tapes 64 & 65 House Committee on  
Legislative Rules and Reapportionment June 27, 1991 Page

MEMBERS PRESENT: Rep. Greg Walden, Chair Rep. Peter Courtney,  
Vice-Chair Rep. Ray Baum Rep. Margaret Carter Rep. Ron Cease Rep.  
Beverly Clarno Rep. Carl Hosticka Rep. Fred Parkinson Rep. Bill Markham

STAFF PRESENT: Greg Leo, Committee Administrator Carol Wilder,  
Committee Assistant

MEASURES CONSIDERED: SB 1204 PH SB 96 PH & WS SB 1157 PH

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 64, SIDE A

010 CHAIR WALDEN calls the meeting to order at 9:20 a.m. and opens a  
public hearing on SB 96, immediately closes the public hearing on SB 96  
and opens a public hearing on SB 1204.

(See also Tape 64, Side A at 169 and Page 3 of these minutes.) SB 1204 -  
REQUIRES CERTAIN EMPLOYERS TO SUBMIT REPORT TO EMPLOYMENT DIVISION WHEN  
PERSON IS HIRED, REHIRED OR RETURNS TO WORK. - PUBLIC HEARING

Witnesses: Senator Mae Yih John Gervais, National Electrical Contractors  
Association John Ellis, Department of Justice Ivan Finley, Adult and  
Family Services Senator Mae Yih Gene Potter, Division of Audits Colleen  
Sealock, Department of Justice

015 SENATOR MAE YIH: SB 1204 requires employers to report their newly  
hires or rehires within 15 working days. At the present time the system  
doesn't work because there is a quarterly report on unemployment  
insurance tax and they receive information on employees in about four  
months time. We cannot enforce child support payments with such a late  
date. This information is good for child support enforcement as well as  
prevention of welfare abuse and welfare overpayment. The bill sunsets  
on June 30, 1993. I am proposing that it start January 1, 1992. From  
the pilot project we expect to get about \$1.2 million in child support.  
This is a 18-month project.

When the bill came out of the Senate Labor Committee it was a statewide  
implementation. The Ways and Means Committee, because of the industry's  
position, it was reduced to about 13.8 percent of its original scale. I  
have spoken with Speaker Campbell and he supports my proposing to  
restore the 100 percent statewide implementation, except that it be on  
an 18-month trial basis. With full implementation, we could expect to

receive \$7.5 million for the families and \$1.5 million for the state and federal government recovery. I have an amendment (EXHIBIT A) and I would appreciate your favorable consideration.

065 REP. PARKINSON: Is this a new concept?

063 SENATOR YIH: This is modeled after Washington state legislation. They had a two year study on how to have better child support enforcement and they also had a six-month trial period. They implemented it January 1 of this year, but they applied it to only part of the industries. I am proposing we include all employers.

086 CHAIR WALDEN declares the meeting in recess at 9:32 a.m. due to a Call of the House.

089 CHAIR WALDEN reconvenes the meeting at 11:07 a.m. and opens a public hearing on SB 96.

(Tape 64, Side A) SB 96 - ESTABLISHES SEISMIC SAFETY POLICY ADVISORY COMMISSION - PUBLIC HEARING

Witnesses: John Beaulieu, Department of Geology and Mineral Industries  
Gary Wicks, Building Codes Agency

094 JOHN BEAULIEU, Department of Geology and Mineral Industries: SB 96 addresses earthquakes. A wide body of evidence from a wide variety of sources tell us that earthquake risk is quite real. The question before this committee is what are we going to do about it. SB 96 is a finely crafted bill which presents a well reasoned, long term, cheap approach to begin to develop policy directions in the area of earthquake risks. >Section 4 emphasizes that the commission is to use and facilitate existing resources and agencies, private industries, etc. We are to help others do their job better in earthquake preparedness. >Section 9 provides for technical committees of a voluntary nature to help us if we need their help. >Section 12 provides some discretionary guidance to the Building Codes Agency to begin to deal with some of the regulations for the buildings they regulate.

126 GARY WICKS, Administrator, Building Codes Agency: I am available to answer questions.

130 Issues discussed: >Procedures and differences between earthquake drill and fire drill?

149 CHAIR WALDEN closes the public hearing and opens the work session on SB 96.

150 MOTION: REP. CEASE moves that SB 96 B-Eng. be sent to the Floor with a DO PASS recommendation.

154 VOTE: In a roll call vote, all members present vote AYE. REP. MASON is

EXCUSED.

156 CHAIR WALDEN declares the motion ADOPTED.

169 CHAIR WALDEN reopens the public hearing on SB 1204.

(Tape 64, Side A) (See also Tape 64, Side A at 000 and page 1 of these

minutes.) SB 1204 - REQUIRES CERTAIN EMPLOYERS TO SUBMIT REPORT TO EMPLOYMENT DIVISION WHEN PERSON IS HIRED, REHIRED OR RETURNS TO WORK. - PUBLIC HEARING

179 JOHN GERVAIS, National Electrical Contractors Association: SB 1204 gave us great cause for concern as it was passed out of the Joint Ways and Means Committee because it made a few of us a test case. We have spent a lot of time working with Senator Yih and the Speaker developing amendments to the bill which make it superior to that passed by the Ways and Means Committee. The bill passed by Ways and Means would have included only five groups of employers in a test situation and we feel if it is good enough for us, it is good enough for everybody in this state. Senator Yih and the Speaker agreed with us and the SB 1204-B11 amendments (EXHIBIT A) bring it back to what we feel is a fair approach. >Union hall has lot of people coming in and out. >Terms of contracts may change and union may be subject to civil penalties if the person works longer than expected. If project goes beyond the anticipated days within the 30-day provision, would employers be in a civil penalty situation. >Under present system of quarterly reporting to Employment Division, CSD and AFS have access to records. >Bill is noble intent to collect child support and would like to have the -B11 amendments adopted. >A statement from Senator Yih talking about the W-4 form has been passed out (EXHIBIT B). It has been the intent of the sponsor of the bill to make sure it is not an involved process for the employer, that it be only a copy of the W-4 form, but the language goes a little further. In the - 6 amendments we took out the language after "W-4 form" and inserted a period. Senator Yih wanted to continue that because the department said they wanted to develop other systems that might make it easier: FAX, toll-free number, computer or voice response. We have no problem with that, but we want to make sure legislative intent is the W-4 form in its simplicity meets the standard of the law. If an employer wants to use another system on a voluntary basis that is fine. That is the intent of the statement by Senator Yih (EXHIBIT B).

236 REP. PARKINSON: Do we have a fiscal statement on this bill? How much do they expect to recover?

243 CHAIR WALDEN: I have a fiscal on SB 1204 B-Eng.(EXHIBIT E). It indicates a \$200,000 cost; \$105,000 are from other funds and \$94,000 are from federal funds through AFS. Through the Employment Division there is another \$242,000 and four authorized positions and 2.37 FTE.

260 JOHN ELLIS, Department of Justice: We have a fiscal on the revisions that would be affected.

266 JOHN GERVAIS: Senator Yih added language to the -B11 amendments (EXHIBIT A) that say if the person is hired through the union hiring hall and the hall maintains the records, they are the ones who would provide the information. We ask that you accept the hand engrossed addition on the -B11 amendments. The intent of the -B11 amendments is to include all employers in Oregon.

292 JOHN ELLIS, Department of Justice: The Department of Justice strongly supports the bill. I am available for questions. We have a revised fiscal impact statement. Ivan Finley can speak to it.

297 CHAIR WALDEN: Does your revised fiscal impact reflect the proposed amendments?

300 IVAN FINLEY, Adult and Family Services: We have a fiscal impact

which encompass the amendments. They differ from the one the Chair read which covered the five standard industrial codes. If we incorporate the entire state, the cost to the Employment Division would total \$299,196. The net General Fund impact would be \$501,635 savings. Cost in other funds would be \$560,473. The Employment Division would charge the Adult and Family Services Division and we in turn would charge the federal government for fifty percent of the costs. The General Fund cost for administration would be \$149,598 which is 50 percent of the \$299,196.

333 SENATOR YIH: The amendment which I propose, SB 1204-B11 (EXHIBIT A), includes the correct figures. The program costs approximately \$240,000 which is \$120,000 for the state and \$120,000 for the federal because of the 50 percent share. The cost between the pilot project and full project is very small.

356 REP. CEASE: How much will this program bring in?

360 SENATOR YIH: It will bring in about \$9 million during the 18-month pilot project. I would like to restore this from a pilot project to a state-wide project, except we are going to extend the period within which employers have to report from 15 working days to 30 calendar days.

379 REP. PARKINSON: Will local governments have to send in these forms?

209 SENATOR YIH: Yes. This is a requirement for all employers.

393 REP. PARKINSON: Do we have a fiscal on the costs to local governments?

394 CHAIR WALDEN: I haven't seen one.

397 SENATOR YIH: All it costs is a copy of the W-4 form or they can use the toll free number.

415 SENATOR YIH: John Gervais has a concern that it may be too much paperwork for employers. I assure him that a copy of the W-4 form or any device that makes it easy for the employer will be considered. The minimum is a copy of the W-4 form, but if they want to use the toll-free number, FAX, voice response or a computer system, they have a choice to do it.

TAPE 65, SIDE A

006 NOTE: Tape 65, Side A from 000 to 294 is duplicate of Tape 64, Side A from 089 to 415.

305 CHAIR WALDEN: Because of the Judiciary Committee meeting, we have lost some of our members so we will have to recess and take this up again.

306 SENATOR YIH: The Audit Division has made a statement on this bill. The bill originated from their audit report on how to better recover child support and how to prevent welfare overpayment and abuse (EXHIBIT C). They say we need to have information on where the workers are much faster. The four to five months delay makes it difficult to recover child support. They recommend getting that information as soon as possible.

350 CHAIR WALDEN declares the meeting in recess at 11:30 a.m. subject to call of the Chair.

355 CHAIR WALDEN reconvenes the meeting at 1:45 p.m. and reopens the public hearing on SB 120 4.

363 GENE POTTER, Assistant Director, Division of Audits, submits and summarizes a prepared statement in support of SB 1204 (EXHIBIT D) and reviews findings in their report (page 42) (EXHIBIT C) relating to delay in receiving data.

TAPE 64, SIDE B

035 MR. POTTER continues with his presentation.

084 REP. MARKHAM: If we don't implement the bill and they do all the things you say they should be doing, we will gain \$5.5 million. The new law would be a burden on all employers. How much more are we going to gain?

087 MR. POTTER: Our analysis indicates on the 3,950 individuals, it would be approximately \$1.4 million. That does not include the fact the current automated wage withholding process is virtually ineffective at collecting any money from any employee who is employed less than six months.

100 CHAIR WALDEN leaves the meeting to attend another meeting and Rep. Markham assumes the Chair.

107 COLLEEN SEALOCK, Administrator, Support Enforcement Division, Department of Justice: We want to reiterate our support for this bill. It does have major implications for children across the state.

126 CHAIR MARKHAM closes the public hearing on SB 1204 and opens the public hearing on SB 115 7.

(Tape 64, Side B) SB 1157 - REQUIRES PERSON, ORGANIZATION OR AGENCY ACCEPTING DOGS OR CATS FOR PUBLIC TO DISCLOSE TO PERSON FROM WHOM DOG OR CAT IS ACCEPTED, NUMBER AND PERCENTAGE OF DOGS AND CATS EUTHANIZED BY OR AT REQUEST OF PERSON, ORGANIZATION OR AGENCY. - PUBLIC HEARING

Witnesses:Rep. Kevin Mannix Rep. Larry Sowa Rep. Bill Dwyer

129 REP. KEVIN MANNIX, Salem: I have no problem with the original bill and encourage your favorable consideration. We have submitted the SB 1157-A4 amendments (EXHIBIT F). Our state legislation in regard to dog bites and the humane killing of dogs that are dangerous, etc. is a mess. There have been cases in Marion County and I have heard of cases in other counties where the standards and statutes are so hard to follow and understand in terms of what is truly a dangerous dog, it is difficult to know when the dog should be humanely killed, etc.

We have worked with a variety of groups on language to address that issue. The results are included in the -A4 amendments. As I understand it, no one objects to the amendments.

181 REP. LARRY SOWA: About 10 years I had language put in the statutes that referred to dogs that are kept primarily in kennels and not permitted to run at large. Rep. Dwyer had some language put in the statute in 1987 that said if you buy a dog license anywhere in Oregon the license will follow the dog and be valid until the license expires. We thought we were okay until a couple of counties began to write their

own ordinances and override the two state statutes. The present statute allows them to do that. We weren't concerned until a neighboring county began to write an ordinance and required hundreds of hours by people in the farming and ranching community that wanted to be able to use their dog and move them from one area to another.

In the SB 1157-A5 amendments (EXHIBIT F), we are saying these are state laws and the counties and cities don't override that. It says if you are going to license a dog and have it trained in another county or want to transfer it to your relation in another county, that license will go along with the dog.

223 REP. BILL DWYER, District 42, Springfield: All the things Rep. Sowa testified to are true. Rep. Cease should remember because we were on the Intergovernmental Affairs Committee together when we drafted the preemption in terms of what the intent of the law was. Some of the counties are not meeting the full intent of the law. They are finding ways to get around it and we have to reiterate what our clear intent was. Rep. Sowa's -A5 amendments (EXHIBIT G) do that.

241 CHAIR MARKHAM declares the meeting in recess at 2:00 p.m. for the purpose of attending the House Session.

CHAIR WALDEN reconvenes and immediately adjourns the meeting at 8:05 p.m.

Transcribed and submitted by,

Annetta Mullins Assistant

#### EXHIBIT SUMMARY

A -SB 1204, SB 1204-B11 amendments, Senator Yih B -SB 1204, prepared statement, Senator Yih C -SB 1204, report by Secretary of State, Division of Audits "Child Support Enforcement: Accomplishments and Opportunities to Increase Collection," March 1991 D -SB 1204, prepared statement, Gene Potter E -SB 1204, Budget Report & Measure Summary on SB 1204 B-Engrossed, staff F -SB 1157, SB 1157-A4 amendments, Rep. Kevin Mannix G -SB 1157, SB 1157-A5 amendments, Rep. Larry Sowa