

SENATE COMMITTEE ON LABOR

May 31, 1991 Hearing Room 50 3:00 p.m. Tapes 128 - 129
MEMBERS PRESENT: SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL,
VICE-CHAIR SEN. BOB KINIIGH MEMBERS EXCUSED: SENATOR PETER BROCKMAN
SENATOR BOB SHOEMAKER

STAFF PRESENT: ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE,
COMMITTEE ASSISTANT MEASURES CONSIDERED: HB 2825 - PROHIBITS
BARE-HANDED OR RUBBER-GLOVED WORK ON LIVE-LINE ELECTRICAL WIRES OVER
CERTAIN VOLTAGE HB 2855 - INCLUDES COMPLETE DEFINITION OF INDEPENDENT
CONTRACTOR FOR PURPOSES OF WORKERS' COMPENSATION LAW HB 2238 - REQUIRES
THAT PERSON SEEKING RETIREMENT CREDIT IN PUBLIC EMPLOYEES' RETIREMENT
SYSTEM FOR YEARS SERVED WITH ARMED FORCES BE EMPLOYED BOTH BEFORE AND
AFTER ENTERING SERVICE BY EMPLOYER PARTICIPATING IN SYSTEM IN POSITION
NORMALLY REQUIRING 600 HOURS OR MORE HB 2474 - RECONSIDERATION -

TAPE 128, SIDE A

001 CHAIR KERANS: Calls the meeting to order. (3:15 p.m.) WORK SESSION
ON HB 2474 - RECONSIDERATION

005 MOTION: CHAIR KERANS MOVES THE RECONSIDERATION OF THE VOTE ON HB
2474. 006 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. ANNETTE
TALBOTT, COMMITTEE ADMINISTRATOR: Explains the amendments insert the
chapter reference.

020 MOTION: SENATOR HILL MOVES THE AMENDMENTS. Senate Committee on
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025 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

TALBOTT: There is a glitch in regards to the replacement of sub 10 on
page 2; there are people such as ministers that work solely for board
and lodging and we didn't intend to impact those people.

· If we make the new language a subsection of itself, we won't take away
exemption. 036 MOTION: CHAIR KERANS MOVES TO RETAIN SUB 10, MAKING
THE MAY 29 AMENDMENT A NEW SUB 19. 039 VOTE: HEARING NO OBJECTION THE
MOTION CARRIES. 041 MOTION: SENATOR HILL MOVES THE BILL AS AMENDED TO
THE FLOOR WITH A "DO PASS" RECOMMENDATION. 044 VOTE: HEARING NO
OBJECTION, THE MOTION CARRIES. MEMBERS EXCUSED: SENATORS SHOEMAKER AND
BROCKMAN

PUBLIC HEARING ON HB 2825 - PROHIBITS BARE-HANDED OR RUBBER-GLOVED WORK
ON LIVE-LINE ELECTRICAL WIRES OVER CERTAIN VOLTAGE Witnesses: Greg
Tepel, International Brotherhood of Electrical Workers, (IBEW), local 48
Doug Heider, Northwest Line Construction Association 048 GREG TEPEL,
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, IBEW), LOCAL 48:
Testifies in support of HB 2825. · The bill does exactly what it says;
above 5000 volts we don't want to be required to work on hot lines with
bare hands. · We have asked that what is in OR-OSHA rules be codified in
statute. 065 DOUG HEIDER, NORTHWEST LINE CONSTRUCTION ASSOCIATION: We
concur with what Mr. Tepel has said.

PUBLIC HEARING ON HB 2855 - INCLUDES COMPLETE DEFINITION OF INDEPENDENT
CONTRACTOR FOR PURPOSES OF WORKERS' COMPENSATION LAW Witnesses: Mark
Wiener, Legislative Assistant to Representative Kevin Mannix

086 MARK WIENER, LEGISLATIVE ASSISTANT TO REPRESENTATIVE MANNIX:
Testifies in support of HB 2855. · Currently in the Oregon Workers'
Compensation statutes (ORS 656.055) reference is made to the definition
of "independent contractor" as applied to Workers' Compensation Law. ·
The way it is in the statute is confusing to various practitioners; the
definition is in the definition section out of the order they would
expect.

~' These minutes contain materials which paraphrase and/or summarize
stal ~ments made during this session. Only text enclosed in quotation
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procoedipp, please refer to the tapes. Senate Committee on Labor May 31,
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CHAIR KERANS: The definition is cross referenced.

WIENER: It cross references ORS 701.025, which is the full definition of
an independent contractor.

117 - WIENER: HB 2855 simply moves the definition of "independent
contractor" to it's proper alphabetical order within .005, copying the
entire definition into the book printed by DIF. SENATOR HILL: Why
doesn't DIF print the definition in the book?

WIENER: I don't know. SENATOR HILL: I have a concern with trying to
repeat definitions in two sections of law, keeping them identical; over
time we may have divergence as we tinker with one or the other.

· It makes more sense to me to have one definition referenced in two
chapters.

141 WIENER: I know that Rep. Mannix's intent is to have more clarity
and ease of use of the DIF book.

PUBLIC HEARING ON HB 2238 - REQUIRES THAT PERSON SEEKING RETIREMENT
CREDIT IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR YEARS SERVED WITH
ARMED FORCES BE EMPLOYED BOTH BEFORE AND AFTER ENTERING SERVICE BY
EMPLOYER PARTICIPATING IN SYSTEM IN POSITION NORMALLY REQUIRING 600
HOURS OR MORE Witnesses: Bob Andrews, Public Employees Retirement
System, (PERS) Representative Judy Bauman, House District 13
Representative Bev Stein, House District 14 Don Satchell, Oregon
Education Association, (OEA) Frank Brawner, Oregon Bankers' Association

170 BOB ANDREWS, PUBLIC EMPLOYEES RETIREMENT SYSTEM, (PERS): Testifies
in support of HB 2238.

· Outlines the "-2" amendments (EXHIBIT A).

210 REPRESENTATIVE JUDY BAUMAN, HOUSE DISTRICT 13, SOUTHEAST
PORTLAND: Describes program in The Bank of Vermont where the banks
invests in guaranteed certificates of deposit, federally guaranteed. ·
They require a market rate return and they require that the money
invested stays in Vermont. 245 REPRESENTATIVE BAUMAN: My amendment,
(EXHIBIT B), creates an option for PERS participants; variable accounts
and guaranteed accounts are currently available. · This would create an
account which would invest the money back in Oregon. 345CHAIR
KERANS: Are there any technical problems?

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ANDREWS: It is similar to diversified investment issue which we are currently considering. I would suggest that our house keeping bill remain non-impact; this would carry significant impact on our budget.

405 REPRESENTATIVE BEV STEIN, HOUSE DISTRICT 14: Testifies in support of Representative Bauman's amendment. This "dove tails" with things I have been working on, one of which is an individual development account, similar to an IRA that parents could have for children.

I see that as another pool of funds that could come into these Oregon Accounts as they will need to be deposited.

440 REPRESENTATIVE STEIN: The other opportunity I see here has to do with local capacity and social services as economic development through Community Development Corporations, (CDC's).

This is a nice mechanism that feeds into a lot of other opportunities.

466 SENATOR KINTIGH: If a person changes his/her mind, can they get out of it?

REPRESENTATIVE BAUMAN: Yes.

TAPE 129, SIDE A

TALBOTT: That provision is in sub 3 of the amendment, page 1, lines 20 on. 049 DON SATCHELL, OREGON EDUCATION ASSOCIATION, (OEA): Submits amendments, (EXHIBIT C) and testifies in support of HB 2238. Outlines the (-7) amendments. ANDREWS: We have no problem with those amendments. 153 FRANK BRAUNER, OREGON BANKERS' ASSOCIATION: Testifies in support of Representative Bauman's amendments. We support Bauman's amendments; this is similar to our self directed IRA's. 171 CHAIR KERANS: The meeting is adjourned. (3:56 p.m.)

Submitted by: Reviewed by: Roberta White Annette Talbott
Assistant Committee Counsel

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EXHIBIT SUMMARY:

A - HB 2238: Proposed amendments submitted by ANDREWS, pp 2 B - HB 2238: Proposed amendments submitted by BAUMAN, pp 4 C - HB 2238: Proposed amendments submitted by SATCHELL, pp 3 D - HB 2855, 2238 & 2825: Sms's submitted by staff, pp 3

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