

Conference Committee Agendas

HB 2092

Conference Committee on HB 2092

Office: Phone:

conference committee HB 2092				
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Note:

From bill summary:

Modifies the manner in which a notice of compliance is made available to subject employers under the workers' compensation system. Eliminates requirement for consultation with certain professional licensing boards when rules are adopted concerning the appropriateness of certain types of medical treatment. Restores the authority of the Department of Consumer and Business Services to extend temporary disability compensation paid to workers in vocational training. Allows licensed nurse practitioners who are not members of a managed care organization to provide compensable medical services for 180 days instead of 90 days from the first visit.

The Department of Consumer and Business Services (DCBS) regularly evaluates its laws and processes for determining how to streamline and improve outcomes for both workers and employers. House Bill **2092 B** makes a number of changes to workers' compensation law for purposes of reducing burden on employers, protecting workers, and the simplification of regulations.

The measure removes the current statutory requirement to provide a printed compliance notice to all employers and gives DCBS the means to work with stakeholders in developing more flexible and efficient ways of providing the required notice, such as in downloadable document form. House Bill 2092 B also corrects an inadvertent deletion of the Department’s ability to take action when a worker appeals a workers’ compensation insurer’s decision regarding the duration of wage benefit benefits provided during the worker’s vocational assistance training program, **as well as removing the statutory requirement that the Department specifically consult a health licensing board in determining whether a medical treatment is unscientific, unproven, outmoded, or experimental.**

Note:

Why are we eliminating the requirement for the Department of consumer and business services to consult with medical professionals regarding medical treatments? Is there someone in this department that is more knowledgeable than a board of doctors??

The ability to provide compliance notices in the form of downloadable documents is a good idea. The private sector would not need a new law to make this happen; they would do it as a part of 21st century business practices. Leave it to government to not innovate and provide information and services in the most expensive inefficient way possible.

I wonder which department heads, middle managers, etc. were disciplined when they “inadvertently” deleted the department’s ability to take action in certain circumstances?

Date: Monday-June 27

Time: 8:00 A.M.

Room: HR E

Rules

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House Rules Committee					
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Agenda			Live Audio		Archived Audio
Live Video			Publications		

Possible Introduction of Committee Measures

Work Session

SB 412 B Provides authorized tribal police officers with certain powers and protections provided to Oregon law enforcement officers.

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Note:

Passed senate with only 4 republicans supporting bill and one democrat opposed to bill.

The actual bill is very long and detailed. This is a bill for a police agency expert to review as I have heard good and bad things about bill from legislators and police officers. Ultimately bill allows tribal police to make arrests off of reservation land under certain circumstances.

Some of the worry about the bill came from potential/ perceived lower standards for tribal officers training and experience levels.

From bill summary: "Provides authorized tribal police officers with certain powers and protections provided to Oregon law enforcement officers. Creates transitional approach to grant of state law enforcement authority to tribal police officers. Provides for specific authority first two years, limited to three situations outside Indian Country (hot pursuit, commission of crime in officer's presence, and upon request or approval of law enforcement agency with jurisdiction), and unrestricted within Indian Country. Sunsets these provisions July 1, 2013."

In State v. Kurtz, S058346 (Or. 3-25-2011), 233 Or. App. 573 (2010), a defendant was found guilty of eluding and resisting arrest by a tribal law enforcement officer at the trial court level, but the

convictions were overturned by the Oregon Court of Appeals. The Court of Appeals strictly applied both the statutory definitions of police and peace officer, which require that the officer's employing entity be a unit of Oregon government. Tribes, of course, are separate sovereigns and not explicitly included in either definition. Senate Bill 412-B took its cue from the Court of Appeals' decision, to address disparities in the scope of authority and the treatment of law enforcement officers beyond the two crimes that were the subject of the Kurtz opinion (eluding and resisting). While the measure was pending in the Legislature, the Oregon Supreme Court reversed the Court of Appeals, to treat similarly those persons entrusted by governments to serve in the same public safety capacity, but only for purposes of the two subject crimes (court decisions are usually limited to their distinct facts and specific issues). The Supreme Court's decision in Kurtz and Senate Bill 412-B are consistent with each other, but the measure goes further than Kurtz to address other potential areas of litigation, the most significant being the potential for tort liability.
