



Gov. Vic Atiyeh  
State Capitol  
Salem, OR 97310  
378-3121

Aug. 10, 1983

VETOES BY GOVERNOR VIC ATIYEH OF BILLS PASSED  
BY THE 1983 OREGON LEGISLATIVE ASSEMBLY

SENATE BILLS:

SB 90 - Would have provided that if the Commissioner of the Bureau of Labor and Industries set the prevailing wage for individuals not covered by the federal Davis-Bacon Act, all state and local public agencies would have become subject to comparable state law in letting federal-aid contracts. (8/9/83)

✓ SB 136 - Would have required any local government which makes health care insurance available to its employes also to make it available to retired employes, their spouses and minor children. (8/2/83)

\*\*SB 137 - Single item veto. As a result, it is not included in the total tally of vetoes. (8/9/83) Refer to SPECIAL listing appearing at the end of the veto summary.

SB 242 - Would have changed specified filing time for certain workers' compensation cases which causes concern for the impact on workers' compensation costs. (8/8/83)

✓ SB 292 - Would have transferred, to the Office of the Secretary of State, two ombudsman programs now assigned to the Office of the Governor. (8/9/83)

✓ SB 311 - Would have added an additional member to the Commission on Indian Services, representing the Confederated Tribes of Grand Ronde. (7/28/83)

✓ SB 384 - Would have created an Oregon Gaming Commission, empowered to regulate the conduct of bingo or lotto games by charitable, fraternal or religious organizations. (8/9/83)

SB 389 - Would have extended the privilege of bearing regular plates to vehicles operated by parole or probation agencies for use by the agency in discharging its "parole or probation duties." (5/2/83)

SB 400 - Would have required a court "to give preference to awarding custody to the parents jointly if such custody was consistent with the best interests and welfare of the child." (7/29/83)

SB 419 - Would have removed the exemption, in the definition of radioactive waste, for uranium mine overburden, uranium mill tailings, mill wastes or mill by-product materials, as those terms are defined in Title 42, U.S. Code, section 2014, on June 25, 1979. (8/9/83)

MORE/OVER

✓ SB 434 - Would have mandated binding arbitration over reductions-in-force and recalls to employment, which became the subject of disagreement in local school districts. (8/8/83)

SB 436 - Defined "sexual harassment," and stated that voluntary separation from work because of sexual harassment is good cause and unemployment benefits shall not be denied an otherwise eligible individual. (8/9/83)

9 SB 540 - Would have required the superintendent of each state institution to submit quarterly reports on the number of deaths within that institution to the Department of Human Resources, for submission quarterly to the offices of the President of the Senate and the Speaker of the House of Representatives. (7/28/83)

9 SB 573 - Would have permitted counties and cities to permit businesses, clubs and places of public accommodation, wherever gambling is permitted by local ordinance or resolution, to employ dealers. (8/9/83)

9 SB 582 - Would have established licensing standards and procedures for dietitians and nutritionists. (8/8/83)

8 SB 621 - Would have increased the numbers of severely handicapped persons employed by state government. (8/9/83)

9 SB 650 - Would have increased a claimant's share of proceeds of a lawsuit brought against a third party, which caused a job-related accident. (8/9/83)

SB 682 - Would have required that handicapped representatives for a Type A area agency be younger than 60 years. (7/7/83)

8 SB 700 - Would have prohibited the Teacher Standards and Practices Commission from bringing an action to suspend or revoke the certificate of a teacher or administrator so long as they currently were employed by a school district, or if dismissal charges were pending but not yet completed. (8/5/83)

8 SB 729 - Would have authorized the Adult and Family Services Division or the Senior Services Division to provide by rule for compensation for in-home care provided to a recipient of public assistance by his or her spouse, based on extent of need and availability of funds therefore. (8/9/83)

8 SB 755 - Would have required a court to award to the successful party costs and disbursements, including expert witness fees and reasonable attorney fees at a trial and on appeal. (8/9/83)

9 SB 758 - Would have ended inspection of warehouses for wine and beer. (8/9/83)

9 SB 772 - Would have required each private school in Oregon to report its name and address, and the number of students enrolled therein by grade level. (8/9/83)

#### HOUSE BILLS:

HB 2096 - Would have required the Corporation Commissioner to accept registration of any assumed business name, and would have shifted the responsibility on the senior registrant entitlement. (8/9/83)

HB 2141 - Would have mandated that anyone who engaged in the business of constructing various public swimming pools, public spa pools, public wading pools or public bath houses regulated by the Health Division, be considered a builder. (7/11/83)

HB 2208 - Would have established a deadline for compliance of ambulances with Health Division requirements, and authorized local governments to provide prepaid services. (8/8/83)

HB 2298 - Would have set in statute, between Jan. 1, 1983 and July 1, 1985, current lease fees charged for submerged and submersible lands. (8/8/83)

HB 2363 - Would have mandated pre-judgment interest accrual. (7/15/83)

HB 2379 - Would have increased benefits to the surviving spouse of a fatally injured worker from 50 percent of the Oregon average weekly wage to 66.6 percent. (7/12/83)

HB 2392 - Would have increased workers' compensation insurance costs without any offsetting decrease. (7/26/83)

HB 2419 - Would have changed the Public Employee Collective Bargaining Act by providing for the fact-finding procedure only when requested jointly by the parties of a dispute, which by statute would terminate in binding interest arbitration. (7/11/83)

HB 2425 - Would have changed the Public Employee Collective Bargaining Act by creating two types of fact-finding, "compulsory" and "voluntary." (5/23/83)

HB 2677 - Would have made public employes liable if a claim arose out of any "medical, surgical or dental treatment, omission or operation." (8/8/83)

HB 2738 - Would have established an Executive Council for Infrastructure Management and Development consisting of the Governor, the State Treasurer, and the Directors of the Department of Environmental Quality, Economic Development, Land Conservation and Development, Transportation and Water Resources. (8/8/83)

HB 2771 - Would have directed the Clerk of the Circuit Court to collect a \$10 fee from any individual filing a petition for dissolution of a marriage, to be credited to a child abuse prevention account. (8/8/83)

HB 2773 - Would have established an Oregon Political Party Fund to be financed by check-offs on state income tax returns. (8/9/83)

HB 2799 - Would have broadened the scope of permissible acupuncture, now limited to the insertion of needles, to include oriental massage, exercise, nutrition and over-the-counter oriental herbs. (8/8/83)

HB 2806 - Would have provided workers' compensation benefits, under certain circumstances, for disfigurements and loss of use of major body organs. (7/25/83)

MORE/OVER

HB 2965 - Would have allowed licensees or social hosts to continue serving patrons or guests when visibly intoxicated without civil liability so long as injuries or damages resulting from the intoxication were suffered only by the patron or guest, and not by third parties. (8/9/83)

HB 2983 - Provided a policy statement on the use by the Adult and Family Services Division of training programs for public assistance recipients. (8/9/83)

HB 2988 - Would have created a public service employment program. (7/28/83)

\*\*SPECIAL -- The following bill was signed by the governor. However, he exercised his single item veto power to disapprove subsections (8) (c) (E), (8) (c) (F), and (8) (c) (H) of section 1 of the bill:

SB 137 - Clarifies various provisions in the Public Employes Retirement System law. (8/9/83)

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The governor signed 821 bills during the 1983 legislative session:

Tally of bills signed: Senate Bills - 352  
House Bills - 469

Tally of bills vetoed: Senate Bills - 22  
House Bills - 18

Tally of bills allowed to become law without signature of governor: Senate Bills - 3  
House Bills - 2

Tally of single item vetoes: Senate Bills - 1

The last bill of the 1983 legislative session was signed at 4:19 p.m. on Tuesday, August 9, 1983.

# # #

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
8-9-83  
from  
Oregon Governor's office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 90, unsigned and disapproved.

This measure would have provided that if the Commissioner of the Bureau of Labor and Industries set the prevailing wage for individuals not covered by the federal Davis-Bacon Act, all state and local public agencies would have become subject to comparable state law in letting federal-aid contracts.

While I understand this bill was generated by concern over one particular job classification, by its terms it would have the potential of covering numerous others. Contractors, and possibly public agencies, would be subjected to both state and federal prevailing wage legislation and regulations -- causing uncertainty, confusion and possible liability for innocent misinterpretations. In short, this measure provides an unnecessarily complex process for meeting the needs of particular interests.

Sincerely,

Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM 97310

August 2, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
8-2-83  
from  
Oregon Governor's office  
Communications

The Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am returning herewith Senate Bill 136, unsigned and disapproved. This bill would require any local government which makes health care insurance available to its employees also to make it available to retired employees, their spouses and minor children.

There are several inequities contained in SB 136. First, this is an inappropriate legislative interjection into already established contractual relationships between the public employer, the public employee and the group health benefits provider. A benefit, such as this bill mandates, would have a dramatic impact on increasing the cost of health care benefits. The increase in costs would affect not only the retired employee, but the public employer who most often is paying the premium for the actively working employee.

Second, this is a mandated coverage for local governments which would then establish a different concept than that practiced by the private sector.

Third, the necessity of this mandate is not apparent. Currently local governing bodies as well as private sector managing bodies can negotiate and provide health care coverage for retirees. This is an option that can be satisfactorily exercised when there is a means for control and a willingness among employees and employers to share the resulting higher costs. It is currently practiced by many local governing bodies, but should not be viewed as a practice to be mandated for all local governments. It correctly should be provided as an option at the local level.

The Honorable Norma Paulus  
August 2, 1983  
Page Two

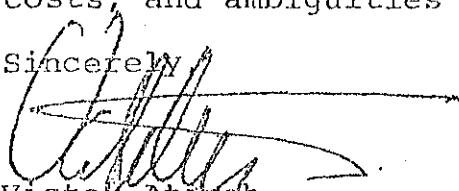
Fourth, many employees who take early retirement go on to second careers in other employment. Furthermore, many employees who take early retirement also qualify for retiree spouse group health benefit coverage. Nothing in SB 136 qualifies eligibility by need. This could bring a burden to employers for providing double coverage and could potentially impact the group coverage cost for active employees.

Potentially the greatest problem would be adverse selection that will be encouraged as a result of SB 136. The early healthy retiree would most likely be discouraged from taking retiree coverage because there would be potentially other options available at lesser cost. Consequently, this would leave the greater participation of the unhealthy retiree because of high anticipated medical bills. This pattern which would be likely to emerge would leave insurance carriers with little choice but to substantially increase cost or withdraw from the contract.

In short, the potential impact of SB 136 would be inflationary cost on the health care dollars of local governments. A veto of SB 136 does not leave retired employees without health insurance coverage. Oregon law now requires that individual policies be made available to all employees, retirees or not, upon termination of employment and subsequent termination of the group health contract.

Because of the potential negative impact on health care costs, the negative impact on public employer health care contract costs, and ambiguities in the bill, I veto SB 136.

Sincerely,



Victor Atiyeh  
Governor

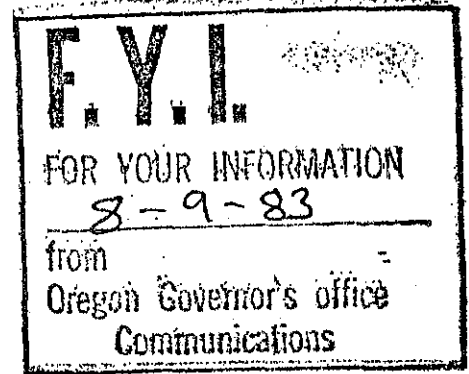
VA/sb

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



August 9, 1983

SPECIAL -- THIS BILL WAS SIGNED BY THE GOVERNOR. HOWEVER, HE DID EXERCISE HIS SINGLE ITEM VETO POWER TO DISAPPROVE SUBSECTIONS (8) (c) (E), (8) (c) (F), NAD (8) (c) (H) OF SECTION 1 OF THIS BILL.

The Honorable Norma Paulus  
Secretary of State  
136 Capitol Building  
Salem, Oregon 97310

The Honorable Ed Fadeley  
President of the Senate  
260 Sunset Drive  
Eugene, Oregon 97401

The Honorable Grattan Kerans  
Speaker of the House of Representatives  
1015 Willa Way  
Eugene, Oregon 97404

I am filing herewith Senate Bill 137, bearing my signature. In signing this bill, however, I have expressly disapproved three provisions of the bill.

The provisions which I have disapproved are subsections (8)(c)(E), (8)(c)(F), and (8)(c)(H) of section 1 of the bill. These provisions are set forth on page 3 of the A-Engrossed version of Senate Bill 137. They amend ORS 237.003 to provide that certain kinds of compensation paid to public employes shall not be considered "salary" or "other advantages" for purposes of computing public employe pension benefits. I have indicated my disapproval of the three provisions of SB 137 by interlineating and initialing the vetoed provisions.

With the exception of the three vetoed provisions, SB 137 contains necessary and appropriate housekeeping measures which will strengthen and clarify the Public Employes Retirement System. Several provisions of the bill are very significant to the preservation of the retirement trust fund. For example, section 4 of the bill provides that an employe who has withdrawn his or her account balance upon separation from



The Honorable Norma Paulus, Ed Fadeley  
and Grattan Kerans  
August 9, 1983  
Page Two

public employment, and who reenters public employment and elects to repay the amount previously withdrawn, also must pay an additional amount equal to the interest that would have been accumulated on the account had it not been withdrawn. This provision will ensure that employes who leave and reenter public service, and take advantage of retirement buy-back provisions, will not enjoy a windfall at the expense of the Public Employees Retirement Fund. Similarly, section 5 of the bill amends ORS 237.125 to provide that an employe who retires and elects to receive a lump sum payment cannot later return to covered employment and obtain a windfall by qualifying anew for retirement, payable as an annuity, with an artificially high monthly benefit on a reduced account balance.

It is in the public interest and in the interest of state employes and retirees that most of the provisions of Senate Bill 137 should become law. However, the three provisions which I have vetoed are bad policy and are contrary to the public interest. I therefore have exercised my constitutional authority to veto single items in bills declaring an emergency, without affecting any other provision of such bill. Or Const Art V, sec 15(a). Accordingly, I set forth herein my objections to those provisions.

Section 1 of SB 137 amends the definition of salary as used in the statutory provisions relating to public employe retirement. An employe's salary, particularly in the last year of employment prior to retirement, affects the amount of the monthly retirement benefit which the employe is eligible to receive. Subsection (8)(c) of section 1 expressly excludes from an employe's salary certain categories of benefits and remuneration which normally are considered part of an employment compensation package. The provisions which I have vetoed, subsections (8)(c)(E), (8)(c)(F), and (8)(c)(H) exclude from the definition of salary certain important elements of compensation for academic employes in the state's higher education system.

Subsections (8)(c)(E) and (8)(c)(F) would exclude from the definition of salary payments made to an employe in settlement of an employment contract or as an incentive to early retirement. Such payments, and their inclusion in the employe's salary for purposes of computing retirement benefits, are an important tool for personnel management in the higher education system. Facilitating and encouraging early retirement in the academic community makes it possible to maintain productive and innovative faculties at our

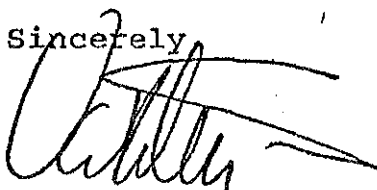
The Honorable Norma Paulus, Ed Fadeley  
and Grattan Kerans  
August 9, 1983  
Page Three

institutions of higher learning while recognizing and rewarding the significant contributions of distinguished senior faculty members. The effect of accelerated payments and retirement incentive payments on an academic employe's retirement benefits is a significant motivating factor in many early retirement decisions. Moreover, including such accelerated payments and retirement incentive payments in the employe's salary for retirement computations actually may result in a net savings to the state. The minimal increase in monthly retirement benefits to such academic retirees is more than offset by the salary savings occasioned by the retirement and the resulting employment of less-experienced, lower-paid professionals. Of course, early retirement in the academic community, as in any other field, is only appropriate in some cases. However, I cannot endorse a provision which would undermine efforts by college and university officials to encourage early retirement under appropriate circumstances.

Subsection (8)(c)(H) of section 1 would exclude from the definition of salary payments made to college and university instructors for services in excess of full-time employment. Such payments typically are made to the best and brightest professors in high-demand fields for teaching continuing education and other intensive seminars in addition to their normal responsibilities. Excluding such payments would penalize the very educators which the state most desperately needs to retain. It would create a substantial disincentive for such professors to take on extra duties and may, in fact, promote the exodus of those professionals from higher education to more lucrative positions in the private sector.

For the foregoing reasons, although I generally approve of the provisions in SB 137, I believe it is appropriate for me to exercise the power vested in the Governor by Oregon Constitution Article V, section 15(a) to veto "any provision in new bills declaring an emergency, without thereby affecting any other provision of such bill."

Sincerely,



Victor Atiyeh  
Governor

tlg

(5) The term "fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 following.

(6) The term "pension" means annual payments for life derived from contributions by one or more public employers.

(7) The term "public employer" means the state, one of its agencies, one of its political subdivisions, an agency of a political subdivision or an agency created by two or more such political subdivisions to provide themselves governmental services. For purposes of ORS 237.001 to 237.315, such agency created by two or more political subdivisions is a governmental instrumentality and a legal entity with power to enter into contracts, hold property and sue and be sued.

(8)(a) The term "salary" means the remuneration paid an employe in cash out of the funds of a public employer in return for services to the employer, plus the monetary value, as determined by the Public Employes' Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and other advantages the employer furnishes the employe in return for services.

(b) "Salary" includes but is not limited to:

(A) Payments of employe and employer money into a deferred compensation plan, which are deemed salary paid in each month of deferral;

(B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary paid in each month of participation; and

(C) Retroactive payments made to an employe to correct a clerical error or pursuant to an award by a court or by order of or a conciliation agreement with an administration agency charged with enforcing federal or state law protecting the employe's rights to employment or wages, which shall be allocated to and deemed paid in the periods in which the work was done or in which it would have been done.

(c) "Salary" or "other advantages" does not include:

(A) Travel or any other expenses incidental to employer's business which is reimbursed by the employer;

(B) Payments by an employer on behalf of employe or employe and dependents for any insurance, for which the employe has no cash option;

(C) Payments made on account of an employe's death;

(D) Any lump sum payment for accumulated unused sick leave;

~~(E) Any accelerated payment of an employment contract for a future period or an advance against future wages;~~

~~(F) Any retirement incentive, retirement severance pay, retirement bonus or retirement gratuitous payment;~~

(G) Payments for periods of leave of absence after the date the employer and employe have agreed that no future services qualifying pursuant to ORS 237.011 (3) will be performed, except for sick leave and vacation; or

~~(H) Payments for instructional services rendered to institutions of the Department of Higher Education when such services are in excess of full-time employment subject to ORS 237.001 to 237.315. A person employed under a contract for less than 12 months is subject to this subparagraph only for the months to which the contract pertains.~~

(9) The term "volunteer fire fighter" means a fire fighter whose position normally requires less than 600 hours of service per year.

(10) The term "school year" means the period beginning July 1 and ending June 30 next following.

(11) The term "police officer" includes:

(a) Employes of the Oregon State Penitentiary and of the Oregon State Correctional Institution whose duties, as assigned by the superintendent, include the custody of persons committed to the custody of or transferred to the penitentiary or correctional institution.

(b) Employes of the Department of State Police who are classified as police officers by the Superintendent of State Police.

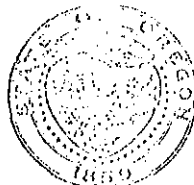
(c) Employes of the Oregon Liquor Control Commission who are classified as enforcement officers by the administrator of the commission.

(d) Sheriffs and those deputy sheriffs or other employes of a sheriff whose duties, as classified by the sheriff, are the regular duties of police officers or corrections officers.

(e) Police chiefs and police personnel of a city who are classified as police officers by the council or other governing body of the city.

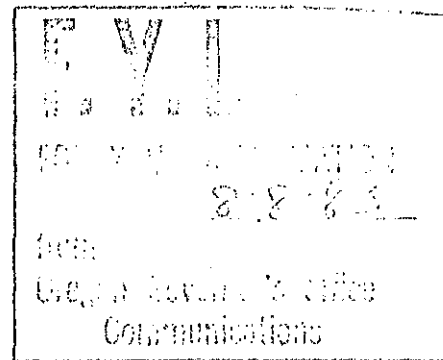
VETOED  
8/9

VICTOR ATYEH  
CLERK



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 242, unsigned and disapproved.

This bill changes specified filing time for certain workers compensation cases which causes concern for the impact on workers' compensation costs.

Senate Bill 242 changes the time limitation for filing an occupational disease claim under the workers' compensation law from five years after the date of last exposure to one year from the date the worker or beneficiary is advised by a physician of the condition. The change in this provision alone would increase the length of benefit eligibility and thus potentially increase the cost of workers' compensation rates.

The bill also eliminates any time frame on filing an aggravation for an occupational disease claim if the disease has an identifiable latency period. Although the bill identifies such injury or disease as that which is the result of material substance or emission entering the body, we can expect more claims. Furthermore, the bill will undoubtedly have a retroactive effect. It is very difficult to determine the fiscal impact of this bill. During calendar year 1982 about 600 such claims were accepted in Oregon under current statutes. It is estimated that 300 to 1,200 cases may qualify under this bill with an estimated annual increase in the workers' compensation system of \$700,000 to \$2.7 million. Further, although the bill provides for benefits fixed as of the date the claimed condition becomes disabling, the retroactive reserve would play the major fiscal role in the benefit compensation. The retroactive reserve is not currently funded to provide the benefit and will not be funded for the 1983-85 biennium.

Honorable Norma Paulina  
August 8, 1983  
" 2

I believe the system should be responsible for those occupational diseases occurring as a result of workplace hazards. That is why I signed the asbestosis bill which sets up a special program involving an ailment with lengthy latency. However, further study of both the applications of this or similar proposals and the cost to be generated should be accomplished first before establishing a broad, expanded program.

Sincerely,



Victor Atiyeh  
Governor

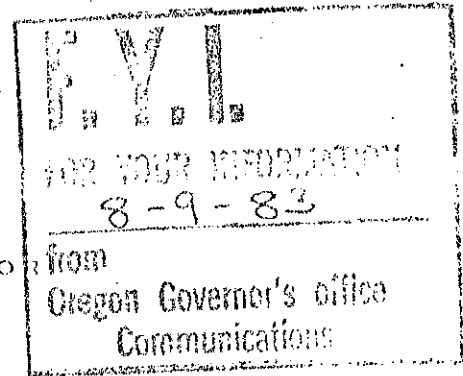
VA/oc

cc: Honorable Ed Padeley  
Honorable Grattan Kerans

WEDNESDAY  
AUGUST 9, 1983



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 292, unsigned and disapproved.

This measure would have transferred, to the Office of Secretary of State, two Ombudsman programs now assigned to the Office of the Governor -- the Long Term Care Ombudsman under ORS 441.103, and the Corrections Ombudsman under ORS 423.400. It also would have created a Commission on the Long Term Care Ombudsman Program. While the Secretary of State would appoint the Corrections Ombudsman subject only to Senate confirmation, the Secretary of State would be obliged to appoint the Long Term Care Ombudsman from among nominees submitted by the Commission on the Long Term Care Ombudsman program, subject additionally to Senate confirmation.

It is common knowledge that passage of this measure was triggered by a personnel change within my office, which did not find favor among many persons interested in the program. Moreover, in my recommended budget for the 1983-85 biennium I suggested this program be attached administratively to the State Health Planning and Development Agency, in keeping with a general trend over the years to avoid encumbering the Governor's immediate staff with highly specialized line programs. Subsequently, on advice of the Senior Services Commission, I agreed to retain the program within my office throughout the remainder of the 1983-85 biennium, subject to study and final recommendations by them for appropriate organizational placement. This measure would short-circuit that process -- moreover, it involves the Corrections Ombudsman program as well. It is perhaps worthy of note that the Legislature failed to fund the Corrections Ombudsman program during either the 1981-83 biennium, or the 1983-85 biennium. This renders meaningless section 16 of the bill, which speaks of transferring appropriations for the Corrections Ombudsman to the Secretary of State.

Honorable Norma Paulus  
August 9, 1983  
Page 2

The proponents of Senate Bill 292 have taken the route of establishing the Long-Term Care Ombudsman as a position within the Secretary of State's office. While this might be perceived as enhancing the LTCO's independence, it removes the LTCO from in-house access to the Governor and other key officials within the executive branch, whose duties and responsibilities involve long-term care facilities.

I continue to support the existing arrangement -- under which the Long Term Care Ombudsman functions as a member of the executive branch, having meaningful access to the Governor and other officials relevant to the Ombudsman's duties. This arrangement permits numerous complaints to be quickly resolved in a manner satisfactory to residents of long-term care facilities, without resort to other effort; moreover, agency personnel involved in programs affecting long-term care facilities and their residents are unusually attentive to inquiries or recommendations from a member of the Governor's office. The incumbent Long Term Care Ombudsman functions as a member of my immediate staff. I meet with that person personally at least once each week, and am prepared to do so at other times when exigent circumstances require. The program is being implemented along lines consistent with those envisioned by the Older Americans Act, and with Oregon law.

I am determined to make this program work in the interests of residents of long-term care facilities. I have received many letters from individuals and senior organizations asking me to sign the bill, believing quality care and protection for loved ones would result. It is for that very same reason I am vetoing the measure, knowing with certainty that passage would weaken the common goal we all have. I cannot consent to a change which would have only cosmetic value, and disrupt a currently effective and continually improving program.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Padeley  
Honorable Crattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 28, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
7-28-83  
from  
Oregon Governor's office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 311, unsigned and disapproved.

This measure would add an additional member to the Commission on Indian Services, representing the Confederated Tribes of the Grand Ronde.

It is a matter of public record that I am fully supportive of efforts by the Confederated Tribes of the Grand Ronde to regain federal recognition through congressional action. Nevertheless, I adhere to a view that boards and commissions must be small in membership if they are to remain effective. The Commission on Indian Services would become a large and unwieldy body if every tribe and band in Oregon sent its own representative. At this time, a member already sits on the commission who is representative of non-reservation Indians residing in the Willamette Valley area. It has not been demonstrated to me that this member cannot continue adequately representing the Confederated Tribes of Grand Ronde.

I hope the time will come when the Grand Ronde are restored by federal legislation to their full tribal status. Until then, I believe it premature to specify their separate and distinct representation on the commission.

Sincerely,

Victor Atiyeh  
Governor

VA/oc

cc: Honorable Grattan Kerans  
Honorable Ed Fadeley



VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
8-9-83  
from  
Oregon Governor's office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 384, unsigned and disapproved.

This measure would have created an Oregon Gaming Commission, empowered to regulate the conduct of bingo or lotto games by charitable, fraternal or religious organizations.

The commission would have consisted of five members, and would have been empowered among other things to hire a full-time, paid staff.

Oregon's voters in 1976 amended section 4, Article XV, Oregon Constitution, authorizing the Legislative Assembly to provide for the establishment, operation and regulation of bingo or lotto by charitable, fraternal or religious organizations. There is a need to prevent such abuses, but I believe it should be done by more effective disclosure by sponsors of such games of their organizational purposes and operations, and procedures for abatement through appropriate procedures brought by the Attorney General, district attorneys or other officials already in existence. I do not believe it appropriate to create a new bureaucratic apparatus for this purpose.

Sincerely,

Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

May 2, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
5-2-83  
from  
Oregon Governor's office  
Communications

Honorable Ed Fadeley, President  
Oregon State Senate  
S203 State Capitol  
Salem, OR 97310

Dear Mr. President:

I am returning herewith Senate Bill 389, unsigned and disapproved.

Senate Bill 389 was sponsored by your Committee on Transportation and Tourism at the request of the Federation of Oregon Parole and Probation officers. Under existing law, registration number plates issued by the Motor Vehicle Division to a vehicle owned and operated by the state and its political subdivisions must contain a distinctive symbol indicating it is government owned and operated, except for instances where a federal, state, county or city law-enforcement agency requests regular plates "for a vehicle operated by the agency in discharging its undercover criminal investigation duties." This measure would extend the privilege of bearing regular plates to vehicles operated by parole or probation agencies for use by the agency in discharging its "parole or probation duties." Prior to its passage by the Senate, the bill was amended by adding a new section which requires the department to obtain unmarked vehicles for a state parole or probation agency for which the department issues regular plates.

The Director of the Department of General Services expressed his opposition to the bill before appropriate committees in each chamber. He noted that when "undercover" efforts are required, existing statutes allow issuance of unmarked plates. Senate Bill 389 represents a departure from this concept, in that it sanctions regular plates and unmarked vehicles for purely administrative parole or probation duties.

The general policy requiring distinctive registration plates and the marking of public vehicles reflects a perception that the business of state government is the business of the public, and must be carried out in a manner such as to withstand any public

more/over

Honorable Ed Fadelley

May 2, 1983

Page 2

scrutiny. While the vast majority of individuals using publicly owned vehicles limit use to entirely proper and necessary occasions, there have been instances where improper or unnecessary uses have come to the attention of the Department of General Services through public observation of distinctive plates or markings. Corrective action in such cases might not have been possible had the vehicles in question carried regular plates or lacked distinctive markings.

I have been attentive to arguments advanced by the proponents of the measure, both before the respective legislative committees and at other times. I recognize a need of law-enforcement agencies for anonymity in the conduct of certain undercover operations. A case can be made that it would be appropriate to enjoy anonymity in several other governmental activities, including parole and probation programs. However, I cannot see routine application of this criterion as outweighing the public interest in having state activities involving use of motor vehicles conducted openly. It is for this reason that I regret I must veto Senate Bill 389.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

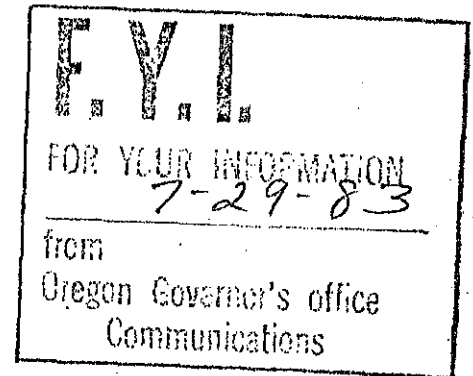
cc: Honorable Grattan Kerans, Speaker  
House of Representatives

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 29, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 400, unsigned and disapproved.

Some years ago, the Legislative Assembly established a procedure under which joint custody arrangements for minor children can be decreed following a marital separation or dissolution, when the court determines the best interest of the child are served thereby. The effect of Senate Bill 400 would be to require a court "to give preference to awarding custody to the parents jointly if such custody is consistent with the best interests and welfare of the child." What has up to now been an option available to the court, now would become a preferential disposition of the business before it.

Supporters of this measure have said children who lived under Oregon joint-custody arrangements are better adjusted to life, emotionally and otherwise, than those in sole-custody arrangements. This is one argument advanced for making such arrangements more widespread. It must be recognized that heretofore such arrangements came into being only when both parents demonstrated to the court a willingness and ability to go out of their way in cooperating for the well-being of their children. Section 5 of Senate Bill 400, however, says a court "upon the request of either party, or on its own motion, may make an award of joint custody." This opens the way for such arrangements when either or even both of the parties are not enthusiastic in maintaining necessary cooperation and communication. Under these circumstances, the adjustment of minor children might not be so good as in the joint-custody cases thus far experienced in Oregon.

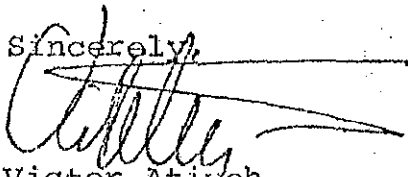
Judges knowledgeable and experienced in domestic relation matters have commented on the merits of this bill -- some in support, others in opposition. They have been joined by numerous social workers, psychiatrists, and lay persons who have experienced domestic relations difficulties of one kind or another.

Honorable Norma Paulus  
July 29, 1983  
Page 2

Some have expressed the fear that in a case where custody is challenged, and a decision between the parties is difficult, a court might be tempted to choose an easy way out by awarding joint custody -- a "plague on both your houses" approach, which would resolve the issue of the day but might lead to extensive litigation in the future and less-than-desirable adjustment by the parties' children. In the absence of demonstrated ability fairly and equitably to share authority and responsibility, I believe a likely result of imposed joint custody would be either total failure of the arrangement or frequent recourse to the judicial system for arbitration of disputes.

In conclusion, I believe it entirely appropriate that courts ought to consider joint custody as an option. I do not believe it appropriate that this option should be given statutory preference over sole custody, nor should courts be encouraged to impose joint custody on parties where either or both might be reluctant participants.

Sincerely,

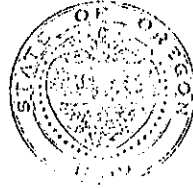


Victor Atiyeh  
Governor

VA/oc

cc: Ed Fadeley  
Grattan Kerans

VICTOR ATTYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310  
August 8, 1983

F.Y.I.  
FOR YOUR INFORMATION  
8-9-83  
From  
Oregon Governor's Office  
Communications

Honorable Norma Paulus  
Secretary of State  
136 State Capitol Building  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 419, unsigned and disapproved.

Senate Bill 419 removes the exemption, in the definition of radioactive waste, for uranium mine overburden, uranium mill tailings, mill wastes or mill by-product materials, as those terms are defined in Title 42, U. S. Code, section 2014, on June 25, 1979. Also, the Attorney General has indicated that, by the repeal of ORS 469.553, the requirement that a uranium mill obtain a site certificate is removed.

Current law would permit a uranium mine and mill only if stringent environmental, financial and health standards are met under the rules in place under the Energy Facility Siting Council. A mine and a mill can only be established if the Siting Council believes that the applicant has met the safety standards during and after closure of the operation and that, upon abandonment, the site will be returned to its original, pristine state. I believe that this guarantees the citizens of the state of Oregon an assurance that our environment will not be contaminated by uranium mining activities.

Under the Atomic Energy Act and related legislation, the Nuclear Regulatory Commission has preemptive jurisdiction over regulation of uranium mill tailing disposal. The Nuclear Regulatory Commission may delegate that jurisdiction through agreements with the states which establish standards as stringent as those of the NRC. Passage of this legislation - which is a categorical ban on mill tailing disposal in Oregon - may move the Nuclear Regulatory Commission to rescind that delegation and approve a disposal site within our state. Although this issue may ultimately be decided only through litigation, it is conceivable that the ban elicited by passage of Senate Bill 419 would simply move the decision-making authority from the state back to the Nuclear Regulatory Commission.

Honorable Fernan Pautus

August 8, 1983

Page 2

I am firmly convinced that these decisions should be made on a case-by-case basis, meeting the stringent standards that the state of Oregon has in place through the Energy Facility Siting Council. This legislation jeopardizes our ability to make those individual decisions and may, in fact, result in disposal facilities being sited in Oregon by the federal government over our objections. I am convinced that the current process affords Oregonians more direct access to the decision-making process on siting, on safety and on long-term storage of uranium mills.

Sincerely,



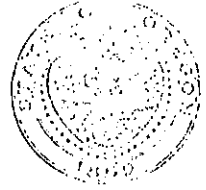
Victor Atiyeh  
Governor

VA:ah

cc: Honorable Edward Padeley  
Honorable Grattan Kerans

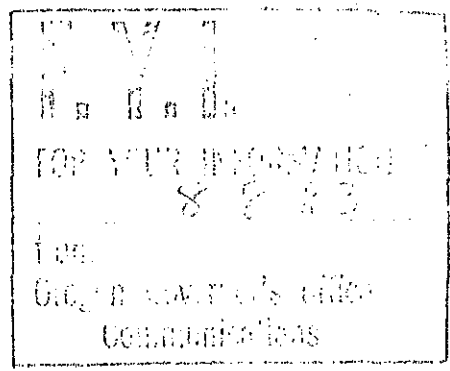
SB 434

VEICTO ATYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

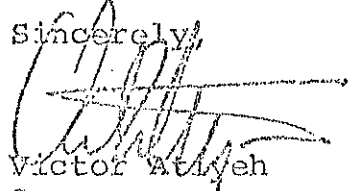
Dear Mrs. Paulus:

I am filing herewith Senate Bill 434, unsigned and disapproved.

In 1981, the Legislative Assembly passed a law making it clear that reduction-in-force actions could take place without a fair dismissal appeals case for each permanent educator being laid off. That enactment reflected a realization that a reduction in force for reasons beyond the control of a school board is of a different character than determination of employment for cause. As such, the measure exhibited an attitude of fairness both to school management and educators.

Senate Bill 434 would mandate binding arbitration over reductions-in-force, and recalls to employment, which become the subject of disagreement in local school districts.

I believe it is inappropriate for the Legislative Assembly to intrude into local processes by compelling binding arbitration on matters which ought to be the subject for bargaining.

Sincerely,  
  
Victor Atiyeh  
Governor

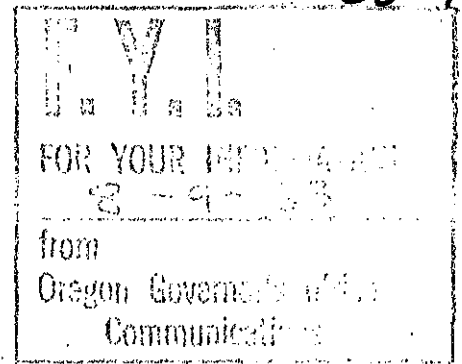
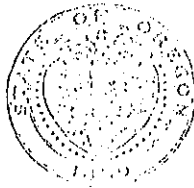
VA/oc

cc: Honorable Ed Fadelley  
Honorable Grattan Kerans



SB 436

MEMORANDUM  
DATE: 8-9-83



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 436, unsigned and disapproved.

This measure defines "sexual harassment," and states that "voluntary separation from work because of sexual harassment is good cause and benefits shall not be denied under this chapter (referring to the unemployment insurance law) to an otherwise eligible individual."

I do not disagree with the general concept of this measure. However, I am disappointed by the rejection of amendments proposed by local government, requiring a finding that a reasonable and prudent alternative be pursued prior to voluntary separation, or that the individual had no reasonable or prudent alternative but to leave work. Proponents of the measure, it is true, would require a finding that the employer knew or should have know of the existence of the harassment but failed to take immediate and appropriate action. Nevertheless, it is my view that any individual who finds a work situation unacceptable ought to be required to take some positive action looking toward correction of that measure, before quitting and received unemployment benefits, this would have been required under the local government amendments, but is not required under the language of the bill.

Sincerely,

Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeloy  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



SB 540

OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

**F.Y.I.**  
FOR YOUR INFORMATION  
7-28-83  
from  
Oregon Governor's office  
Communications

July 28, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 540, unsigned and disapproved.

This measure would require the superintendent of each state institution to submit quarterly reports on the number of deaths within that institution to the division within the Department of Human Resources having jurisdiction, and this division to compile the reports and submit them quarterly to the offices of the President of the Senate and the Speaker of the House of Representatives.

I am advised by the Director of the Department of Human Resources that he knows of no requests of this nature having been made of him heretofore by legislative officials. He indicates his readiness to furnish this information promptly, fully and voluntarily to appropriate legislative officials at any time upon their request. This legislation could be construed as an affront to the department, suggesting the information it describes either has been refused, or would not be furnished without the mandate of statutory law. Neither is the case, rendering this bill totally unnecessary.

Sincerely,

Victor Atiyeh  
Governor

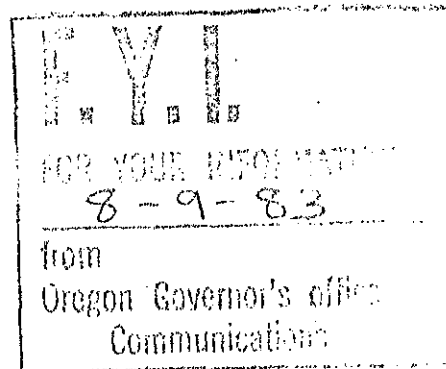
VA/sc

cc: Honorable Grattan Kerans  
Honorable Ed Fadeley

VICTOR ALLEN  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 573, unsigned and disapproved.

This measure would have permitted counties and cities to permit businesses, clubs and places of public accommodation, wherever gambling is permitted by local ordinance or resolution, to employ dealers. While neither the dealer nor the employer would be allowed to take income from the game itself, fees could be charged for use of a table. Counties and cities would be authorized to license dealers.

My action in vetoing this measure is being taken with due consideration of arguments advanced by its proponents and opponents. I personally met with numerous local officials and businessmen who were supportive of the measure, and who argued its merits as a means of enhancing the economy of their jurisdictions, while maintaining effective control of gambling activities through licensing.

I have discussed this measure also with the Attorney General, who spoke not only as chief law officer of Oregon but as chairman of a Special Commission Against Violent Crime which I created. The commission recommended I veto the measure on grounds that it does not adequately safeguard the public from abuses commonly observed in connection with organized gambling activities. The Attorney General subsequently met with proponents of the bill, but has restated his opposition to the measure.

While I do not question the good faith and zeal of local officials who are supportive of this measure, nevertheless I cannot disregard my recollection of recent intrusions of gambling activities into Oregon communities -- intrusions which were accompanied by disreputable practices and even capital offenses, and which did not bring to the communities involved the economic gains they had anticipated.

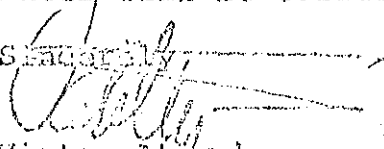
Honorable Norma Paulus

August 9, 1983

Page 2

It was suggested I sign this measure into law, then work with the proponents and law-enforcement officials to formulate corrective amendments which might be considered by the special session, whenever that might meet. Such corrective amendments could have included uniform criteria for local ordinances, establishment of reasonable limits on betting and additional controls necessary to prevent house participation and gambling profits. I cannot say whether any of these corrective measures would be sufficient to gain my approval for the concept of this bill. However, I am not persuaded to sign a deficient bill in hopes that it later will be corrected.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

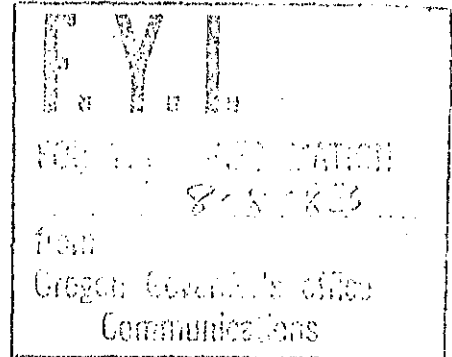
cc: Honorable Ed Fadeloy  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 582, unsigned and disapproved.

This measure would have established licensing standards and procedures for dietitians and nutritionists. As introduced in March, the measure would have established this program under the Board of Medical Examiners for the State of Oregon. In the course of hearings before the Senate Committee on Human Services and Aging, it became apparent that the board's representatives did not see a great need for the licensing of these professions, and in any event did not want to be the agency administering the program. Consequently, in May the board amended the bill to create a Board of Dietitians and Nutritionists to carry out the function, along the lines of other licensing boards under the Health Division which regulate health professions. In this form the measure was referred to the Joint Committee on Ways and Means. The Administrator of the Health Division restated many of the negative arguments advanced by representatives of the Board of Medical Examiners, and indicating she did not wish to administer the program. Ways and Means further amended the bill to eliminate an independent Board of Dietitians and Nutritionists, and to establish the program within the Department of Commerce --- to function along lines followed by the department in administering other occupations and professions such as geologists, maritime pilots, landscape contractors, tax service examiners, and television and radio service personnel.

In this form it passed the Senate with the bare minimum of votes necessary, and finally was passed by the House a week later.

Proponents of the measure have stated there is evidence of widespread deception and irresponsible practice in the fields of dietetics and nutrition. They assert many practitioners have

Honorable Norma Paulus

August 8, 1988

Page 2

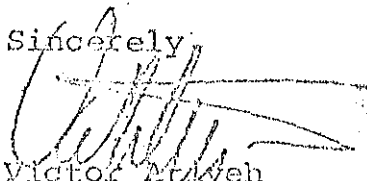
prescribed regimens which are worthless and sometimes harmful. They claim the program designed by this bill is necessary so the public can be informed of those who are competent and trustworthy.

A review of the bill shows it does nothing whatever to limit anyone's activities. All it does is empower the Director of Commerce to license, as registered dietitians or certified nutritionists, applicants who prove to his satisfaction they are fit for this license and pay applicable fees. The Director of Commerce thereafter may administer discipline with respect to the licensees, including the imposition of civil penalties and license suspension or revocation for such grounds as "unethical or unprofessional conduct," conviction "of any crime," or "gross negligence in practice." There are no guidelines to assist the director -- or the task forces he might appoint under another section in the bill -- in defining what is ethical or professional with respect to these professions.

Most important, the bill does nothing but restrict use of certain "letters, words, abbreviations or insignia" indicating that a licensee is a nutritionist or a dietitian.

Numerous other professions in the health care field have been licensed, when their activities bore an immediate and direct impact on the health of the public. While no one disputes the importance of appropriate diet and nutrition, I do not believe the impact on the health of members of the public served by nutritionists and dietitians is so immediate and direct that it requires establishment of a new state licensing program. Although the new Director of Commerce has expressed a willingness to do his best in administering this program should the bill become law, it must be recognized that the Department of Commerce does not have the technical and professional expertise appropriate to administration of a program purportedly based on protection of the public health.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadelley  
Honorable Grattan Kerans

SB 621

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

**F.Y.I.**  
FOR YOUR INFORMATION  
8-9-83  
From:  
Oregon Governor's office  
Communications

August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 621, unsigned and disapproved..

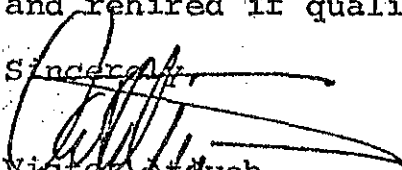
The purpose of this measure was to increase the numbers of severely handicapped persons employed by state government. This is a goal I value highly. I am determined that, through our existing affirmative action programs, we will achieve this goal. However, I do not believe this measure is consistent with the best means of achieving the goal.

In Oregon's affirmative action program, we have placed a high priority emphasis on qualification, not preferential treatment. Experience has shown that highly qualified persons who happen to be women, minorities or handicapped can be identified and actively recruited, and placed in positions through an effective outreach program. The state Affirmative Action office already is implementing a special recruitment program for Oregon's handicapped population.

The concept of preferential treatment causes an adverse reaction both by the person hired and the total affirmative action program. A requirement that a certain class of persons be allowed to remain on a lay-off list for up to four years is not equitable, when viewed against the rights of others who are disadvantaged in terms of employability.

My Affirmative Action office will promulgate a policy requiring agencies to report the reason they fail to hire a severely handicapped person who is at the top of a lay-off list. This will assure that every effort is made to have these individuals fairly considered, and rehired if qualified.

Sincerely,

  
Victor Atiyeh  
Governor

VA/oc

CC: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ALIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983

FOR YOUR INFORMATION  
8-9-83  
from  
Oregon Governor's Office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 650, unsigned and disapproved.

This measure would increase a claimant's share of proceeds of a lawsuit brought against a third party which caused a job-related accident. The net result is an increase of workers' compensation costs, with no corresponding saving. Moreover, persons responsible for administering the workers' compensation law believe the new language of the measure is unclear, and can be resolved only through extensive litigation.

Sincerely,

Victor Aliyeh  
Governor

VA/oc

cc: Honorable Ed Fadoley  
Honorable Grattan Kerans



VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 7, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
7-7-83  
from  
Oregon Governor's office  
Communications

Honorable Edward Fadeley  
President of the Senate  
S203 State Capitol  
Salem, OR 97310

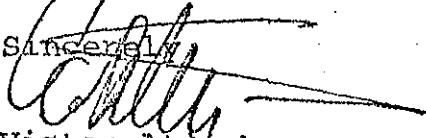
Dear Mr. President:

I am returning herewith, unsigned and disapproved, Enrolled Senate Bill 682.

Under existing law, Type B area agencies on aging, which serve senior citizens and some handicapped persons, must have representatives on their councils from the handicapped, without reference to age. Membership of Type A area agencies, which serve only the elderly, must include consumers served by Senior Services Division programs, including low income, minority and handicapped persons. This new measure would require that handicapped representatives for a Type A area agency be younger than 60 years, and states that such representation need not be by persons who receive services from the local area agency on aging.

One does not impulsively veto a bill which has passed both Houses of the Legislative Assembly without a dissenting vote. I am attentive to concerns of the Governor's Commission on Senior Services. This commission expressed the belief, in testimony on the bill, that handicapped representation -- while necessary and advantageous generally -- should not be required on area agencies which happen not to serve those persons.

My decision to disapprove this bill does not reflect a lack of concern on my part with respect to the handicapped. I believe my actions on many issues demonstrate the depth of my concern in this regard. Indeed, I will take steps to advise the Governor's Commission on Aging and the Senior Services Division, and through them all area agencies on aging, of my view that representation of the handicapped is necessary and appropriate to the extent that they, as a group, are served by the respective agencies. My objection is to mandating representation in all instances, whether relevant or not.

Sincerely,  
  
Victor Atiyeh  
Governor

cc: Honorable Grattan Kerans  
Honorable Norma Paulus

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, GREGON 97310

August 5, 1983

F.V.I. 8-5-83 from Oregon Governor's office Communications
--

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 700, unsigned and disapproved.

This measure prohibits the Teacher Standards and Practices Commission from bringing an action to suspend or revoke the certificate of a teacher or administrator so long as they currently are employed by a school district by which employed when the conduct complained of occurred, or if dismissal charges are pending but not yet completed.

Proponents of this bill have argued that an educator's employment should not be subject to double jeopardy -- that is, termination either by the employing district, or by the commission through certificate revocation. I do not see existing procedure as being vastly different from that governing any other profession, where matters dealing with a practitioner's license or certificate are separate and distinct from the practitioner's relationship with his or her current employer. This commission was established on the premise that it is a matter of statewide concern that Oregon's children be educated by those who are fit and otherwise qualified. Just as it is a matter of statewide concern that attorneys, physicians, real estate brokers and numerous other professions not continue practicing any longer than applicable standards are shown to have been met, whatever their employment relationship might be, so it remains a matter of statewide concern with respect to educators. Additionally, the measure provides that an educator cannot be disciplined for gross neglect of duty or other gross unfitness, unless the educator has resigned or has been dismissed by a school district and the dismissal procedures have been "completed." Considering the variety of appeals and reviews available to any individual under these circumstances, completion of such a proceeding could consume a considerable portion of time, and there is no provision in the bill for any interim resolution of the issue involving neglect of duty or unfitness.

Honorable Norma Paulus

July 4, 1983

Page 2

In conclusion, the virtual delegation of authority from a state certification process to district employers brought about by Senate Bill 700 is one which I cannot countenance, and leads me to veto the measure.

Sincerely,



Victor Atiyeh  
Governor

VA/sc

cc: Honorable Ed Fadelley  
Honorable Grattan Kerans

SB 729

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

**F.Y.I.**  
FOR YOUR INFORMATION  
8-9-83  
from  
Oregon Governor's office  
Communications

August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 729, unsigned and disapproved.

This measure would have authorized the Adult and Family Services Division or the Senior Services Division to provide by rule for compensation for in-home care provided to a recipient of public assistance by his or her spouse, based on extent of need and availability of funds therefore. The divisions would be required to report on implementation of this policy to legislative authorities in January of 1984 and 1985.

A statute which authorizes an agency to do something based on extent of need and availability of funds, without more specificity or direction, mandates nothing. The requirement of two annual reports in the measure indicates the Legislative Assembly's lack of hard information on this matter, and the expiration of the measure as of June 30, 1985, indicates a lack of certainty as to whether the program ought to be implemented on a continuing basis.

By copies of this letter, I am instructing the Adult and Family Services and the Senior Services Division to study the extent of need which might be found if a program such as this were implemented, and the funds which would have to be made available if that need were met in a adequate and equitable basis. I am instructing them to advise me on these matters in time for whatever action might be necessary for inclusion in my recommended budget for the 1985-87 biennium. Meanwhile, I do not see the appropriateness of this measure.

Sincerely,

Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley



## DEPARTMENT OF JUSTICE

Justice Building  
Salem, Oregon 97310  
Telephone: (503) 378-4400

### MEMORANDUM

TO: Interested Legislators DATE: September 14, 1983

FROM: DAVE FROHNMAYER  
Attorney General *Dave Frohnmayer*

SUBJECT: Veto of Senate Bill 755

For the following legal and policy reasons, knowledgeable Department of Justice professionals unanimously recommended to me that I request a Gubernatorial veto of SB 755. I accepted that recommendation and stand by it. I respectfully urge that members of the Legislative Assembly not override the veto.

Despite its many commendable purposes, as written, SB 755 is (1) constitutionally vulnerable, (2) almost certain to act as an incentive for frivolous litigation, (3) unacceptably vague in its essential provisions, (4) a source of windfall recoveries to targets other than those at which it is aimed, and (5) virtually certain to impose a substantial unbudgeted fiscal impact on the state.

Beyond these compelling points, SB 755 is unnecessary. ORS chapter 183, amended by you as recently as 1981, presently provides a careful -- and effective -- formula for the award of attorney fees upon the judicial finding of lawless official action. The real, although unannounced target of SB 755 (as of Article I, section 20 of the Oregon Constitution) is the legislature itself: your actions, your judgments and your carefully developed classifications embodied in legislation you enact. The policy issue is whether legislators wish to provide a cost-free hunting license for legal specialists to attack the legislature's own carefully considered work product. That, rather than gender discrimination, is the real import of SB 755.

I. Senate Bill 755 is Constitutionally Vulnerable

By a consuming irony, SB 755 might be held to violate the very provision of Oregon law it is intended to enforce. Article I, section 20 of the Oregon Constitution makes it unlawful to extend privileges to certain classes of Oregon citizens, without extending those privileges to all.

The Oregon Supreme Court has recently adopted an expansive construction of this provision. The most significant implications lie in the new protections established for criminal defendants. Criminal defense attorneys (most of whom are already compensated by the public for their efforts) rather than counsel for race or gender discrimination claims will be the overwhelming beneficiaries of SB 755. But that is an aside.

How can SB 755 on its face promise mandatory attorney fees only for Article I, section 20 claims, and not for other claims under different provisions of the Oregon Bill of Rights? Given the Supreme Court's expansive application of Article I, section 20, such inequality of result on its face may violate our Constitution.

II. Senate Bill 755 Will Induce Frivolous Claims

This assembly made major strides in helping to curb frivolous litigation with the passage of HB 2364, secs 57-63. Federal court experience demonstrates the unhappy incentive for plaintiffs to "load up" complaints with scattergun constitutional claims in the hope that a procedural victory on one claim will permit courts to award attorney fees for the pursuit of all claims, even those which a court has found to be clearly invalid. This result has repeatedly occurred in federal cases too numerous to recount.

III. Senate Bill 755 is Undesirably Vague

As our letter to the Governor recounted in detail, the terms "successful party" and "reasonable attorney fees" are undefined in SB 755. If federal precedents are followed, courts must award attorney fees. They may provide "multipliers." (Two, three or even four times an attorney's hourly rate.) And they may award fees for victories on relatively insignificant procedural issues having little to do with the ultimate merits.

Memorandum: Senate Bill 755  
September 14, 1983  
Page Three

There is reason to believe that the courts might look to existing federal precedent under the Civil Rights Attorney Fees Award Act of 1976, 42 USC sec 1988. Some of the unresolved issues which have created bitter controversy at the national level revolve around the construction given to these phrases.

A. Who is a "successful party"?

Federal courts have awarded attorney fees when the party has prevailed on one or only a few of a multitude of scattergun claims. While the U.S. Supreme Court's recent decision in Hensley v. Eckerhart, may limit somewhat this tendency of the federal courts, neither SB 755 nor the legislative history known to us suggest that any such limitation would be observed in Oregon. Thus, broad-ranging, multiple-count lawsuits are encouraged by a provision which encourages and compensates work on frivolous claims.

B. What is a "reasonable fee"?

Under federal law, there is considerable dispute about the extent of fees to be allowed. Many courts award fees based upon all hours devoted to the lawsuit even though the attorney would not have charged for all those hours had he or she not prevailed in the action. Does this statute contemplate total hours or some discounted charge?

Further, federal courts have on many occasions allowed bonus or "multiplier" awards which can be double or, in some reported cases, even quadruple the amount of the hourly charges.

How are the hourly charges to be based? Attorney fees charged by private firms in Oregon now often exceed \$150 per hour in complex litigation. The Department of Justice hourly rate is \$51. Yet, SB 755 provides no baseline measurement as to what level of hourly charge is "reasonable" between these extremes.

#### IV. Windfall Recoveries

Many plaintiffs who could be expected to bring Article I, section 20 claims, for example, Legal Aid, the Public Defender, or, in the past, Prisoners Legal Services, have already been paid for attorney services to bring many of the types of suits

Memorandum: Senate Bill 755  
September 14, 1983  
Page Four

which this statute would provide attorney fees to finance. Are publicly funded entities eligible for attorney fee awards as they are under federal law? Again, SB 755 provides no answer.

Federal case law has also awarded attorney fees on a "catalyst theory" even where the court does not find in favor of a party because legislatures or administrative agencies change a challenged practice before a lawsuit is complete. We do not know whether Oregon courts would adopt the federal catalyst theory; but we do believe that this theory actually encourages public officials not to change a practice rather than to undertake reform voluntarily. (The catalyst theory also, of course, involves courts heavily in the business of attempting to psychoanalyze legislative and executive motivation, a process hardly conducive to proper respect for the separation of powers.)

#### V. Lack of Appropriation for SB 755

The source of funding for attorney fee awards is unclear. We are aware of no appropriation under Oregon law to finance attorney fee awards for SB 755. It is possible that agency budgets would be assessed; yet, as a policy matter, this is extremely inappropriate. Most actions which would be compensated under SB 755 would be actions challenging acts of the legislature itself. Agencies have no discretion but to follow Oregon law as the legislature directs, yet there is no indication that agencies would be held harmless from actions based on legislative direction.

There is no reason to believe that SB 755 would be used principally or even occasionally by impecunious individuals challenging gender-based legislative classifications. Indeed, this office has just received notice of a major Article I, section 20 lawsuit. The plaintiff is a wealthy common carrier which does business in Oregon, and the statute at issue was a major legislative policy decision in which organized labor and Oregon workers were successful in securing passage of a statute to prevent harassment of injured workers by insurance defense investigations.

You should note in this regard that SB 755 leaves no room for judicial discretion. It provides that attorney fees shall be awarded. This is even more strict a requirement than



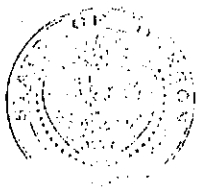
Memorandum: Senate Bill 755  
September 14, 1983  
Page Five

existing federal legislation. It insures compensation for trivial motions and proceedings, irrespective of the case outcome. Such a departure from existing standards for the award of attorney fees is completely unjustifiable policy.

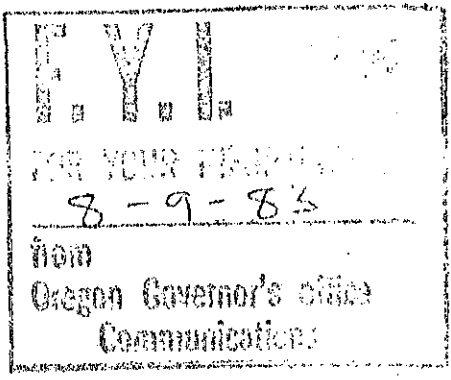
On a final note, it is possible that attorney fees could be awarded against the state when the state is not even party to the lawsuit! This is true for two reasons: First, many constitutional claims are decided in legal disputes between private parties. Second, the legislature in 1983 denied provision of General Fund support for Department of Justice appearances in suits under ORS chapter 28 challenging the constitutionality of state legislation. You may wish to reflect carefully on the justice or fiscal responsibility of requiring the state to fund challenges to laws in which the state cannot appear in court to defend itself.

DF:tlg

VICTOR ALYRE  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 755, unsigned and disapproved.


In a proceeding successfully challenging the constitutionality of state action under the "privileges and immunities" clause of the Oregon Constitution, this measure would require a court to award to the successful party costs and disbursements, including expert witness fees, and reasonable attorney fees at trial and on appeal.

No right-thinking person challenges the proposition that governmental actions should not be allowed to proceed in a discriminatory matter. However, I do not believe it appropriate to deny courts discretion to refuse attorney fees in cases where such relief might not be appropriate. The scope of the language, moreover, would make this measure apply to actions in areas far removed from those commonly associated with discrimination. Use of the term "prevailing party", rather than "prevailing plaintiff" -- a deliberate change through amendment during the legislative process -- indicates likelihood this doctrine would apply to administrative proceedings, as well as cases before the judicial branch.

In recommending that I veto the bill, the Attorney General has pointed out the grave fiscal considerations generated by this bill, which does not make any provision for funding the awards it might authorize. State agencies are bound to follow the law as prescribed by the Legislative Assembly -- yet would be subject to assessment for attorney fees arising out of cases challenging Acts of the Legislative Assembly itself. There is nothing in this measure which would hold agencies harmless from actions based on legislative directives found to be inconsistent with the Oregon Constitution.

Honorable Norm Parls  
August 9, 1983

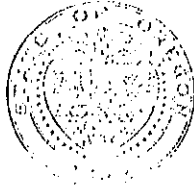
Finally, experiences of state and local governments under federal legislation requiring award of attorney fees in certain cases -- sometimes involving "bonus" or "multiplic" awards -- makes it clear to me that the State of Oregon should not embark on this course without extensive study, including thorough cost analyses and provision of appropriate resources.

Sincerely,  
  
Victor Atiyeh  
Governor

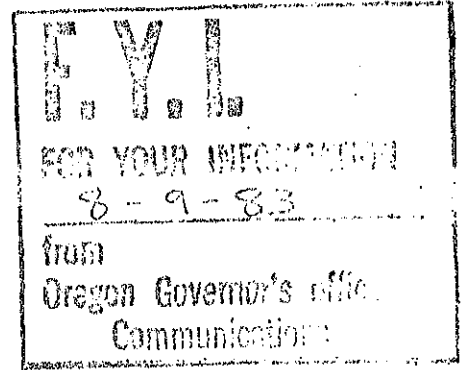
VA/oc

cc: Honorable Ed Madley  
Honorable Grattan Kerans

VICTOR ALIYEH  
 8-9-83



OFFICE OF THE GOVERNOR  
 STATE CAPITOL  
 SALEM, OREGON 97310



August 9, 1983.

Honorable Norma Paulus  
 Secretary of State  
 State Capitol  
 Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 758, unsigned and disapproved.

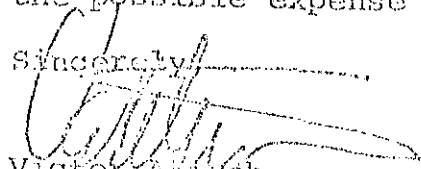
In its original form, this measure would have subjected members of the State Board of Agriculture to senatorial confirmation. In the course of its consideration by the Legislative Assembly, these provisions were stricken from the bill and its number was used as a vehicle for new provisions which exempt storage facilities of wholesale distributors of packaged alcoholic beverages from inspection requirements under the Department of Agriculture.

On the one hand, proponents of the measure argue that the products described in the bill are not "food" such as to justify inspection -- yet the title of the bill reads, "Relating to food." If these containers and their contents are not "food," then they are not properly embraced within the title of the bill. If they are "food," then I cannot see why the premises where they are stored should not be subject to inspection in the usual manner.

The Department of Agriculture has stated that most warehouses fully meet sanitary requirements. However, instances have been encountered where containers are likely to be contaminated by rodents. Since some consumers drink directly from containers, and contamination is not always apparent on casual examination, the possibility exists that unsanitary storage conditions could cause contagion.

Proponents of this measure have not demonstrated that inspection is unduly burdensome, such as to justify its elimination at the possible expense of the public's health.

Sincerely,

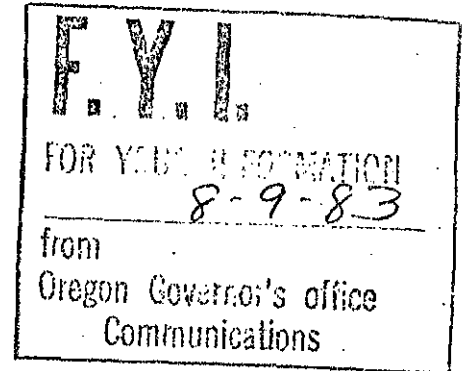
  
 Victor Aliyeh  
 Governor

cc: Honorable Ed Fadeley  
 Honorable Grattan Kerans



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith Senate Bill 772, unsigned and disapproved.

This measure would have required each private school in Oregon to report its name and address, and the number of students enrolled therein by grade level. The Department of Education also would be required to report the number of students, by grade level, being taught by parents or private teachers. This information would have been furnished to the Educational Coordinating Commission annually, for purposes of compiling a state-wide census of school children.

Opponents of the measure have stated it creates an unnecessary burden on schools, an invasion of privacy, and serves no useful purpose. Proponents of the measure have stated the information will be useful in planning, and in establishing lines of communications between the educational sector of state government and private schools.

I am not convinced that the information now available fails to give a satisfactory picture of the numbers of students for planning purposes, or that the needs for more communication are such as to require the additional administrative processes established by this measure.

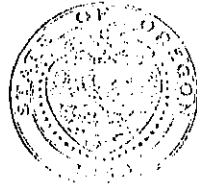
Sincerely,



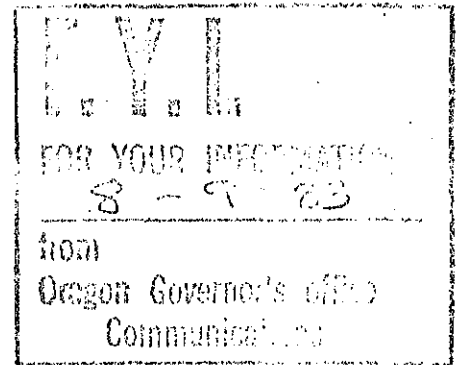
Victor Atiyeh

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2096, unsigned and disapproved.

Although prepared by a section of the Oregon State Bar and introduced at the request of that group as a revision of Oregon law governing assumed business names, this measure has generated intense controversy among members of the Bar, and others. It is clear the changes which would be brought about by this measure are more than revisionary in scope. In reaching a decision on my action, I have considered carefully the written and oral presentations advanced both sides of the issue.

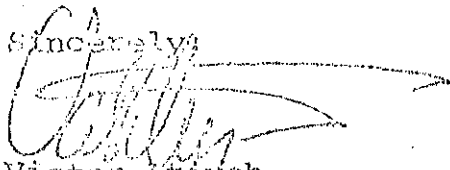
Under existing law, the Corporation Commissioner is required to examine applications for registration of an assumed business name, and is authorized to deny registration to any applicant if the proposal is the "same as or deceptively similar to" one already registered. An applicant believing itself to have a superior claim to a name has the burden of initiating litigation against the senior registrant. This measure would require the Commissioner to accept registration of any assumed business name, and would shift the responsibility on the senior registrant to initiate litigation with respect to the junior applicant's entitlement. I believe this change would encourage more litigation, and even threats of litigation intended to elicit settlements from established registrants.

Moreover, I am advised that a section of the American Bar Association is undertaking a major revision of the Model Business Corporation Act, scheduled to be available for consideration when the 1985 regular session of Oregon's Legislative Assembly convenes. One of the major considerations involved in this revision is the standard to be used for determining availability of business names. The Oregon State Bar's Section on Corporation and Business Law

Honorable Norma Paulus  
August 9, 1983  
Page 2

already has appointed a special committee to review this proposed act for submission to the 1985 session. I am convinced this study will result in a sounder and more accurate reflection of considered public policy issues, and it is premature to enact such a major substantive change as would be effected by House Bill 2096.

Sincerely,



Victor Ktiyeh  
Governor

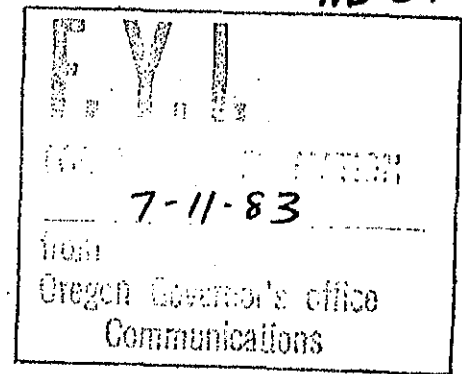
VA/oc

cc: Honorable Ed Fadaley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



July 11, 1983

Honorable Grattan Kerans, Speaker  
House of Representatives  
State Capitol  
Salem, OR 97310

Dear Mr. Speaker:

I am returning herewith House Bill 2141, unsigned and disapproved.

Among other changes, this measure mandates that anyone who engages in the business of constructing various public swimming pools, public spa pools, public wading pools or public bath houses regulated by the Health Division is to be considered a builder, and subjected to registration under ORS chapter 701.

I am concerned about a precedent set by this bill in bringing non-residential structures under the jurisdiction of the Builders Board. The purpose of creating the board was to regulate persons doing residential construction. Most prospective homeowners rarely deal with construction contracts and are unfamiliar with the complexities of these matters. Entities which contract to have pools and bath houses built -- ordinarily cities, schools, associations and business establishments -- are well-versed in contracts and legal remedies available.

Moreover, the bonding requirement is much too small to provide adequate protection on the installation of a public pool. If a swimming pool contractor also does residential installations, there is increased likelihood that the contractor's bond will be exhausted by the claim of a commercial facility before any homeowner can have meaningful access.

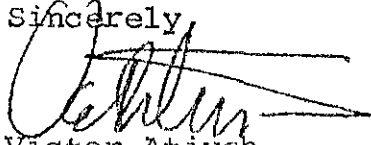
Although not decisive in reaching my decision, I am advised that the Builders Board was not contacted about the inclusion of this requirement during any step of the legislative process, nor given an opportunity to offer its expert information and advice.



Honorable Grattan Kerans  
July 11, 1983  
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Heretofore, the law never has mandated that a non-residential contractor be required to register. I believe this bill is a step toward increased regulation of commercial and industrial contracting, and it should not be undertaken on a piecemeal basis as this bill would do.

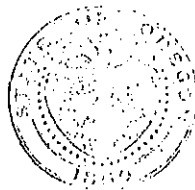
Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Norma Paulus



F.Y.I. HB 2208  
FOR VICTOR ATIYEH  
8-8-83  
Oregon Governor's office  
Communications

OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2208, unsigned and disapproved.

As introduced by the Health Division, this measure would have established a deadline for compliance of ambulances with Health Division requirements, and mandated other administrative changes in the emergency medical services regulatory program. An amendment was added to the bill authorizing cities, counties and rural fire protection districts to accept prepayments from their residence for ambulance and emergency medical services, or ambulance services only.

I am aware that many believe the cost of emergency services provided by private ambulance firms is excessive. If this is the case, there are means of dealing with that difficulty other than by encouraging local governments to displace existing services. Even if it were decided this is a viable means of bringing about lower costs, local government should not undertake this activity without demonstrating the existence of far more planning than is evident in this measure, and effective safeguards which would assure that their costs would not become even more excessive.

Sincerely,

Victor Atiyeh  
Governor

VA/sc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310  
August 8, 1983

F.Y.I.  
FOR YOUR INFORMATION  
8 8 83  
from  
Oregon Governor's office  
Communications

Honorable Norma Paulus  
Secretary of State  
136 State Capitol Building  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2298, unsigned and disapproved.

This measure would set in statute, between January 1, 1983 and July 1, 1985, current lease fees charged for submerged and submersible lands. An increase of no more than thirty percent could be levied on those leases expiring between January 1, 1983 and July 1, 1985.

The setting of lease fees on submerged and submersible lands in statute, if even for a two-year period, may prohibit a prudent discharge of the State Land Board's constitutional responsibilities.

The Legislature has placed submerged and submersible lands under the jurisdiction of the State Land Board, ORS chapters 273 and 274. Oregon Constitution Article VIII, section 5(2) provides that:

"The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit of the people of this state, consistent with conservation of this resource under sound techniques of land management."

In Johnson v. Department of Revenue, 292 Or 373 at 382 (1982), the court said that this provision

"contains the requirement that such lands be managed with the object of obtaining the greatest benefit for the people of Oregon. Reading this provision according to its most plain and practical meaning, and consistently with the legislative history, the determination of the proper use of common school funds is a legislative one, subject to the overall requirement that the use have as its goal

the greater public benefit. All investments have inherent transaction costs, for example, the costs necessary to leasing including attorney's fees for drafting of lease agreements. The goal imposed by section 5(2), amended to take into account such costs, requires the State Land Board, and the legislature as supervisor to use lands dedicated to the common school fund in such a way as to derive the greatest net profit for the people of this state.."

By statute the Legislature has dedicated the revenues from private use of the State's submerged and submersible lands to the Common School Fund. ORS 273.105(3). Therefore, under Article VIII, sec 5(2) as interpreted by the Johnson case, the Legislature and the Board are required to manage the State's submerged and submersible lands so as to "derive the greatest net profit for the people of this state."

The State Land Board, in an effort to revise in a fair and equitable manner the lease fees on submerged and submersible lands, hired a consulting firm to draft a series of recommendations for their review and subsequent action. These recommendations are now in hand. The Land Board members, in toto, have agreed to begin an extensive review of lease fees on submerged and submersible lands. They will use the consulting firm's report as a basis for this review, coupled with input from all interested parties.

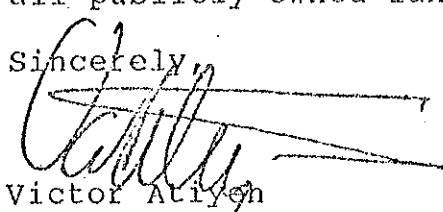
I am confident the State Land Board will ask the Division of State Lands to maintain its current administrative rules on fees and to continue submerged and submersible lands under current administrative rules and policies until a thorough review of those policies has been done. In addition to the study just completed, I will recommend to my colleagues on the Land Board that the Division expand its analysis of submerged and submersible lands to include policy discussions regarding ownership determinations, continuing conflicts between ports, the state and economic development, in addition to the fees issue.

The Board will schedule this fall a formal process in which coastal communities, state legislators and other interest groups can be part of the decision-making process as the State Land Board begins an analysis of its current submerged and submersible lands policies.

Honorable Norma Paulus  
August 8, 1983  
Page 3

I believe the rate adoption process that I have briefly outlined herein affords an ongoing opportunity for input from interested parties as well as a means of protecting the rights of the public to benefit from the commercial use of all publicly owned lands.

Sincerely,



Victor Atiyeh  
Governor

VA:ah

cc: Honorable Edward Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 15, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
7-15-83  
from  
Oregon Governor's office  
Communications

Honorable Grattan Kerans  
Speaker, House of Representatives  
269 State Capitol  
Salem, OR 97310

Dear Mr. Speaker:

I am returning herewith House Bill 2363, unsigned and disapproved.

This measure was introduced under the auspices of the Commission on the Judicial Branch with the stated purpose of speeding up litigation, encouraging early settlements and unclogging cloudy court documents. Notwithstanding these laudable goals, I believe the mischief which could be wrought by this bill outweighs its benefits.

Crowded court dockets and lengthy delays in getting to trial are the result of many factors. These include the number of lawsuits filed, intrusion on dockets of priority cases, and understaffed courts, to name a few. Dilatory conduct of parties sometimes delays resolution of a case, but this bill favors only one side -- the plaintiff. Within bounds of the statutes of limitation, plaintiffs still may delay in filing claims and use other procedural devices to delay trial, after notice of claim has been given by mail or personal delivery -- without penalty. There is no requirement in the bill that a notice specify the amount of the claim. There is no indication that mere mailing or delivery of a claim empowers the defendant to discover information which would assist in preparing for trial, or evaluating a proposed settlement.

Arguments were made, during legislative consideration of this bill, that these inequities would even out because one who is a defendant today may be a plaintiff tomorrow. This may be true of individuals, but commercial facilities frequently are the subject of tort actions, and much less often are the plaintiffs in such actions.

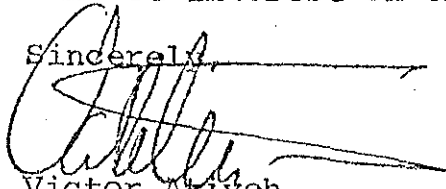
Honorable Grattan Kerans

July 15, 1983

Page 2

Disapproval of this bill does not have the effect of curtailing in any way the fundamental liability of defendants who have wronged a plaintiff. My concern is the ability of such a plaintiff, through voluntary actions of his own beyond the control of a defendant, to delay resolution of a claim and thereby enhance interest on this fundamental liability.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Norma Paulus

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 12, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
7/12/83  
from  
Oregon Governor's office  
Communications

Honorable Grattan Kerans, Speaker  
House of Representatives  
269 State Capitol  
Salem, OR 97310

Dear Mr. Speaker:

I am returning herewith House Bill 2379, unsigned and disapproved.

This measure's primary effect would be to increase benefits to the surviving spouse of a fatally injured worker from 50 percent of the Oregon average weekly wage to 66 and 2/3 percent -- that is, the benefit amounts are to be increased by one-third.

The Workers' Compensation Department indicates the existing benefit is \$687.80 per month, tax free -- equal to a considerably greater amount comparable to gross income. A widow with one child may receive an additional benefit from worker's compensation with respect to that child, and most likely an additional amount from social security. In short, a surviving spouse with one minor child already is eligible for aggregate federal and state benefits approximating \$17,250 a year tax free. This person would have to earn a gross income of \$24,500 to take that amount home.

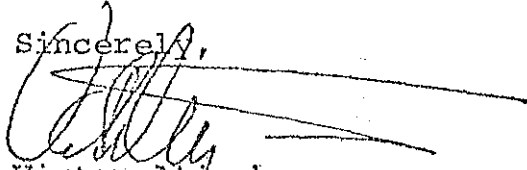
No amount of money can compensate for the loss of a spouse. Additionally, I am not opposed to increasing benefits to keep pace with increases in the cost of living -- in fact, that is exactly what was intended some years ago, when the Legislature pegged the amount of benefits to a percentage of the average weekly wage, rather than a flat dollar amount. Also, benefits under existing law are not ungenerous -- and the survivor is eligible without limitation of time, even though death might have occurred due to illness or accident totally unrelated to the injury causing disability. I do not see justification for increasing the existing percentage for computation of these benefits -- which, incidentally, could cost approximately \$24 million for the 1983-85 biennium.



Honorable Grattan Kerans  
July 12, 1983  
Page 2

There is an additional problem which, I believe, flaws the bill. Heretofore a surviving spouse was not eligible unless he or she was married to the worker not later than two years after the injury causing the disability. This measure would eliminate that time restriction for eligibility. Cases might arise where an older worker who is permanently and totally disabled, many years after the accident involving disability married a much younger person. Even though the worker passed away shortly thereafter, the survivor would remain eligible for the deceased worker's benefits indefinitely. In years past, cases arose where elderly veterans married far younger persons, who then enjoyed what amounted to life annuities. Certainly, it is appropriate to provide for surviving spouses of disabled workers -- but there ought to be some limitation on the eligibility of latecomers.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Norma Paulus

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 26, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
7-26-83  
from  
Oregon Governor's office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2392, unsigned and disapproved.

This measure increases workers' compensation insurance costs without any offsetting decrease. The anticipated cost increase of \$3.2 million would reverse the downward trend of costs to Oregon employers, which we have been able to achieve during the past two years. This trend has been accomplished even though maximum amounts for temporary total, permanent total and fatal benefits have increased each year.

Implementing the increases proposed by House Bill 2392 at this time would be detrimental to Oregon's economic recovery.

Sincerely,

Victor Atiyeh  
Governor

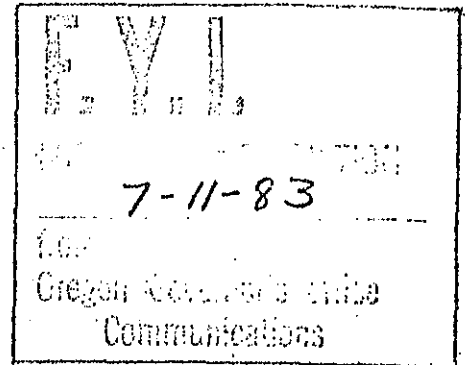
VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310



July 11, 1983

Honorable Grattan Kerans, Speaker  
House of Representatives  
State Capitol  
Salem, OR 97310

Dear Mr. Kerans:

I am returning herewith Enrolled House Bill 2419, unsigned and disapproved.

This bill would change the Public Employee Collective Bargaining Act by providing for the fact-finding procedure only when requested jointly by the parties of a dispute which by statute would terminate in binding interest arbitration.

Earlier this session I returned, unsigned and disapproved, House Bill 2425. In that veto message I indicated that because of the uniqueness of public sector bargaining, it is my belief the public is a party to any public employee collective bargaining negotiations and has the right to be kept fully informed. I am satisfied the current statutory provision for fact-finding does give the public an opportunity to participate in the settlement of disputes.

Second, I said information supplied by the Employment Relations Board, and experience accrued by the Executive Department, demonstrate fact-finding is a workable and effective procedure in settling collective bargaining impasses.

House Bill 2419 is a step backward in providing information to the public about a collective bargaining dispute. As the Executive Department testified before both the House and Senate Labor Subcommittee, this bill's provision to publicize only a statement by each party as to the issues in dispute fails to provide the public with the perspective of a fact-finder who would make a written finding of fact and propose resolution for each of the issues in dispute.

It is State of Oregon's experience, negotiating with its public employees who are represented by labor organizations, that where final and binding arbitration is the ultimate resolution of the

Honorable Grattan Kerans  
July 11, 1983  
Page 2

dispute, sixty percent of those disputes have been settled after the current fact-finding step has been completed. This experience, as well as the experience of other political subdivisions, re-affirms my belief that our current fact-finding procedure does assist in the resolution of labor disputes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victor Atiyeh", with a long horizontal line extending to the right.

Victor Atiyeh  
Governor

VA/oc

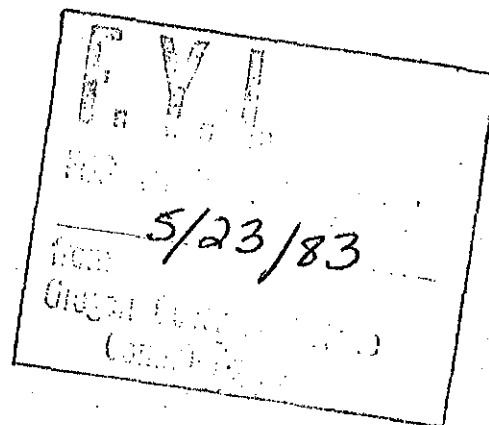
cc: Honorable Ed Fadeley  
Honorable Norma Paulus

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

May 23, 1983



Honorable Grattan Kerans  
Speaker of the House of Representatives  
State Capitol  
Salem, Oregon 97310

Dear Representative Kerans:

I am returning herewith House Bill 2425 unsigned and disapproved.

This amended bill would change the Public Employee Collective Bargaining Act by creating two types of factfinding, "compulsory" and "voluntary." It would also specify which public employees are subject to compulsory factfinding in labor disputes.

Both the proponents and opponents have submitted to me excellent briefs which ably advance their arguments. I have personally reviewed these briefs.

My opposition to this bill is based on my belief that collective bargaining for public employees demands different rules and procedures than those applied to private sector employees. In contrast to the private sector, where the collective bargaining interest is limited to the employer and its employees, public sector bargaining is the public's interest.

In the public sector, the factfinding procedure is the first opportunity the public has to become acquainted with collective bargaining issues in dispute between the public employer and the union representing public employees. I believe that it is absolutely necessary to continue to provide this forum to raise the public's awareness of the bargaining process and stimulate public comment on issues in dispute. That is why, in attempting a compromise on this matter, I offered to accept the elimination of mediation from the process and keeping factfinding. That offer, however, was unacceptable.

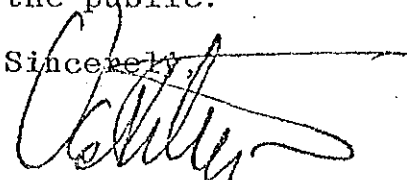
Oregon's experience with the factfinding process has proven its value in settling disputes. During committee hearings on this bill, testimony and evidence was submitted showing that, of the number of disputes reaching factfinding, one-half of them were settled after the fact-finding process was completed.

MORE/OVER

Honorable Grattan Kerans  
May 23, 1983  
Page two

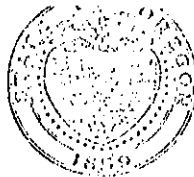
After reviewing the record, I remain convinced that the retention of factfinding is in the best interest of labor, management, and the public.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victor Atiyeh", written over a horizontal line.

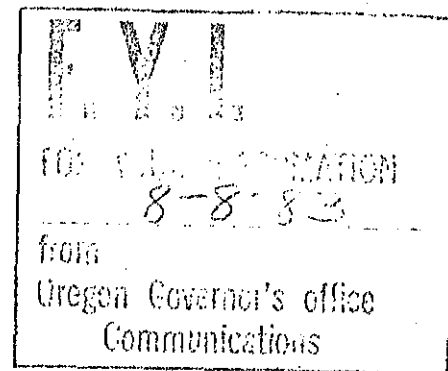
Victor Atiyeh  
Governor

cc: Honorable Ed Fadeley, President  
Oregon State Senate



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2677, unsigned and disapproved.

Under existing law, public employes acting within the scope of their employment or duties are immune from liability for injury to, or death of, persons covered by the workers' compensation law. This measure would make public employes liable if a claim arose out of any "medical, surgical or dental treatment, omission or operation."

There is a likelihood that enactment of this measure would seriously impair rehabilitation services to injured workers throughout the state. All medical personnel involved in providing services as agents of the state would be involved. Among other effects, it could have a chilling effect on the ability of government to hire medical practitioners.

Additionally, perhaps unintentionally, the measure appears to extend beyond institutional settings, and place at jeopardy governmental employes -- such as law-enforcement officers and fire-fighters -- rendering medical assistance at the scene of a disaster or mishap, when a victim they were assisting might be covered by workers' compensation.

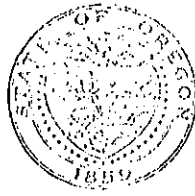
Sincerely,

Victor Atiyeh  
Governor

VA/oc

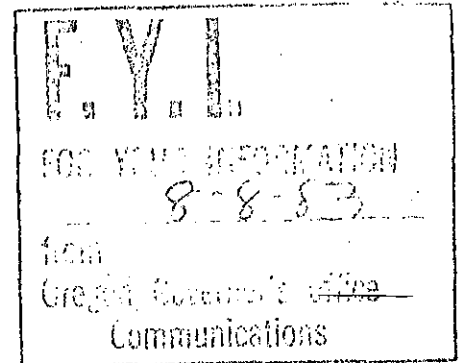
cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2738, unsigned and disapproved.

This measure would have established an Executive Council for Infrastructure Management and Development consisting of the Governor, the State Treasurer, and the Directors of the Department of Environmental Quality, Economic Development, Land Conservation and Development, Transportation and Water Resources. This council, which was to have been staffed by the Intergovernmental Relations Division of the Executive Department, was instructed to identify and coordinate state priorities for construction, replacement and repair of roads, water and sewer systems and other public works development. Annual reports were required to be made to the Legislative Assembly on these and related matters.

My veto does not express total rejection of a concept that the Legislative Assembly may mandate studies and planning by agencies in the executive branch of government. I have no objection with the approach taken in Senate Bill 645, which directs the Oregon Transportation Commission to develop a study of state transportation policy and forward results of its study to appropriate legislative committees. House Bill 2738, however, mandates that the Governor and the heads of several major departments within the executive branch sit down at least once each three months to carry out their duties, and report their progress to the Legislative Assembly. The bill goes to considerable detail in specifying the council's agenda, breaking it down into nine specific categories. The measure instructs the Intergovernmental Relations Division of the Executive Department to provide staff assistance, even though the Legislative Assembly did not see fit to give any additional means to the division by which they might carry out these heavy new duties, on top of their



Honorable Norma Paulus

August 8, 1983

Page 2

present tasks. The executive branch of government should not be considered as an unfunded interim committee for the Oregon Legislature.

I would have no objection if the Legislative Assembly had created a group of its own to undertake this study. My objection is that the bill appears to instruct the Executive Department to conduct a study for the use of the Legislature, and without the appropriation of any resources necessary to carry on this study. Much of what would be covered by House Bill 2738 will be dealt with under Senate Bill 645, and other topics identified in House Bill 2738 has been and will continue to be dealt with by entities in the executive branch. As Chief Executive, however, I reserve the right to direct the manner in which these studies will be carried out.

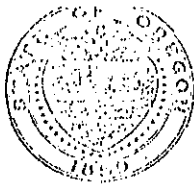
Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Padeley  
Honorable Grattan Kerans



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983

<p><b>F Y I</b></p> <p>RECEIVED</p> <p>8-8-83</p> <p>from Oregon Governor's office Communications</p>
---

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

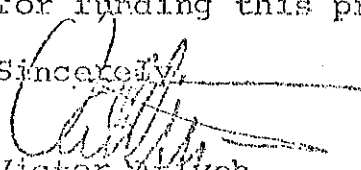
I am filing herewith House Bill 2771, unsigned and disapproved.

This measure directs the Clerk of the Circuit Court to collect \$10 fee, from any individual filing a petition for dissolution of a marriage, to be credited to a child abuse prevention account. Private, nonprofit organizations using volunteers to work against child abuse would be eligible to apply for grants from the account, subject to approval by the Children's Services Division.

I have two objections to this measure. First, the program was not contemplated as part of the 1983-85 biennial budget, so staff of Children's Services Division has not had an opportunity to work out specific plans for use of these funds. By a copy of this message, I am instructing the division to undertake a program along the lines contemplated by the measure, with appropriate detailed provisions and supporting data, for consideration by the next regular legislative session.

Second, I have misgivings about the means by which the program is to be funded. It has the trappings of a selective tax imposed on a class of individuals who may, or may not, each have any rational relationship to the program. It is true that some persons who are involved in the dissolution of a marriage may have contributed to the prevalence of child abuse, but there is no indication they have done so as a class; and, on the other hand, persons who never marry, or marry but never seek a dissolution of marriage, contribute to the child abuse problem in considerable numbers. I believe a more rational basis should be set forth for funding this program.

Sincerely,

  
Victor Atiyeh  
Governor

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans  
Children's Services Division

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

F.Y.I.
FOR: 8-9-83
600
Oregon Governor's office
Communications

August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2773, unsigned and disapproved.

This measure would have established an Oregon Political Party Fund. Taxpayers under the State Personal Income Tax Law would be authorized to designate, on their returns, an amount of \$1, \$5, \$10, "or other dollar amount," from refunds owing to them, to be paid into this fund for distribution to the political party designated by the taxpayer.

My objection is not to political contribution. Citizens ought to be encouraged to contribute to parties, candidates and issues of interest to them, and government already has facilitated this by providing various tax benefits. However, I do not believe it is proper for government to act as the solicitor collector of these contributions, either directly or through retaining a portion of available personal income tax refunds.

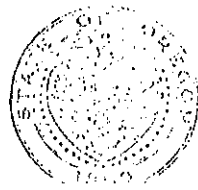
Sincerely,

Victor Atiyeh  
Governor

VA/cc

cc: Honorable Ed Wadeley  
Honorable Grattan Kerans

VICTOR ATTYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 8, 1983

F.Y.I.  
8-8-83  
From  
Oregon Governor's Office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2799, unsigned and disapproved.

This measure would broaden the scope of permissible acupuncture -- now limited to the insertion of needles -- to include oriental massage, exercise, nutrition and over-the-counter oriental herbs. It also would require health insurers, which may now cover acupuncture techniques performed by a physician, also to cover those performed by a registered acupuncturist.

My disapproval of this measure is consistent with my disapproval in general of continued efforts to extend mandated health insurance coverage to modalities which are not, by consensus of expert opinion based on long experience, known to be generally effective.

Sincerely,  
  
Victor Attyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 22, 1983

**F.Y.I.**  
FOR YOUR INFORMATION  
7-25-83  
from  
Oregon Governor's office  
Communications

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

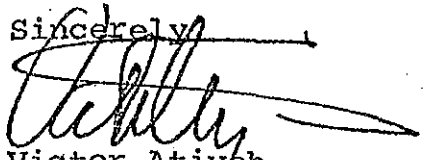
Dear Mrs. Paulus:

I am filing herewith Enrolled House Bill 2806, unsigned and disapproved.

The purpose of this measure is to provide workers' compensation benefits, under certain circumstances, for disfigurements and loss of use of major body organs. A maximum of \$15,000 is provided for disfigurements, and a limit of \$5,000 for loss of use or function of major organs, defined as including kidneys, spleen, lungs, reproductive organs, breasts, digestive or olfactory organs.

This adds a new dimension to the workers' compensation law in Oregon. The department advises me that its evaluation division already takes disfigurement into their deliberations to some degree, as well as loss of bodily function. However, the provisions of this bill are estimated by the department to cost approximately \$2.4 million, with significant increases in rates.

Additionally, although the ultimate cost cannot be estimated, there is bound to be an impact stimulating litigation in courts with dockets already overcrowded.

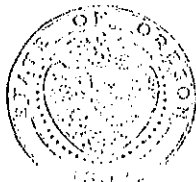
Sincerely,  
  
Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

HB 2965

UNRECORDED  
INDEXED



F.Y.I.
FOR YOUR INFORMATION
8-9-83
from
Oregon Governor's Office
Communications

OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2965, unsigned and disapproved.

I do not object to this measure so far as it enhances various sanctions against minors who obtain alcoholic beverages by misrepresentation of their ages. My primary objection is to sections 4 and 5, which have the effect of allowing licensees or social hosts to continue serving patrons or guests when visibly intoxicated, so long as injuries or damages resulting from the intoxication are suffered only by the patron or guest, and not by third parties.

First, the law must continue to discourage by every means the serving of visibly intoxicated patrons or guests, and should not excuse a licensee or host on the fortuitous ground that only the patron or guest suffered harm, even though the patron or guest can be said to have assumed some degree of risk.

Second, whenever an intoxicated person is injured, someone must pay for that person's care or treatment. Experience shows that, all too often, he or she does not have adequate resources or insurance coverage for this purpose. When that happens, a health care facility -- or the public generally -- must bear the cost. It seems those responsible for serving such a person, when he or she was visibly intoxicated, ought to be the ones primarily liable.

Sincerely,

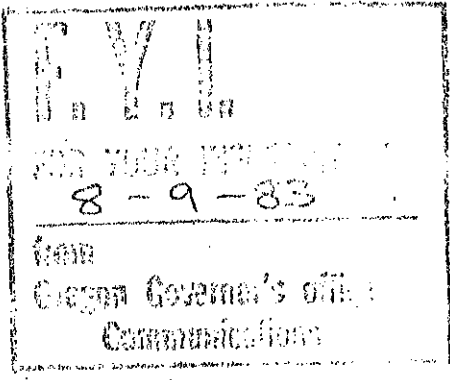
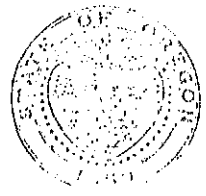
Victor Attyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

HB 2983

VICTOR ATTYEH  
GOV-8



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 9, 1983

Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2983, unsigned and disapproved.

This bill provides a policy statement on the use by the Adult and Family Services Division of training programs for public assistance recipients. It apparently is specifically aimed at training provided under the federal Job Training Partnership Act (JIPA). The bill, however, does not require any action and, therefore, is meaningless.

As Governor of the state, I am the person ultimately responsible for the administration of the JIPA program in Oregon and also for the rules imposed by the Adult and Family Services Division concerning such matters as training programs for public assistance recipients. I can assure the members of the Legislature that I will see that the resources and needs of all involved are carefully taken into account as the JIPA program goes into effect in October of this year.

Sincerely,

Victor Attyeh  
Governor

VA/sc

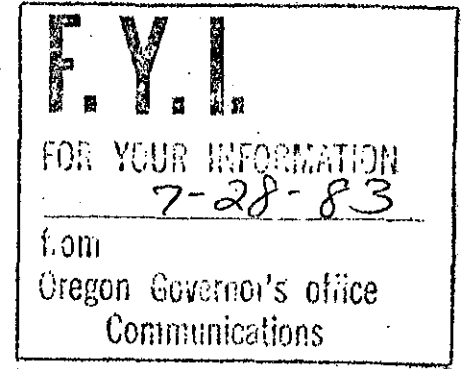
cc: Honorable Ed Fadoley  
Honorable Grattan Kerans

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 28, 1983



Honorable Norma Paulus  
Secretary of State  
State Capitol  
Salem, OR 97310

Dear Mrs. Paulus:

I am filing herewith House Bill 2988, unsigned and disapproved.

This bill would create a public service employment program just at a time when employment is showing significant gains in Oregon. It resembles earlier federal programs of a similar nature which, in addition to costly administrative structures, created jobs of less than productive nature after the critical unemployment periods had passed.

The bill can have no immediate impact because it has no funding. Even if additional revenues were funneled toward the program, it would take months to accrue the \$3 or \$4 million required to start up and operate it. As constituted, the bill would not provide timely assistance to the unemployed.

Moreover, one must bear in mind there are many former public service employes at all levels who are on lay-off or furlough status. Fairness requires that any additional hiring give priority consideration to these experienced workers who are qualified.

In short, the program would be difficult and costly to administer, even if it came into being. It is totally out of phase with the Jobs Training Partnership Act, which makes available substantial funding to train and re-train unemployed workers for existing and future demand occupations, but which has turned away from the approach of make-work jobs in public service agencies.

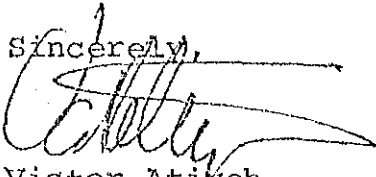
Although I am vetoing House Bill 2988, if the need arises in the future for state-funded programs to assist the long-term unemployed,



Honorable Norma Paulus  
July 28, 1983  
Page 2

I would be prepared to study approaches which are timely, effective, efficient and which are consistent with other federal and state efforts.

Sincerely,



Victor Atiyeh  
Governor

VA/oc

cc: Honorable Ed Fadeley  
Honorable Grattan Kerans

Viv

I have read the law  
to Nancy in no uncertain  
terms. She is with us  
on 3 bills only.

---

Tony

# SENATE AND HOUSE BILLS VETOED BY GOVERNOR AFTER ADJOURNMENT 1983 REGULAR SESSION

For Consideration 1st Special Session, 62nd Legislative Assembly

**SENATE MEASURES:**

**SB 90** PRINTED PURSUANT TO ORS 171.130 (at the request of Bureau of Labor and Industries) --- Relating to public works contracts; amending ORS 279.357; and prescribing an effective date.

- 1-21(S) First reading. Referred to President's desk.
- 1-28 Referred to Labor, then Ways and Means.
- 7-9 Recommendation: Do pass with amendments. Do not print engrossed. Subsequent referral to Ways and Means be rescinded. Subsequent referral to Ways and Means rescinded by order of the President. (SR 9.01)  
Second reading.  
Rules suspended. Third reading. Failed.  
Ayes, 13--Nays, 11, Hanlon, Hannon, Hendriksen, Houck, Jernstedt, Meeker, Potts, Ripper, Simmons, Timms, Yih--Excused, 2, Roberts, Thorne--Attending Legislative Business, 4, Cohen, Hamby, Kitzhaber, Monroe  
Hendriksen changed from Aye to Nay and served notice of possible reconsideration.  
Bill read. Vote reconsidered.  
Ayes, 17--Nays, 11, Hanlon, Hannon, Heard, Houck, Jernstedt, Meeker, Potts, Ripper, Simmons, Timms, Yih--Excused, 2, Roberts, Thorne  
Bill passed.  
Ayes, 17--Nays, 11, Hanlon, Hannon, Heard, Houck, Jernstedt, Meeker, Potts, Ripper, Simmons, Timms, Yih--Excused, 2, Roberts, Thorne
- 7-11(H) First reading. Referred to Speaker's desk.  
Referred to Labor.
- 7-12 Recommendation: Do pass with amendments.
- 7-13 Rules suspended. Second reading.  
Rules suspended. Third reading. Passed.  
Ayes, 35--Nays, 18, Anderson, Brogoitti, Ford, Hanneman, Harper, Hugo, Jolin, D. Jones, D. E. Jones, Lombard, Markham, Parkinson, Rutherford, Schoon, Simpson, Trahern, Van Vliet, VanLeeuwen--Excused, 1, Gilmour--Excused for business of the House, 6, Courtney, Katz, Miller, Myers, Throop, Mr. Speaker
- 7-13(S) Rules suspended. Bill read. Senate concurred in House amendments and repassed bill.  
Ayes, 21--Nays, 9, Day, Hannon, Houck, Jernstedt, Meeker, Simmons, Thorne, Timms, Yih
- 8-1 President signed.
- 8-3(H) Speaker signed.
- 8-9(S) Governor vetoed.

This measure has a fiscal impact.

Requires that any individual not regulated under Davis-Bacon Act be subject to state prevailing rate of wage laws. **Effective July 1, 1984.**

**SB 136** PRINTED PURSUANT TO ORS 171.130 (at the request of Public Employes' Retirement System) --- Relating to retired public employes; creating new provisions; amending ORS 243.105, 243.230 and 243.303; and prescribing an effective date.

- 1-25(S) First reading. Referred to President's desk.
- 1-28 Referred to Labor, then Commerce, Banking and Public Finance.
- 4-6 Recommendation: Without recommendation as to passage. Referred to Commerce, Banking and Public Finance by prior reference.
- 6-24 Recommendation: Do pass with amendments.  
Second reading.
- 6-28 Third reading. Passed.  
Ayes, 23--Nays, 6, Isham, Meeker, Simmons, Thorne, Timms, Yih--Excused, 1, Roberts
- 6-29(H) First reading. Referred to Speaker's desk.  
Referred to Business and Consumer Affairs.
- 7-1 Recommendation: Do pass.
- 7-2 Second Reading.
- 7-5 Third reading. Passed.  
Ayes, 52--Nays, 8, Harper, D. E. Jones, Lombard, Parkinson, Schoon, Simpson, Smith, Trahern
- 7-25(S) President signed.
- 7-25(H) Speaker signed.
- 8-2(S) Governor vetoed.

This measure has a fiscal impact.

*[Requires Public Employes' Retirement Board to enter into health care insurance contracts for retired PERS members. Requires coverage for retired members, their spouses and unmarried children under 18. Directs that half of cost of insurance be paid by retirees through retirement pay deductions, and half by public employes under PERS. Deletes present power of board to contract for medical and hospital insurance for retirees.]* Requires local government that makes health care insurance available to employes to make it available to retired employes, their spouses and minor children. Provides that local government need not pay cost of coverage or may agree by collective bargaining to pay all or part.  
Effective [January 1] July 1, 1984.

**SB 137** PRINTED PURSUANT TO ORS 171.130 (at the request of Public Employes' Retirement System) --- Relating to public employes' retirement; creating new provisions; amending ORS 192.500, 237.003, 237.011 and others; and declaring an emergency.

- 2-17(S) First reading. Referred to President's desk.
- 2-21 Referred to Commerce, Banking and Public Finance, then Ways and Means.
- 5-13 Recommendation: Do pass with amendments. Do not print engrossed.  
Referred to Ways and Means by prior reference.

- 7-12 Recommendation: Do pass with amendments (with printed Senate amendments May 13).  
Second reading.  
Rules suspended. Third reading. Passed.  
Ayes, 18--Nays, 8, Cohen, Frye, Hannon, Houck, McCoy, Timms, Trow, President Fadeley--Attending Legislative Business, 4, Day, Gardner, Hendriksen, Yih  
President Fadeley granted unanimous consent to change his vote from Aye to Nay.
- 7-13(H) First reading. Referred to Speaker's desk.  
Referred to Ways and Means.  
Recommendation: Do pass.  
Rules suspended. Second reading.  
Rules suspended. Third reading. Passed.  
Ayes, 46--Nays, 1, Priestley--Excused, 3, Gilmour, Jolin, Smith--Excused for business of the House, 10, Calouri, Courtney, Hanlon, Johnson, Katz, Lombard, Myers, Throop, Van Vliet, Mr. Speaker
- 8-1(S) President signed.  
8-3(H) Speaker signed.  
8-9 Governor signed..  
Governor vetoed subsections (8)(c)(E), (8)(c)(F), and (8)(c)(H).  
(Chapter 830, 1983 Laws) Effective date, August 9, 1983.

Amends definition section of Public Employees' Retirement Act to clarify the words: "Salary" and "parole and probation officers." Redefines "final average salary" effective July 1, 1986. Adds "consecutive" to a certain 30-working day limitation period of work interruption. Provides that withdrawal of contributions by separated member does not invalidate prior designation of beneficiary if member returns to covered employment. Clarifies effect of "lump sum" withdrawal of contributions or selection of "lump sum" retirement option on reemployment and subsequent retirement. Specifies that if member dies without beneficiary designation, member's account shall be paid first to member's estate if probated and, if not, to surviving next of kin. Clarifies "death benefit" by making it inapplicable to members who have retired and receive disability or service retirement allowances at time of death. Exempts employe and retiree membership and benefit records from public disclosure. Makes parallel provisions for members of Teachers' Retirement System.

Declares emergency, effective on passage.

**SB 242 PRINTED PURSUANT TO ORS 171.130 (at the request of Senate Interim Committee) -- Relating to workers' compensation; amending ORS 656.273 and 656.807.**

- 1-19(S) First reading. Referred to President's desk.  
1-25 Referred to Judiciary, then Labor.  
4-26 Recommendation: Do pass with amendments. Do not print engrossed.  
Referred to Labor by prior reference.  
5-31 Recommendation: Do pass with amendments (with printed Senate amendments April 26).  
Second reading.  
6-2 Third reading. Passed.  
Ayes, 18--Nays, 11, Day, Hamby, Hannon, Houck, Jernstedt, Meeker, Potts, Simmons, Thorne, Timms, Yih--Excused, 1, Roberts  
Wyers declared possible conflict of interest.
- 6-3(H) First reading. Referred to Speaker's desk.  
6-7 Referred to Labor.  
7-1 Recommendation: Do pass with amendments.  
7-2 Rules suspended. Second Reading.  
Rules suspended. Taken from today's Calendar and placed in proper order on Tuesday's, July 5 Calendar.  
7-5 Third reading. Passed.  
Ayes, 43--Nays, 17, Bellamy, Brogoitti, Ford, Hanneman, Harper, Johnson, D. Jones, D. E. Jones, Lombard, Parkinson, Rutherford, Schoon, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen
- 7-7(S) Bill read. Senate concurred in House amendments and repassed bill.

Ayes, 16--Nays, 12, Day, Hamby, Hannon, Houck, Jernstedt, Meeker, Potts, Ripper, Simmons, Thorne, Timms, Yih--Excused, 2, Gardner, Roberts

- 7-15 President signed.  
7-15(H) Speaker signed.  
8-8(S) Governor vetoed.

This measure has a fiscal impact.

Provides that time limitation for filing occupational disease claims under Workers' Compensation Law is one year from date claimant is advised by physician of occupational disease condition. Provides that time limitation for filing claim if disease results in death is one year from date beneficiary is informed by physician that decedent had occupational disease. Provides no time limitation for filing aggravation claim if injury or disease has identifiable latency period and results from material, substances or emission entering the body.

**SB 292 By Senators MCCOY, BROWN, DAY, GARDNER, HAMBY, HANLON, ISHAM, KITZHABER, MCFARLAND, RIPPER, ROBERTS, STARKOVICH, WYERS, YIH, Representatives FARMER, GOLD, LEEK, Senators FRYE, HANNON, HENDRIKSEN, JERNSTEDT, MONROE, TROW -- Relating to Ombudsman Program; creating new provisions; amending ORS 177.030, 423.400, 423.420 and others; repealing ORS 423.410 and 423.415; and appropriating money.**

- 1-31(S) First reading. Referred to President's desk.  
2-2 Referred to Human Services and Aging.  
5-3 Recommendation: Do pass with amendments.  
Second reading.  
5-5 Taken from 5-5 Calendar and placed on 5-9 Calendar by unanimous consent.  
5-9 Third reading. Passed.  
Ayes, 18--Nays, 10, Hamby, Hannon, Heard, Houck, Jernstedt, Meeker, Ripper, Ryles, Simmons, Timms--Excused, 1, Roberts--Attending Legislative Business, 1, Thorne  
Brown, excused when roll was called, granted unanimous consent to be recorded as voting Aye.  
Vote explanation entered in Journal--Ripper.
- 5-10(H) First reading. Referred to Speaker's desk.  
5-13 Referred to Human Resources.  
7-6 Recommendation: Do pass with amendments.  
7-7 Rules suspended. Second Reading.  
7-8 Third reading. Passed.  
Ayes, 41--Nays, 19, Agrons, Anderson, Brogoitti, Calouri, Campbell, Hanneman, Harper, D. Jones, D. E. Jones, Lombard, Miller, Parkinson, Rutherford, Schoon, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen  
Myers served notice of reconsideration.  
Vote reconsideration failed.  
Ayes, 18--Nays, 41, Agrons, Bauman, Bennett, Bradbury, Burrows, Cease, Courtney, DeBoer, Farmer, Fawbush, Ford, Gilmour, Gold, Hanlon, Hanneman, J. Hill, L. Hill, Hooley, Hosticka, Hugo, Johnson, Jolin, Katz, Leek, Lindquist, Markham, Mason, McCracken, Myers, Otto, Priestley, Rijken, B. Roberts, L. Roberts, Shiprack, Springer, Throop, Whallon, Young, Zajonc, Mr. Speaker --Absent, 1, Scavera
- 7-9(S) Bill read. Senate refused to concur in House amendments on voice vote.  
Senators Day, McCoy and Brown appointed Senate conferees.  
7-9(H) Representatives Myers, Gold and Ford appointed House Conferees.  
7-14 Conference Committee report read in House.  
7-15(S) Conference Committee recommendation: Senate concur in printed House amendments dated July 6 to A-engrossed bill, bill be further amended and repassed.  
Rules suspended. Bill read. Senate adopted Conference Committee report and repassed bill.

- Ayes, 23--Nays, 7, Hannon, Heard, Meeker, Potts, Ripper, Simmons, Thorne
- 7-15(H) Rules suspended. House adopted Conference Committee report.  
Repassed.  
Ayes, 44--Nays, 15, Anderson, Brogoitti, Calouri, Campbell, Harper, D. Jones, D. E. Jones, Lombard, Miller, Parkinson, Schoon, Simpson, Trahern, Van Vliet, VanLeeuwen--Excused for business of the House, 1, Mr. Speaker
- 8-1(S) President signed.  
8-3(H) Speaker signed.  
8-9(S) Governor vetoed.

This measure has a fiscal impact.

Establishes Ombudsman Division in office of Secretary of State. Provides for appointment of Long Term Care Ombudsman and Corrections Ombudsman by Secretary of State, subject to confirmation by Senate. Gives ombudsman subpoena power. Establishes Commission on Long Term Care Ombudsman consisting of seven members appointed by Governor, subject to confirmation by Senate.  
[Declares emergency, effective on passage.]

- SB 311** By Senator ISHAM, Representative HANNEMAN (at the request of Confederated Tribes of the Grand Ronde) --- Relating to Commission on Indian Services; creating new provisions; and amending ORS 172.110.
- 2-7(S) First reading. Referred to President's desk.  
2-12 Referred to Human Services and Aging, then Ways and Means.  
2-28 Recommendation: Do pass.  
Referred to Ways and Means by prior reference.  
5-24 Recommendation: Do pass.  
Second reading.  
5-25 Third reading. Passed.  
Ayes, 26--Nays, 2, Meeker, Ripper--Excused, 1, Roberts--Attending Legislative Business, 1, Gardner
- 5-26(H) First reading. Referred to Speaker's desk.  
6-1 Referred to Human Resources.  
6-29 Recommendation: Do pass.  
6-30 Second Reading.  
7-1 Carried over to July 2 Calendar.  
7-2 Third reading. Passed.  
Ayes, 49--Nays, 8, Anderson, D. Jones, Markham, Otto, Priestley, Trahern, Van Vliet, VanLeeuwen--Excused, 2, Brogoitti, Hanneman--Excused for business of the House, 1, Hugo
- 7-25(S) President signed.  
7-25(H) Speaker signed.  
7-28(S) Governor vetoed.

This measure has a fiscal impact.

Adds representative of Confederated Tribes of the Grand Ronde to Commission on Indian Services for term commencing January 1, 1984.

- SB 384** By COMMITTEE ON JUDICIARY (at the request of City of Portland) --- Relating to bingo; creating new provisions; amending ORS 167.117; repealing ORS 465.100; appropriating money; limiting expenditures; and declaring an emergency.
- 2-23(S) First reading. Referred to President's desk.  
2-24 Referred to Judiciary.  
3-29 Recommendation: Do pass with amendments.  
Second reading.  
3-31 Third reading. Motion to rerefer to Judiciary failed.  
Ayes, 11--Nays, 19, Brown, Cohen, Frye, Gardner, Hamby, Hanlon, Heard, Isham, Kitzhaber, McCoy, McFarland, Monroe, Ryles, Simmons, Starkovich, Thorne, Trow, Wyers, President Fadeley
- Bill passed.

- Ayes, 25--Nays, 5, Day, Hendriksen, Houck, Meeker, Potts
- Day declared possible conflict of interest.  
4-1(H) First reading. Referred to Speaker's desk.  
4-6 Referred to Judiciary.  
6-15 Recommendation: Do pass with amendments and be referred to Ways and Means.  
6-17 Committee report adopted. Referred to Ways and Means.  
7-8 Recommendation: Do pass with second House amendments, be printed engrossed.  
Rules suspended. Second Reading.  
7-9 Third reading. Passed.  
Ayes, 46--Nays, 10, Bennett, Bradbury, Brogoitti, Campbell, Jolin, Markham, McCracken, Priestley, Simpson, Trahern--Excused for business of the House, 4, Gold, Hooley, Johnson, Throop
- 7-11(S) Rules suspended. Senate refused to concur in House amendments.  
Ayes, 21--Nays, 8, Day, Heard, Hendriksen, Houck, Jernstedt, Ripper, Roberts, Timms--Excused, 1, Thorne
- Senators Gardner and Monroe appointed Senate conferees.  
7-12(H) Representatives Myers and Rutherford appointed House Conferees.  
7-15(S) Conference Committee recommendation: Senate concur in House amendments dated June 15 and July 8 as incorporated in B-engrossed bill, bill be further amended and repassed.  
Rules suspended. Bill read. Senate adopted Conference Committee report and repassed bill.  
Ayes, 21--Nays, 4, Day, Houck, Jernstedt, Potts--Attending Legislative Business, 5, Brown, Frye, Hannon, Hendriksen, Yih
- 7-15(H) Conference Committee report read in House.  
Rules suspended. House adopted Conference Committee report.  
Repassed.  
Ayes, 47--Nays, 6, DeBoer, Jolin, Markham, McCracken, Shiprack, Trahern--Excused for business of the House, 7, Courtney, J. Hill, Lombard, Myers, Smith, Throop, Mr. Speaker
- 8-1(S) President signed.  
8-3(H) Speaker signed.  
8-9(S) Governor vetoed.

Creates Oregon Gaming Commission. Specifies powers and duties.

Requires charitable, fraternal or religious organizations to be licensed by commission in order to conduct bingo or lotto games. Specifies qualifications for licensing. Limits annual "handle" of licensee's bingo or lotto operation to [\$750,000] \$500,000 after [1986] 1988. Limits annual net income from bingo or lotto to 50 percent of total income after 1986. Prohibits prize worth more than \$750 in any one game.

Creates Oregon Gaming Commission Account in the General Fund. Limits expenditures by commission for 1983-1985 biennium to \$250,000.

Authorizes county or city to prohibit bingo or lotto. Provides that if games are permitted, only state regulations apply.

Punishes violation of Act or rules of commission by maximum term of imprisonment of one year, maximum fine of \$2,500, or both. Declares emergency, effective on passage.

- SB 400** By COMMITTEE ON JUDICIARY (at the request of Oregon Joint Custody Association) --- Relating to domestic relations; creating new provisions; and amending ORS 107.137.
- 2-28(S) First reading. Referred to President's desk.  
3-4 Referred to Judiciary.  
6-1 Recommendation: Do pass with amendments.  
Second reading.  
6-3 Third reading. Passed.  
Ayes, 25--Nays, 3, Potts, Thorne, President Fadeley--Excused, 1, Roberts--Attending Legislative Business, 1, Gardner
- 6-6(H) First reading. Referred to Speaker's desk.

- 6-8 Referred to Judiciary.
- 7-1 Recommendation: Do pass with amendments, be printed engrossed.
- 7-2 Rules suspended. Second Reading.  
Rules suspended. Third reading. Passed.  
Ayes, 37--Nays, 13, Bennett, Calouri, Cease, Ford, Hanlon, Hooley, Hugo, D. Jones, Katz, Priestley, Scavera, Simpson, Trahern--Excused, 10, Brogoitti, DeBoer, Gold, Hanneman, Harper, Hosticka, D. E. Jones, Lombard, Throop, VanLeeuwen
- 7-7(S) Bill read. Senate concurred in House amendments and repassed bill.  
Ayes, 27--Nays, 1, Ryles--Excused, 2, Gardner, Roberts
- 7-13 President signed.
- 7-13(H) Speaker signed.
- 7-29(S) Governor vetoed.

Requires court to give preference to award of joint custody of children after marital separation, annulment or dissolution [*according to*] if consistent with best interest of child. Authorizes temporary joint custody order during pendency of proceedings. Prescribes joint custody obligations. Provides noncustodial parent with same right of access to child's records as custodial parent has. Extends provision for nonpreference of parent because of sex.

**SB 419 By COMMITTEE ON ENERGY AND ENVIRONMENT --- Relating to pollution; amending ORS 469.300 and 469.375; and repealing 469.553.**

- 3-1(S) First reading. Referred to President's desk.
- 3-4 Referred to Energy and Environment.
- 5-12 Recommendation: Do pass with amendments.  
Second reading.
- 5-16 Taken from 5-16 Calendar and placed on 5-17 Calendar by unanimous consent.
- 5-17 Third reading. Passed.  
Ayes, 18--Nays, 8, Day, Hannon, Houck, Meeker, Potts, Simmons, Thorne, Timms--Excused, 2, Ripper, Roberts--Attending Legislative Business, 2, Jernstedt, Starkovich  
Hannon declared possible conflict of interest.
- 5-18(H) First reading. Referred to Speaker's desk.
- 5-23 Referred to Environment and Energy.
- 7-13 Recommendation: Do pass.  
Rules suspended. Second reading.
- 7-15 Third reading. Passed.  
Ayes, 34--Nays, 26, Agrons, Anderson, Bellamy, Brogoitti, Campbell, DeBoer, Ford, Gilmour, Hanneman, Harper, Johnson, D. Jones, D. E. Jones, Lombard, Markham, Miller, Otto, Parkinson, Rutherford, Schoon, Simpson, Smith, Trahern, VanLeeuwen, Whallon, Zajonc
- 8-1(S) President signed.
- 8-3(H) Speaker signed.
- 8-9(S) Governor vetoed.

Classifies uranium mill tailings or other mill waste as radioactive waste.

**SB 434 By COMMITTEE ON LABOR (at the request of Oregon Education Association) --- Relating to education; amending ORS 342.845 and 342.934; and prescribing an effective date.**

- 3-1(S) First reading. Referred to President's desk.
- 3-4 Referred to Labor, then Education.
- 4-27 Recommendation: Do pass with amendments. Do not print engrossed.  
Referred to Education by prior reference.
- 6-7 Recommendation: Do pass with amendments (with printed Senate amendments April 27).  
Second reading.
- 6-9 Third reading. Passed.

- Ayes, 18--Nays, 9, Frye, Hamby, Hanlon, Hannon, Houck, Jernstedt, Meeker, Thorne, Timms--Excused, 3, Brown, Roberts, Simmons

Vote explanation entered in Journal--Hamby and President Fadeley.

- 6-10(H) First reading. Referred to Speaker's desk.
- 6-14 Referred to Education.
- 7-1 Recommendation: Do pass with amendments, be printed engrossed.
- 7-2 Rules suspended. Second Reading.  
Rules suspended. Third reading. Passed.  
Ayes, 46--Nays, 4, Markham, Schoon, Simpson, Trahern--Excused, 10, Brogoitti, DeBoer, Gold, Hanneman, Harper, Hosticka, D. E. Jones, Lombard, Throop, VanLeeuwen
- 7-8(S) Bill read. Motion to concur in House amendments and repass bill failed.  
Ayes, 12--Nays, 8, Hanlon, Hannon, Houck, Jernstedt, Meeker, Thorne, Timms, Trow--Excused, 1, Roberts--Attending Legislative Business, 9, Brown, Cohen, Frye, Gardner, Heard, Hendriksen, Potts, Ripper, Wyers  
Trow changed from Aye to Nay and served notice of possible reconsideration of vote whereby Senate refused to concur in House amendments.  
Bill read. Vote reconsidered.  
Ayes, 22--Nays, 7, Hanlon, Hannon, Houck, Jernstedt, Meeker, Thorne, Timms--Excused, 1, Roberts  
Senate concurred in House amendments and repassed bill.  
Ayes, 23--Nays, 6, Hanlon, Hannon, Jernstedt, Meeker, Thorne, Timms--Excused, 1, Roberts
- 7-25 President signed.
- 7-28(H) Speaker signed.
- 8-8(S) Governor vetoed.

This measure has a fiscal impact.

Revises reduction in force provision in school law.  
[Declares emergency, effective July 1, 1983.]  
Effective January 1, 1984.

**SB 436 By COMMITTEE ON LABOR --- Relating to labor.**

- 3-1(S) First reading. Referred to President's desk.
- 3-4 Referred to Labor, then Judiciary.
- 6-6 Recommendation: Do pass with amendments. Subsequent referral to Judiciary be rescinded. Subsequent referral to Judiciary rescinded by order of the President. (SR 9.01)  
Second reading.
- 6-8 Third reading. Passed.  
Ayes, 19--Nays, 7, Day, Hannon, Houck, Meeker, Potts, Thorne, Timms--Excused, 4, Brown, McFarland, Roberts, Simmons
- 6-9(H) First reading. Referred to Speaker's desk.
- 6-13 Referred to Labor.
- 7-2 Recommendation: Do pass.  
Second Reading.
- 7-5 Rules suspended. Third reading. Passed.  
Ayes, 40--Nays, 12, Anderson, Bellamy, Brogoitti, Campbell, Gilmour, Hanneman, Harper, Hugo, Johnson, D. E. Jones, Simpson, Whallon--Excused for business of the House, 8, Cease, Hosticka, Markham, Parkinson, Priestley, Schoon, Throop, Trahern
- 7-25(S) President signed.
- 7-25(H) Speaker signed.
- 8-9(S) Governor vetoed.

This measure has a fiscal impact.

Declares sexual harassment to be good cause for voluntary resignation preserving right to unemployment benefits.

**SB 540 By Senator MCCOY --- Relating to state institutions.**

- 3-4(S) First reading. Referred to President's desk.  
 3-5 Referred to Human Services and Aging.  
 5-17 Recommendation: Do pass.  
 Second reading.  
 5-18 Third reading. Failed.  
 Ayes, 10--Nays, 11, Day, Hanlon, Hannon, Houck, Isham, Jernstedt, Potts, Simmons, Thorne, Timms, Yih--Excused, 4, Hamby, Ripper, Roberts, Ryles--Attending Legislative Business, 5, Heard, Hendriksen, Kitzhaber, Meeker, Monroe  
 Hanlon changed from Aye to Nay and served notice of possible reconsideration.  
 5-19 Bill read. Vote reconsidered.  
 Ayes, 17--Nays, 10, Cohen, Day, Hannon, Houck, Jernstedt, Meeker, Simmons, Starkovich, Timms, Yih--Excused, 2, Ripper, Roberts--Attending Legislative Business, 1, Gardner  
 Bill passed.  
 Ayes, 17--Nays, 10, Day, Hannon, Houck, Isham, Jernstedt, Meeker, Potts, Simmons, Timms, Yih--Excused, 2, Ripper, Roberts--Attending Legislative Business, 1, Gardner  
 5-20(H) First reading. Referred to Speaker's desk.  
 5-25 Referred to Human Resources.  
 7-1 Recommendation: Do pass with amendments.  
 7-2 Rules suspended. Second Reading.  
 Rules suspended. Third reading. Passed.  
 Ayes, 41--Nays, 8, Agrons, Anderson, Lindquist, Parkinson, Shiprack, Simpson, Trahern, Young--Excused, 11, Brogoitti, DeBoer, Gold, Hanlon, Hanneman, Harper, Hosticka, D. E. Jones, Lombard, Throop, VanLeeuwen  
 7-6(S) Bill read. Senate concurred in House amendments and repassed bill.  
 Ayes, 20--Nays, 9, Day, Hannon, Houck, Jernstedt, Meeker, Simmons, Thorne, Timms, Yih--Excused, 1, Roberts  
 7-25 President signed.  
 7-25(H) Speaker signed.  
 7-28(S) Governor vetoed.

Requires superintendents of state institutions to submit reports of deaths in institutions to appropriate division. Requires divisions to report deaths quarterly to Legislative Assembly.

- SB 573** By Senator ISHAM, Representative HANNEMAN (at the request of City of Rockaway, City of Tillamook) --- Relating to gambling; amending ORS 167.117 and 167.121; and declaring an emergency.
- 3-7(S) First reading. Referred to President's desk.  
 3-10 Referred to Judiciary.  
 7-7 Recommendation: Do pass with amendments.  
 Second reading.  
 Rules suspended. Third reading. Passed.  
 Ayes, 19--Nays, 9, Cohen, Hamby, Hanlon, Hannon, McFarland, Monroe, Ryles, Simmons, Trow--Excused, 2, Roberts, Yih  
 7-8(H) Referred to Judiciary.  
 First reading. Referred to Speaker's desk.  
 7-13 Recommendation: Do pass.  
 Rules suspended. Second reading.  
 7-14 Third reading. Passed.  
 Ayes, 32--Nays, 19, Agrons, Bradbury, Burrows, Calouri, Farmer, Fawbush, Ford, Hooley, Katz, Lombard, Markham, McCracken, Parkinson, Priestley, B. Roberts, L. Roberts, Schoon, Van Vliet, VanLeeuwen--Excused for business of the House, 9, Campbell, Courtney, Gilmour, Hanlon, Johnson, Miller, Myers, Rutherford, Mr. Speaker  
 8-1(S) President signed.  
 8-3(H) Speaker signed.  
 8-9(S) Governor vetoed.

Modifies social gambling law. Allows city or county to permit private business, club or place of public accommodation to hire dealer for social games played therein. Prohibits such dealer from participating in betting. Requires counties and cities that allow social gambling to regulate and license games.  
 Declares emergency, effective on passage.

- SB 582** By COMMITTEE ON HUMAN SERVICES AND AGING (at the request of Oregon Dietetic Association) --- Relating to certain occupations; and appropriating money.
- 3-8(S) First reading. Referred to President's desk.  
 3-11 Referred to Human Services and Aging.  
 5-17 Recommendation: Do pass with amendments. Be referred to Ways and Means.  
 Referred to Ways and Means by order of the President. (SR 9.01)  
 6-29 Recommendation: Do pass with amendments to the A-engrossed measure.  
 Second reading.  
 7-1 Third reading. Passed.  
 Ayes, 16--Nays, 13, Cohen, Day, Hamby, Hanlon, Hannon, Houck, Isham, Jernstedt, Ripper, Thorne, Timms, Yih, President Fadeley--Excused, 1, Roberts  
 7-2(H) First reading. Referred to Speaker's desk.  
 Referred to Ways and Means.  
 7-5 Recommendation: Do pass.  
 Rules suspended. Second Reading.  
 7-6 Carried over to July 7 Calendar.  
 7-7 Third reading. Passed.  
 Ayes, 32--Nays, 11, Agrons, Calouri, Campbell, Harper, Johnson, Jolin, D. Jones, D. E. Jones, Leek, Miller, Simpson--Absent, 1, Bellamy--Excused for business of the House, 16, Anderson, Bradbury, Courtney, L. Hill, Hooley, Lombard, Myers, Parkinson, Priestley, Rutherford, Scavera, Smith, Throop, Trahern, VanLeeuwen, Mr. Speaker  
 7-25(S) President signed.  
 7-28(H) Speaker signed.  
 8-8(S) Governor vetoed.

This measure has a fiscal impact.

[Creates Board of Dietitians and Nutritionists.] Establishes licensing standards and procedures for dietitians and nutritionists under [board. Sets fees] Department of Commerce. Authorizes director of department to set fees, subject to approval of legislative review agency. Prescribes civil penalties.

- SB 621** By Senators BROWN, GARDNER, RYLES, TROW, Representatives FARMER, FORD, L. HILL, HOSTICKA, LEEK, LINDQUIST, L. ROBERTS, Senator HANLON (at the request of John C. Sellers) --- Relating to handicapped persons; creating new provisions; amending ORS 240.379 and 240.391; and declaring an emergency.
- 3-10(S) First reading. Referred to President's desk.  
 3-16 Referred to Human Services and Aging.  
 5-4 Recommendation: Do pass with amendments.  
 Second reading.  
 5-6 Third reading. Passed.  
 Ayes, 25--Nays, 1, Isham--Excused, 2, Brown, Roberts--Attending Legislative Business, 2, Heard, Trow  
 5-9(H) First reading. Referred to Speaker's desk.  
 5-12 Referred to Labor.  
 6-22 Recommendation: Do pass with amendments.  
 6-24 Second Reading.  
 6-27 Third reading. Passed.  
 Ayes, 60  
 7-2(S) Bill read. Senate concurred in House amendments and repassed bill.  
 Ayes, 28--Absent, 1, McCoy--Excused, 1, Roberts  
 7-22 President signed.  
 7-22(H) Speaker signed.

8-9(S) Governor vetoed.

This measure has a fiscal impact.

Sets, for state service, standards for qualifying for an interview, reinstatement policies and hiring goal for severely handicapped persons.

Declares emergency, effective on passage.

**SB 650** By Senator FRYE, Representatives HANLON, SCAVERA (at the request of Lyle Velure) --- Relating to workers' compensation; creating new provisions; and amending ORS 656.593.

3-10(S) First reading. Referred to President's desk.

3-16 Referred to Labor.

7-2 Recommendation: Do pass with amendments.  
Second reading.

7-6 Rules suspended. Third reading. Passed.

Ayes, 18--Nays, 11, Day, Hamby, Hannon, Houck, Jernstedt, Meeker, Ryles, Simmons, Thorne, Timms, Yih--Excused, 1, Roberts

Wyers declared possible conflict of interest.

7-7(H) First reading. Referred to Speaker's desk.

Referred to Labor.

7-13 Recommendation: Do pass with amendments.

Rules suspended. Second reading.

7-14 Third reading. Failed.

Ayes, 27--Nays, 25, Agrons, Anderson, Bellamy, Brogoitti, Campbell, DeBoer, Ford, Gilmour, Hanlon, Hanneman, Harper, Hooley, Jolin, D. Jones, D. E. Jones, Markham, Miller, Parkinson, L. Roberts, Schoon, Simpson, Smith, Trahern, VanLeeuwen, Zajonc--Excused for business of the House, 8, Calouri, Courtney, Johnson, Katz, Lombard, Myers, Throop, Van Vliet

Hanlon moved immediate reconsideration.

Vote reconsideration carried.

Ayes, 35--Nays, 24, Agrons, Anderson, Bellamy, Brogoitti, Calouri, Campbell, DeBoer, Ford, Hanneman, Harper, Johnson, D. Jones, D. E. Jones, Lombard, Markham, Miller, Parkinson, Schoon, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen, Zajonc--Excused for business of the House, 1, Mr. Speaker

Passed.

Ayes, 31--Nays, 27, Agrons, Anderson, Bellamy, Brogoitti, Calouri, Campbell, DeBoer, Ford, Gilmour, Hanneman, Harper, Hooley, D. Jones, D. E. Jones, Lombard, Markham, Miller, Parkinson, L. Roberts, Rutherford, Schoon, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen, Zajonc--Absent, 1, Johnson--Excused for business of the House, 1, Mr. Speaker

7-15(S) Rules suspended. Bill read. Motion to concur in House amendments and repass bill failed.

Ayes, 12--Nays, 12, Hamby, Hannon, Hendriksen, Houck, Jernstedt, Meeker, Ripper, Ryles, Simmons, Thorne, Timms, Yih--Attending Legislative Business, 6, Cohen, Day, Gardner, Kitzhaber, Monroe, Trow

Hendriksen changed from Aye to Nay and served notice of possible reconsideration of vote whereby Senate refused to concur in House amendments.

Bill read. Vote reconsidered on voice vote.

Senate concurred in House amendments and repassed bill.

Ayes, 17--Nays, 13, Day, Hamby, Hannon, Houck, Isham, Jernstedt, Meeker, Potts, Ripper, Ryles, Simmons, Timms, Yih

8-1 President signed.

8-3(H) Speaker signed.

8-9(S) Governor vetoed.

Modifies distribution of recovery made in third party actions pursuant to workers' compensation law.

Applies to actions commenced on or after January 1, 1984.

**SB 700** By Senators STARKOVICH, DAY, TROW, Representatives BELLAMY, BRADBURY, CALOURI, HOSTICKA, HUGO, JOHNSON, LINDQUIST, LOMBARD, OTTO, RIJKEN, THROOP, WHALLON, Senator RIPPER, Representatives BENNETT, SPRINGER --- Relating to education; amending ORS 342.175.

3-14(S) First reading. Referred to President's desk.

3-19 Referred to Education.

5-24 Recommendation: Do pass with amendments.

Second reading.

5-26 Taken from 5-26 Calendar and rereferred to Education by unanimous consent.

6-7 Recommendation: Do pass with amendments to the A-engrossed measure.

6-9 Third reading. Passed.

Ayes, 25--Nays, 2, Hamby, Thorne--Excused, 3, Brown, Roberts, Simmons

Thorne granted unanimous consent to change his vote from Aye to Nay.

6-10(H) First reading. Referred to Speaker's desk.

6-14 Referred to Education.

7-8 Recommendation: Do pass with amendments.

Rules suspended. Second Reading.

7-9 Third reading. Passed.

Ayes, 47--Nays, 7, Hanneman, Harper, D. Jones, D. E. Jones, Parkinson, Simpson, Trahern--Excused for business of the House, 6, Fawbush, Gold, Hooley, Johnson, Schoon, Throop

7-11(S) Rules suspended. Bill read. Senate refused to concur in House amendments on voice vote.

7-12(H) Representatives Hill, L. and Calouri appointed House Conferees.

7-12(S) Senators Starkovich and Day appointed Senate conferees.

7-14 Conference Committee recommendation: Senate concur in printed House amendments dated July 8 to B-engrossed bill, bill be further amended and repassed.

Rules suspended. Bill read. Senate adopted Conference Committee report and repassed bill.

Ayes, 29--Nays, 1, Hamby

7-14(H) Conference Committee report read in House.

7-15 House adopted Conference Committee report.

Repassed.

Ayes, 38--Nays, 10, Anderson, Bellamy, Hanneman, D. E. Jones, Parkinson, L. Roberts, Simpson, Throop, Trahern, VanLeeuwen--Absent, 2, Katz, Leek--Excused for business of the House, 10, Bennett, Bradbury, Gilmour, Hanlon, Harper, Hooley, Johnson, Lombard, Myers, Mr. Speaker

8-1(S) President signed.

8-3(H) Speaker signed.

8-5(S) Governor vetoed.

This measure has a fiscal impact.

Prohibits Teacher Standards and Practices Commission from bringing action to suspend or revoke certificate if teacher is currently employed by school district teacher was employed by when conduct complained of occurred or has dismissal charges pending. Specifies exception.

**SB 729** By Senator FRYE (at the request of Keith Dressler) --- Relating to public assistance.

3-16(S) First reading. Referred to President's desk.

3-19 Referred to Human Services and Aging, then Ways and Means.

5-4 Recommendation: Do pass with amendments. Do not print engrossed.

Referred to Ways and Means by prior reference.



- 7-12 Recommendation: Do pass with amendments (with printed Senate amendments May 4).  
Second reading.  
Rules suspended. Third reading. Passed.  
Ayes, 30
- 7-13(H) First reading. Referred to Speaker's desk.  
Referred to Ways and Means.  
Recommendation: Do pass.  
Rules suspended. Second reading.
- 7-14 Third reading. Passed.  
Ayes, 51--Excused for business of the House, 9,  
Campbell, Courtney, Gilmour, Hanlon, Johnson,  
Miller, Myers, Rutherford, Mr. Speaker
- 7-29(S) President signed.  
7-29(H) Speaker signed.  
8-9(S) Governor vetoed.

This measure has a fiscal impact.

[Requires payment, under certain circumstances.] Authorizes Adult and Family Services Division or Senior Services Division to provide by rule for compensation for in-home care provided to recipient of public assistance by spouse [if such care would be compensable if provided by approved provider].

Repeals provision June 30, 1985.

**SB 755** By COMMITTEE ON JUDICIARY (at the request of Senators Brown, Cohen, Day, Fadeley, Frye, Gardner, Hamby, Hanlon, Heard, Hendriksen, Isham, McCoy, McFarland, Monroe, Ripper, Roberts, Ryles, Starkovich, Trow, Jernstedt, Kitzhaber, Wyers, Yih, Representatives Bauman, Brogoitti, Burrows, Cease, Farmer, Fawbush, Ford, Gold, Hanlon, J. Hill, L. Hill, Hooley, Hosticka, Hugo, Jolin, Katz, Leek, Lindquist, Mason, McCracken, Priestley, Rijken, B. Roberts, Smith, Springer, Throop, Young, Zajonc) --- Relating to attorney fees.

- 3-17(S) First reading. Referred to President's desk.  
3-19 Referred to Judiciary.  
5-3 Recommendation: Do pass with amendments. Do not print engrossed.  
Second reading.  
5-5 Third reading. Passed.  
Ayes, 19--Nays, 9, Frye, Hanlon, Hannon, Jernstedt, Potts, Simmons, Thorne, Timms, Yih--Excused, 1, Heard--Attending Legislative Business, 1, Trow
- 5-6(H) First reading. Referred to Speaker's desk.  
5-11 Referred to Judiciary.  
7-8 Recommendation: Do pass with amendments, be printed engrossed.  
Rules suspended. Second Reading.  
7-9 Third reading. Passed.  
Ayes, 51--Nays, 5, Bellamy, Lombard, L. Roberts, Rutherford, Simpson--Absent, 1, Hanneman--Excused for business of the House, 3, Gold, Johnson, Throop
- 7-11(S) Rules suspended. Bill read. Senate concurred in House amendments and repassed bill.  
Ayes, 25--Nays, 4, Day, Hannon, Ripper, Yih--Excused, 1, Thorne
- 7-29 President signed.  
7-29(H) Speaker signed.  
8-9(S) Governor vetoed.

This measure has a fiscal impact.

Authorizes costs, including expert witness fees, disbursements and attorney fees to [plaintiff] party successfully challenging state action under state constitutional provision on privileges and immunities.

**SB 758** By Senator BROWN (at the request of Oregon Consumer League, Oregon-Washington Farmers Union, and Oregon State Grange) --- Relating to food; creating new provisions; and amending ORS 616.711.

- 3-21(S) First reading. Referred to President's desk.  
3-24 Referred to Government Operations.  
6-15 Recommendation: Do pass.  
Second reading.  
6-16 Third reading. Passed.  
Ayes, 20--Nays, 9, Hannon, Houck, Jernstedt, McFarland, Meeker, Potts, Simmons, Thorne, Timms--Excused, 1, Roberts
- 6-17(H) First reading. Referred to Speaker's desk.  
6-21 Referred to Agriculture and Natural Resources.  
7-11 Rules suspended. Second Reading.  
Recommendation: Do pass with amendments.  
Rules suspended. Third Reading. Passed.  
Ayes, 47--Nays, 3, Bauman, Simpson, Trahern--Excused, 2, Jolin, Leek--Excused for business of the House, 8, Calouri, Courtney, Hooley, Katz, Lombard, Myers, Throop, Van Vliet
- 7-15(S) Rules suspended. Bill read. Senate concurred in House amendments and repassed bill.  
Ayes, 27--Nays, 3, Hanlon, Hannon, Thorne  
Timms declared possible conflict of interest.
- 8-1 President signed.  
8-3(H) Speaker signed.  
8-9(S) Governor vetoed.

This measure has a fiscal impact.

[Subjects appointment of members of State Board of Agriculture to confirmation by Senate, except for appointment of chairman of Soil and Water Conservation Commission.] Exempts storage facilities of wholesale distributors of packaged alcoholic beverages from food establishment licensing requirements.

Requires restaurants to inform customers if raw milk from bulk container is served.

**SB 772** By COMMITTEE ON EDUCATION --- Relating to education.

- 4-19(S) First reading. Referred to President's desk.  
Referred to Education.  
6-1 Recommendation: Do pass with amendments.  
Second reading.  
6-3 Third reading. Passed.  
Ayes, 22--Nays, 5, Cohen, Hannon, Meeker, Thorne, Timms--Excused, 1, Roberts--Attending Legislative Business, 2, Gardner, Jernstedt
- 6-6(H) First reading. Referred to Speaker's desk.  
6-8 Referred to Education.  
7-2 Recommendation: Do pass with amendments, be printed engrossed.  
7-5 Rules suspended. Second Reading.  
Rules suspended. Third reading. Passed.  
Ayes, 32--Nays, 20, Bennett, Brogoitti, Campbell, DeBoer, Gilmour, Hanneman, L. Hill, Jolin, D. E. Jones, Leek, Mason, Miller, L. Roberts, Rutherford, Shiprack, Simpson, Smith, Young, Zajonc, Mr. Speaker --Excused for business of the House, 8, Cease, Hosticka, Markham, Parkinson, Priestley, Schoon, Throop, Trahern
- 7-8(S) Bill read. Senate concurred in House amendments and repassed bill.  
Ayes, 22--Nays, 7, Cohen, Hamby, Hannon, Meeker, Thorne, Timms, Yih--Excused, 1, Roberts
- 7-25 President signed.  
7-28(H) Speaker signed.  
8-9(S) Governor vetoed.

Requires private schools to report name and address of school and number of students enrolled therein to the Educational Coordinating Commission. Requires Department of Education to report number of children enrolled in each public school and number taught at home.

**HOUSE MEASURES:**

**HB 2096** Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed. (at the request of Joint Interim Committee on Judiciary for Oregon State Bar) --- Relating to business names; creating new provisions; amending ORS 57.045, 57.050, 57.055 and others; and repealing ORS 57.660, 57.665, 57.670 and others.

- 1-10(H) First reading. Referred to Speaker's desk. Referred to Judiciary.
- 4-11 Tabled in committee pursuant to House Rule 8.20.
- 6-3 Taken from table in committee.
- 6-14 Recommendation: Do pass with amendments.
- 6-16 Second Reading.
- 6-17 Rules suspended. Bill taken from today's Calendar and placed in proper order on Monday's, June 20 Calendar.
- 6-20 Third reading. Motion to refer to Ways and Means failed. Passed.  
Ayes, 38--Nays, 15, Bellamy, DeBoer, Gold, Hanneman, L. Hill, Hooley, Hosticka, Jolin, Leek, Priestley, Rijken, L. Roberts, Shiprack, Simpson, Trahern--Excused for business of the House, 7, Courtney, Lombard, Miller, Myers, Scavera, Smith, Springer
- 6-21(S) First reading. Referred to President's desk.
- 6-24 Referred to Judiciary.
- 6-27 Recommendation: Be returned to President's desk for rereferral.  
Referred to Commerce, Banking and Public Finance by order of the President. (SR 9.01)
- 7-7 Recommendation: Do pass with amendments (with printed House amendments June 14).  
Second reading.  
Rules suspended. Third reading. Passed.  
Ayes, 27--Nays, 2, Gardner, Isham--Excused, 1, Roberts  
Gardner granted unanimous consent to change his vote from Aye to Nay.
- 7-9(H) House concurred in Senate amendments and repassed measure.  
Ayes, 51--Nays, 9, Bellamy, DeBoer, Hosticka, Jolin, Leek, Scavera, Shiprack, Simpson, Trahern
- 7-29 Speaker signed.
- 8-2(S) President signed.
- 8-9(H) Governor vetoed.

**A-Eng. HB 2096 Enrolled**

Revises statutes concerning corporate and business names. Removes prohibition, for purpose of filing a corporate name or assumed business name, against use of name that is same as or deceptively similar to registered trade-mark or service mark. Requires Corporation Commissioner to issue written order of refusal, upon written request for order, when commissioner refuses to accept, register, reserve or amend corporate name or assumed business name. Requires commissioner, upon registration of assumed business name, to issue certificate of registration to registrant. Prescribes contents of certificate.

**HB 2208** Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed. (at the request of Health Division, Department of Human Resources) --- Relating to emergency medical services; creating new provisions; amending ORS 485.510, 485.525, 485.570 and others; and declaring an emergency.

- 1-10(H) First reading. Referred to Speaker's desk. Referred to Human Resources.
- 2-17 Recommendation: Do pass with amendments.
- 2-21 Second Reading.
- 2-22 Third reading. Passed.  
Ayes, 59--Excused, 1, Whallon
- 2-23(S) First reading. Referred to President's desk. Referred to Human Services and Aging.
- 6-27 Recommendation: Do pass with amendments (with printed House amendments February 17).  
Second reading.

- 6-29 Taken from 6-29 Calendar and placed on 6-30 Calendar by unanimous consent.
- 6-30 Taken from 6-30 Calendar and placed on 7-1 Calendar by unanimous consent.
- 7-1 Third reading. Passed.  
Ayes, 17--Nays, 10, Cohen, Hamby, Hannon, Heard, Isham, Ryles, Simmons, Thorne, Timms, Yih--Excused, 1, Roberts--Attending Legislative Business, 2, Jernstedt, Potts
- 7-5(H) House refused to concur in Senate amendments. Representatives McCracken and DeBoer appointed House Conferees.
- 7-8(S) Senators Kitzhaber and McCoy appointed Senate conferees.
- 7-9(H) Conference Committee recommendation: Failure to agree and request that the conferees be discharged.  
Representatives Leek, McCracken and DeBoer appointed House Conferees No. 2.
- 7-9(S) Conference Committee report read in Senate. Senate conferees discharged.
- 7-11 Senators Kitzhaber and McCoy appointed Senate conferees No. 2.
- 7-12 Conference Committee report No. 2 read in Senate.
- 7-12(H) Conference Committee recommendation: House concur in the Senate amendments dated June 27 and the bill be further amended and repassed.
- 7-13(S) Rules suspended. Bill read. Senate adopted Conference Committee report No. 2 and repassed bill.  
Ayes, 23--Nays, 6, Cohen, Hannon, Isham, Meeker, Timms, Yih--Attending Legislative Business, 1, Ryles
- 7-13(H) Rules suspended. House adopted Conference Committee report.  
Ayes, 29--Nays, 28, Agrons, Anderson, Bellamy, Brogoitti, Campbell, DeBoer, Ford, Hanneman, Harper, Hooley, Johnson, Jolin, D. Jones, D. E. Jones, Lindquist, Lombard, Markham, Parkinson, Rijken, L. Roberts, Rutherford, Simpson, Smith, Trahern, Van Vliet, Whallon, Young, Zajonc--Excused, 1, Gilmour--Excused for business of the House, 2, Courtney, Miller  
Repassed.  
Ayes, 31--Nays, 28, Agrons, Anderson, Bellamy, Brogoitti, Campbell, DeBoer, Ford, Hanneman, Harper, Johnson, D. Jones, D. E. Jones, Lindquist, Lombard, Markham, Miller, Parkinson, Rijken, L. Roberts, Rutherford, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen, Whallon, Young, Zajonc--Excused, 1, Gilmour  
Gold moved immediate reconsideration.  
Vote reconsideration failed.  
Ayes, 28--Nays, 31, Bauman, Bennett, Bradbury, Burrows, Calouri, Cease, Courtney, Farmer, Fawbush, Gold, Hanlon, J. Hill, L. Hill, Hooley, Hosticka, Hugo, Jolin, Leek, Mason, McCracken, Miller, Myers, Otto, Priestley, B. Roberts, L. Roberts, Scavera, Schoon, Shiprack, Springer, Throop--Excused, 1, Gilmour
- 7-28 Speaker signed.
- 8-1(S) President signed.
- 8-8(H) Governor vetoed.

**A-Eng. HB 2208 Enrolled**

Fixes July 1, 1983, for ambulance compliance with Health Division requirements. Creates State Emergency Medical Services Committee. Abolishes advisory council.  
Provides that Insurance Code does not apply to certain local governments that accept prepayment for emergency medical services.  
Declares emergency, effective on passage.

**HB 2298** Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed. (at the request of Division of State Lands) --- Relating to state waters; and declaring an emergency.

- 1-10(H) First reading. Referred to Speaker's desk.
- 1-11 Referred to Agriculture and Natural Resources.

- 3-14 Tabled in committee pursuant to House Rule 8.20.
- 5-18 Taken from table in committee.
- 6-3 Recommendation: Do pass with amendments.
- 6-7 Second Reading.
- 6-8 Third reading. Passed.  
Ayes, 41--Nays, 14, Bauman, Burrows, Fawbush, Ford, Gilmour, Hanneman, D. E. Jones, Myers, Priestley, Rijken, Simpson, Smith, Springer, Zajonc--Excused, 5, Cease, Hooley, B. Roberts, L. Roberts, Rutherford
- 6-9(S) First reading. Referred to President's desk.  
Referred to Economic Activities (Agric., Forestry, Fisheries), then Judiciary.
- 6-30 Recommendation: Do pass with amendments (with printed House amendments June 3). Subsequent referral to Judiciary be rescinded. Subsequent referral to Judiciary rescinded by order of the President. (SR 9.01)  
Second reading.
- 7-2 Third reading. Passed.  
Ayes, 22--Nays, 7, Brown, Cohen, Day, Hannon, Houck, Wyers, President Fadeley--Excused, 1, Roberts
- 7-6(H) House concurred in Senate amendments and repassed measure.  
Ayes, 47--Nays, 12, Bauman, Gilmour, Hanneman, Johnson, D. E. Jones, Priestley, Rijken, Simpson, Smith, Springer, Whallon, Zajonc--Excused, 1, Scavera
- 7-28 Speaker signed.
- 7-29(S) President signed.
- 8-8(H) Governor vetoed.

**A-Eng. HB 2298 Enrolled**

Prohibits Division of State Lands from increasing payment for lease of submerged and submersible lands except under specified circumstances. Repeals provision July 1, 1985.  
Declares emergency, effective on passage.

**HB 2392 By Representative OTTO --- Relating to workers' compensation; amending ORS 656.214; and declaring an emergency.**

- 1-24(H) First reading. Referred to Speaker's desk.
- 1-28 Referred to Labor.
- 3-7 Tabled in committee.
- 4-25 Taken from table in committee.
- 6-1 Recommendation: Do pass with amendments.
- 6-3 Second Reading.
- 6-6 Third reading. Taken from today's Calendar and placed in proper order on Tuesday's, June 7 Calendar.
- 6-7 Read. Passed.  
Ayes, 45--Nays, 10, Anderson, Bellamy, Hanneman, Johnson, D. E. Jones, Lombard, Markham, Simpson, Trahern, VanLeeuwen--Excused, 5, Burrows, Cease, Harper, Hooley, B. Roberts  
Rules suspended. Requester deleted.
- 6-8(S) First reading. Referred to President's desk.
- 6-9 Referred to Labor.
- 6-30 Recommendation: Do pass (with printed House amendments June 1).  
Second reading.
- 7-1 Rules suspended. Third reading. Passed.  
Ayes, 22--Nays, 6, Hannon, Jernstedt, Meeker, Potts, Thorne, Timms--Excused, 2, McFarland, Roberts  
Wyers declared possible conflict of interest.
- 7-14(H) Speaker signed.
- 7-14(S) President signed.
- 7-26(H) Governor vetoed.

This measure has a fiscal impact.

**HA to HB 2392 Enrolled**

[Exempts real estate licensees from workers' compensation coverage requirements.] Increases amount of workers' compensation payment for scheduled injuries.  
Declares emergency, effective on passage.

**HB 2677 By Representatives BAUMAN, HANLON, MASON (at the request of Carol and Dana Reafsnyder) --- Relating to public body tort liability; creating new provisions; and amending ORS 30.265.**

- 2-18(H) First reading. Referred to Speaker's desk.
- 2-24 Referred to Judiciary.
- 5-13 Recommendation: Do pass with amendments.
- 5-17 Second Reading.
- 5-18 Carried over to May 19 Calendar.
- 5-19 Rules suspended. Taken from today's Calendar and placed in proper order on Friday's, May 20 Calendar.
- 5-20 Third reading. Motion to refer to Ways and Means carried.
- 7-8 Recommendation: Do pass with second House amendments, be printed engrossed.
- 7-9 Rules suspended. Third Reading. Passed.  
Ayes, 38--Nays, 10, Brogoitti, Calouri, Campbell, DeBoer, Ford, Hanneman, D. Jones, D. E. Jones, L. Roberts, Simpson--Excused for business of the House, 12, Courtney, Gold, J. Hill, Hooley, Johnson, Lombard, Miller, Myers, Rutherford, Scavera, Smith, Springer
- 7-9(S) First reading. Referred to President's desk.  
Referred to Judiciary.
- 7-13 Recommendation: Do pass the A-engrossed measure.  
Second reading.  
Rules suspended. Third reading. Failed.  
Ayes, 12--Nays, 18, Day, Gardner, Hanlon, Hannon, Heard, Isham, Jernstedt, Kitzhaber, McCoy, Meeker, Potts, Ripper, Roberts, Simmons, Thorne, Timms, Trow, Yih  
Gardner changed from Aye to Nay and served notice of possible reconsideration.  
Bill read. Vote reconsidered.  
Ayes, 17--Nays, 13, Day, Hannon, Heard, Houck, Isham, Jernstedt, Meeker, Potts, Ripper, Simmons, Thorne, Timms, Yih  
Motion to refer to Ways and Means failed.  
Ayes, 15--Nays, 15, Brown, Cohen, Frye, Gardner, Hamby, Hanlon, Hendriksen, Kitzhaber, McCoy, McFarland, Monroe, Roberts, Ryles, Starkovich, Wyers  
Bill passed.  
Ayes, 17--Nays, 13, Day, Hannon, Heard, Houck, Isham, Jernstedt, Meeker, Potts, Ripper, Simmons, Thorne, Timms, Yih
- 7-29(H) Speaker signed.
- 8-2(S) President signed.
- 8-8(H) Governor vetoed.

This measure has a fiscal impact.

**A-Eng. HB 2677 Enrolled**

Modifies immunity from tort liability of public bodies and their officers, employes and agents when there is workers' compensation coverage. Authorizes suit for personal injury or death resulting from medical or dental treatment. [Authorizes personal injury suit against public body regardless of whether or not injured person is covered by workers' compensation.]

**HB 2738 By Representative KATZ, Senator RIPPER --- Relating to public works.**

- 2-21(H) First reading. Referred to Speaker's desk.
- 2-25 Referred to Trade and Economic Development with subsequent referral to Ways and Means.
- 4-21 Recommendation: Do pass with amendments, be printed engrossed.  
Referred to Ways and Means by prior reference.
- 6-22 Recommendation: Do pass.
- 6-23 Second Reading.
- 6-24 Third reading. Passed.

Ayes, 54--Nays, 2, McCracken, Priestley--Excused for business of the House, 4, DeBoer, Gold, Springer, Mr. Speaker

- 6-27(S) First reading. Referred to President's desk.  
7-5 Referred to Ways and Means.  
Recommendation: Do pass the A-engrossed measure.  
Second reading.  
7-6 Third reading. Passed.  
Ayes, 28--Excused, 1, Roberts--Attending Legislative Business, 1, Monroe  
7-22(H) Speaker signed.  
7-25(S) President signed.  
8-8(H) Governor vetoed.

This measure has a fiscal impact.

**A-Eng. HB 2738 Enrolled**

Establishes Executive Council for Infrastructure Management and Development. Prescribes duties.

**HB 2771** By Representatives HOSTICKA, BURROWS, CALOURI, CEASE, FAWBUSH, L. HILL, B. ROBERTS, Senators BROWN, HENDRIKSEN, KITZHABER, RYLES, Representative KATZ --- Relating to child abuse; appropriating money; limiting expenditures; and declaring an emergency.

- 2-21(H) First reading. Referred to Speaker's desk.  
2-25 Referred to Human Resources with subsequent referral to Ways and Means.  
4-1 Recommendation: Do pass with amendments.  
Referred to Ways and Means by prior reference.  
7-5 Recommendation: Do pass with second House amendments, be printed engrossed.  
Rules suspended. Second Reading.  
Rules suspended. Third reading. Passed.  
Ayes, 35--Nays, 18, Anderson, Campbell, Courtney, Farmer, Gilmour, Hanneman, Harper, Johnson, Jolin, D. Jones, Lombard, McCracken, Myers, Rutherford, Scavera, Smith, Whallon, Young--Excused for business of the House, 7, Cease, Markham, Parkinson, Priestley, Schoon, Throop, Trahern  
7-6(S) First reading. Referred to President's desk.  
7-7 Referred to Ways and Means.  
Recommendation: Do pass the A-engrossed measure.  
Second reading.  
7-8 Third reading. Passed.  
Ayes, 16--Nays, 5, Hannon, Jernstedt, McFarland, Thorne, Yih--Excused, 1, Roberts--Attending Legislative Business, 8, Brown, Cohen, Day, Hamby, Hendriksen, Kitzhaber, Starkovich, Wyers  
7-29(H) Speaker signed.  
8-2(S) President signed.  
8-8(H) Governor vetoed.

**A-Eng. HB 2771 Enrolled**

Directs [State Registrar] clerk of circuit court to collect [\$2] \$10 supplementary fee [for birth certificates] from person filing petition for dissolution of marriage. Appropriates additional fee to [private nonprofit organizations providing approved programs for parent education and prevention of child abuse.] Child Abuse Prevention Account. Authorizes certain organizations to apply to Children's Services Division for grants from account. Limits expenditures to \$334,000.

Declares emergency, effective July 1, 1983.

**HB 2773** By Representatives HOSTICKA, BAUMAN, BENNETT, BRADBURY, CEASE, COURTNEY, FARMER, FAWBUSH, GOLD, HANLON, J. HILL, L. HILL, HUGO, JOLIN, LEEK, LINDQUIST, MASON, OTTO, B. ROBERTS, SCAVERA, SHIPRACK, SPRINGER, THROOP, YOUNG, Senators GARDNER, MCFARLAND, MONROE, WYERS --- Relating to political parties.

- 2-21(H) First reading. Referred to Speaker's desk.  
2-25 Referred to Elections.  
4-26 Tabled in committee pursuant to House Rule 8.20.  
5-16 Taken from table in committee.  
5-17 Recommendation: Do pass with amendments, be referred to Revenue and School Finance.  
5-19 Committee report adopted. Referred to Revenue and School Finance.  
6-30 Recommendation: Do pass.  
7-1 Second Reading.  
7-2 Third reading. Passed.

Ayes, 34--Nays, 24, Agrons, Anderson, Bellamy, Calouri, Campbell, DeBoer, Ford, Gilmour, Harper, Johnson, D. Jones, D. E. Jones, Katz, Lombard, Markham, Miller, Parkinson, Rutherford, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen, Zajonc--Excused, 2, Brogoitti, Hanneman

Hosticka served notice of reconsideration.  
Vote reconsideration failed.

Ayes, 23--Nays, 33, Bauman, Bennett, Bradbury, Burrows, Cease, Courtney, Farmer, Fawbush, Gold, Hanlon, J. Hill, L. Hill, Hooley, Hosticka, Hugo, Jolin, Katz, Leek, Lindquist, Mason, McCracken, Otto, Priestley, Rijken, B. Roberts, L. Roberts, Scavera, Shiprack, Springer, Throop, Whallon, Young, Mr. Speaker --Excused, 2, Brogoitti, Hanneman--Excused for business of the House, 2, Miller, Myers

- 7-2(S) First reading. Referred to President's desk.  
7-5 Referred to Revenue.  
7-8 Recommendation: Do pass (with printed House amendments May 17).  
Second reading.  
Rules suspended. Third reading. Passed.  
Ayes, 18--Nays, 10, Day, Hamby, Hannon, Houck, Jernstedt, Meeker, Ryles, Simmons, Thorne, Timms--Excused, 2, Kitzhaber, Roberts  
7-29(H) Speaker signed.  
8-2(S) President signed.  
8-9(H) Governor vetoed.

This measure has a fiscal impact.

**HA to HB 2773 Enrolled**

Establishes Oregon political party fund in General Fund. Authorizes taxpayer to designate on income tax form \$1, [\$2, \$5] \$5, \$10 or other dollar amount, from refund owing to taxpayer, to be given to Oregon political party fund. Provides for distribution of moneys and limits their use.

Applies to tax years beginning on or after January 1, 1983.

**HB 2799** By Representative BRADBURY, Senators FRYE, ROBERTS (at the request of Oregon Acupuncture Association) --- Relating to acupuncture; creating new provisions; and amending ORS 677.259 and 750.055.

- 2-22(H) First reading. Referred to Speaker's desk.  
2-28 Referred to Human Resources.  
4-29 Tabled in committee pursuant to House Rule 8.20.  
5-24 Taken from table in committee.  
5-26 Recommendation: Do pass with amendments.  
5-31 Second Reading.  
6-1 Carried over to June 2 Calendar.  
6-2 Third reading. Passed.  
Ayes, 38--Nays, 20, Agrons, Bellamy, Calouri, Campbell, DeBoer, Hanneman, Harper, Johnson, D. Jones, D. E. Jones, Lombard, Markham, Miller, Parkinson, Scavera, Schoon, Smith, Trahern, Van Vliet, VanLeeuwen--Excused, 2, Lindquist, B. Roberts  
6-3(S) First reading. Referred to President's desk.  
6-6 Referred to Human Services and Aging.  
7-11 Recommendation: Do pass with amendments (with printed House amendments May 26).  
Second reading.

Rules suspended. Third reading. Passed.

Ayes, 21--Nays, 5, Cohen, Hannon, Kitzhaber, Meeker, Simmons--Excused, 2, Roberts, Thorne--Attending Legislative Business, 2, Day, Isham

7-12(H) House concurred in Senate amendments and repassed measure.

Ayes, 34--Nays, 26, Anderson, Bellamy, Brogoitti, Burrows, Calouri, Campbell, DeBoer, Ford, Hanneman, Harper, Johnson, D. Jones, D. E. Jones, Lombard, Markham, Miller, Parkinson, Rutherford, Scavera, Schoon, Simpson, Smith, Trahern, Van Vliet, VanLeeuwen, Zajonc

8-3 Speaker signed.

8-3(S) President signed.

8-8(H) Governor vetoed.

#### A-Eng. HB 2799 Enrolled

Extends definition of acupuncture. Requires health insurance policy that covers acupuncture performed by physician to cover acupuncture performed by registered acupuncturist.

#### HB 2806 By COMMITTEE ON LABOR --- Relating to workers' compensation; and prescribing an effective date.

2-22(H) First reading. Referred to Speaker's desk.

2-28 Referred to Labor.

4-29 Tabled in committee pursuant to House Rule 8.20.

5-9 Taken from table in committee.

6-21 Recommendation: Do pass with amendments.

6-23 Second Reading.

6-24 Third reading. Passed.

Ayes, 50--Nays, 8, Bellamy, Harper, Johnson, D. E. Jones, Lombard, Rutherford, Simpson, Trahern--Excused for business of the House, 2, DeBoer, Gold

Rules suspended. Requester deleted.

6-27(S) First reading. Referred to President's desk.

7-5 Referred to Labor.

7-6 Recommendation: Do pass (with printed House amendments June 21).

Second reading.

7-7 Third reading. Passed.

Ayes, 22--Nays, 7, Hannon, Houck, Jernstedt, Meeker, Thorne, Timms, Yih--Excused, 1, Roberts

7-14(H) Speaker signed.

7-14(S) President signed.

7-22(H) Governor vetoed.

This measure has a fiscal impact.

#### HA to HB 2806 Enrolled

[Requires that amount of permanent total disability payable to injured worker be reduced by amount of retirement benefits received from any government benefit program.] Provides workers' compensation benefits, under certain circumstances, for disfigurements and loss of use of major body organs.

Effective January 1, 1984.

#### HB 2965 By COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS (at the request of Oregon Restaurant and Beverage Association) --- Relating to alcoholic liquor; creating new provisions; and amending ORS 30.950, 30.955, 30.960 and others.

4-21(H) First reading. Referred to Speaker's desk.

4-26 Referred to Judiciary.

6-15 Recommendation: Do pass with amendments, be printed engrossed.

6-17 Second Reading.

6-18 Carried over to June 20 Calendar.

6-20 Motion to make Special Order of Business at the beginning of today's Third Reading of House Bills carried.

Third reading. Passed.

Ayes, 50--Nays, 10, Bauman, Burrows, Fawbush, Gold, Hanlon, Hosticka, Leek, Priestley, B. Roberts, Springer

6-21(S) First reading. Referred to President's desk.

6-24 Referred to Transportation and Tourism.

7-11 Recommendation: Do pass with amendments to the A-engrossed measure.

Second reading.

Rules suspended. Third reading. Motion to refer to Judiciary failed.

Ayes, 14--Nays, 14, Day, Frye, Hannon, Heard, Houck, Isham, Jernstedt, Kitzhaber, Meeker, Potts, Ripper, Starkovich, Timms, Yih--Excused, 2, Roberts, Thorne

Motion to rerefer to Transportation and Tourism failed.

Ayes, 13--Nays, 15, Day, Frye, Hannon, Heard, Houck, Isham, Jernstedt, Meeker, Potts, Ripper, Starkovich, Timms, Trow, Yih, President Fadeley--Excused, 2, Roberts, Thorne

Bill failed.

Ayes, 13--Nays, 15, Brown, Cohen, Day, Gardner, Hamby, Hanlon, Hendriksen, Kitzhaber, McCoy, McFarland, Ryles, Simmons, Trow, Wyers, President Fadeley--Excused, 2, Roberts, Thorne

Day changed from Aye to Nay and served notice of possible reconsideration.

Hamby served notice of possible reconsideration.

Bill read. Vote reconsidered.

Ayes, 18--Nays, 9, Brown, Cohen, Hamby, Hanlon, Hendriksen, Roberts, Trow, Wyers, Yih--Excused, 3, McCoy, McFarland, Thorne

Bill passed.

Ayes, 19--Nays, 8, Brown, Cohen, Hamby, Hanlon, Hendriksen, Roberts, Trow, Wyers--Excused, 3, McCoy, McFarland, Thorne

7-15(H) House concurred in Senate amendments and repassed measure.

Ayes, 33--Nays, 16, Agrons, Bauman, Calouri, Farmer, Gold, Hosticka, D. Jones, Leek, McCracken, Priestley, Rijken, B. Roberts, Shiprack, Springer, Young, Zajonc--Excused for business of the House, 11, Bellamy, Bradbury, Ford, Hanlon, J. Hill, Hugo, Johnson, Miller, Otto, Smith, Mr. Speaker

Lombard moved immediate reconsideration.

Vote reconsideration failed.

Ayes, 17--Nays, 33, Anderson, Bennett, Brogoitti, Burrows, Campbell, Cease, Courtney, DeBoer, Gilmour, Gold, Hanneman, Harper, L. Hill, Hooley, D. E. Jones, Lindquist, Lombard, Markham, Mason, Myers, Parkinson, B. Roberts, L. Roberts, Rutherford, Schoon, Shiprack, Simpson, Throop, Trahern, Van Vliet, VanLeeuwen, Whallon, Young--Excused for business of the House, 10, Bellamy, Bradbury, Ford, Hanlon, Hugo, Johnson, Miller, Otto, Smith, Mr. Speaker

8-3 Speaker signed.

8-3(S) President signed.

8-9(H) Governor vetoed.

#### B-Eng. HB 2965 Enrolled

Establishes new penalties for person under 21 years of age purchasing or possessing alcoholic liquor through misrepresentation of age. Authorizes imposition of community service and requires suspension of driver's license or right to apply for license for maximum of 90 days.

[Allows Motor Vehicles Division to issue permit to drive to and from educational activities.]

Deletes liability of liquor licensees and permittees and social hosts for injuries incurred by visibly intoxicated person served by licensee, permittee or host.

#### HB 2983 By COMMITTEE ON HUMAN RESOURCES --- Relating to public assistance job training.

4-28(H) First reading. Referred to Speaker's desk.

- 5-2 Referred to Human Resources.
- 6-14 Recommendation: Do pass with amendments, be placed on Consent Calendar.
- 6-17 Second Reading.
- 6-18 Carried over to June 20 Calendar.
- 6-20 Third reading. Passed.  
Ayes, 59--Absent, 1, Rijken
- 6-21(S) First reading. Referred to President's desk.
- 6-24 Referred to Human Services and Aging, then Ways and Means.
- 7-8 Recommendation: Do pass (with printed House amendments June 14). Subsequent referral to Ways and Means be rescinded. Subsequent referral to Ways and Means rescinded by order of the President. (SR 9.01)  
Second reading.
- 7-9 Third reading. Passed.  
Ayes, 24--Excused, 2, Roberts, Thorne--Attending Legislative Business, 4, Hamby, Hendriksen, Houck, Isham
- 7-29(H) Speaker signed.
- 8-2(S) President signed.
- 8-9(H) Governor vetoed.

- 7-20(H) Speaker signed.
- 7-25(S) President signed.
- 7-28(H) Governor vetoed.

This measure has a fiscal impact.

**HA to HB 2988 Enrolled**

Authorizes public agencies to apply to Employment Division for financial assistance by way of wage reimbursement for certain individuals who have exhausted or are about to exhaust unemployment benefits who are employed on public service employment projects.

**Establishes Public Service Employment Fund separate from General Fund.**

*[Ends phase out of inheritance and gift taxes and devotes revenue received after effective date of Act to funding for program.]*

**HA to HB 2983 Enrolled**

*[Prohibits Adult and Family Services Division from limiting time recipient may be enrolled in federally sponsored job training program.]* Declares state policy that Adult and Family Services Division use job training programs so that recipients of aid to dependent children may become employable.

**HB 2988** By Representatives GOLD, BAUMAN, CEASE, FARMER, FORD, HANLON, J. HILL, L. HILL, HOSTICKA, HUGO, LEEK, MASON, MCCRACKEN, MYERS, OTTO, PRIESTLEY, SHIPRACK, SPRINGER, WHALLON, Senators HENDRIKSEN, MCCOY, MONROE, ROBERTS, RYLES, Representative BENNETT, Senator KITZHABER ---  
**Relating to employment; and appropriating money.**

- 5-5(H) First reading. Referred to Speaker's desk.
- 5-10 Referred to Labor with subsequent referral to Revenue and School Finance.
- 6-16 Recommendation: Do pass with amendments and subsequent referral to Revenue and School Finance be rescinded.
- 6-20 Motion to adopt Committee report failed. Referred to Revenue and School Finance.  
Ayes, 30--Nays, 30, Anderson, Bellamy, Bennett, Bradbury, Brogoitti, Calouri, Campbell, DeBoer, Gilmour, Hanneman, Harper, Hosticka, Johnson, D. Jones, D. E. Jones, Lombard, Markham, Miller, Parkinson, Priestley, L. Roberts, Schoon, Simpson, Smith, Throop, Trahern, Van Vliet, VanLeeuwen, Young, Zajonc  
Throop served notice of possible reconsideration.
- 6-21 Vote reconsideration carried.  
Ayes, 51--Nays, 8, Bellamy, Calouri, Harper, Miller, Schoon, Simpson, Trahern, Van Vliet--Excused, 1, D. Jones  
Committee report adopted. Subsequent referral to Revenue and School Finance rescinded.  
Second Reading.
- 6-22 Third reading. Passed.  
Ayes, 41--Nays, 6, Calouri, Gilmour, Harper, D. Jones, Schoon, Van Vliet--Excused, 2, Burrows, Mason--Excused for business of the House, 11, Bauman, Courtney, D. E. Jones, Lombard, Miller, Myers, Rutherford, Scavera, Simpson, Smith, Mr. Speaker
- 6-23(S) First reading. Referred to President's desk.
- 6-24 Referred to Labor.
- 6-30 Recommendation: Do pass (with printed House amendments June 16).  
Second reading.
- 7-1 Carried over to 7-2 Calendar by unanimous consent.
- 7-2 Third reading. Passed.  
Ayes, 29--Excused, 1, Roberts