



by Steven Bailey, N.D.

A Look at Legislative Action

"We have frequently printed the word democracy. Yet I cannot too often repeat that it is a word the real gist of which still sleeps, quite unawaken'd, notwithstanding the resonance and the many angry tempests out of which its syllables have come, from pen or tongue. It is a great word, whose history, I suppose, remains unwritten, because that history has yet to be enacted. It is, in some sort, younger brother of another great and often-used word, NATURE, whose history also waits unwritten."

Walt Whitman

It is perhaps ironic that this is the legislative session that passed HB 2001, a South African divestiture bill. I say this because, while divestiture has been an issue for many sessions, this has certainly not been the legislative body that epitomizes empathy to self-determination, employment and human rights issues as related to apartheid. This body has, to a great extent, acted in a manner that leans much more heavily towards the interests of business and insurance companies as opposed to those of the workers, labor and social services.

The 1987 Oregon Legislative session has been conducted at an incredible pace while struggling with the most co-equal makeup (Republican to Democrats) in recent history. This parity has resulted in a body that has acted much more conservatively than Governor Goldschmidt probably wishes. It has also resulted in a body that has underscored the power of the lobby, the politics of compromise and ultimately the politics of politics.

This article will attempt to appraise particular actions as well as general tendencies of our legislators in the areas of health care, workers comp/labor issues. My next article will combine a number of Oregon's public interest groups' evaluations into an over-all evaluation of our 1987 legislators.

Before I begin on content of legislation, a short overview: Legislation in the above mentioned areas is reviewed and acted on by either the House or Senate Committees on Labor or Human Resources. On the Senate side, these committees are chaired by Senator Larry Hill and Senator Bill McCoy respectively. Their House counterparts are Representative Bob Shiprack and Rick Kotulski. Each committee has a one-democrat majority, and bills must be passed out of committee by a majority vote.

Workers Comp Issues: Reform and improvement of workers comp statutes is defined quite differently from one house to the other. House Bill (HB) 2103, which came out of Representative Shiprack's labor committee after three tries, placed substantial responsibility on the injured worker, including legal fees, and was seen by labor, legal groups and workers to be a very poor bill. This bill was essentially a dream list of the insurance companies, the Oregon Medical Association and big business. This is not too surprising considering Shiprack's and Kotulski's strong friendships to these groups. What resulted was a bill that ended up far removed from the changes suggested by Governor Goldschmidt.

HB 2103 was finally passed by the whole House but has pretty much died on the Senate side. The Senate counterpart is called HB 2900 and purports a much more balanced set of changes. This bill still will help eliminate abuse within workers comp, but leaves in checks and balances essential to a fair and equitable disability program. At a time when we need to improve Oregon's attractiveness to new industry, it is reassuring to see the stance that Senator Hill's committee has taken. The final concurrence on these issues has yet to take place, but hopefully will take the form of HB 2900.

HR Committees: The Senate Human Resources Committee conducted their business in a manner that I consider to have been fair, objective and productive. While I agree with Fresh Weekly's evaluation of Senator Roberts as having an excellent session, I must differ with their appraisal of Senator McCoy. I found Senator McCoy to be one of the least impressive legislators as related to self-interest lobbies and found his chairing of Human Resources to be excellent at a time when Salem's self-interests strongly influenced policy.

On the House side, the Human Resources Committee again reflected the presence of Chair Rick Kotulski and member Bob Shiprack. While this committee at times appeared to be meeting at the desire of the Oregon Medical Association and insurance industry, we must acknowledge the excellent representation given by member Margaret Carter and Mary Alice Ford.

Human Resources Topics: While this encompasses a wide range of issues, the action of the House can be paralleled to its action on HB 2650 and SB 292. I cite these bills as I followed them very closely throughout the session.

SB 292: This was a bill that was introduced by one of the "alternative



Rick Kotulski—Chair of the Human Resources Committee.

Photo by Richard J. Brown

medical" associations. While the OMA and the Oregon Osteopathic Association testified against this bill, as they do against nearly all bills introduced by other members of the healing arts, the Senate passed the bill by a vote of 23-4. It was assigned to Representative Kotulski's committee where he said he would hear it after higher priorities were taken care of. . . . As the session neared completion, he decided he wouldn't give it a hearing because it was "too controversial". While a majority of his committee favored giving this bill a hearing, chair Kotulski let it die.

The House actions on HB 2650 further exemplify the influence of the big dollar lobby. This was a bill that brought Oregon's insurance codes into agreement with the majority of states regarding non-discrimination in choice and re-imbursement of health care provider. While this bill paralleled a plank of the democratic party and had numerous public interest groups' support (and even had Kotulski as a signed sponsor), Representative Kotulski led the Republican-based floor opposition to this bill.

While very few people spoke against this bill during its hearings, as it approached the floor, there came a coalition of lobbyists fighting its passage. These lobbyists represented many insurance carriers (especially companies like Blue Cross which is owned by M.D.'s and has a very real monetary incentive in maintaining discrimination that favors M.D.'s and D.O.'s), the O.M.A., the Portland Chamber of Commerce, Associated Oregon Industries, the Oregon Automobile Dealers Association, and the Oregon Education Association. Their combined work really revealed the "politics of politics" which I mentioned earlier. By this, I mean the trading of votes on unrelated matters. For example, one representative might be convinced to vote no in exchange for another representative's specific vote on another issue. As a result, by the time of the floor vote, what had once been assured passage became a 32-28 defeat. The string of broken promises sits heavily in the hearts of those who worked so hard on this important bill. The appointments by Speaker Katz of Shiprack and Kotulski to their re-

spective chairs has indeed been a compromise solution that has resulted in a very frustrating session. Let us hope that in the upcoming elections we remember the true nature of our elected officials. Only by actively involving ourselves in the upcoming election can we return to a more objective and productive legislature. My future article and overall evaluation of our legislators may better help you appraise the candidates in the next election. I, for one, hope that we find some fresh, objective energy in Salem next session.

Author's Note: At time of publication, the workers comp bill is finding further snags. Minority report from Senate Republicans is being attempted, and the entire session is in limbo until reconciliation takes place.

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