

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OF THE STATE OF OREGON**

**Exhibit
“5”**

PUBLIC RULEMAKING HEARING

In the Matter of the Amendment of OAR: • 436-070, Workers’ Benefit Fund Assessment	))))	TRANSCRIPT OF TESTIMONY
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The proposed amendment to the rules was announced in the Secretary of State’s September Oregon Bulletin. On September 17, 2026, a virtual public rulemaking hearing was held as announced via video and teleconference. Barb Belcher, from the Workers’ Compensation Division, was the hearing officer. The record will be held open for written comment through September 24, 2026.

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TRANSCRIPT OF PROCEEDINGS

Barb Belcher, Workers’ Compensation Division (WCD):

Hello, everyone. Can everyone hear me OK? Thank you, Alana. Great, thank you.

Great; thank you. Good afternoon and welcome. This is a public rulemaking hearing.

My name is Barb Belcher, and I’ll be the presiding officer for the hearing today.

The time is 4 p.m. on Thursday, September 17, 2026.

We are making an audio recording of today’s hearing and will make a transcript.

This hearing is to receive oral testimony not to answer questions about the proposed rulemaking. If you have questions about this rulemaking, you can send them to wcd.policy@dcbs.oregon.gov.

If you want to present oral testimony today, please add your name and business affiliation to the chat and I will call on you when it is time for public testimony.

Today, the Department of Consumer and Business Services, Workers’ Compensation Division addresses chapter 436 of the Oregon Administrative Rules, specifically: Division 070, the Workers’ Benefit Fund Assessment.

In a notice sent on Aug. 24, 2026, the Division announced a rulemaking hearing on the Workers’ Benefit Fund assessment rate and explained that the specific, proposed rate change would be announced by the middle of September. The proposed rate is 2.2 cents per hour worked in 2027, higher than the current rate of 1.8 cents per hour worked.

Transcript of public rulemaking hearing
September 17, 2026

The department has summarized the proposed rule language and prepared an estimate of the fiscal and economic impacts in the notice of proposed rulemaking.

This notice and the proposed language are posted to the Division's website: wcd.oregon.gov under "Laws and Rules," and then "Proposed Rules and testimony."

The Workers' Compensation Division has:

- Filed the notice of proposed rulemaking with the Oregon Secretary of State on August 24, 2026.
- Mailed the notice to its electronic mailing lists;
- Notified Oregon legislators as required by ORS chapter 183; and
- Posted public notice and the proposed rules to its website.

Copies of the notice of proposed rulemaking hearing and testimony are available on the Department's website or will be after this hearing.

The Oregon Secretary of State published the hearing notice in its September 2026 Oregon Bulletin.

This hearing gives the public an opportunity to provide comments about the proposed rules. In addition, the division will accept written comments through September 24, 2026, at 5 p.m. and will not make any decisions until all the testimony is considered.

Sean O'Day, the director of the Department of Consumer and Business Services, has provided testimony for today's hearing. I will read an extract of the director's written testimony into the record, which is most of a memo dated today, September 17, 2026:

The Workers' Benefit Fund (WBF) assessment provides benefit increases to permanently disabled workers and to families of workers who died from a workplace injury or disease. These cost-of-living adjustments are made to reflect improvements to benefits and changes in average wages.

The WBF also supports Oregon's highly successful programs to help injured workers return to work sooner and earn their pre-injury wages. These programs offer financial assistance, such as wage subsidies, premium exemptions, and reimbursements for worksite modifications and equipment, to employers that hire injured workers. These programs help keep Oregon's workers' compensation costs low.

The fund's revenue comes from a cents-per-hour-worked assessment. Employers and workers each pay half of the assessment. The assessment is paid directly to Oregon's Employment and Revenue departments through quarterly payroll tax reports, and the revenue is transferred to DCBS.

For 2027, our analysts recommend increasing the assessment to 2.2 cents per hour worked, the fourth lowest rate since the inception of the cents-per-hour assessment in 1996.

That was from the director's testimony. The staff memo referenced in that testimony has been posted to the Workers' Compensation Division website as Exhibit 1. The director's testimony will be posted to the website as Exhibit 4 after today's hearing.

We are ready to receive public testimony.

Is there anyone who would like to testify at this time? You may raise your hand or put your name and business affiliation in the chat.

Hearing no one, I will recess the hearing, but we will resume for more testimony if anyone arrives and wants to testify before 4:30 today.

Hello this hearing is resumed at 4:26 PM is there anyone on the on the call today that would like to provide testimony you may raise your hand or put your name in business affiliation in the chat?

Hearing no one, I'll, I'll adjourn this hearing in just a minute.

Again, the record remains open for written testimony through and including September 24, 2026 at 5 p.m. You may submit testimony in any written form. I encourage you to submit your testimony by email to wcd.policy@dcbs.oregon.gov or as attachments to email. You may also mail your testimony to PO BOX 14480; Salem, OR 97309 Attn: Barb Belcher. The contact information is in the chat.

Thank you everyone.

This meeting is now adjourned at 4:27 PM.