

HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

May 21, 2001
8:00 A.M.

Hearing Room D
Tapes 130 - 135

MEMBERS PRESENT: Rep. Jeff Kruse, Chair
Rep. Bill Garrard, Vice-Chair
Rep. Bill Morrisette, Vice Chair
Rep. Phil Barnhart
Rep. Jerry Krummel
Rep. Laurie Monnes-Anderson
Rep. Jan Lee
Rep. Carolyn Tomei
Rep. Cheryl Walker

MEMBER EXCUSED:

STAFF PRESENT: Diane Lewis, Administrator
Rachel Brown, Administrative Support

MEASURE/ISSUES HEARD: HB 2267 – Work Session
HB 3120 – Work Session
HB 3312 – Work Session
HB 3457 – Public Hearing and Work Session
HB 3667 – Public Hearing and Work Session
HB 3444 – Public Hearing and Work Session
HB 3200 – Public Hearing and Work Session
HB 3353 – Public Hearing and Work Session
SB 413A – Public Hearing and Work Session
SB 436 – Public Hearing and Work Session
SB 246A – Public Hearing and Work Session
SB 364A – Public Hearing and Work Session
SB 45A – Public Hearing and Work Session
SB 286A – Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 130, A		
004	Chair Kruse	Calls the meeting to order at 8:23 a.m. Opens a work session on HB 2267.
<u>HB 2267 – WORK SESSION</u>		
008– 075- <i>Experienced audio difficulty (echo-like sound).</i>		
009	Committee Staff	Summarizes –1 amendments to HB 2267 [EXHIBIT A].
010	Rep. Rob Patridge	House District 50. Presents support to HB 2267 and submits written testimony [EXHIBIT B]. Submits the –4 amendments [EXHIBIT C].
030	Dr. Oxman	First name, title? Presents testimony in support of HB 2267. Testifies in support of the amendments.
084	Rep. Garrard	Asks what entity pays for the medical care of a person who is incarcerated and has a communicable disease.
087	Oxman	Responds that current statute specifies for medical services to be paid through funds specifically allocated by the county. [Discussion.]

126	Rep. Patridge	Offers to work with Rep. Jackie Winters to resolve some of the concerns. Further states that the –4 amendments were initiated by the counties. [Discussion.]
144	Rep. Morrisette	Comments that there is a bill in Ways and Means that will allocate \$15 million in tobacco settlement funds to the counties for this purpose.
157	Rep. Barnhart	States that this is a question about old legalities and further describes the old common law around public health issues. [Discussion.]
188	Chair Kruse	Asks Rep. Patridge to clarify to the committee why there is no fiscal impact to local governments.
191	Rep. Patridge	Responds that the amendments create a technical change only and were requested by county health officials to allow them added leverage for people who do not comply with quarantine laws. [Discussion.]
272	Rep. Krummel	Refers to page 3 of the –4 amendments and asks about a patient’s right to accept or deny treatment.
286	Oxman	Responds that the way the law is structured, if a patient refuses medical treatment, the county can fall back to other measures, i.e., isolating the infected individual in their home until the court determines whether to enforce treatment.
315	Rep. Garrard	Comments that the bill appears to streamline the public health process and shares concern that it has the potential to bankrupt smaller counties should an outbreak of a contagious disease occur.
325	Rep. Patridge	Explains that currently there is a 14-day waiting period to quarantine a person, and the bill removes the waiting period.
358	Rep. Barnhart	Offers a metaphor of someone who is inebriated and walks down the street firing a pistol: you give him notice, but have to come back in 14 days to arrest him.
384	Grant Higginson	Acting Administrator, Oregon Health Division. Presents testimony in support of HB 2267.
420	Higginson	Continues with testimony on the purpose of the proposed –4 amendments.
TAPE 131, A		
012	Gordon Fults	Association of Oregon Counties. Presents testimony in support of HB 2267. States that he only just received the proposed –4 amendments. Provides support to the amendments if it proposes an optional tool, but if it proposes a mandatory one, they will not support it.
027	Higginson	Reinforces that costs are borne by the system, that there is no additional fiscal impact and the bill has the potential for lowering costs.
038	Lewis	Asks Mr. Higginson to identify other contagious diseases that might be impacted by the bill.
040	Higginson	Responds that the –4 amendments primarily focus on tuberculosis; other potential diseases would include Hepatitis A and E-Coli.
049	Oxman	Responds that the quarantine statute has not been used for any diseases other than tuberculosis. [Discussion.]
070	Rep. Garrard	Asks if the potential cost to counties that may experience an outbreak of a contagious disease has ever been considered.
076	Fults	Responds that this is a concern but believes the amendment provides an optional tool for counties to use if they desire.

107	Rep. Morrisette	Asks when can an emergency be declared and who has the power to declare an emergency.
120	Higginson	Responds that local public health officials only have quarantine powers and they do not have the power to declare an emergency. Adds that there are some pandemic planning activities being developed. [Discussion.]
172	Bob Castagna	Oregon Catholic Conference. Presents support to HB 2267 and submits the proposed –5 amendments [EXHIBIT D]. Recommends combining –4 and the –5 amendments.
190	Diane Lewis	Reads conceptually proposed amendment language.
199	Rep. Patridge	Suggests that from a procedural standpoint, the committee should move to suspend the rules in order to do a conceptual amendment.
203	Rep. Monnes-Anderson	Submits and presents history on the proposed–6 amendments [EXHIBIT E].
250	Rep. Barnhart	Asks if the requirement already exists for larger water systems.
231	Rep. Monnes-Anderson	Responds affirmatively and adds that the proposed language will require laboratories to report to the Health Division. [Discussion.]
328	Rep. Mark Hass	House District 8. States that most of the water districts already do what is required, which is to report the lab tests to the health division, but unfortunately, some do not.
344	Rep. Lee	Comments that this issue was discussed in the Water and Environment Committee and there was consensus to move another bill dealing with this issue. [Discussion.]
373	Chair Kruse	Explains that additional time is needed in order to digest the –7 amendments so he will close the work session on the bill and reopen the work session later in the day or the following day.
403	Chair Kruse	Closes the work session on HB 3120. Opens a public hearing on HB 3444.

HB 3444 – PUBLIC HEARING

405	Diane Lewis	Committee Administrator. Summarizes HB 3444.
410	Rep. Bob Patridge	House District 50. Submits and presents testimony in support of HB 3444 [EXHIBIT F] and the –1 amendments [EXHIBIT G].
413	Rep. Barnhart	Asks what would happen if the federal waiver is denied.
415	Rep. Patridge	Responds that provisions in the bill would not be implemented because there would be no funding.
435	Tom Olson	Administrator, Childcare Division. Presents neutral testimony regarding HB 3444. Responds that research has shown that when parents can stay home with their children, young children tend to be less at-risk for unhealthy or dysfunctional behavior.

TAPE 130, B

008	Rep. Patridge	Continues with testimony on childcare dollars.
014	Rep. Barnhart	Asks to define the term “ERDC” referred to in testimony and asks about funding resources.
015	Rep. Patridge	Explains that ERDC stands for Employment Related Day Care and that the program is primarily federally funded. [Discussion.]
053	Rep. Morrisette	Asks if the proposed amendment would take the onus off the state for funding the program. Asks if this is an enabling bill in order for them to get grant dollars.
055	Rep. Patridge	States that the bill directs the agency to ask for a waiver to use federal funds that are currently available for childcare and shift 75 percent of the benefit to those families who want to stay at

072 Chair Kruse home. [Discussion.]
Closes the public hearing on HB 3444 and opens a work session on HB 3444

HB 3444 – WORK SESSION

078 Rep. Barnhart **MOTION: Moves to ADOPT HB 3444-1 amendments dated 4/13/01.**

080 Chair Kruse **VOTE: 7-0**

081 Chair Kruse **EXCUSED: 2 - Krummel, Walker**

Hearing no objection, declares the motion CARRIED.

088 Rep. Barnhart **MOTION: Moves HB 3444 to the floor with a DO PASS AS AMENDED recommendation.**

095 Committee Staff **VOTE: 5-2**

AYE: 5 - Garrard, Lee, Monnes Anderson, Morrisette, Kruse

NAY: 2 - Barnhart, Tomei

101 Chair Kruse **EXCUSED: 2 - Krummel, Walker C**

The motion CARRIES.

REP. PRATRIDGE will lead discussion on the floor.

103 Chair Kruse Closes the work session on HB 3444 and opens a public hearing on HB 3200.

HB 3200 – PUBLIC HEARING

105 Rep. Bob Patridge House District 50. Presents testimony in support of HB 3200 and submits the proposed –2 amendments [**EXHIBIT H**].

132 Hersh Crawford Administrator, Office of Medical Assistance Programs. Submits and presents testimony in support of HB 3200 [**EXHIBIT I**] and the proposed –2 amendments.

149 Rep. Barnhart Asks if the proposed amendments narrow the intent of the original bill.

152 Rep. Patridge Responds affirmatively and states that in the attempt to move through the system quickly, the original bill was overly broad in its original language.

161 Rep. Tomei Refers to earlier concerns raised relating to mental illness and continuity of care.

153 Rep. Patridge Describes the partnership between the Department of Corrections and the Department of Human Services to identify people with mental health illness or chemical dependency and provide access to medical care. [Discussion.]

224 Rep. Barnhart Asks what were the problems with the original bill that make amendments necessary.

227 Crawford Responds that the original bill was much broader in scope, and federal regulations prohibit people who are incarcerated from being eligible for Medicaid. [Discussion.]

251 Chair Kruse Closes the public hearing on HB 3200 and opens a work session on HB 3200.

HB 3200 – WORK SESSION

254 Rep. Morrisette **MOTION: Moves to ADOPT HB 3200-2 amendments dated 05/16/01.**

257 **VOTE: 7-1**

AYE: 7 - Garrard, Krummel, Lee, Morrisette, Tomei, Walker C, Kruse

NAY: 1 - Barnhart
EXCUSED: 1 - Monnes Anderson
The motion CARRIES.

263 Chair Kruse

265 Rep. Morrisette **MOTION: Moves HB 3200 to the floor with a DO PASS AS AMENDED recommendation.**

269 Committee Staff **VOTE: 8-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Monnes-Anderson

291 Chair Kruse **The motion CARRIES.**
REP. KRUMMEL will lead discussion on the floor.

295 Chair Kruse Closes the work session on HB 3200 and opens a public hearing on HB 3353.

HB 3353 – PUBLIC HEARING

300 Diane Lewis Committee Administrator. Summarizes HB 3353.

306 Rep. Bob Patridge House District 50. Presents testimony in support of HB 3353 and submits the proposed–2 amendments [EXHIBIT J].

369 Rep. Walker Shares her support to the bill but recommends removing section 1(7) relating to travel expenses from the bill. [Discussion.]

420 Rep. Barnhart Observes the number of changes in who appoints members of the commission and asks about the changes and how the commissions are set up.

TAPE 131, B

006 Rep. Patridge Responds that he wanted legislative buy-in from members of the legislative assembly on this particular task force.

022 Brad Angle Research Section, Oregon Employment Department. Submits and presents written testimony in regard to HB 3353 [EXHIBIT K].

056 Chair Kruse Closes the public hearing on HB 3353 and opens a work session on HB 3353.

HB 3353 – WORK SESSION

058 Rep. Morrisette **MOTION: Moves to ADOPT HB 3353-2 amendments dated 05/17/01.**

060 **VOTE: 8-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Monnes-Anderson

061 Chair Kruse **The motion CARRIES.**

075 Rep. Morrisette **MOTION: Moves HB 3353 to the floor with a DO PASS AS AMENDED recommendation.**

076 Rep. Krummel Recommends that OHSU school of medicine be included in the bill.

087 Committee Staff **VOTE: 8-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Monnes-Anderson

091 Chair Kruse **The motion CARRIES.**
REP. PATRIDGE will lead discussion on the floor.

094 Chair Kruse Closes the work session on HB 3353. Announces that he will recess the meeting and will reconvene at 5:00 p.m.

TAPE 132, A

002 Chair Kruse Reconvenes the committee (in Hearing Room B) at 5:11 p.m.

Opens a public hearing on SB 286A.

SB 286A – PUBLIC HEARING

004 Diane Lewis Committee Administrator. Summarizes SB 286A.
012 Sen. Margaret Carter Senate District 8. Presents testimony in support of SB 286A.
046 Claire Rosenfeld National Youth Advocate, Oregon Area-American Diabetes Association. Presents testimony in support of SB 286A.
075 Jodie Fischer American Diabetes Association. Presents testimony in support SB 286A and submits the proposed –3 amendments [EXHIBIT L].
092 Chair Kruse Closes the public hearing on SB 286A and opens a work session on SB 286A.

SB 286A – WORK SESSION

094 Rep. Garrard MOTION: Moves to ADOPT SB 286A -3 amendments dated 05/14/01.

**096 Chair Kruse VOTE: 9-0
Hearing no objection, declares the motion CARRIED.**

099 Rep. Garrard MOTION: Moves SB 286A to the floor with a DO PASS AS AMENDED recommendation.

**101 Chair Kruse VOTE: 9-0
AYE: In a roll call vote, all members present vote Aye.**

**107 Chair Kruse The motion CARRIES.
REP. GARRARD AND REP. TOMEI will lead discussion on the floor.**

113 Chair Kruse Closes the work session on SB 286A and opens a public hearing on SB 413A.

SB 413A – PUBLIC HEARING

115 Diane Lewis Committee Administrator. Summarizes SB 413A.
118 Dr. Linda Meloche Naturopathic Physician. Submits and presents testimony in support of SB 413A [EXHIBIT M].
167 Rep. Barnhart Refers to page 4, line 8 and asks why the word “gross malpractice” was removed from the bill.
175 Meloche Responds that the word was repeated unnecessarily in the bill.
197 Rep. Barnhart Asks if naturopaths can be disciplined for simple negligence.
198 Meloche States that this would depend on the individual case and the proposed language will allow them the opportunity.
210 Rep. Monnes- Anderson Asks if the Oregon Medical Association (OMA) supports the bill.
211 Meloche Responds that OMA testified in the Senate committee and once the recommended changes were made, the OMA did not voice opposition.
219 Jim Anderson OMA. Confirms that once the corrections were made, there was agreement.
220 Committee Staff Submits written testimony on behalf of Don Walker [EXHIBIT N].
225 Chair Kruse Closes the public hearing on SB 413A and opens a work session on SB 413A.

SB 413A – WORK SESSION

229 Rep. Tomei MOTION: Moves SB 413A to the floor with a DO PASS recommendation.

230		VOTE: 9-0
234	Chair Kruse	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.
254	Chair Kruse	Closes the work session on SB 413A and opens a public hearing on SB 436.
<u>SB 436 – PUBLIC HEARING</u>		
256	Diane Lewis	Committee Administrator. Summarizes SB 436. Submits testimony on behalf of Hilda Welch [EXHIBIT O] and testimony on behalf of Merrily Haas [EXHIBIT P].
266	Genie Suihkonen	Family Childcare Provider. Presents testimony in support of SB 436.
320	Dave Barrenburg	Volunteer Member, Oregon Childcare Commission. Presents testimony in support of SB 436.
370	Mary Nemmers	Executive Director, Oregon Childcare Resource and Referral Network. Presents testimony in support of SB 436.
412	Tom Olsen	Administrator, Oregon Childcare Division. Submits and presents written testimony in support of SB 436 [EXHIBIT Q].
TAPE 133, A		
013	Olsen	Continues with testimony on family childcare reviews.
025	Rep. Barnhart	Asks how often the division conducts registration renewals.
027	Olsen	Responds that renewals are conducted every two years.
029	Rep. Krummel	Asks how the proposed staff additions will be utilized.
032	Olsen	Responds that eight will be family childcare specialists and one will provide supervision. [Discussion.]
048	Chair Kruse	Closes the public hearing on SB 436 and opens a work session on SB 436.
<u>SB 436 – WORK SESSION</u>		
051	Rep. Walker	Offers her support to the bill and provides a personal anecdote relating to her grandson.
063	Rep. Walker	MOTION: Moves SB 436 to the floor with a DO PASS recommendation.
065	Committee Staff	VOTE: 9-0
071	Chair Kruse	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. REP. WALKER will lead discussion on the floor.
072	Chair Kruse	Closes the work session on SB 436 and opens a public hearing on SB 45A.
<u>SB 45A – PUBLIC HEARING</u>		
080	Diane Lewis	Committee Administrator. Summarizes SB 45A and the –8 amendments offered by the Oregon Medical Association [EXHIBIT R].
105	Jodie Fischer	Oregon Academy of Ophthalmology. Submits written testimony in support of SB 45 [EXHIBIT S] and the -8 amendments.
165	Fischer	Continues with testimony on topical medications.
190	Rep. Morrisette	Asks if language relating to topical medications was the reason for opposition in the Senate.
197	Fischer	Responds affirmatively and adds that some legislative members had further objections to which providers should be allowed to prescribe medications.
211	Jim Anderson	Oregon Medical Association. Presents testimony in support of

239 Peggy Anet SB 45A and the -8 amendments.
Health Insurance Association of America. Submits and presents testimony in opposition to SB 45A [EXHIBIT T].

318 Rep. Alan Bates House District 52. Presents testimony in support of SB 45A and shares concern with the -8 amendments.

380 Chair Kruse Observes that the -8 amendments remove the word “nontopical” from the bill and asks if Rep. Bates supports this.

382 Rep. Bates Presents his support. [Discussion.]

410 Rep. Monnes-Anderson Opines that with new drugs coming out, the side effects could be much greater and asks why Rep. Bates opposes this.

TAPE 132, B

003 Rep. Bates Responds that the risk is with a primary care physician who deals with 200-300 drugs every day and who may not want to use a particular type of medication. [Discussion.]

075 Rep. Dan Doyle House District 30. Presents testimony in support of SB 45A.

122 Rep. Lee Comments that if people have proven they can use drugs reliably, they should be given access to these medications.

138 Wayne Schumacher Director, Oregon Optometric Physicians Association. Submits and presents testimony in support of SB 45A [EXHIBIT U].

215 Dr. Leland Carr Optometric Physician. Submits and presents testimony in support of SB 45A [EXHIBIT V] and opposition to the proposed amendments.

300 Carr Continues with testimony by describing the optometry program at Pacific University.

352 Rep. Monnes-Anderson Refers to optometry curriculum in submitted material and notes that the curriculum does not appear to provide actual prescribing training.

376 Carr Explains that a 3-credit course would result in 45 actual hours devoted to the subject matter, refers to handout which shows the number of extensive hours devoted to the judicious use of agents.

410 Dr. Joan Miller President, Board of Optometry. Submits and presents testimony in support of SB 45A [EXHIBIT W] and opposition to the amendments.

TAPE 133, B

028 Rep. Monnes-Anderson Comments on the apparent “independent” role of the Board of Optometry’s and questions why it opposes the amendments.

045 Dr. Joan Miller Responds that there is a lot of misunderstanding regarding the board’s independent status and further describes its role.

085 Chair Kruse Closes the public hearing on SB 45A and opens a work session on SB 45A.

SB 45A – WORK SESSION

086 Rep. Garrard MOTION: Moves SB 45A to the floor with a DO PASS recommendation.

092 Rep. Monnes-Anderson MOTION: Moves to ADOPT SB 45A-8 amendments dated 05/21/01.

095 Committee Discussion on parliamentary procedures: whether a motion to amend takes priority over the main motion to send the bill to the bill.

110 Rep. Garrard Withdraws his motion to send the bill to the floor.

122 Committee Discussion on the -8 amendments.

148 VOTE: 2-7
AYE: 2 - Monnes Anderson, Walker C
NAY: 7 - Barnhart, Garrard, Krummel, Lee, Morrisette, Tomei, Kruse

154	Chair Kruse	The motion FAILS.
156	Rep. Garrard	MOTION: Moves SB 45A to the floor with a DO PASS recommendation.
161	Committee Staff	VOTE: 8-1 AYE: 8 - Barnhart, Garrard, Krummel, Lee, Morrisette, Tomei, Walker C, Kruse NAY: 1 - Monnes Anderson
164	Chair Kruse	The motion CARRIES. REP. BARNHART will lead discussion on the floor.
166	Chair Kruse	Closes the work session on SB 45A and opens a public hearing on HB 3667.
<u>HB 3667 – PUBLIC HEARING</u>		
172	Diane Lewis	Committee Administrator. Summarizes HB 3667.
204	Lee Hazelwood	Senior and Disabled Advocate. Submits and presents testimony in support of HB 3667 [EXHIBIT X].
247	Jim Davis	Oregon State Council of Senior Citizens. Submits and presents written testimony in support of HB 3667 [EXHIBIT Y].
325	Davis	Continues with testimony on peer counseling project efforts.
400	Davis	Continues with testimony on peer counseling project efforts.
428	Phyllis Rand	Capitol Coordinator, Governors Commission on Senior Services. Submits and presents testimony in support HB 3667 [EXHIBIT Z].
TAPE 134, A		
004	Chair Kruse	Closes the public hearing on HB 3667 and opens a work session on HB 3667.
<u>HB 3667 – WORK SESSION</u>		
009	Rep. Barnhart	MOTION: Moves HB 3667 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
013	Committee Staff	VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Walker
017	Chair Kruse	The motion CARRIES.
018	Chair Kruse	Closes the work session on HB 3667 and opens a public hearing on HB 3457.
<u>HB 3457 – PUBLIC HEARING</u>		
035	Diane Lewis	Committee Administrator. Summarizes HB 3457.
046	Tom Holt	Executive Director, Oregon State Pharmacists Association. Submits and presents testimony in support of HB 3667 [EXHIBIT AA].
103	Chair Kruse	Explains that the current prescription drug work group is taking a hard look at case management and provides his support to the bill. [Discussion.]
125	Chair Kruse	Closes the public hearing on HB 3457 and opens a work session on HB 3457.
<u>HB 3457 – WORK SESSION</u>		
129	Rep. Barnhart	MOTION: Moves HB 3457 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
132	Committee Staff	VOTE: 9-0

		AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
137	Chair Kruse	
138	Chair Kruse	Closes the work session on HB 3457 and opens a work session on HB 3120.
<u>HB 3120 – WORK SESSION</u>		
141	Diane Lewis	Committee Administrator. Summarizes HB 3120 and the –1 amendments [EXHIBIT BB].
159	Stephen Kafoury	Oregon Physical Therapy Association. Presents testimony in opposition to the proposed –1 amendments to HB 3120.
200	Jim Anderson	Oregon Medical Association (OMA). Presents testimony in support of HB 3120 and to the proposed –1 amendments.
239	Rep. Tomei	Offers a personal anecdote relating to a back injury and questions the need for her to be referred to a physician if she is already seeing a physical therapist for treatment.
257	Anderson	Responds that under present law, the referral has to be made by the physical therapist. [Discussion.]
320	Kafoury	Suggests that there may be a loophole in the law in that the statute requires a physical therapist to refer his or her patient, yet, there is no requirement that the patient actually see the physician. [Discussion.]
346	Rep. Barnhart	Asks if the OMA would support a 60-day referral.
349	Anderson	Responds affirmatively.
363	Chair Kruse	States his belief that the proposed amendments moves in a responsible direction and it is his intent is to leave the decision to the committee.
370	Rep. Barnhart	MOTION: Moves to ADOPT HB 3120-1 amendments.
371	Rep. Barnhart	Comments that the real issue is whether physical therapists can be expected to make a decision on referrals. Adds that there has been no showing that physical therapists have the capacity to adequately make this decision.
420	Rep. Barnhart	Continues with comment and provides his support to the amendments, but opposition to the bill if they are not included.
TAPE 135, A		
010	Rep. Tomei	Observes that language in the bill shows that physical therapists do know the limitation of their practice and are required to refer the patient. Provides her support to the bill. [Discussion.]
111	Committee Staff	VOTE: 9-0
116	Chair Kruse	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
123	Rep. Walker	MOTION: Moves HB 3120 to the floor with a DO PASS AS AMENDED recommendation.
135	Committee Staff	VOTE: 9-0
137	Chair Kruse	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
141	Rep. Walker	MOTION: Moves HB 3120 be placed on the CONSENT CALENDAR.
146	Chair Kruse	VOTE: 9-0 Hearing no objection, declares the motion CARRIED. The motion CARRIES.

148	Chair Kruse	Closes the work session on HB 3120 and opens a work session on HB 3312.
<u>HB 3312 – WORK SESSION</u>		
152	Chair Kruse	Explains his intent to move the bill to another committee so that both bills (SB 608 and HB 3312) could be heard in the same committee.
158	Rep. Barnhart	MOTION: Moves HB 3312 to the floor with a DO PASS recommendation.
160	Rep. Walker	Recommends that Rep. Barnhart withdraw his motion in order to have discussion on proposed amendments. [Discussion.]
201	Ramona Kennedy	Chief Clerk of the House. Clarifies the point of order on motions. [Discussion.]
324	Bob Castagna	Director, Oregon Catholic Conference. Submits and presents support to the –2 amendments [EXHIBIT CC]. Presents their opposition to the proposed –4 amendments [EXHIBIT DD].
370	Rep. Lee	Asks what language is being adopted in other states.
373	Castagna	Responds that he does not know, but has read that the Florida Legislature has adopted a conscience clause legislation.
380	Rep. Barnhart	Asks to explain the specific concerns with the proposed – 4 amendments.
388	Castagna	Refers to line 4 and language relating to religious employer and explains that this would require that you meet four criteria - the language is too restrictive. [Discussion.]
405	Rep. Monnes-Anderson	Asks if a catholic employer should be excluded from providing contraceptive benefits to his or her employees.
408	Castagna	Responds that if an employee wants something that is against the teachings of the Catholic church, there should be no obligation on the church to provide it.
TAPE 134, B		
003	Rep. Monnes-Anderson	Asks how the religious issues correlate with the U.S. Equal Employment Opportunity Commission (EEOC), which found that the exclusion of a prescription contraceptive benefit violates the Pregnancy Discrimination Act.
005	Castagna	Responds that right now the U.S. Constitution preempts. [Discussion.]
015	Rep. Lee	Explains that the EEOC is formed under the 1964 Civil Rights Act which is held constitutional so she is not certain where there is a conflict with the First Amendment.
017	Castagna	Responds that in the general media of the ruling, he is not certain that the EEOC discussed the First Amendment.
020	Rep. Barnhart	Concurs that the issue has not been raised.
024	Rep. Morrisette	Refers to earlier arguments made by Rep. Nolan today on the conscience clause. States that he is not certain how he will vote on the measure since he sees it more as the right of the individual as opposed to the right of an institution.
035	Castagna	States that passage of the –4 amendments places Oregon in the position of dictating to a religious body what it must provide through its prescription health care benefit.
049	Rep. Walker	Goes on record to state that she has spoken with other religious institutions that provide contraceptives although it is not mandated and is due to employer-employee law. Submits and reads the opinion submitted by the Legislative Counsel Office

[EXHIBIT EE].

074 Rep. Monnes-Anderson Refers to the -4 amendments, lines 12 through 16 and observes that this section would be needed to allow a religious employer to request a policy without coverage for prescription contraceptives. [Discussion.]

100 Castagna States his goal to avoid litigation with the state and similarly to the course the church has had to pursue in the State of California.

125 Rep. Morrisette Asks if St. Vincent De Paul should be exempt from having to provide insurance to its employees.

130 Castagna Responds that he does not know what their present policy is and would have to make inquiry. [Discussion.]

173 Rep. Barnhart Comments that the key question is to what extent is an organization entitled to define itself as religious as it expands its activities out into things that are well passed religious observance.

212 Rep. Morrisette Refers to the previous question on St. Vincent De Paul and notes that they could not fall under the category of religious organization because they receive so much federal and state dollars.

232 Castagna States that in earlier conversations with Mr. Chaimov, Legislative Counsel, it was stated that employer conscience clause would extend constitutionally, not only to a religious body, but to any employer invoking freedom of religion. [Discussion.]

280 Rep. Barnhart MOTION: Moves to POSTPONE FURTHER CONSIDERATION of HB 3312 until 1:30 p.m. at 05/22/01

300 Committee Discussion on point of order motions.

352 Committee Staff VOTE: 0-9

NAY: 9 - Barnhart, Garrard, Krummel, Lee, Monnes Anderson, Morrisette, Tomei, Walker C, Kruse

368 Chair Kruse The motion FAILS.

378 Rep. Walker MOTION: Moves THE PREVIOUS QUESTION to ADOPT HB 3312-4 amendments dated 05/21/01.

383 Committee Staff VOTE: 9-0

385 Chair Kruse AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

399 Rep. Walker MOTION: Moves HB 3312 to the floor with a DO PASS AS AMENDED recommendation.

400 Committee Staff VOTE: 3-6

411 Chair Kruse AYE: 3 - Barnhart, Monnes Anderson, Tomei NAY: 6 - Garrard, Krummel, Lee, Morrisette, Walker C, Kruse The motion FAILS.

413 Rep. Walker MOTION: Moves HB 3312 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on E-Commerce.

419 Committee Staff VOTE: 9-0

427 Chair Kruse AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

Tape 135, B

005

Chair Kruse

Closes the work session on HB 3312.

009

Chair Kruse

Adjourns the committee at 8:20 p.m.

Submitted By,

Reviewed By,

Rachel Brown,
Committee Assistant

Diane Lewis,
Committee Administrator

Transcribed By,

Nora Carlson

EXHIBIT SUMMARY

- A – HB 2267, proposed –1 amendments, Committee Staff, 1pp**
- B – HB 2267, written testimony, Rep. Bob Patridge, 2pp**
- C – HB 2267, proposed –4 amendments, Rep. Bob Patridge**
- D – HB 2267, proposed –5 amendments, Bob Castagna, 1pp**
- E – HB 2267, proposed –6 amendments, Rep. Laune Monnes-Anderson, 3pp**
- F – HB 3344, written material, Rep. Bob Patridge, 2pp**
- G – HB 3344, proposed –1 amendments, Rep. Bob Patridge,**
- H – HB 3200, proposed –2 amendments, Rep. Bob Patridge, 1pp**
- I – HB 3200, written testimony, Hersh Crawford, 1pp**
- J – HB 3353, proposed –2 amendments, Rep. Bob Patridge, 3pp**
- K – HB 3353, written testimony, Brad Angle, 2pp**
- L – SB 286A, proposed –3 amendments, Jodie Fischer, 1pp**
- M – SB 413A, written testimony, Dr. Linda Meloche, 3pp**
- N – SB 413A, written testimony, Committee Staff, 3pp**
- O – SB 436, written testimony, Committee Staff, 1pp**
- P – SB 436, written testimony, Committee Staff, 1pp**
- Q – SB 436, written testimony, Tom Olson, 2pp**
- R – SB 45A, proposed –8 amendments, Jim Anderson, 1pp**
- S – SB 45A, written material, Jody Fischer, 6pp**
- T – SB 45A, written testimony and material, Peggy Anet, 2pp**
- U – SB 45A, written testimony and material, Wayne Schumacher, 45pp**
- V – SB 45A, written testimony and material, Dr. Leland Carr, 8pp**
- W – SB 45A, written material, Dr. Joan Miller, 2pp**
- X – HB 3667, written testimony, Lee Hazelwood, 1pp**
- Y – HB 3667, written testimony, Jim Davis, 16pp**
- Z – HB 3667, written testimony, Phyllis Rand, 2pp**
- AA – HB 3457, written testimony and material, Tom Holt, 3pp**
- BB – HB 3120, proposed –1 amendments,**
- CC – HB 3312, proposed –2 amendments, Bob Castagna, 1pp**
- DD – HB 3312, proposed –4 amendments, Rep. Cheryl Walker, 1pp**

EE – HB 3312, opinion on SB 608, Rep. Cherryl Walker, 1pp