

# HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

June 13, 2001  
8:30 AM

Hearing Room D  
Tapes 142 - 145

**MEMBERS PRESENT:**     **Rep. Carl Wilson, Chair**  
                                  **Rep. Richard Devlin, Vice-Chair**  
                                  **Rep. Dan Doyle, Vice-Chair**  
                                  **Rep. Bill Garrard**  
                                  **Rep. Steve March**  
                                  **Rep. Bruce Starr**  
                                  **Rep. Joanne Verger**  
                                  **Rep. Cheryl Walker**

**MEMBER EXCUSED:**     **Rep. Dan Gardner**

**STAFF PRESENT:**       **Cara Filsinger, Committee Administrator**  
                                  **Megan Palau, Committee Administrator**  
                                  **Diane Lewis, Committee Administrator**  
                                  **Sandy Thiele-Cirka, Committee Administrator**  
                                  **Sara Noble, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **HJR 21 – Public Hearing and Work Session**  
                                  **HB 3810 – Work Session**  
                                  **SB 293A – Public Hearing and Work Session**  
                                  **HB 2497A – Public Hearing**  
                                  **SB 423B – Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 142, A</b>		
003	Chair Wilson	Calls the committee to order at 8:33 a.m. and opens a public hearing on HJR 21.
<b><u>HJR 21 – PUBLIC HEARING</u></b>		
	Staff	Submits the –1 amendment to HJR 21 ( <b>EXHIBIT A</b> ).
012	Sen. Ken Messerle	Senate District 24. Testifies in support of HJR 21.
039	Eva Germaine-Shimotakahara	Private Citizen from North Bend, OR. Submits written testimony ( <b>EXHIBIT B</b> ). Begins her testimony with a video and continues with testimony in support of HJR 21.
130	Shimotakahara	Continues with her testimony.
220	Shimotakahara	Continues with her testimony.
272	Rep. Verger	Expresses her appreciation on the work done by Mrs. Shimotakahara and her daughter on behalf of this issue.
292	Jim Anderson	Representing the Oregon Medical Association. Testifies in support of HJR 21.
312	Mike Swaim	Mayor, City of Salem. Testifies in support of HJR 21.
355	Kathie Osborn	Representing the Juvenile Rights Project. Testifies on HJR 21 with a neutral to opposition point of view.
<b>TAPE 143, A</b>		
025	Osborn	Continues with her testimony.
076	Cindy Robert	Representing the Oregon Amusement and Music Operators

091	Chair Wilson	Association. Testifies in support of HJR 21.
<b><u>HJR 21 – WORK SESSION</u></b>		Closes the public hearing and opens a work session on HJR 21.
<b>093</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT HJR 21-1 amendments dated 6/8/01.</b>
094	Rep. Devlin	Asks if the sponsors of the original resolution are aware of the amendments and states they don't have to consent but do they.
098	Chair Wilson	Responds yes and they have given their consent.
<b>099</b>	<b>Chair Wilson</b>	<b>VOTE: 8-0-1</b>
<b>100</b>	<b>Rep. Starr</b>	<b>EXCUSED: 1 - Rep. Gardner</b>
		<b>Hearing no objection declares the motion CARRIED.</b>
		<b>MOTION: Moves HJR 21 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
104	Rep. March	Expresses his thoughts and support on the issue.
114	Chair Wilson	States his thoughts and support of HJR 21.
		<b>VOTE: 8-0-1</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
<b>123</b>	<b>Chair Wilson</b>	<b>EXCUSED: 1 - Rep. Gardner</b>
		<b>The motion CARRIES.</b>
		<b>REP. VERGER will lead discussion on the floor.</b>
128	Chair Wilson	Closes the work session on HJR 21 and opens a work session on HB 3810.
<b><u>HB 3810 – WORK SESSION</u></b>		
135	Megan Palau	Committee Administrator. Submits the –2 amendment (EXHIBIT C) and presents information on HB 3810 with the –2 amendment.
<b>144</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT HB 3810-2 amendments dated 5/16/01.</b>
146	Rep. Devlin	Asks if there has been any testimony received in opposition.
149	Palau	Gives a list of those who support HB 3810.
		<b>VOTE: 8-0-1</b>
		<b>EXCUSED: 1 - Rep. Gardner</b>
<b>157</b>	<b>Chair Wilson</b>	<b>Hearing no objection declares the motion CARRIED.</b>
<b>160</b>	<b>Rep. Starr</b>	<b>MOTION: Moves HB 3810 to the floor with a DO PASS AS AMENDED recommendation.</b>
162	Rep. March	Expresses his concern regarding this issue.
172	Randy Tucker	Representing 1000 Friends of Oregon. Testifies in support of HB 3810.
		<b>VOTE: 8-0-1</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
<b>183</b>	<b>Chair Wilson</b>	<b>EXCUSED: 1 - Rep. Gardner</b>
		<b>The motion CARRIES.</b>
		<b>REP. T. SMITH will lead discussion on the floor.</b>
195	Chair Wilson	Closes the work session on HB 3810 and opens a public hearing on SB 293A.
<b><u>SB 293A – PUBLIC HEARING</u></b>		
	Staff	Submits the –A2 and –A3 amendments to SB 293A (EXHIBITS D, E).
203	Sen. John Minnis	Senate District 11. Testifies in support of SB 293A.
240	Chair Wilson	Asks about his thoughts on the amendments.
244	Sen. Minnis	Responds it depends on whose they are and explains.
255	Pat Callahan	Senior Deputy, Multnomah County District Attorneys Office. Testifies in support of SB 293A and the proposed amendments.
318	Dale Penn	Representing Oregon District Attorney's Association. Testifies

374	Rep. Doyle	in support of SB 293A. Asks if you could explain the presumptive sentence and how that gives the DA's more flexibility in what they can use for negotiation.
388	Penn	Gives explanation of the presumptive sentence and how it can be used for negotiation.
<b>TAPE 142, B</b>		
011	Rep. March	Asks which set of amendments are you supporting and why are we referring this to the voters rather than revising a statute ourselves.
018	Penn	Responds this is a significant policy choice with the belief that the people should have an opportunity to vote on and his personal opinion is -A2 but would like to see both.
035	Callahan	Responds the -A3 and explains.
062	Kevin Mannix	Attorney from Salem, OR. Submits written information <b>(EXHIBIT F)</b> and testifies in support of SB 293A.
125	Mannix	Continues with his testimony and discusses the -A2 and -A3 amendments.
170	Rep. C. Walker	Asks for a comment on the change from 4 to 2 years.
189	Mannix	Responds with his views on this change.
220	Rep. Garrard	Gives a scenario and hopes that this bill will separate the break-ins.
226	Mannix	States the reality with repeat offenders.
234	Steve Doell	Representing the Crime Victims United of Oregon. Testifies in support of SB 293A.
322	Rep. March	Asks why do you support a bill that doesn't go into effect until July 1, 2003 and the problems exist now.
333	Doell	Responds with reasons for support.
340	Mannix	Gives further explanation on the reason for the delay in implementation.
357	Rep. C. Walker	Asks do you see that SB 293A will help with the problem of cross jurisdiction issues.
372	Mannix	Responds he believes this will help and explains.
<b>TAPE 143, B</b>		
004	David Groom	State public defender representing Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in opposition to SB 293A.
039	Rep. Garrard	Asks what he would change.
044	Groom	Responds he is not prepared to answer that question today and explains.
063	Chair Wilson	Closes the public hearing on SB 293A and recesses the committee for a few minutes.
067	Chair Wilson	Reconvenes the committee and opens a work session on SB 293A.

**SB 293A – WORK SESSION**

<b>068</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT SB 293A-A2 amendments dated 5/31/01.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>
<b>071</b>	<b>Chair Wilson</b>	<b>Hearing no objection declares the motion CARRIED.</b>
<b>072</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT SB 293A-A3 amendments dated 6/8/01.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>

074	<b>Chair Wilson</b>	<b>Hearing no objection declares the motion CARRIED.</b>
075	<b>Rep. Starr</b>	
		<b>MOTION: Moves SB 293A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-1-2</b>
		<b>AYE: 6 - Doyle, Garrard, Starr, Verger, Walker C, Wilson</b>
		<b>NAY: 1 – March</b>
		<b>EXCUSED: 2 - Devlin, Gardner</b>
077	<b>Chair Wilson</b>	<b>The motion CARRIES.</b>
		<b>REP. GARRARD will lead discussion on the floor.</b>
085	Rep. March	Expresses his thoughts and opposition to SB 293A.
093	Chair Wilson	Closes the work session on SB 293A and opens a public hearing on HB 2497A.

**HB 2497A – PUBLIC HEARING**

098	Diane Lewis	Committee Administrator. Submits the –A6, -A8 and –A9 amendments ( <b>EXHIBITS G, H, I</b> ) and summarizes HB 2497A.
113	Rep. Jeff Kruse	House District 45. Testifies in support of HB 2497A and explains the amendments.
195	Rep. Kruse	Continues with his testimony and suggests that the –A6, -A8 and –A9 amendments be combined and the bill be forwarded to Ways and Means.
238	Rep. Starr	Asks for clarification on the waiver process and the copayment provision. Asks if the waiver from the federal government to implement the Oregon Health Plan precludes the state from currently requiring a co-pay. Asks about the bulk purchasing noted in the –A9 amendment.
246	Rep. Kruse	Responds by explaining federal restrictions. States the current waiver does not allow for it and explains. Responds he is not sure that the pharmacists support the bulk purchasing and explains.
297	Rep. March	References the –A8 and asks for clarification regarding the testing. Asks who is the non-profit organization doing the testing.
324	Rep. Kruse	Explains the target areas looked at.
357	Rep. March	Asks what section 6 is asking of doctors.
363	Rep. Kruse	Conveys that proponents are looking for ways to better assist providers.
392	Rep. Garrard	References –A9 section 8. Asks if patient privacy is a concern.
<b>TAPE 144, A</b> 004	Rep. Kruse	Responds he thinks it is an appropriate issue to look at and explains.
016	Rep. C. Walker	References the –A8 and asks if the same three medical conditions be used as assessment for all physicians. References the –A9 and asks what does Section 3 reference.
022	Rep. Kruse	Explains the criteria being used for assessment. Confirms that Section 3 references disease management.
047	Tom Holt	Oregon State Pharmacists Association (OSPA). Testifies in support of HB 2497A and the –A6 and –A8 amendments.
119	Holt	Continues with his testimony and states OSPA opposes the –A9 amendments.
146	Rep. Garrard	Asks if there is anything here that would prevent local pharmacies from being part of the bulk purchasing contract.
150	Holt	Responds that he does not know and explains.
158	Rep. C. Walker	References the –A8 and asks what is the problem the

164	Holt	amendments are trying to get to. States proponents are trying to get prescribers to have good knowledge about the optimal drug treatments available for their patients.
184	Rep. C. Walker	Expresses her concerns regarding the issue.
232	Holt	Responds that others would be better able to answer those concerns.
250	Rep. Verger	References the comment “the diagnosis on the prescription would enable the pharmacist to do a better job” and asks how does the pharmacist do a better job by knowing the diagnosis.
264	Holt	States what that piece of information allows a pharmacist to do.
293	Rep. Verger	Asks for clarification on the implication that either doctors are not educated enough about medicine or they don’t really know the drugs on the market.
305	Holt	Explains the areas that are most often seen.
348	Rep. Alan Bates	House District 52. Testifies in opposition of the –A8 amendment.

**TAPE 145, A**

013	Rep. Bates	Continues with his testimony.
045	Rep. March	Asks if Rep. Bates has a solution for assisting providers to prescribe more effectively for OHP patients.
053	Rep. Bates	Responds with his thoughts on ways of achieving possible savings.
071	Rep. Garrard	References the Minnesota Plan and asks if it could work in the State of Oregon.
076	Rep. Bates	Responds he is not completely familiar with it.
080	Rep. Starr	Asks if Rep. Bates has concerns with the A-engrossed version separate from the –A8 amendments.
082	Rep. Bates	Responds he mainly focused on the –A8 amendments and would have to review the entire bill before making a comment.
084	Rep. C. Walker	References –A8 section 6 and asks how this would occur.
093	Rep. Bates	States his suggestions regarding the “assessment” process.
112	Chair Wilson	Closes the public hearing on HB 2497A and opens a work session on SB 423B.

**SB 423B – WORK SESSION**

<b>120</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 423.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>
<b>123</b>	<b>Chair Wilson</b>	<b>Hearing no objection declares the motion CARRIED.</b>
<b>128</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to RECONSIDER the vote by which SB 423 was passed out of committee.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>
<b>131</b>	<b>Chair Wilson</b>	<b>Hearing no objection declares the motion CARRIED.</b>
<b>133</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to RECONSIDER the vote on SB 423 –A8 amendments.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>
<b>135</b>	<b>Chair Wilson</b>	<b>Hearing no objection declares the motion CARRIED.</b>
141	Sandy Thiele-Cirka	Committee Administrator. Submits the –B10 conflict amendment ( <b>EXHIBIT J</b> ) and summarizes.
154	Rep. C. Walker	Clarifies that the –10 would be the –8 only to include the forfeiture provision.

156	Thiele-Cirka	Responds affirmatively.
157	Rep. Starr	<b>MOTION: Moves to ADOPT SB 423A-10 amendments dated 6/13/01.</b>
		<b>VOTE: 7-0-2</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>
158	Chair Wilson	<b>Hearing no objection declares the motion CARRIED.</b>
164	Chair Wilson	Closes the work session on SB 423B and adjourns the committee at 10:55 a.m.
169	Chair Wilson	By unanimous consent reconvenes the committee and reopens the work session on SB 423B.
<b><u>SB 423B – WORK SESSION (CONTINUES)</u></b>		
171	Rep. Starr	<b>MOTION: Moves SB 423B to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b>
		<b>VOTE: 7-0-2</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 2 - Rep. Devlin, Rep. Gardner</b>
186	Chair Wilson	<b>The motion CARRIES.</b>
		<b>REP. GARRARD will lead discussion on the floor.</b>
192	Chair Wilson	Closes the work session on SB 423B and adjourns the committee at 11:00 a.m.

Submitted By,

Reviewed By,

Sara Noble,  
Committee Assistant

Cara Filsinger,  
Committee Administrator

**EXHIBIT SUMMARY**

- A – HJR 21, -1 amendment, staff, 3 pp.**
- B – HJR 21, written testimony, Eva Germaine-Shimotakahara, 9 pp.**
- C – HB 3810, -2 amendment, Megan Palau, 29 pp.**
- D – SB 293, -A2 amendment, staff, 1 p**
- E – SB 293, -A3 amendment, staff, 1 p**
- F – SB 293, written information, Kevin Mannix, 4 pp.**
- G – HB 2497, -A6 amendment, Diane Lewis, 1 p**
- H – HB 2497, -A8 amendment, Diane Lewis, 3 pp.**
- I – HB 2497, -A9 amendment, Diane Lewis, 2 pp.**
- J – SB 423, -B10 amendment, Sandy Thiele-Cirka, 9 pp.**