

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

June 18, 2001
8:30 AM

Hearing Room D
Tapes 154 - 157

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

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

MEASURE/ISSUES HEARD: HB 3045 – Public Hearing and Work Session
SB 811 – Public Hearing
SB 885A – Public Hearing
SB 960A – Public Hearing
SJR 31A – Work Session
SB 485A – Work Session
SB 439A – 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 154, A		
004	Chair Devlin	Calls the committee to order at 8:40 a.m. and opens a public hearing on HB 3045.
<u>HB 3045 – PUBLIC HEARING</u>		
	Staff	Submits the –2 amendments (EXHIBIT A).
010	Gary Conkling	Representing the Beaverton and Hillsboro School Districts. Testifies in support of HB 3045 with the –2 amendments.
080	Rep. Verger	Asks about the implication that local government would not be cooperative in these situations.
093	Conkling	Responds he does not believe the implication should be taken that there is not cooperation and explains.
118	Rep. Verger	Expresses her thoughts on the issue.
127	Chair Devlin	Clarifies this amendment is to existing law ORS 195.110.
133	Rep. March	Asks if the school districts used their powers of eminent domain.
144	Conkling	Explains several condemnations that the school district is involved with.
152	Rep. March	Expresses his thoughts on the use of eminent domain.
157	Conkling	Replies that there is probably no escaping the use of that tool.

163	Rep. Garrard	Asks if students were transferred to a different school district in ordered to put this act in motion.
172	Conkling	States the criteria required by ORS 195.110.
178	Chair Devlin	Closes the public hearing on HB 3045 and opens a public hearing on SB 811.

SB 811 – PUBLIC HEARING

	Staff	Submits the –4 and –6 amendments (EXHIBITS B, C).
186	Sen. David Nelson	Senate District 29. Testifies in support of the –6 amendments to SB 811.
209	John Marshall	Representing the Oregon School Boards Association. Testifies in support of SB 811 without the amendments.
249	Nancy Heiligman	Director of School Finance, Oregon Department of Education (ODE). Testifies in support of SB 811 with the –4 and –6 amendments but opposes federal Job Corps the language.
263	Rep. Starr	Asks if the Quality Education Model is in the statute and if HB 2295 has passed.
265	Heiligman	Responds that the Quality Education Model is not included in statute and references HB 2295.
275	Rep. Verger	Asks if this would open the door for other type of programs as well.
282	Marshall	Responds he does not have that information.
292	Chair Devlin	Closes the public hearing on SB 811 and opens a public hearing on SB 885A.

SB 885A – PUBLIC HEARING

302	Amy Klare	Representing the Oregon Society of Physician Assistants (OSPA). Submits written testimony (EXHIBIT D) and testifies in opposition of SB 885A.
361	Sen. Joan Dukes	Senate District 1. Testifies in support of SB 885A. Submits the –A6 amendments (EXHIBIT E) and testifies in support of SB 885A and the –A6 amendments.

TAPE 155, A

040	Sen. Dukes	Continues with her testimony.
051	Rep. March	Comments that physician assistants only provide pain relief under the direct supervision of a doctor. Asks if there is a reason to include them in SB 885A when doctors are actually making those decisions.
058	Sen. Dukes	Responds the person who sees the patient is the one who needs the education and explains.
073	Rep. March	Recognizes how difficult it could be for a physician assistant to make a recommendation to a doctor on what type of pain relief to use.
077	Sen. Dukes	Responds with a scenario and explanation.
094	Sen. Ginny Burdick	Senate District 6. Testifies in support of SB 885A.
130	Sen. Dukes	Submits written information regarding pain management (EXHIBITS F, G) and continues with additional testimony.
145	Klare	Continues with her testimony.
179	Rep. Verger	Comments on controlling pain up to a certain level.
190	Klare	Responds she is not qualified to respond.
192	Rep. March	Asks if it would be agreeable to add a physician assistant to the Pain Management Commission.
207	Klare	Responds she believes that would be helpful and explains.
218	Scott Gallant	Director of Government Affairs for the Oregon Medical Association (OMA). Submits written testimony (EXHIBIT H)

		and testifies in opposition of SB 885A.
305	Tom Holt	Representing the Oregon State Pharmacists Association.
		Testifies in opposition of SB 885A.
338	Ellie Jenny	Private citizen. Submits written testimony (EXHIBIT I) and testifies in support of SB 885A.
386	Mary Botkin	Private citizen. Testifies in support of SB 885A.
TAPE 154, B		
025	Botkin	Continues with her testimony.
051	Dr. Henry Holmes	Private citizen. Testifies in support of SB 885A.
150	Dr. Holmes	Continues with his testimony.
243	Jennifer Wager	Executive Director, Pain Society of Oregon. Testifies in support of SB 885A.
306	Carol Misrack	Pain Management Coordinator, Oregon Department of Human Services. Testifies in support of SB 885A.
370	Rep. C. Walker	Asks if the intent of the bill could be accomplished by existing continued education requirements of health regulatory boards.
380	Misrack	Explains that pain is not being managed on a statewide basis.
TAPE 155, B		
009	Dr. Paul Stull	Private citizen. Testifies in support of SB 885A.
075	Dr. Stull	Continues with his testimony.
094	Rep. Verger	Asks why Oregon has not made progress in the area of pain management since 1997 and 1999 legislative action.
100	Dr. Stull	Explains that small steps have been taken leading up to the current position.
108	Sen. Dukes	States that the Oregon Legislature has passed all but one of the bills and explains.
121	Dr. Stull	Gives additional testimony.
133	Rep. Garrard	Asks about the impact to the Oregon health system. Restates the question asking what is the impact.
138	Dr. Stull	Responds by explaining the importance of patient assessments.
151	Sen. Dukes	Describes areas the commission will be addressing.
183	Rep. Garrard	Indicates his concerns that the increased number of visits for pain management will effect the Oregon Health Plan and physicians.
191	Sen. Dukes	Points out the bill will create the opposite effect and explains.
209	Dr. Stall	Gives additional information to the question.
221	Chair Wilson	Asks for clarification on creating a commission versus existing continuing education.
228	Sen. Dukes	Explains how the commission will be able to coordinate the various areas of pain management.
263	Sen. Dukes	Gives additional information referencing a lawsuit in California.
275	Dr. John Lawton	Representing the Oregon Doctors of Chiropractic (ODOC). Submits written testimony (EXHIBIT J) and testifies in opposition of SB 885A.
TAPE 156, A		
014	Rep. C. Walker	References SB 885A section 1 (b) and (c). Asks if there are organizations that do research and analysis of pain management for chiropractic groups.
029	Dr. Lawton	Responds affirmatively and explains.
094	Chair Wilson	Asks what do we do for the population in chronic pain with no help in sight.
110	Dr. Lawton	Responds he feels that the healthcare provider marketplace needs to be opened up and explains.
143	Chair Wilson	Conveys concerns that have been brought to his attention.
148	Dr. Lawton	Gives additional thoughts regarding how this issue could better

164	Dr. Holmes	be addressed. Expresses his thoughts regarding creating a commission versus existing continuing education.
197	Chair Wilson	Closes the public hearing on SB 885A and opens a public hearing on SB 960A.
<u>SB 960A – PUBLIC HEARING</u>		
208	Bruce Bishop	Representing the Capitol Club. Submits written testimony (EXHIBIT K) and testifies in support of SB 960A.
259	Pat Hearn	Executive Director, Oregon Government Standards and Practices Commission. Submits written testimony (EXHIBIT L) and testifies in opposition of SB 960A in its current form.
327	Chair Wilson	Asks about current contact with the Capitol Club.
330	Hearn	Responds that there has been no contact since SB 960A left the Senate.
332	Rep. Verger	References page 5 line 17. Asks how you interpret the difference between the change “no lobbyist shall instigate” and “a lobbyist may not instigate”.
348	Hearn	Responds he thinks it is weaker language but it doesn’t weaken the effect.
356	Rep. Gardner	Asks if wages and salary cover the issue enough.
362	Hearn	States he believes that compensation is referred to as the compensation lobbyist receives.
374	Rep. Gardner	Gives a scenario and asks if there should be more clarifying language in that area.
379	Hearn	Acknowledges clarifying language is always positive.
382	Rep. Devlin	Asks if these issues had been presented to the Senate committee.
389	Hearn	Explains yes and no.
406	Chair Wilson	Suggests that both parties arrange for further discussions.
414	Chair Wilson	Closes the public hearing on SB 960A. Explains what to expect for the meetings this afternoon and tomorrow.
442	Rep. Starr	Asks if the committee is going to have an opportunity to discuss the amendments to SB 487.
447	Chair Wilson	Answers that he doesn’t expect to open a work session today.
450	Chair Wilson	Recesses the committee at 10:53 a.m.
TAPE 157, A		
003	Chair Wilson	Reconvenes the committee at 2:03 p.m. and opens a work session on SJR 31A.
<u>SJR 31A – WORK SESSION</u>		
006	Sen. Avel Gordly	Senate District 10. Submits written information (EXHIBIT M) and testifies in support of SJR 31A.
031	Rep. Gardner	MOTION: Moves SJR 31A be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 8-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Rep. Doyle
034	Chair Wilson	The motion CARRIES.
		REP. DEVLIN will lead discussion on the floor.
045	Chair Wilson	Closes the work session on SJR 31A and recesses the committee at 2:07 p.m.
050	Chair Wilson	Reconvenes the committee at 2:49 p.m. and opens a work session on SB 485A.
<u>SB 485A – WORK SESSION</u>		
052	Jim Stembridge	Committee Administrator. Submits the –A15 amendments (EXHIBIT N) and summarizes.

058 John Schultz Administrator, Workers Compensation Division. Testifies that the
 the
 –A15 amendments are correct.
 062 Rep. Starr **MOTION: Moves to ADOPT SB 485A-A15 amendments dated 6/18/01.**
VOTE: 9-0
 064 Chair Wilson **Hearing no objection declares the motion CARRIED.**
 065 Rep. Starr **MOTION: Moves SB 485A to the floor with a DO PASS AS AMENDED recommendation.**
 067 Rep. Garrard Expresses his thoughts regarding SB 485A.
VOTE: 9-0
AYE: In a roll call vote, all members present vote Aye.
 069 Chair Wilson **The motion CARRIES.**
REP. WILSON will lead discussion on the floor.
 079 Chair Wilson Closes the work session on SB 485A and opens a work session on SB 439A.

SB 439A – WORK SESSION

081 Jim Stenbridge Committee Administrator. Submits the –A5 amendment **(EXHIBIT O)** and gives background information.
 089 Rep. Starr Expresses his views on SB 439A.
 099 Rep. Wilson **MOTION: Moves SB 439A to the floor with a DO PASS recommendation.**
 101 Rep. March Expresses his thoughts on SB 439A.
 106 Rep. Devlin States his opposition to SB 439A without the –A5 amendments.
 112 Rep. Gardner Conveys his opposition to SB 439A.
VOTE: 5-4
AYE: 5 - Doyle, Garrard, Starr, Walker C, Wilson
NAY: 4 - Devlin, Gardner, March, Verger
 118 Chair Wilson **The motion CARRIES.**
REP. GARRARD will lead discussion on the floor.
 128 Rep. March Serves notice of possible minority report.
 130 Rep. Devlin Serves notice of possible minority report.
 132 Chair Wilson Closes the work session on SB 439A and opens a work session on HB 3045.

HB 3045 – WORK SESSION

137 Megan Palau Committee Administrator. Submits the –3 amendments **(EXHIBIT P)** and summarizes.
 150 Rep. Devlin Announces those who support the –3 amendments on HB 3045.
 158 Rep. Starr **MOTION: Moves to ADOPT HB 3045-3 amendments dated 6/18/01.**
 160 Rep. Verger References page 3 section 8 lines 17-26. Asks if the –3 addresses this issue.
 178 Rep. Devlin States his understanding is that the –3 addresses the issue raised by League of Oregon Cities.
 183 Gary Conkling Representing the Beaverton and Hillsboro School Districts. Testifies on the language that was changed and relays information on the area referenced by Rep. Verger.
 203 Rep. Devlin Notes the support of HB 3045.
 216 Rep. Verger Asks if 1000 Friends of Oregon as well as cities and counties supports HB 3045 and the –3 amendments.
 218 Conkling Responds with those who have reviewed the amendments.
VOTE: 9-0
 223 Chair Wilson **Hearing no objection declares the motion CARRIED.**

227	Rep. Starr	MOTION: Moves HB 3045 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0
230	Chair Wilson	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
		REP. DEVLIN will lead discussion on the floor.
239	Chair Wilson	Closes the work session on HB 3045 and adjourns the committee at 3:03 p.m.

Submitted By,

Reviewed By,

Sara Noble,
Committee Assistant

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

A – HB 3045, -2 amendment, staff, 4 pp.
B – SB 811, -4 amendment, staff, 5 pp.
C – SB 811, -6 amendment, staff, 5 pp.
D – SB 885, written testimony, Amy Klare, 2 pp.
E – SB 885, -A6 amendment, Sen. Dukes, 1 p
F – SB 885, written information, Sen. Dukes, 30 pp.
G – SB 885, written information, Sen. Dukes, 2 pp.
H – SB 885, written testimony, Scott Gallant, 2 pp.
I – SB 885, written testimony, Ellie Jenny, 1 p
J – SB 885, written testimony, John Lawton, 3 pp.
K – SB 960, written testimony, Bruce Bishop, 2 pp.
L – SB 960, written testimony, Pat Hearn, 2 pp.
M – SJR 31, written information, Sen. Gordly, 1 p
N – SB 485, -A15 amendment, Jim Stembridge, 52 pp.
O – SB 439, -A5 amendment, Jim Stembridge, 2 pp.
P – HB 3045, -3 amendment, Megan Palau, 4 pp.