

SENATE COMMITTEE ON JUDICIARY

April 18, 2001 Hearing Room 343
1:30 p.m. Tapes 100-101

MEMBERS PRESENT: Sen. John Minnis, Chair
Sen. Peter Courtney, Vice-Chair
Sen. Roger Beyer
Sen. Ginny Burdick
Sen. Verne Duncan
Sen. Steve Harper
Sen. Rick Metsger

STAFF PRESENT: Marilyn Odell, Counsel
Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: HB 2767A Public Hearing and Work Session
HB 2945A Public Hearing and Work Session
SB 667 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 100, A		
003	Chair Minnis	Calls the meeting to order at 1:40 p.m. and opens a public hearing on HB 2767A.
<u>HB 2767A PUBLIC HEARING</u>		
012	Rep. Karen Minnis	House District 20 Testifies in support of HB 2767A that allows victims of domestic violence to collect unemployment benefits if health, safety or welfare would be endangered at current or available workplaces. Cites a recent case in Salem in which a woman was killed by her husband at her place of employment.
038	Chair Minnis	Closes the public hearing on HB 2767A and opens a work session.
<u>HB 2767A WORK SESSION</u>		
039	Sen. Courtney	MOTION: Moves HB 2767A to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 – Burdick

Hearing no objection, declares the motion CARRIED.

SEN. MINNIS will lead discussion on the floor.

043 Chair Minnis

056 Chair Minnis

Closes the work session on HB 2767A and opens a public hearing on HB 2945A.

HB 2945A PUBLIC HEARING

061 Scott Manchester

Oregon Health Plan Policy & Research

Testifies in opposition to HB 2945A that makes public meeting laws applicable to any meeting of an advisory committee or similar group convened to make decisions, conduct policy research or make recommendations on administration or policy for medical assistance program. Explains that it is not necessary because it implies that there is a problem that doesn't exist. Speaks about the -A3 amendments (**EXHIBIT A**) and says that they make the bill better, but not unlike provisions already in the public meeting law.

117 Chair Minnis

Asks why he is opposed to this bill if they have nothing to hide.

120 Manchester

Replies that the issue being raised is not that there is anything to hide, but that they have been completely open.

122 Chair Minnis

Wonders why they would object to the bill if they have nothing to hide.

124 Manchester

Replies that it entails additional paperwork to give notice of certain sub-committee meetings that have not previously had to give public notice.

159 Sen. Duncan

Asks what the sub-committees do.

163 Manchester

Replies that the sub-committees are doing work that would lead to a decision made by the full committee.

165 Sen. Duncan

Asks if the only problem they have with the bill is the additional paper work.

167 Manchester

Replies that it applies a standard to the Oregon Health Plan that does not apply to other state and local governmental agencies.

179 Chair Minnis

Asks what the compelling reason for objection to giving public notice is.

216 Manchester

Asserts that they do whatever they can to keep the public informed.

224 Sen. Duncan

Asks if public input is helpful at the meetings.

226 Manchester

Replies, yes.

235 Vice Chair Courtney

Asks what the requirement is to give public notice of a meeting.

257 Counsel Odell

Replies that notice must be given to the agency's mailing list and that any member of the public can apply to be on the mailing list.

260 Vice Chair Courtney

Asks if that is what they do now.

264 Manchester

Replies that they give notice for those meetings of governing bodies that are the decision-making bodies.

283 Vice Chair Courtney

Contends that the burden is on Mr. Manchester's group to show a compelling reason for why they should not come under the open meetings law.

302 Counsel Odell

Reads ORS 192.610 regarding giving public notice.

345 Sen. Duncan

Asks who and how many would be at a sub-committee.

349 Manchester

Replies that the agency is a small one that is involved in policy work, and includes the Oregon Health Council, the Oregon Health Services Commission and the Health Resources

		Commission.
364	Sen. Duncan	Asks how many might be at a sub-committee meeting.
372	Manchester	Replies that it varies.
381	Sen. Metsger	Comments that in the absence of a compelling reason, he believes that all meetings should be made public.
408	Bruce Bishop	Salem Attorney Testifies in support of HB 2945A. States that his view is that public advisory bodies that are making recommendations to public agencies should meet in public.
TAPE 101, A		
014	Jim Gardner	Pharmaceutical Research & Manufacturers of America (PhRMA) Testifies in support of HB 2945A and submits testimony on behalf of Rep. Max Williams (EXHIBIT B). Recommends the passage of the –A3 amendments.
059	Sen. Duncan	Asks if he knows of any members of the press that have been excluded from meetings.
061	Gardner	Replies, no, but they have had a letter of support from the Oregon Newspaper Publishers Association.
066	Sen. Metsger	Asks about line 2 of the –A3 amendments that deletes “similar group...”
070	Gardner	Replies that it did not add any substantive content.
077	Hersh Crawford	Administrator, Office of Medical Assistance Programs Submits testimony and testifies in opposition to HB 2945A (EXHIBIT C). States that the medical directors believe the sharing of business information would be compromised if meetings of the Pharmacy Workgroup were open to the public.
109	Chair Minnis	Asks why they are uncomfortable with public meetings.
111	Crawford	Replies that the information shared would not be freely shared if the meetings were open.
119	Sen. Duncan	Asks for an example of what is discussed at a meeting.
123	Crawford	Illustrates a discussion that might occur regarding the cost of drugs.
139	Chair Minnis	Asks if the pharmaceutical industry might have something positive to contribute to that kind of discussion.
143	Crawford	Replies that members of the pharmaceutical industry have been invited to some meetings, but that they are not particularly constructive.

173 Sen. Duncan Asks how seriously they take the recommendations of the pharmacy sub-committee of the medical directors.

182 Crawford Replies that he does not know of any recommendations they have received.

193 Sen. Duncan Asks what their function is.

195 Crawford Replies their purpose is to control drug utilization and costs in the various managed health care plans.

203 Chair Minnis Closes the public hearing on HB 2945A and opens a work session.

HB 2945A WORK SESSION

207 Sen. Duncan **MOTION: Moves to ADOPT HB 2945A-3 amendments dated 4/18/01.**
VOTE: 4-0-3
EXCUSED: 3 - Courtney, Beyer, Burdick

211 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

212 Sen. Duncan **MOTION: Moves HB 2945A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 4-0
EXCUSED: 3 - Courtney, Beyer, Burdick

217 Chair Minnis **Hearing no objection, declares the motion CARRIED.**
SEN. MINNIS will lead discussion on the floor.

242 Chair Minnis Closes the work session on HB 2945A and opens a work session on SB 667.

SB 667 WORK SESSION

257 Dale Penn **Oregon District Attorney's Association**
 Testifies in support of SB 667 that provides that petition post-conviction for DNA testing to establish innocence of petitioner. Discusses the -1 amendments (**EXHIBIT D**) and says they have been working on the fiscal, which should be available shortly.

TAPE 100, B

038 Chair Minnis Asks if there is a fiscal impact and what it might be.

040 Ann Christian **Judicial Department**
 Explains that the fiscal would impact the courts and the cost of DNA testing.

046 Sen. Harper Asks about the cost savings in prison beds.

066 Christian Says that she expects Legislative Fiscal will factor that in.

074 Sen. Beyer Wonders how DNA can prove a negative.

087 Penn Gives an example of how DNA can be used to identify not only the criminal but also the innocent.

126 Sen. Duncan Asks about the liability of a second person in attendance at rape scene.

132 Penn Replies that a second person could be convicted of the same crime.

145 Sen. Beyer Asks about a gang rape situation.

154 Penn Says that DNA may not prove anything in this instance and is an issue for the courts to wrestle with.

168 Chair Minnis Asks when a fiscal impact statement can be provided.

183 Christian Says that with the help of Captain Tom Dixson of the State Police, there will be a fiscal available within one week.

220

Chair Minnis

Closes the work session on SB 667 and adjourns the meeting at
2:50 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Marilyn Odell,
Counsel

EXHIBIT SUMMARY

A – HB 2945A, -A3 amendments submitted by staff, dated 4/18/01, 1 p

**B – HB 2945A, written testimony submitted by Jim Gardner for Rep. Max Williams,
Dated 3/23/01, 2 pp**

C – HB 2945A, written testimony submitted by Hersh Crawford, dated 4/18/01, 2 pp

D – SB 667, -1 amendments submitted by staff, dated 4/16/01, 3 pp