

## SENATE COMMITTEE ON JUDICIARY

May 17, 2001 Hearing Room 343  
1:00 p.m. Tapes 146 - 147

**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:**         **Craig Prins, Counsel**  
                                  **Marilyn Odell, Counsel**  
                                  **Jane Bodenweiser, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 3661A Work Session**  
  **HB 2381A Reconsideration and Work Session**  
                                  **SB 920 Work Session**  
                                  **HB 2460A Work Session**  
                                  **HB 2800A Public Hearing and 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 126, A</b>		
004	Chair Minnis	Calls the meeting to order at 1:30 p.m. and opens a work session on HB 3661A.
<b><u>HB 3661A WORK SESSION</u></b>		
005	Counsel Prins	Introduces HB 3661A that adds additional chemicals to list of controlled substance precursors, and the –A8 amendments ( <b>EXHIBIT A</b> ).
025	Vice Chair Courtney	<b>MOTION: Moves to ADOPT HB 3661A-A8 amendments dated 5/16/01.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Harper, Beyer</b>
031	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
037	Vice Chair Courtney	<b>MOTION: Moves HB 3661A to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Harper, Beyer</b>
039	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. COURTNEY to carry discussion to the floor.</b>
<b><u>HB 2381A WORK SESSION</u></b>		
042	Counsel Prins	Introduces the –A4 conflict amendments ( <b>EXHIBIT B</b> ) to HB 2381A that requires award of reasonable attorney fees to prevailing plaintiff in action on contract if amount claimed is

- \$5,500 or less and plaintiff serves demand on defendant at least 10 days before filing claim.
- 053 Vice Chair  
Courtney **MOTION: Moves to SUSPEND the rules for the purpose of Reconsidering the vote by which HB 2381A was voted to the floor.**  
**VOTE: 4-0-3**  
**EXCUSED: 3 – Metsger, Beyer, Harper**  
Hearing no objection, declares the motion **CARRIED.**
- 056 Chair Minnis
- 057 Vice Chair  
Courtney **MOTION: Moves to RECONSIDER the vote by which HB 2381A passed to the floor with a DO PASS recommendation.**  
**VOTE: 4-0-3**  
**EXCUSED: 3 - Metsger, Beyer, Harper**  
Hearing no objection, declares the motion **CARRIED.**
- 059 Chair Minnis
- 060 Vice Chair.  
Courtney **MOTION: Moves to ADOPT HB 2381A-A4 amendments dated 5/17/01.**  
**VOTE: 4-0-3**  
**EXCUSED: 3 - Metsger, Beyer, Harper**  
Hearing no objection, declares the motion **CARRIED.**
- 061 Chair Minnis
- 062 Sen. Courtney **MOTION: Moves HB 2381A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 4-0-3**  
**EXCUSED: 3 – Metsger, Beyer, Harper**  
Hearing no objection, declares the motion **CARRIED.**  
**DUNCAN will lead discussion on the floor.**
- 066 Chair Minnis

**SB 920 WORK SESSION**

- 083 Counsel Odell
- 122 Tom Dixon Introduces the –2 amendments to SB 920 (**EXHIBIT C**) that expands the group of defendants required to provide blood or buccal sample to include persons convicted of any felony.  
**Oregon State Police**  
Talks about the DNA database, what the legal restrictions are, and what other agencies they share information with.
- 165 Chair Minnis Asks about the responsibility of a law enforcement agency and its handling of DNA evidence as it relates to SB 114.
- 166 Dixon Replies that SB 114 does not affect the ability to share with other law enforcement agencies, but it does prohibit its misuse.
- 175 Sen. Burdick Asks about the 17,000 DNA entries and how many more would be included if this legislation were to pass.
- 179 Dixon Replies that there is a backlog of 31,000, and then there would be approximately 14,000 per year.
- 193 Sen. Burdick Asks about the numeric impact on juveniles.
- 194 Dixon Says this bill would not change the numbers for juveniles.
- 199 Sen. Burdick Asks about abuse of DNA data and who would be liable for damages.
- 210 Dixon Says that the person who mishandles the information would be liable, the Department from which it came, and ultimately the state of Oregon.
- 220 Sen. Burdick Asks if he has concern about the potential liability of having so much DNA in the department’s possession.

228	Dixon	Responds no, because there are extremely strict controls.
234	Vice Chair Courtney	Asks if fingerprints are on file for all those who will have DNA on file.
236	Dixon	Replies that he is unsure.
258	Chair Minnis	Closes the work session on SB 920 and recesses the meeting until 5:30 p.m.
	Chair Minnis	Reconvenes the meeting at 5:35 p.m. and reopens the work session on SB 920.

**SB 920 WORK SESSION**

266	Vice Chair Courtney	<b>MOTION: Moves to ADOPT SB 920--2 amendments dated 5/17/01.</b>
		<b>VOTE: 4-0-3</b>
		<b>EXCUSED: 3 – Burdick, Beyer, Harper</b>
268	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
270	Vice Chair Courtney	<b>MOTION: Moves SB 920 to the Ways and Means Committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b>
		<b>EXCUSED: 3 – Burdick, Harper, Beyer</b>
272	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
273	Chair Minnis	Closes the work session on SB 920 and opens a work session on HB 2460A.

**HB 2460A WORK SESSION**

275	Vice Chair Courtney	<b>MOTION: Moves to ADOPT HB 2460A-A7 amendments dated 5/16/01 (EXHIBIT D).</b>
		<b>VOTE: 4-0-3</b>
		<b>EXCUSED: 3 – Burdick, Beyer, Harper</b>
279	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
280	Vice Chair Courtney	<b>MOTION: Moves HB 2460A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b>
		<b>EXCUSED: 3 - Beyer, Burdick, Harper</b>
282	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. METSGER will lead discussion on the floor.</b>

**HB 2800 A PUBLIC HEARING**

287	Bonnie Sano	<b>Sacred Heart Hospital, Eugene, OR</b> Testifies in support of HB 2800A that requires that acute inpatient care facilities develop and implement nursing staff plan and establish internal review process.. Asserts that this bill is good for the patient, good for the community, and good for nurses.
391	Chair Minnis	Closes the public hearing on HB 2800A and opens a work session.

**HB 2800A WORK SESSION**

390	Chair Minnis	Introduces the –A10 amendments to HB 2800A ( <b>EXHIBIT E</b> ).
394	Sen. Courtney	<b>MOTION: Moves to ADOPT HB 2800A-A10 amendments dated 5/17/01.</b>
397	Sen. Harper	Asks what the amendments do.
400	Chair Minnis	Explains they are a compromise between the Oregon Nurses Association. and the Oregon Hospital Association and gives a

		sectional analysis of the –10 amendments.
<b>TAPE 147, A</b>		
012	Sen. Duncan	Asks if these amendments have a consensus.
014	Chair Minnis	Replies, yes.
098	Sen. Duncan	States that it is reasonable to request that an employee limit their outside employment if it jeopardizes the welfare of patients.
160	Sen. Metsger	Clarifies that part of the issue is that there is sufficient staff available.
178	Chair Minnis	Continues analysis.
212	Sen. Harper	Asks for an opportunity to hear from the Hospital and Nurses Associations
232	<b>Ed Patterson</b>	<b>Oregon Association of Hospitals and Health Systems</b> Testifies in support of the –A10 amendments. Discusses the sections of the amendments that take care of the problems they had with the original bill with regard to rural hospitals.
272	<b>Brian Delashmutt</b>	<b>Oregon Nurses Association</b> Explains that this amendment was specifically designed to deal with the rural hospital situation.
301	Kathleen Smail	<b>Manager, Health Care, Licensing, Certification Division, Oregon Health Division</b> Explains that it is understood that one set of rules cannot be equally applied to every facility.
330	Sen. Harper	Asks why there are not separate sets of rules.
333	Smail	Replies that there are 64 hospitals and each one is unique.
350	Sen. Harper	Asks about the paperwork issue in the original HB 2800 and if it has been taken care of in the –A10 amendments.
361	Delashmitt	Replies that if it relates to random audits, the number has been reduced from 10% to 7%.
376	Patterson	States agreement
420	Smail	Says the audits will not require additional paperwork for the nursing staff. States that the Health Division will have additional paperwork in an annual report that will have to be compiled.
434	Sen. Metsger	Presents a scenario and asks if there is any case where the health division would not be receptive to such a situation.
445	Smail	Replies, no. <b>VOTE: 6-1-0</b> <b>AYE: 6 - Sen. Metsger, Sen. Beyer, Sen. Courtney, Sen. Duncan, Sen. Burdick, Sen. Minnis</b> <b>NAY: 1 - Sen. Harper</b>
459	<b>Chair Minnis</b>	<b>The motion Carries.</b>
462	<b>Vice Chair Courtney</b>	<b>MOTION: Moves HB 2800A to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 6-1-0</b> <b>AYE: 6 - Sen. Metsger, Sen. Beyer, Sen. Courtney, Sen. Duncan, Sen. Burdick, Sen. Minnis</b> <b>NAY: 1 - Sen. Harper</b>
468	<b>Chair Minnis</b>	<b>The motion Carries.</b> <b>SEN. MINNIS will lead discussion on the floor.</b>
469	<b>Sen. Burdick</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of voting on HB 2460A and SB 920.</b>

**471**                    **Chair Minnis**                    **VOTE: 7-0**  
**Hearing no objection, declares the motion CARRIED.**

**473**                    **Sen. Burdick**                    **Votes Aye on HB 2460A to the floor**  
**476**                    **Sen. Burdick**                    **Votes Aye on SB 920 to Ways and Means**  
**478**                    **Chair Minnis**                    **Adjourns the meeting at 6:25 p.m.**

Submitted By,	Reviewed By,	Reviewed By,
Jane Bodenweiser, Committee Assistant	Craig Prins, Counsel	Marilyn Odell, Counsel

**EXHIBIT SUMMARY**

- A – HB 3661A, -A8 amendments submitted by staff, dated 5/16/01, 1 p**
- B – HB 2381A, -A4 amendments submitted by staff, dated 5/17/01, 1 p**
- C – SB 920, -2 amendments submitted by staff, dated 5/17/01, 4 pp**
- D – HB 2460A, -A7 amendments submitted by staff, dated 5/16/01, 1 p**
- E – HB 2800A, -A10 amendments submitted by staff, dated 5/17/01, 6 pp**