

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

June 9, 1999 Hearing Room D

3:30 P.M. Tapes 82 - 85

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Jason Atkinson

Rep. Chris Beck

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

Rep. Kitty Piercy

Rep. Jim Welsh

Rep. Max Williams

STAFF PRESENT: Cletus B. Moore, Jr., Administrator

Kevin E. Wells, Administrative Support

MEASURES HEARD: HB 2332 Work Session

SB 117 Public Hearing and Work Session

HB 3400 Public Hearing and Work Session

SB 1013A Public Hearing and Work Session

SB 570 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.

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TAPE/#	Speaker	Comments
TAPE 82, A		
002	Chair Simmons	Calls the meeting to order at 3:00 p.m. Opens Public Hearing HB 2332.
<u>HB 2332 PUBLIC HEARING</u>		
008	Keith Putman	Policy Analyst. Reviews HB 2332 and the ñ1 amendments (EXHIBIT A).
022	Rep. Beyer	Reviews the history of HB 2332.
045	Kathy La Compte	Brooks Tree Farm. Presents (EXHIBIT B) in support of HB 2332. Relates business experience to underscore the need for HB 2332-1.
090	Rep. Mannix	Asks if it Oregon Employment Department (OED) should work with the Oregon Department of Corrections to provide inmate work groups.
093	La Compte	Answers that she has not considered that possibility.
095	Rep. Mannix	Points out that it is legal to hire inmate work groups. Discusses benefits of having inmates working.
098	John Ganzer	Monrovia Nursery. Presents (EXHIBIT C) in support of HB 2332-1. Discusses worker eligibility verification. Explains the need for OED to verify worker eligibility of people they refer to agricultural businesses.
134	Norbert Kinnen	J. Frank Schmidt Nursery. Supports HB 2332. Discusses his business and employment practices. Reviews results of a recent audit of workers (EXHIBIT D).
190	Kinnen	Explains there is a shortage of legal workers in certain industries.
215	Rep. Gardner	Asks why the program is limited to Marion, Yamhill and Clackamas Counties.
218	La Compte	Notes that HB 2332-1 is a pilot program.
223	Kinnen	Explains that his association is working with OED.
240	Annette Talbot	Legislative Coordinator, OED. Presents (EXHIBIT E) in opposition to HB 2332. Discusses the labor situation and related legal issues. States that OED cannot adopt the provisions in the ñ1 amendment. Explains that OED

		verification of workers does not address HB 2332 proponents' concerns.
290	Talbot	Discusses verification of workers' employment status, noting that it would require an additional 20 FTE.
305	Vice-Chair Starr	Asks what the impact is for the pilot program.
309	Talbot	Replies that OED legally cannot limit worker verification to particular counties and particular workers.
315	Vice-Chair Starr	Suggests that HB 2332 be applied statewide.
316	Talbot	Answers that is the only legal option. Expresses belief that verification will not address agricultural employers' concerns.
327	Rep. Beyer	Asks if the pilot program can be run in the three counties for all workers.
329	Talbot	Replies that scenario is being examined. Suggests that it is not likely to be acceptable.
340	Rep. Beyer	Asks if unemployment claims are currently checked.
342	Talbot	Explains the process of checking the social security number on unemployment claims.
360	Rep. Beyer	Asks for clarification on who files claims.
361	Talbot	Answers she will get that information. Reviews statistics relevant to the question.
376	John Adams	Interim Employment Service Manager, Employment Service. States that he will get the information Rep. Beyer requested.
385	Rep. Beyer	Asks how many referrals are for entry level, no skill work.
386	Talbot	Explains that the information is broken down by profession, not by job level.
404	Rep. Beyer	Asks if OED can verify only entry level workers.
415	Adams	Explains that many agricultural jobs are not entry level; verifying only entry level workers does not address the issue of illegal workers.

TAPE 83, A

009	Rep. Beyer	Asks if there are waivers to these requirements.
010	Talbot	Replies that waivers are not available.
014	Adams	Explains the process of requesting waivers.
020	Putman	Asks a pilot test is eligible for a planning waiver.
028	Adams	Replies that he needs to examine the proposal.
040	Talbot	Expresses willingness to work with the Legislature on this issue. Discusses options available to OED on the federal level.
065	Michael Dale	Oregon Law Center. Presents (EXHIBIT F) in opposition to HB 2332. Reviews the history of employment eligibility verification by referral agencies. Outlines opposition to HB 2332: unfair burden to segments of the population and intrusiveness to individual privacy.
120	Dale	Discusses the pilot program proposed in HB 2332-1. Explains that agricultural jobs often are not entry level. Adds that there is a shortage of skilled agricultural workers. States that there is no shortage of American workers for entry-level agricultural jobs.
181	Rep. Beyer	Suggests that further work is needed on the proposed amendment.
195	Chair Simmons	Agrees that additional work is needed. Closes Public Hearing HB 2332. Opens Public Hearing SB 1117.

SB 1117 PUBLIC HEARING

210	Cletus Moore	Committee Administrator. Reviews SB 1117.
218	Scott Barrie	Oregon Building Industry Association (OBIA). Presents (EXHIBIT G) in support of SB 1117. Explains SB 1117 clarifies regulation of interior design by engineering statute.
235	Joe Brewer	Administrator, Oregon Building Codes Division. Neutral on SB 1117 (EXHIBIT H) . States that SB 1117 does not diminish the authority of Building Officials.
243	Pat Bridges	Director of Technology and Codes, OBIA. Supports SB 1117.

258	Chair Simmons	Closes Public Hearing SB 1117. Opens Work Session SB 1117.
<u>SB 1117 WORK SESSION</u>		
262	Rep. Starr	MOTION: Moves SB 1117 to the floor with a DO PASS recommendation.
		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Beyer, Edwards
	Chair Simmons	The motion CARRIES. STARR will lead discussion on the floor.
285	Chair Simmons	Closes Work Session SB 1117. Opens Public Hearing SB 16A.
<u>SB 16A PUBLIC HEARING</u>		
297	Chair Simmons	Closes public hearing on SB 16A and opens public hearing on HB 3400.
<u>HB 3400 PUBLIC HEARING</u>		
300	Moore	Reviews fiscal impact of HB 3400 and the ñ5 amendments (EXHIBIT I).
305	Rep. Beck	Testifies in support of HB 3400. Explains that he has worked to reduce the fiscal impact of HB 3400.
320	Vice-Chair Devlin	Asks if the ñ5 amendments restrict application of HB 3400 to only the Legislature.
323	Rep. Beck	Replies Vice-Chair Devlin is correct. Explains which Legislative proceedings will be closed-captioned.
340	Carol Studeman	LNS Captioning. Supports HB 3400.
352	Chair Simmons	Asks for elaboration on the federal grant to partially cover costs.

353	Carolyn Gazely	LNS Caption. Supports HB 3400. Explains the educational grant that has been secured to help pay for HB 3400.
382	Chair Simmons	Close Public Hearing HB 3400. Open Work Session HB 3400.
<u>HB 3400 WORK SESSION</u>		
387	Rep. Beck	Asks if HB 3400 needs to be referred to Ways and Means.
388	Chair Simmons	Points out that the fiscal impact is indeterminate.
405	Vice-Chair Devlin	Expresses belief that the cost would be less than \$50,000. Suggests that HB 3400 does not need to be referred to Ways and Means.
TAPE 82, B		
010	Vice-Chair Starr	Asks how Vice-Chair Devlin arrived at his numbers.
013	Vice-Chair Devlin	Explains his assumptions.
015	Rep. Beck	Explains that Legislative Fiscal Office had to estimate the costs. Points out that captioning companies fees vary widely. States that the costs will be minimal.
025	Gazely	Explains the fees charged for captioning. States that the state's responsibility is \$100 per hour.
036	Chair Simmons	Asks what happens if the grant is not secured.
038	Gazely	Offers to provide assurances that the grant will be awarded.
041	Chair Simmons	Outlines the options available to the committee. Asks for Dave Henderson's input. Recaps the committee's discussion.
056	Dave Henderson	Legislative Administrator. Explains that the Legislature does not have these costs budgeted.
060	Chair Simmons	Asks if the Legislative Administration budget has been worked on in Ways and Means.
062	Henderson	Answers that the Legislative Administration budget has not received a hearing at this time.

065	Rep. Welsh	Discusses the fiscal impact of HB 3400.
076	Rep. Williams	States that HB 3400 can be sent to the floor and the Senate can workout the details of the budget if necessary.
082	Chair Simmons	Points out that if HB 3400 is referred to Ways and Means that it will pass out the both the House and Senate Floor simultaneously.
085	Vice-Chair Devlin	Notes that many bills do not come out of Ways and Means.
092	Chair Simmons	States that the Legislative Administration's budget is not large. Expresses concern about encumbering that budget.
104	Rep. Beyer	Expresses preference for sending HB 3400 to Ways and Means.
109	Chair Simmons	States HB 3400 will be rescheduled for Monday. Closes Public Hearing HB 3400. Reopens Public Hearing SB 16A.
<u>SB 16A PUBLIC HEARING</u>		
125	Janet Adkins	Policy Analyst. Reviews SB 16 and the ñA9 amendment (EXHIBIT J) .
130	Scott Nehring	Immediate Past President, Oregon Optometric Association. Supports SB 16 (EXHIBIT K) . Explains the need for direct access eye care providers. Relates anecdotal support for the provisions of SB 16A.
206	Wayne Schumacher	Executive Director, Oregon Optometric Association. Supports SB 16A. Reviews the history of the legislation. Outlines previous discussions. Discusses anticipated costs of SB 16A.
260	Schumacher	Discusses support for SB 16A. Stresses that it is not a state mandate. Reviews SB 16A. Examines the language of "emergency". Supports the ñA9 amendment.
325	John Powell	Regence Blue Cross/Blue Shield. Opposes SB 16A ñA9 amendments (EXHIBIT L) . Discusses language of "emergency."
380	Powell	States that provisions for emergencies already exist. Discusses costs associated with SB 16A.
416	Peggy Anet	Opposes SB 16A (EXHIBIT M) . Discusses the fiscal analysis.
TAPE 83, B		

023	Dave Fiskum	Providence Health Plans and PacifiCare of Oregon. Opposes SB 16A ñA9 amendments. Urges support SB 16A as passed by the Senate.
032	Mike Dewey	ODS Health Plans. Opposes SB 16A ñA9 amendments. Supports SB 16A as passed by the Senate.
037	Jodi Fischer	Oregon Academy of Ophthalmology. Supports SB 16A. Opposes the ñA9 amendments (EXHIBIT N). Comments on direct access to eye care providers.
062	Jim Anderson	Oregon Medical Association. Opposes SB 16A with the ñA9 amendments.
070	Bruce Bishop	Kaiser Permanente. Opposes SB 16A and the ñA9 amendments (EXHIBIT O). Points out that SB 16A does not effect self-insurers.
085	Rep. Gardner	Asks what the objection is to including the name and title of eye care professionals.
091	Bishop	Explains that it is redundant.
094	Rep. Gardner	Asks if that is required of everyone.
095	Bishop	Replies that is his understanding.
097	Rep. Williams	Asks if the other witnesses agree with Bishopís assessment of SB 21 (1997).
101	John Powell	Replies that he does not know.
105	Rep. Williams	Asks Powell if he objects to that portion of the ñ9 amendment.
113	Powell	Answers that he does not believe that provision is necessary.
123	Rep. Williams	Comments on the ñ9 amendments.
130	Anet	Comments on the discussion in the Senate concerning the difference between primary care providers and specialty care providers.
165	Powell	Points out the difficulty of inserting the proposed requirement to receive a referral from a primary care provider.
185	Chair Simmons	Close Public Hearing SB 16A. Opens Work Session SB 16A.

SB 16A WORK SESSION

190	Rep. Beck	Expresses concern about working on a bill that was previously worked out in the Senate.
202	Vice-Chair Devlin	Expresses concern about the ñA9 amendments and the disagreement on what it does.
220	Rep. Welsh	Discusses the ñA9 amendments; does not support them in their entirety. States the compromise reached in the Senate ought to be respected.
236	Vice-Chair Starr	Asks if there was a work group that finalized SB 16A.
243	Bill Cross	Oregon Optometric Association (OOA). Answers that there was a work group that tried to reach consensus, but did not. States OOA supported SB 16A to keep the bill moving forward. Explains the ñA9 was drafted to address lingering concerns.
278	Vice-Chair Starr	Asks if optometrists compromised, while other parties did not.
279	Cross	Agrees with that characterization.
300	Vice-Chair Starr	Asks Cross if he told SB 16's proponents that further amendments would be introduced.
302	Cross	Replies that he did not have a draft of the amendments to share with interested parties, but he did inform them of the concept.
317	Vice-Chair Starr	States concern that those opposing the ñA9 amendment did not lobby the committee.
330	Rep. Beck	Asks if the goal of SB 16-A9 is for optometrists to be allowed to provide direct access in certain cases.
350	Cross	Answers that is correct.
369	Rep. Beck	Asks why a patient would not go to ophthalmologists.
371	Cross	Replies that they are not primary care physician (PCP) either.
380	Rep. Williams	Asks Powell to clarify the issues. Offers an experience as illustration.

TAPE 84, A

002	Powell	Clarifies what an emergency situation is. Stresses the need for primary care providers to address whole body medical problems.
025	Rep. Williams	States that it is often difficult to see primary care physicians in a timely fashion and it is easier to see an optometrist.
040	Powell	Refers to the definition of "emergency" to show that one can go an optometrist when it is an emergency.
056	Rep. Gardner	Asks on what does the determination of what is emergency depend.
061	Powell	Replies insurers are not going to manipulate patients in that regard.
064	Rep. Gardner	Asks if insurers will ask patients if the situation was an emergency.
065	Powell	Answers that insurers have a systematic process to determine if the medical situation was an emergency.
072	Rep. Gardner	Asks what that process is.
076	Powell	Responds that there would be an assumption that there was a problem that needed immediate redress. Adds that the diagnosis and billing code offer insight into the situation.
080	Vice-Chair Devlin	Asks if the emergency medical condition definition was modified in the last Legislative Session.
091	Powell	Answers that SB 21 incorporated SB 911 (both 1997).
097	Vice-Chair Devlin	Asks if a bill similar to SB 16A passed in the last Legislature.
099	Powell	Replies that there was a similar bill that did not pass either chamber.
101	Vice-Chair Devlin	Discusses his experience with PCPis. Underscores the slow response he experienced.
115	Powell	Stresses that such slow response is a provider problem.
125	Vice-Chair Devlin	States that unless the PCP considers a situation an emergency, then there is not rapid response. Comments on changes in physician practice.

143	Powell	Points out that such arguments could be made for other specialty areas of medicine.
156	Rep. Beyer	Asks Cross if he is satisfied with the ñA9 amendment.
159	Cross	Notes a technical change that needs to be made.
165	Rep. Beyer	Comments on needed changes.
170	Cross	Clarifies his proposed language changes.
178	Rep. Beyer	Suggests changes to clarify the ñA9 amendments.
190	Chair Simmons	Agrees with Rep. Beyer.
199	Rep. Beck	Asks what the Senate will do with these amendments.
201	Chair Simmons	States that SB 16A will go into a conference committee.
206	Vice-Chair Devlin	Expresses preference for working on SB 16A at a later date.
214	Rep. Beyer	Asks to see a refined amendment.
216	Chair Simmons	States SB 16A will be rescheduled. Asks the parties to work together. Close Work Session SB 16A. Opens Public Hearing SB 1013A.
<u>SB 1013A PUBLIC HEARING</u>		
233	Vice-Chair Devlin	Explains SB 1013A clarifies "vendor" and "agent" in state election law.
259	Mark Wiener	Supports SB 1013A. Discusses the roles of vendors and agents in election law. Explains the need for legislative direction.
330	Wiener	Continues to explain the need for clarification of the issue.
349	Chair Simmons	Close Public Hearing SB 1031A. Opens Work Session SB 1031A.
<u>SB 1013A WORK SESSION</u>		
359	Rep. Devlin	MOTION: Moves SB 1013A to the floor with a DO PASS

		recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 5 - Beyer, Mannix, Piercy, Welsh, Williams
	Chair Simmons	The motion CARRIES. REP. DEVLIN will lead discussion on the floor.
365	Chair Simmons	Opens Public Hearing SB 570.
<u>SB 570 PUBLIC HEARING</u>		
369		Staff submits (EXHIBIT R).
370	Mike Grainey	Assistant Director, Office of Energy, Department of Consumer and Business Services. Presents (EXHIBIT P) in support of SB 570. Explains that it makes a technical correction to previous legislation, by including renters in an incentive program. Notes that the provision is retroactive.
405	Bernie Bottomly	Director of Legislative Affairs, Tri-County Metropolitan Transportation District of Oregon. Presents (EXHIBIT Q) in support of SB 570. Discusses the transportation tax credit provision in SB 570-3.
445	Steve Vincent	Vista Utilities. Supports SB 570-3. Discusses the amendment.
450	Chair Simmons	Asks what appliances renters can receive tax credit for.
452	Grainey	Explains which appliances are eligible for tax credit.
TAPE 85, A		
008	Rep. Edwards	Asks Grainey to explain how the tax credit system works.
011	Grainey	Explains the process.
015	Rep. Edwards	Asks if qualifying appliances tend to be more expensive.

017	Grainey	Answers that energy efficient appliances tend to be higher priced.
020	Rep. Beyer	Relates a personal experience with purchasing a tax credit machine.
033	Rep. Edwards	Asks for clarification on the transportation provision.
037	Grainey	Clarifies the provision and the language used by Legislative Council.
045	Chair Simmons	Close Public Hearing SB 570. Opens Work Session SB 570.
<u>SB 570 WORK SESSION</u>		
051	Rep. Beyer	MOTION: Moves to ADOPT SB 570-3 amendments dated 6/9/99.
052	Rep. Beck	Notes that he has worked with Grainey on this issue previously. Supports the further refinement to the transportation program.
		VOTE: 10-0 EXCUSED: 2 - Mannix, Piercy
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
086	Rep. Gardner	MOTION: Moves SB 570 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Mannix, Piercy
	Chair Simmons	The motion CARRIES. REP. WELSH will lead discussion on the floor.
102	Chair Simmons	Closes Work Session SB 570. Adjourns the meeting at 5:50 p.m.

Submitted By, Reviewed By,

Kevin E. Wells, Amy Fraley,

Administrative Support Committee Coordinator

EXHIBIT SUMMARY

A ñ HB 2332, -1 amendments, staff, 1 p

B ñ HB 2332, written tesitmony and letter, Kathy LaCompte, 2 pp

C ñ HB 2332, written testimony, John Ganzer, 1 p

D ñ HB 2332, written testimony, Norbert Kinnen, 1 p

E ñ HB 2332, written testimony and forms, Annette Talbot, 7 pp

F ñ HB 2332, written testimony, Michael Dale, 1 p

G ñ SB 117, letter and statute, Scott Birnie, 6 pp

H ñ SB 1117, written testimony, Joe Brewer, 1 p

I ñ HB 3400, -5 amendments, staff, 6 pp

J ñ SB 16, -A9 amendments, staff, 1 p

K ñ SB 16, written testimony, Scott Nehring, 7 pp

L ñ SB 16, written testimony and bill excerpt, 2 pp

M ñ SB 16, written testimony, Peggy Anet, 1 p

N ñ SB 16, written testimony, Jodi Fischer, 1 p

O ñ SB 16, written testimony, Bruce Bishop, 2 pp

P ñ SB 570, written testimony, Mike Grainey, 2 pp

Q ñ SB 570, written testimony, Bernie Bottomly, 1 p

R ñ SB 570, -3 amendments, staff, 8 pp