

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 4, 1999 Hearing Room B

8:00 AM Tapes 21-22

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Susan Castillo

Sen. Verne Duncan

Sen. Marylin Shannon

STAFF PRESENT:

Sandy Thiele-Cirka, Administrator

Andrew Morris, Administrative Support

MEASURES HEARD:

Introduction of Committee Bills

SB 305 Public Hearing and Work Session

SB 308 Public Hearing and Work Session

SB 405 Public Hearing

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.

TAPE/#	Speaker	Comments
TAPE 21, A		
004	Chair Fisher	Calls meeting to order at 8:06 AM and opens a work session to consider introduction of committee measures.

INTRODUCTION OF COMMITTEE BILLS

008	Sandy Thiele-Cirka	Administrator. Presents LC 2461 to the committee.
020	Chair Fisher	Discusses the background of LC 2461.
047	Sen. Shields	Relates what was seen on the Pain and Symptom Management Interim Committee.
064	Sen. Shannon	Asks if other bills were developed by the task force.
065	Chair Fisher	Responds affirmatively.
088	Sen. Shields	MOTION: Moves LC 2461 BE INTRODUCED as a committee bill.
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
		LC 2461 introduced as SB 582.
094	Chair Fisher	Opens public hearing on SB 305.
<u>SB 305 PUBLIC HEARING</u>		
095	Cirka	Summarizes SB 305.
106	Michael Skeels, Ph.D., MPH	Director, Center for Public Health Laboratories, Oregon Health Division. Presents testimony (EXHIBIT A) in support of SB 305. Provides background on recombinant DNA.
131	Chair Fisher	Asks if recombinant DNA relates to cloning.
134	Skeels	Responds that recombinant DNA is an area that has been involved with cloning.
135	Sen. Shields	Asks if new technology has made recombinant DNA more readily available.
140	Skeels	Responds that when recombinant DNA was introduced to the public there was concern. Cites that the practice expanded to include 120 laboratories in 1992. Points out that the registry is obsolete.
185	Skeels	Concludes there is not a health threat.

233	Chair Fisher	Closes public hearing on SB 305 and opens work session on SB 305.
<u>SB 305 WORK SESSION</u>		
234	Sen. Duncan	MOTION: Moves SB 305 to the floor with a DO PASS recommendation.
236		VOTE: 5-0 AYE: 5 n̄ Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
247	Chair Fisher	Closes work session on SB 305 and opens public hearing on SB 308.
<u>SB 308 PUBLIC HEARING</u>		
258	Cirka	Summarizes SB 308. States SB 308 would expand subpoena powers to the Health Division in investigations of the Emergency Medical Services (EMS).
264	Tom Johnson	Assistant Administrator of Oregon Health Division. Presents testimony (EXHIBIT B) in support of SB 308. States that when the EMS program was transferred to the health division, subpoena powers were unintentionally omitted. Provides background information.
322	Chair Fisher	Questions why it took so long to resolve the issue.
339	Johnson	Responds that it takes a long time to move through the legislative process. States that the measure will assist individuals being investigated.
360	Chair Fisher	Asks if SB 308 increases division subpoena authority.
365	Johnson	Responds that SB 308 does not increase powers.
396	Edward Opitz	Acting State Investigator, Oregon Health Division. Supports SB 308. Comments that other boards have subpoena power authority.
405	Chair Fisher	Comments that uniformity is important.

TAPE 22, A

027	Sen. Shannon	Questions criminal background of emergency medical technicians (EMT).
031	Johnson	Explains that criminal backgrounds do not disqualify a person from becoming an EMT, but the application is taken into review to assess if the individual is a public risk.
048	Chair Fisher	Expresses that EMT's records are better than other professions. Closes public hearing on SB 308 and opens work session on SB 308.

SB 308 WORK SESSION

059	Sen. Shannon	MOTION: Moves SB 308 to the floor with a DO PASS recommendation.
062		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
070	Chair Fisher	Closes work session on SB 308 and opens public hearing on SB 405.

SB 405 PUBLIC HEARING

074	Cirka	Introduces SB 405. Permits Mental Health and Developmental Disabled Services to acquire and dispose of community housing for individuals with mental retardation or other developmental disabilities. Adds that monies used from the sale of Fairview will be used to provide funding.
088	Barry Kast	Administrator, Mental Health Developmentally Disabled Services Division (MHDDSD). Presents testimony (EXHIBIT C) in support of SB 405. Provides background regarding the transfer of institutional care to community care. Stresses the need to build housing which will house individuals from Fairview.
146	Kast	Continues testimony in support of SB 405. Explains the attorney general has requested the division be responsible for maintenance of the community housing program. Adds that the sale of the Fairview property will be put towards building projects.

189	Chair Fisher	Asks about cap on money used to help retrofit private homes.
193	Kast	Responds that rules have not yet been adopted. Explains that the agency wants to only use interest from the principle amount of funding.
203	Chair Fisher	Asks about the recovery of value.
220	Kast	States that the use of the funds are to continue the community integration program. Explains that when improvements are completed on the private property a lien will be placed on it.
236	Chair Fisher	Asks if the account is an endowment fund.
238	Kast	Responds affirmatively.
240	Chair Fisher	Questions if this measure will restrict future legislative leadership from accessing the fund.
242	Kast	Responds he is not have that information.
256	Chair Fisher	States concern that future leaders will not know the intentions in establishing. Notes that it is important that the fund is not misused.
272	Kast	Comments that the division has been constructing community housing since the mid- 1980is and the fund will allow the division to continue to increase and maintain housing.
293	Chair Fisher	Discusses the potential impact of future legislatures viewing the fund as a stipend.
301	Kast	States that the account requires a one time investment. Notes that the account will not be used to provide services.
308	Chair Fisher	Refers to Section 3, subsection 5.
323	Kast	Explains Section 3, subsection 5. Notes that SB 405 was drafted by Legislative Counsel and the attorney generalis office.
374	Chair Fisher	Questions the Dammasch property.
389	Kast	Replies that the Dammasch property is owned by the Department of Corrections. Notes that the funds from the transfer of Dammasch were invested in Capital funds.

398	Sen. Shields	Asks if SB 405 should be amended to place the principal into perpetuity.
428	Kast	Responds that he does not want the bill to be restrictive.
TAPE 21, B		
000	Sen. Shields	Suggests that voters would like the guarantee that funds from the sale of Fairview will be used properly. Recommends creating an atmosphere that makes it harder for the state to use the fund.
040	Kast	States that each legislature has the option to modify statutes.
050	Sen. Duncan	Agrees with Sen. Shields' concern. States he would like amendments that could restrict future legislatures.
061	Sen. Shannon	Stresses that Fairview has a high value. Agrees that access to the funds should be protected.
066	Chair Fisher	Comments that the whole state should have the opportunity to purchase the land, not just the immediate area.
080	Kast	Explains that the people should get the maximum value for the property.
091	Chair Fisher	Suggests that the state be involved in the land sale process.
101	Sen. Shields	States his concern regarding the financial issue: either amend SB 405 or introduce a whole new bill dealing with the land sale issue.
105	Chair Fisher	Suggests amending the measure, but the division should have some latitude.
131	Maynard Hammer	Assistant Administrator, the Office of Finance, Department of Human Resources. Comments that including endowing language would be good. Discusses the adding of language. Notes the importance of not being restrictive before the funds are received. Offers to work on language to address concerns. Explains that the Fairview land will be sold at the appraised value and that the profits will go directly to MHDDSD.
182	Sen. Shields	Asks when the land is sold, what portion of funds would be used immediately and what portion would be placed in the endowment fund.
196	Kast	States the majority of funds, would be placed in the endowment fund.
222	Janna Starr	Board member, The Arc of Oregon. Presents testimony (EXHIBIT D) in support

		of SB 405. States that SB 405 addresses the needs of families.
270	Kathryn Weit	Policy Analyst, Oregon Developmental Disabilities Council. Presents testimony in support of SB 405 (EXHIBIT E). Comments that SB 405 will assist families with children who need resources in the home.
371	Theda Tawney	Parent and real estate agent. Supports SB 405 (EXHIBIT F). Provides example of inadequate housing.
TAPE 22, B		
019	Sen. Shields	States that the Fairview property needs to be utilized to the maximum benefit.
027	James Toews	Mental Health Developmentally Disabled Services Division (MHDDSD). States the housing budget is already established and that the sale of Fairview is not a factor. Comments that a short term drain is not expected.
049	Kast	Notes that he does not know when the Fairview property will be on the market.
055	Chair Fisher	Believes SB 405 allows for the sale of Fairview.
060	Sen. Shields	States he will research the concerns.
067	Chair Fisher	Invites Sen. Shields to draft amendments. Closes public hearing on SB 405 and adjourns the meeting at 9:32 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

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EXHIBIT SUMMARY

A ñ SB 305, Oregon Health Division, written testimony, Michael Skeels, 2 pp

B ñ SB 308, Oregon Health Division, written testimony, Thomas Johnson, 3 pp

C ñ SB 405, Mental Health and Developmental Disability Services Division, written testimony, Barry Kast, 2 pp

D ñ SB 405, The Arc of Oregon, written testimony and newsletter, Janna Starr, 3 pp

E ñ SB 405, Oregon Developmental Disabilities Council, written testimony, Kathryn Weit, 2 pp

F ñ SB 405, Written testimony and brochure, Theda Tawney, 3 pp