

HOUSE COMMITTEE ON JUDICIARY

May 9, 1997 Hearing Room 357

7:30 A.M. Tapes 29 - 30

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Lane Shetterly

Rep. Charles Starr

Rep. Ron Sunseri

Rep. Judy Uherbelau

Rep. Larry Wells

MEMBER EXCUSED:

Rep. Peter Courtney

STAFF PRESENT:

William E. Taylor, Counsel

Scott Lumsden, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

HB 3703 - Work Session HB 2865 - Work Session

HB 2317 - Work Session HB 3616 - Work Session

HB 2700 - 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.

Tape/#	Speaker	Comments
Tape 29, A		
003	Chair Minnis	Calls the meeting to order at 7:28 a.m.
<u>HB 2317 - WORK SESSION</u>		
005	Chair Minnis	Opens a work session on HB 2317
007	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on HB 2317.
012	Rep. Prozanski	MOTION: Moves HB 2317 to the floor with a DO PASS AS AMENDED recommendation.
018		VOTE: 8-0-3 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Rep. Bowman, Rep. Courtney, Rep. Uherbelau
	Chair Minnis	The motion CARRIES. REP. BOWMAN will lead discussion on the floor.
022	Chair Minnis	Closes the work session on HB 2317.
<u>HB 3703 - WORK SESSION</u>		
023	Chair Minnis	Opens a work session on HB 3703.
024	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary HB 3703.
030	Rep. Sunseri	MOTION: Moves HB 3703 to the floor with a DO PASS AS AMENDED recommendation.
042		VOTE: 8-0-3 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Rep. Bowman, Rep. Courtney, Rep. Uherbelau
	Chair Minnis	The motion CARRIES. REP. SUNSERI AND REP. JENSON will lead discussion on

		the floor.
046	Chair Minnis	Closes the work session on HB 3703.
<u>HB 2700 - WORK SESSION</u>		
047	Chair Minnis	Opens a work session on HB 2700.
048	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary HB 2700.
058	Rep. Sunseri	MOTION: Moves HB 2700 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
065	Rep. Sunseri	Explains change from "WITHOUT recommendation to Ways and Means" to a "DO PASS recommendation to Ways and Means" regarding HB 2700.
067	Rep. Uherbelau	Shares concerns regarding -3 fiscal impact statements.
076	Rep. Sunseri	To include intractable pain care in the fiscal impact statement would be over 20 million dollars. To guarantee hospice care for everyone in Oregon would only amount to 2.8 million dollars. Funds may be available for the hospice care but not to include the intractable pain care.
090	Rep. Uherbelau	I recall the testimony as an exact opposite.
092	Chair Minnis	Medications are often donated by corporations for the dying under hospice care programs. Some of these costs might be accounted for separately from intractable pain treatments. These issues need to be explored in Ways and Means.
093	Rep. Eighmey	Shares concern with sending HB 2700 to Ways and Means with a DO PASS recommendation. After Ways and Means determines adequate funding, will HB 2700 go directly to the floor of the House of Representatives?
098	Chair Minnis	Yes. However, Ways and Means could remove the DO PASS recommendation.
100	Rep. Eighmey	Continues comments regarding sending HB 2700 with a DO PASS recommendation to Ways and Means. Shares concerns regarding <u>Section 3</u> of the -3 amendments.
113	Chair	Recently, Congress passed a measure which prohibits Medicaid funds or federal funds from being used with physician assisted

	Minnis	suicide. Would Oregon law need to reflect the same language?
122	Rep. Eighmey	If an individual is in compassionate care and then decides to exercise their right for physician assisted suicide, when will the federal funding get cut off? Will the federal funding terminate immediately or continue while assisting the patient over their choice?
130	Chair Minnis	There should be continued funding of hospice care not withstanding a patient's right to seek physician assisted suicide.
135		Discussion amongst the subcommittee members as to who is sponsoring the -3 amendments to HB 2700.
152	Taylor	The concerns regarding uninsured people who did not qualify for the Oregon Health Plan came from Dr. Susan Tolle, MD.
157	Chair Minnis	Gives reasoning behind the -3 amendments.
174	Rep. Wells	So Ways and Means will decide the cost of the whole program and whether the -3 amendments will proceed to the floor.
181	Rep. Wells	Shares comments about the program being offered in -3 amendments.
187	Chair Minnis	Ways and Means will address the costs of the program.
191	Rep. Eighmey	Shares concerns over individuals who are in a compassionate care programs and then elect physician assisted suicide. The decision made by the patient could be based on funding coverage and not by the choice of option.
214	Rep. Prozanski	Asks for additional information regarding the fiscal impact statements issued on HB 2700. What comments from the Co-Chair of Ways and Means can be shared with the committee in regards to HB 2700?
222	Rep. Sunseri	Responds by summarizing the discussions with Dr. Susan Tolle, MD. and with Co-Chair Rep. Repine over the fiscal impact statements. Explains reasons for changing from "WITHOUT recommendation as to passage" to a "DO PASS recommendation."
236	Rep. Prozanski	Shares his experiences on obtaining fiscal impact statements.
241	Rep. Sunseri	The difference in the fiscal impact statements may be due to miscalculations.
245	Rep. Uherbelau	Shares her concerns about the fiscal impact statements.
		Ways and Means could take a couple of different perspectives. The assumption is that there is no leverage of federal dollars because the current income test measurements for access to the Oregon Health Plan. The qualification criteria under the Oregon

259	Chair Minnis	<p>Health Plan could change.</p> <p>The fiscal impact statements could significantly drop by having access to federal matching funds, if that's possible.</p> <p>There are a lot of things that Ways and Means may consider when identifying ways of cutting a fiscal impact statement.</p>
273	Rep. Prozanski	Could you share, having been a former member of Ways and Means, what the difference would be sending the measure with or without recommendation?
277	Chair Minnis	Results would be marginal. Gives example.
283	Rep. Sunseri	Per the Co-Chair Repine of Ways and Means, he stated that the reference to passage provides only a recommendation from Judiciary.
288		<p>VOTE: 9-1-1</p> <p>AYE: 6 - Rep. Beyer, Rep. Eighmey, Rep. Prozanski, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Wells, Chair Minnis</p> <p>NAY: 1 - Rep. Bowman</p> <p>EXCUSED: 1 - Rep. Courtney</p>
	Chair Minnis	The motion Carries.
292	Chair Minnis	Closes the work session on HB 2700.
293	Chair Sunseri	Distributes a fiscal impact statement on HB 2700 reflecting the 2.8 million (EXHIBIT B) .
<u>HB 2317, HB 2700, AND HB 3703 - REOPENED WORK SESSION</u>		
296	Chair Minnis	Reopens the work session on HB 2317, HB 2700, and HB 3703.
310	Rep. Sunseri	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2700.
311		<p>VOTE: 9-0-1</p> <p>EXCUSED: 1 - Rep. Courtney</p>
	Chair Minnis	Hearing no objection, declares the motion CARRIED.

312		Rep. Eighmey votes AYE on HB 2700.
315	Rep. Prozanski	Presents reasons for voting "no" on HB 2700.
325	Rep. Shetterly	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3703.
331		VOTE: 9-0-1 EXCUSED: 1 - Rep. Courtney
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
335		Rep. Bowman and Rep. Uherbelau votes Aye on HB 3703.
342	Rep. Shetterly	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2713.
		VOTE: 9-0-1 EXCUSED: 1 - Rep. Courtney
345	Chair Minnis	Hearing no objection, declares the motion CARRIED.
348		Rep. Bowman and Rep. Uherbelau votes Aye on HB 2317.
350	Chair Minnis	Closes the work session on HB 2317, HB 2700, and HB 3703.
<u>HB 2865 - WORK SESSION</u>		
352	Chair Minnis	Opens a work session on HB 2865.
353	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary HB 2865.
370	Rep. Shetterly	MOTION: Moves HB 2865 to the floor with a DO PASS AS AMENDED recommendation.
375	Chair Minnis	What was the motivation for this measure?
377	Rep. Eighmey	Gives examples.
390	Rep. Beyer	Presents reasons for voting "no" on HB 2865.
401	Rep. Eighmey	This measure was modified in agreement with Associated Oregon Industries (AOI) and other members.
411		VOTE: 6-4-1 AYE: 6 - Rep. Bowman, Rep. Eighmey, Rep. Prozanski, Rep. Shetterly, Rep. Uherbelau, Chair Minnis

		NAY: 4 - Rep. Beyer, Rep. Starr, Rep. Sunseri, Rep. Wells EXCUSED: 1 - Rep. Courtney
	Chair Minnis	The motion CARRIES. REP. EIGHMEY will lead discussion on the floor.
420	Chair Minnis	Closes the work session on HB 2865.
<u>HB 3616 -WORK SESSION</u>		
425	Chair Minnis	Opens a work session on HB 3616.
426	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 3616.
449	Rep. Shetterly	MOTION: Moves HB 3616 to the floor with a DO PASS recommendation.
458		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Courtney
463	Chair Minnis	The motion CARRIES. REP. PROZANSKI will lead discussion on the floor.
469	Chair Minnis	Closes the work session on HB 3616.
<u>Tape 30, A</u>		
033		Committee discusses the amendments process.
091	Chair Minnis	Adjourns the meeting at 8:04 a.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 2317, -4 amendments dated 05/05/97, Staff, 27 pages.

B - HB 2700, -3 amendments revised fiscal impact statement form dated 05/05/97,

Rep. Ron Sunseri, 3 pages.