

HOUSE COMMITTEE ON TRANSPORTATION

June 24, 1997 Hearing Room C

8:30 A.M. Tape 143

MEMBERS PRESENT:

Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Steve Harper

Rep. Jane Lokan

Rep. Lonnie Roberts

Rep. Larry Wells

MEMBER EXCUSED:

Rep. Tim Josi

STAFF PRESENT:

Keith Putman, Administrator

Bill Taylor, Legal Counsel

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD:

SB 1161-A - Public Hearing

SB 1162-A - Public Hearing and Work Session

SB 776-A - Public Hearing and Work Session

SB 435-B - 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.

Tape/#	Speaker	Comments
Tape 143, A		
	Chair	Calls meeting to order at 8:35 a.m. and opens the public hearing on SB

003	Montgomery	435-B.
<u>SB 435-B - PUBLIC HEARING</u>		
008	Keith Putman	Administrator, advises the committee that SB 435-B has been through other committees, is before the committee for a technical amendment (EXHIBIT A), and reviews provisions of the bill.
035	Brian DeLashmutt	Oregon Nurses Association, testifies the concern in the House Human Resources Committee was whether this is an expansion of the scope of practice of the Emergency Medical Technicians (EMTs), and is the same as in the Senate, and believes the language is unclear. Adds "This bill is not designed to be an expansion of the scope of practice of EMTs; it is only for the purposes of clarifying some nonemergency pre-hospital transport situations."
		"If the intent is to just take care of the situations described in the first Senate committee and the first House committee, we have no problem. But if there is an expansion of scope of practice, then we would have some concern. We think the amendments are okay but wanted to state on the record that that is what everyone has been saying all along--it is not an expansion of scope of practice--it is a clarification of nonemergency transport."
053	John Praggastis	President, Northwest Paramedic Alliance, comments they do not have a problem with this either, but want to make a statement into the record about it. "We understand these changes would clarify the rules of EMTs in relation to the actual operation of an ambulance while performing public or private safety duties, which is now the definition in law, and not routine health care as provided through the ownership or operations of ambulances." Adds that as long as that is the understanding they are in support of the bill.
062	Rep. Roberts	Comments that Sen. Fisher is satisfied with the amendments to the bill.
068	Chair Montgomery	Closes the public hearing and opens the work session on SB 435-B.
<u>SB 435-B - WORK SESSION</u>		
070	Rep. Lehman	MOTION: Moves to ADOPT SB 435-B5 amendments dated 06/19/97.
072		VOTE: 6-0 EXCUSED: 1 - Josi
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
074	Rep. Lehman	MOTION: Moves SB 435-B to the floor with a DO PASS AS AMENDED recommendation.

076		<p>VOTE: 6-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 - Josi</p>
	Chair	<p>The motion CARRIES.</p> <p>REP. KRUSE will lead discussion on the floor.</p>
087	Chair Montgomery	Opens the public hearing on SB 776-A
<u>SB 776-A - PUBLIC HEARING</u>		
	Keith Putman	Administrator, advises new amendments have been received (EXHIBIT B) in response to the concern that the bill would allow any pharmacists to declare him/herself to be an independent contractor.
101	Kevin Mannix	Attorney, presents the SB 776-A6 amendments (EXHIBIT B) and notes the hand engrossed changes. Explains that concern expressed by the committee was this might allow Safeway or Fred Meyer to make all their people independent contractors; the idea was to allow this to be for the fill-in folks, those who do not have a free standing pharmacy can make a business of filling in for the pharmacists around the state.
120	Rep. Roberts	Comments he would not want to be too restrictive because some are semi-retired and just want to make a few dollars.
	Mannix	Comments the pharmacists could not be at one pharmacy for more than 30 consecutive days or 60 days in a year.
134	Rep. Lokan	Comments she is comfortable with the explanation and the amendments.
130	Rep. Lehman	Asks why there should be an exception for pharmacists when everyone else will have to follow the temporary service agreements that is used by the temporary work force.
140	Mannix	Responds they want to be free standing but under federal and state law the only way to have their own business is to have a registered pharmacy shop somewhere, therefore it is impossible for them to meet the Employment Department requirements. They prefer to go out and make their deals with a variety of pharmacists, and unlike an employee, they control the controlled substances.
151	Rep. Lehman	Asks Mr. Mannix to distinguish between a construction worker and a pharmacists.
	Mannix	Responds the pharmacist's tools are his education; the carpenter can run a business out of his car if he wants, the pharmacist cannot work directly with the public by operating out of his car.
173	Michelle Kennedy	Manager, Fiscal, Performance and Planning, Employment Department, testifies in opposition to the amendments:

		* opposes the amendments because there is no difference between these individuals and other individuals working for any other kind of temporary agency
		* if a pharmacist wanted to set up a business as an independent contractor, he could do that; he could open up an office in his home just as many independent contractors do
		* if the pharmacist can meet the criteria that was set in statute in 1989 by the legislature, he can do that
		* oppose the amendments for the reasons stated yesterday regarding the eroding of worker coverage under the unemployment insurance program
201	Rep. Roberts	Comments he disagrees with the Employment Department and supports the amendments.
210	Chair Montgomery	Closes the public hearing and opens the work session on SB 776-S
<u>SB 776-A - WORK SESSION</u>		
217	Rep. Roberts	MOTION: Moves to ADOPT SB 776-A6 amendments dated 06/24/97.
232		VOTE: 4-2 AYE: 4 - Harper, Lokan, Roberts, Wells NAY: 2 - Lehman, Montgomery EXCUSED: 1 - Josi
	Chair Montgomery	The motion CARRIES.
238	Rep. Roberts	MOTION: Moves SB 776-A to the floor with a DO PASS AS AMENDED recommendation.
244		VOTE: 3-3 AYE: 3 - Lokan, Roberts, Wells NAY: 3 - Harper, Lehman, Montgomery EXCUSED: 1 - Josi
	Chair	The motion FAILS.
248	Chair Montgomery	Closes the work session on SB 776-A and opens the public on SB 1161-A.
<u>SB 1161-A - PUBLIC HEARING</u>		

262	Keith Putman	Administrator, introduces Bill Taylor, Legal Counsel, Judiciary Committee, and informs the members that the amendments to SB 1162-A (EXHIBIT C) places all of SB 1161-A into SB 1162-A.
279	Chair Montgomery	Closes the public hearing on SB 1161-A and opens the public hearing on SB 1162-A.
<u>SB 1162 - PUBLIC HEARING</u>		
288	Rep. Roberts	Asks for explanation of why there are two sets of amendments: the SB 1162-A9 (EXHIBIT C) and the SB 1161-A4 (EXHIBIT D).
288	Putman	Explains that the SB 1161-A4 amendments will be offered as an amendment to SB 1162 if the SB 1162-A9 amendments are adopted.
291	Chair Montgomery	Comments that the committee will only address the amendments submitted to the committee prior to the meeting.
295	Bill Taylor	Legal Counsel, Judiciary Committee, explains the SB 1161-A4 amendments (EXHIBIT D) are purely technical amendments to clarify what is called a "second look hearing" in a juvenile proceedings will be subject to the same rules of evidence that any disposition hearing has.
310		Discussion is held on the relationship of the amendments to the two bills and why the bills are being combined.
347	Chair Montgomery	Closes the public hearing and opens the work session on SB 1162-A.
<u>SB 1162-A - WORK SESSION</u>		
367	Rep. Lehman	MOTION: Moves to ADOPT SB 1162-A9 amendments dated 06/17/97.
		VOTE: 5-0 EXCUSED: 2 - Harper, Josi
	Chair Montgomery	Hearing no objection, declares the motion CARRIED .
373	Rep. Lehman	MOTION: Moves to FURTHER AMEND, CONCEPTUALLY, HB 1162-A WITH THE SB 1161-A4 amendments dated 06/17/97.
		VOTE: 5-0 EXCUSED: 2 - Harper, Josi
	Chair Montgomery	Hearing no objection, declares the motion CARRIED .
384	Chair Montgomery	Announces to the audience if anyone is opposed to the bill, to come forth.
390	Rep. Lehman	MOTION: Moves SB 1162-A to the floor with a DO PASS AS AMENDED recommendation.

405		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Josi
	Chair Montgomery	The motion CARRIES. REP. JOSI will lead discussion on the floor.
414	Chair Montgomery	Adjourns the meeting at 9:01 a.m.

Submitted By, Reviewed By,

Annetta Mullins, Keith Putman,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 435, SB 435-B5 amendments, staff, 11 pp

B - SB 776, SB 776-A6 amendments, Kevin Mannix, 1 p

C - SB 1162, SB 1162-A9 amendments, staff, 11 pp

D - SB 1162, SB 1161-A4 amendments, staff, 1 p