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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**May 12, 1997 Hearing Room A**

**2:00 PM. Tapes 219 - 222**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Jim Stembridge, Administrator**

**Donna Arens, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 1188 Public Hearing**

## SB 578 Work Session

## HB 3098A Public Hearing and Work Session

## SB 1109 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.

	Speaker	Comments
<b>TAPE 219, A</b>		
004	Chair Bryant	Opens meeting at 1:08 pm and opens public hearing on SB 1188. States SB 1188 replaces SB 20.
<b><u>SB 1188 - PUBLIC HEARING</u></b>		
015	Sen. Gene Derfler	District 16. Testifies in support of SB 1188. Discusses history of legislation and hand-engrossed version ( <b>EXHIBIT A</b> ).
055	Sen. Brown	Asks if there is a section-by-section analysis of SB 1188.
065	Sen. Derfler	Discusses sections of SB 1188 that relate to SB 20.
083	Dan Kennedy	Department of Administrative Services (DAS). Testifies in support of SB 1188 and discusses changes in section 4.
091	Sen. Derfler	Discusses section 9 of SB 1188.
093	Kennedy	Discusses section 9. Discusses being pilot program.
110	Sen. Derfler	Comments on eliminating process by DAS.
119	Sen. Brown	Asks if this bill has an impact on SB 19.
123	Sen. Derfler	Comments on page 8 of hand-engrossed version of SB 1188.
130	Chair Bryant	Comments on adopting amendments conceptually, send to Legislative Counsel to draft, bring back in readable form.
145	Rich Peppers	Oregon Public Employees Union (OPEU). Gives testimony in opposition to original version of SB 1188.
193	Tim Nesbitt	Oregon Public Employees Union. Comments on bargaining over pay rates.
213	Ken Fitzsimon	Oregon Nurses' Association. Gives testimony in opposition to original version of SB 1188 ( <b>EXHIBIT B</b> ).
241	Chair Bryant	Discusses needing definition for both minimum and base rate of pay. Closes public hearing on SB 1188 and opens work session on SB 578.
<b><u>SB 578 - WORK SESSION</u></b>		

262	Jim Stemberge	Administrator. Explains SB 578 -5 amendments.
<b>TAPE 220, A</b>		
004	Charles Stern	Yamhill County Clerk. Discusses -5 amendments looking at agreement with one exception and electronic records <b>(EXHIBIT C)</b> .
025	Sarah Hackett	League of Oregon Cities. Support in concept. Discusses comparable drafted language, working on language in House.
036	Sen. Brown	Discusses passing to House; address this there. Concern is time.
061	Vice-Chair Miller	Closes work session on SB 578 and opens public hearing on HB 3098A.
<b><u>HB 3098A - PUBLIC HEARING</u></b>		
070	Jim Gardner	Quest Diagnostic, Abbott Laboratories. Discusses proposed amendments, view as "friendly amendments" <b>(EXHIBIT D)</b> .
113	Bob Woolsey	Quest Diagnostic, President, Oregon Clinical Laboratory Assn. Discusses history of legislation, comments on proposed amendments.
126	Vice-Chair Miller	Expresses concerns regarding proposed amendments.
134	Gardner	Responds.
139	Sen. Brown	Comments on substance testing under proposed amendments.
143	Gardner	Responds.
150	Rep. Mike Lehman	District 4. Discusses effect of proposed amendments. Step to recognize technology.
185	Bill Railsback	St. Charles Medical Center. Discusses effect of proposed amendments, and conflicting language <b>(EXHIBIT E)</b> .
208	Grant Beardsley	Oregon Medical Labs (OML). Discusses concerns of the bill and process of testing.
252	Jackie Rice	OML. Discusses savings through current quality testing programs and standards of collection facilities, of training personnel.
<b>TAPE 219, B</b>		
019	Colleen Westphal	OML. Works with employers. Discusses concerns with bill <b>(EXHIBIT F)</b> .
058	Vice-Chair Miller	Questions if OML's concerns were addressed at House hearing.
067	Sen. Nelson	Questions regarding cost savings.
068	Westphal	Responds.
077	Sen. Nelson	Question regarding services to rural areas.
078	Railsback	Responds.
		Also responds to Sen. Nelson's question regarding services to rural

087	Westphal	areas.
094	Railsback	Addresses Sen. Nelson's question regarding cost savings.
114	Robert Velander	Legacy Health System. Opposes bill. Discusses bill undermining original intent - to protect individuals <b>(EXHIBIT G)</b> .
160	Velander	Continues discussing concerns with bill.
179	Chair Bryant	Discusses employers still using their facilities if bill passes. Discusses being employers' responsibility.
181	Velander	Responds.
196	Kent Johnson	Legacy Health System. Opposes bill in current form. Discusses concerns with bill.
239	Chair Bryant	Questions regarding federal employment laws.
241	Johnson	Responds. Continues discussing concerns with bill.
273	James Harris	Willamette Falls Occupational Health. Opposes bill. Discusses function as medical review officer and concerns with bill <b>(EXHIBIT H)</b> .
<b>TAPE 220, B</b>		
028	Candice Phillips	Owner, Bio-Med Testing Services. Opposes bill. Discusses how her business functions and her concerns with the bill.
065	Chair Bryant	Questions how bill would change services rendered by Bio-Med.
067	Phillips	Responds.
109	Phillips	Continues testimony.
123	Rep. Mike Lehman	Responds to Phillips' testimony. Discusses support for bill, opposition to bill. Asks for adoption of -A7 amendments only.
145	Chair Bryant	Questions regarding amendments, portability requirements.
152	Dr. Michael Skeels	Director, Oregon Health Laboratory, Oregon Health Division (OHD). Responds to Chair Bryant's question. Discusses concerns regarding portability.
173	Chair Bryant	Discusses expanding amendments.
177	Dr. Skeels	Responds to Chair Bryant's comments.
189	Chair Bryant	Questions regarding on-site testing.
193	Dr. Skeels	Responds.
204	Chair Bryant	Asks for OHD's position on HB 3098A.
210	Dr. Skeels	Discusses being comfortable with A-Engrossed version. Also with -7 amendments.
214	Chair Bryant	Question regarding fees. Comments on -9 amendments <b>(EXHIBIT I)</b> .
215	Dr. Skeels	Responds.
235	Rep. Lehman	Comments on use of labs.
237	Dr. Skeels	Comments on OHD's position.

246	Chair Bryant	Closes public hearing on HB 3098A and opens public hearing on SB 1109.
<b><u>SB 1109 - PUBLIC HEARING</u></b>		
248	Chair Bryant	Discusses groups that will be affected by amendments to bill.
277	Jim Stembridge	Administrator. Gives explanation of SB 1109 and makes reference to chart submitted by Patricia O'Sullivan <b>(EXHIBIT J)</b> .
<b><u>TAPE 221, A</u></b>		
003	Stembridge	Continues discussing SB 1109, chart, amendments.
031	Sen. Brown	Supports from financial standpoint. Discussion regarding regulatory nature of boards.
036	Stembridge	Discusses chart in Exhibit J.
083	Stembridge	Continues discussion of chart. Continues brief outline of bill, starting with Section 4.
102	Sen. Brown	Discusses performance versus financial audits.
109	Stembridge	Continues giving outline of bill; Sections 6, 7, 8, 9.
147	Stembridge	Continues outlining bill.
157	Chair Bryant	Question regarding money from other funds.
159	Stembridge	Responds.
174	Chuck Pearson	Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS). Testifies in support of bill. Discusses what OSBEELS can and cannot provide <b>(EXHIBIT K)</b> .
222	Chair Bryant	Comments on intent of bill and discussion with Governor.
229	Sen. Brown	Comments on concern for how consumers are protected.
235	Pearson	Responds, comments on ORS Ch. 672.
246	Sen. Brown	Discusses concern of how members of a certain profession regulate that profession. Discusses looking at performance audits.
251	Pearson	Comments that he sees more safeguards in SB 1109 than in current law.
254	Sen. Nelson	Questions fee costs.
257	Steve Schenk	President, OSBEELS. Responds and comments on semi-privatization.
280	Suzanne Crane	OSBEELS. Supports bill. States agrees with Pearson's and Schenk's testimony.
<b><u>TAPE 222, A</u></b>		
018	Colin Handforth	OSBEELS. Testifies in support of SB 1109. Discusses function as law enforcement coordinator with board <b>(EXHIBIT L)</b> .
059	Alison Davis	Consulting Engineers Council of Oregon. Testifies in support of SB 1109 <b>(EXHIBIT M)</b> .

068	Ed Graham	Executive Secretary, OSBEELS. Testifies in support of SB 1109.
078	Don Hull	Department of Geology and Mineral Industries. Gives testimony in support of SB 1109. Discusses operating under code of ethics. Supports -2 amendments <b>(EXHIBIT N)</b> .
92	John Block	President, Oregon Board of Pharmacy. Testifies in support of SB 1109. Discusses history of legislation and functions of Board.
117	Gary Schnabel	Oregon Board of Pharmacy. Gives testimony in support of SB 1109.
139	Chair Bryant	Comments on flexibility to hire outside counsel.
146	Schnabel	Responds.
156	Ed Patterson	Oregon Association of Hospitals and Health Systems. Gives testimony in opposition to SB 1109 <b>(EXHIBIT O)</b> .
188	Patterson	Continues testimony.
222	Sen. Brown	Question regarding issue concerning open records.
224	Patterson	Responds.
250	Joan Miller	Board of Optometry. Gives testimony in support of SB 1109. Submits <b>(EXHIBIT P)</b> .
295	Dr. Wesley Vorpahl	Oregon Optometry Association. Gives testimony in support of SB 1109 <b>(EXHIBIT Q)</b> .
<b>TAPE 221, B</b>		
006	David Plunkett	Board of Optometry. Gives testimony in support of SB 1109. Submits <b>(EXHIBIT R)</b> .
040	Tim Kral	Oregon Rehabilitation Association. Gives testimony in support of SB 1109 with amendments. Submits <b>(EXHIBIT S)</b> .
057	Chair Bryant	Asks about competitive bidding.
058	Kral	Responds.
071	Chair Bryant	Closes public hearing on SB 1109 and opens work session on SB 578.
<b><u>SB 578 - WORK SESSION</u></b>		
		Staff presents -5 amendments prior to meeting <b>(EXHIBIT T)</b> .
076	Sen. Brown	Comments on amendments proposed by Charles Stern.
085	Sen. Brown	<b>MOTION: Moves to ADOPT amendments offered by Charles Stern, inserting on page 1, line 16, paragraph C, to SB 578 (EXHIBIT C).</b>
089	Sen. Miller	Discusses opposition to amendment.
095	Chair Bryant	<b>Hearing no objection, declares the motion CARRIED.</b>
096	Sen. Brown	<b>MOTION: Moves to ADOPT SB 578 -5 amendments dated 5/9/97.</b>

097	Chair Bryant	Hearing no objection, declares the motion <b>CARRIED</b> .
098	Sen. Brown	<b>MOTION: Moves SB 578 to the floor with a DO PASS AS AMENDED recommendation.</b>
099	Chair Bryant	Hearing no objection, declares the motion <b>CARRIED</b> . <b>SEN. BROWN will lead discussion on the floor.</b>
100	Chair Bryant	Closes work session on SB 578 and opens work session on HB 3098A.
<b><u>HB 3098A - WORK SESSION</u></b>		
		Staff presents -6 amendments prior to meeting ( <b>EXHIBIT U</b> ).
104	Chair Bryant	<b>MOTION: Moves to ADOPT HB 3098A -7 amendments dated 5/9/97.</b>
105	Chair Bryant	Hearing no objection, declares the motion <b>CARRIED</b> .
107	Chair Bryant	Discusses other amendments, opposition having better argument.
120	Sen. Miller	Discusses opposition.
128	Sen. Brown	Discusses employee altering tests.
138	Chair Bryant	Discusses process, random process, his employers.
148	Chair Bryant	<b>MOTION: Moves HB 3098A to the floor with a DO PASS AS AMENDED recommendation.</b>
150	Chair Bryant	Hearing no objection, declares the motion <b>CARRIED</b> . <b>SEN. NELSON will lead discussion on the floor.</b>
152	Chair Bryant	Adjourns meeting at 5:00 pm.

**Submitted By, Reviewed By,**

**Donna Arens, Jim Stembridge,**

**Administrative Support Administrator**

**Transcribed by:**

**Lori Hayhurst**

**Administrative Support**

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**EXHIBIT SUMMARY**

**A - SB 1188, Hand-engrossed bill, Sen. Derfler, 16 pp**

**B - SB 1188, Written testimony, Kenneth Fitzsimon, 4 pp**

**C - SB 578, Proposed amendments, Charles Stern, 1 p**

**D - HB 3098A, Proposed amendments, Jim Gardner, 2 pp**

**E - HB 3098A, Written testimony, Bill Railsback, 1 p**

**F - HB 3098A, Written testimony, Colleen Westphal, 2 pp**

**G - HB 3098A, Written testimony, Robert Velandar, 2 p**

**H - HB 3098A, Written testimony, James Harris, 1 p**

**I - HB 3098A, Proposed amendments, Staff, 2 pp**

**J - SB 1109, Chart, Patricia O'Sullivan, 1 p**

**K - SB 1109, Written testimony, Chuck Pearson, 2 pp**

**L - SB 1109, Written testimony, Colin Handforth, 3 pp**

**M - SB 1109, Written testimony, Alison Davis, 2 pp**

**N - SB 1109, Written testimony, Don Hull, 1 p**

**O - SB 1109, Written testimony, Ed Patterson, 12 pp**

**P - SB 1109, Written testimony, Joan Miller, 1 p**

**Q - SB 1109, Written testimony, Dr. Vorpahl, 2 pp**

**R - SB 1109, Written Testimony, David Plunkett, 2 pp**

**S - SB 1109, Written testimony, Tim Kral, 1 p**

**T - SB 578, -5 Amendments, staff, 2 pp**

**U - SB 3098A, -6 Amendments, Rep Lehman, 1 p**

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