

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

May 9, 1991
P.M.

Hearing Room F 1:30
Tapes 76 - 77

MEMBERS PRESENT: Rep. John Schoon, Chair Rep. Hedy L. Rijken,
Vice-Chair Rep. Jerry Barnes Rep. Lisa Naito Rep. Carolyn Oakley Rep.
Beverly Stein Rep. Greg Walden

STAFF PRESENT: Terry Connolly, Committee Administrator Annetta
Mullins, Committee Assistant

MEASURES CONSIDERED: HB 2791 WS HB 2333 WS HB 2637 WS SB
15 PH & WS SB 83 PH & WS SB 630 PH & WS SB 650 Ph & WS

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TAPE 76, SIDE A

010 CHAIR SCHOON calls the meeting to order at 1:36 p.m. and opens the work session on HB 2791.

HB 2791 - REQUIRES CPR CERTIFICATION FOR MAINTENANCE OF DENTAL HYGIENE LICENSE.

008 MOTION: REP. WALDEN moves that HB 2791 be sent to the Floor with a DO PASS recommendation.

017 VOTE: In a roll call vote, REPS. BARNES, OAKLEY, WALDEN, RIJKEN and CHAIR SCHOON vote AYE. REPS. NAITO and STEIN also vote AYE by unanimous consent (See Tape 76, Side A at 057 and Tape 76, Side B at 340).

019 CHAIR SCHOON declares the motion PASSED.

021 CHAIR SCHOON opens the work session on HB 2333. (Tape 76, Side A) HB 2333 - CONTINUES STATE MORTUARY AND CEMETERY BOARD SUBJECT TO SUNSET.

020 CHAIR SCHOON: The committee has amendments which have the effect of increasing the board membership from nine to eleven and ensuring that three of the members are representatives of cemeteries including one from for-profit cemeteries, one representing a city or county owned and one for special districts and increases the public members from three to four (EXHIBIT A).

032 MOTION: CHAIR SCHOON moves that the HB 2333-4 amendments BE ADOPTED.

045 VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the amendments ADOPTED. REP. NAITO is EXCUSED.

047 MOTION: REP. RIJKEN moves that HB 2333, as amended, be sent to the Floor with a DO PASS recommendation.

050 VOTE: In a roll call vote, REPS. BARNES, OAKLEY, STEIN, WALDEN, RIJKEN and CHAIR SCHOON vote AYE. REP. NAITO votes AYE by unanimous consent (See Tape 76, Side B at 340).

052 CHAIR SCHOON declares the motion PASSED.

051 CHAIR SCHOON opens the work session on HB 2637.

057 MOTION: REP. STEIN moves that the rules be suspended to allow her to vote on HB 2791.

VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the motion PASSED.

REP. STEIN votes AYE on passage of HB 2791.

(Tape 76, Side A) HB 2637 - MODIFIES JURISDICTION OF STATE BOARD OF CHIROPRACTIC EXAMINERS. Witness:Christie Joachim, Board of Chiropractic Examiners

064 MR. CONNOLLY reviews the provisions of the bill and advises the committee there are two sets of amendments, HB 2637-1 (EXHIBIT B) and HB 2637-2 (EXHIBIT C) which have been included in the hand-engrossed bill (EXHIBIT D). The hand-engrossed bill includes additional amendments that need to be explained. The HB 2637-1 amendments are from Rep. Eldon Johnson; the HB 263 7-2 amendments are from the Board of Chiropractic Examiners and the Chiropractic Physicians Association.

080 CHRISTIE JOACHIM, Executive Director, Board of Chiropractic Examiners: We support Rep. Johnson's amendments (HB 2637-1) which put in statute something that we currently do on our application which is ask the applicant to divulge any other health care provider license they may have. He is concerned about some people who hold dual licensure. For example, naturopath and chiropractors. When disciplinary action is taken against a licensee by one board, they want to be able to notify the other board.

101 MOTION: CHAIR SCHOON moves that the HB 2637-1 amendments BE ADOPTED.

101 VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the amendments ADOPTED. REP. NAITO is EXCUSED.

105 MS. JOACHIM: The -2 amendments clarify some of the language in the bill. The new (d) on page 1 is to take care of a problem the board has with unlawful delegation. It relates to delegating authority to the Chiropractic Council on Education to approve the applicant. This was fixed during last session for most of the boards but somehow this statute did not get updated.

119 REP. BARNES: When was the last time fees were increased?

127 MS. JOACHIM: We had new fees in 1987 and 1989. Before that they had not been changed in 20 years.

131 MR. CONNOLLY: The fees are from HB 2337 which this committee and Ways and Means have approved and is now in the Senate.

143 MS. JOACHIM: The amendments on page 2, line 37, puts into statute the authority for the board to fix the number of years that a person may practice in this state through reciprocity. Currently, reciprocity is wide open. A person doesn't have to have practiced in another state in order to come in and not take all of our examinations. We feel the person should have to take the examination.

155 Issues discussed: >Requirement for certified check or money order.

160 MS. JOACHIM: Section 17 (c) is asking for further definition of chiropractic to be anyone who comes into this state to review or evaluate chiropractic services. These are the "independent medical examiners" (IME) who are not currently licensed in this state and who pass judgement on licensees in this state. As a result, the patient often times does not receive any further chiropractic care because the IME decides by a paper review the patient has had enough care. We are asking to have this be defined as part of chiropractic so anyone coming into this state to do paper reviews would have to be licensed in Oregon.

210 CHAIR SCHOON: Who are these panels?

212 MS. JOACHIM: Independent medical exams are used typically by insurance companies to determine whether their insured is getting the correct care. Once the care reaches a certain level, typically patients are referred to IMEs. The IMEs review the patient (in many cases the panel sees the patient) and evaluate the patient, but they don't adjust or touch the patient, talk to them about how they are feeling and make subjective observations, etc. Then the panel writes up a report to the insurance company saying the patient has made as much progress as possible and that is all the care they should have, or that the patient should continue care.

231 Some national companies hire people to do what are called "paper reviews." Some sort of information is sent to these doctors who are not in our state. They never meet the patient, see the doctor's chart notes or anything else. By virtue of what they read on the paper, they determine the care for the patient.

229 CHAIR SCHOON: This is a very significant amendment. We have heard about panels doing evaluations from paper without examining the patients. The board is asking that not only must the person doing the evaluation be a chiropractor but that they also be licensed in Oregon. I think we need to think about this. The insurance industry may not know about this amendment and there will be opposition to it.

273 MS. JOACHIM: It doesn't stop the practice of doing IMEs. It asks those people to come in and go through our licensure requirements to become licensed in Oregon. They would have to study for our examination and see what our scope of practice is. That is another problem we have; they don't understand our scope of practice.

281 CHAIR BARNES: Is there any reason why one of these services could not contract with an Oregon chiropractor to do this for them.

282 MS. JOACHIM: There would be no reason. It happens quite frequently.

285 REP. BARNES: Is this widespread?

285 MS. JOACHIM: The practice of doing IMEs is throughout the insurance industry. Some of our people go to other states to do IMEs. A service called PES is out of state and they do tons of paper reviews.

297 REP. STEIN: How large are the differences among states in the scope of practice of chiropractors?

296 MS. JOACHIM: There can be quite a difference.

315 MS. JOACHIM: Section 18 is increasing the hours of continuing education. We are asking to approve an additional 15 hours on a biennial basis and are asking to designate what those hours will be in.

374 REP. BARNES: Would it be possible to get input on these amendments from the Department of Insurance and Finance?

CHAIR SCHOON: It would probably be a good idea and we might want to let the insurance industry comment on these amendments. We will hold a public hearing and work session at our next full committee meeting.

436 MS. JOACHIM: We are asking to delete Section 16. We are no longer going to have fees set by rule. They will be in statute and we don't need Section 16. Throughout the bill, the current new fee should inserted.

453 CHAIR SCHOON closes the work session on HB 2637.

TAPE 77, SIDE A

016 CHAIR SCHOON opens the work session on HB 3361.

HB 3361 - PROHIBITS SALE OF ALKALINE MANGANESE BATTERY CONTAINING MORE THAN 0.025 PERCENT MERCURY Witnesses: Brian Boe, National Electrical Manufacturers Association Bob Danko, Department of Environmental Quality

020 REP. NAITO: Some of the concerns the members had about this bill with the fiscal impact have been addressed as far as we can. There was also some concern from the electronics industry. While they do provide for potentially removal nickel cadmium rechargeable batteries, there was some concern about the instructions they would be required to give to consumers. In light of the fact there is no recycling available, we deleted that language but still require that the products be designed so they are removable in the hopes that we will have recycling in the future.

032 BRIAN BOE, National Electrical Manufacturers Association: As Rep. Naito indicated, the HB 3361-6 amendments (EXHIBIT E) reflect comments from the previous hearing. Line 4 of page 1 of the -6 amendments reflects DEQ's desire to have the language changed to allow permissive disposal on batteries to minimize risk to public health and the environment.

In line 22, page 1 of the -6 amendments, Section 5 provides that battery manufacturers certify in writing to DEQ the mercury content of their batteries for sale in Oregon. The mercury content is specified in Section 3 of the bill. The certification shall be biennial and it shall also include information from the manufacturers on their efforts to achieve mercury-free battery cells.

Section 7 reflects DEQ's request that the enforcement and penalties be codified under the existing statute. The penalties are taken from the lead-acid battery statutes. There are some hand-engrossed changes to Section 7 in the -6 amendments because of a drafting error. The last hand-written change on the -6 amendments is to page 2 of the bill to delete lines 36 and 37. That amendment reflects the fact that the technology for the proper disposal and recycling of these batteries is still in the state of development. We will defer on that point until the industry and other interested groups revisit the collection issue in 1993.

115 REP. NAITO: We may want DEQ on record in regard to the fiscal.

126 BOB DANKO: I have followed closely the changes that have been made. We have very little responsibility left in the bill. The enforcement section relates only to the mercury content, not to the product design. The only work load for us is to receive the biennial certificates from the seven to 12 battery manufactures and come back to the Legislature with the information. Staff time will be .06 or .07 FTE.

139 CHAIR SCHOON: What is DEQ doing now to establish a place to put these batteries.

143 MR. DANKO: Small batteries are just one part of the "household hazardous waste stream." That is a major concern. Last session the Legislature gave DEQ some pilot project moneys to establish household hazardous waste collection around the state. We are in the process of doing that. SB 688 on the Senate side has additional moneys for household hazardous waste collection.

163 REP. NAITO: We have worked out some of the problems in this. Oregon will have the most comprehensive legislation in the nation.

173 MOTION: REP. NAITO moves that the HB 3361-6 and HB 3361- 7 amendments (EXHIBIT F) BE ADOPTED and that the bill be further amended to delete lines 36 and 37 on page 2.

182 VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the amendments ADOPTED. REP. OAKLEY is EXCUSED.

187 CHAIR SCHOON: Would DEQ want this bill to go to Ways and Means?

189 MR. DANKO: I don't know what our official position is on this or how this committee determines where bills go. We will file the fiscal impact at .06 or .07 which amounts to \$6,000 or \$7,000. I don't suspect we will get any resources for this bill.

198 MOTION: REP. NAITO moves that HB 3361, as amended, be sent to the Floor with a DO PASS recommendation.

207 VOTE: In a roll call vote, REPS. BARNES, NAITO, STEIN, WALDEN, RIJKEN and CHAIR SCHOON vote AYE. REP. OAKLEY, by unanimous consent votes AYE. (See Tape 77, Side A at 280).

209 CHAIR SCHOON declares the motion PASSED. Rep. Naito will lead discussion on the Floor.

213 CHAIR SCHOON: Rep. Rijken will lead discussion on HB 2791.

216 CHAIR SCHOON opens the public hearing on SB 15.

(Tape 77, Side A) SB 15 A-ENG. EXPANDS DEFINITION OF BONDS FOR CERTAIN PURPOSES. Witnesses: Mike Ryan, Office of State Treasurer

The Revenue Impact Analysis, Fiscal Impact Assessment and Senate Staff Measure Summary are hereby made a part of these minutes (EXHIBIT G).

219 MIKE RYAN, Executive Assistant to the State Treasurer, submits and reviews a prepared statement in support of SB 15 (EXHIBIT H).

264 CHAIR SCHOON closes the public hearing and opens the work session on SB 15 A-Eng.

265 MOTION: REP. BARNES moves that SB 15 A-Eng. be sent to the Floor with a DO PASS recommendation.

270 VOTE: In a roll call vote, all members present vote AYE. REP. WALDEN is EXCUSED.

272 CHAIR SCHOON declares the motion PASSED. Rep. Barnes will lead discussion on the Floor.

277 MOTION: REP. OAKLEY asks unanimous consent to suspend the rules and that she be allowed to vote on the passage of HB 3361.

VOTE: CHAIR SCHOON hearing no objection, declares the motion PASSED.

280 REP. OAKLEY votes AYE on passage of HB 3361.

285 CHAIR SCHOON opens the public hearing on SB 83.

(Tape 77, Side A) SB 83 - EXTENDS, UNTIL JANUARY 1, 1996, RESTRICTIONS ON CHANGES IN PROPERTY TAX EXEMPTION, FARM USE ASSESSMENT OR FORESTLAND DESIGNATION FOR LAND HELD BY DIRECTOR OF VETERANS' AFFAIRS OR LAND SECURING VETERANS' LOAN. Witness: Charles Gehley, Department of Veterans Affairs

The Senate Staff Measure Summary, Legislative Revenue Analysis and Legislative Fiscal Analysis are hereby made a part of these minutes (EXHIBIT I).

CHARLES GEHLEY, Department of Veterans Affairs, submits and reads a prepared statement in support of SB 83 (EXHIBIT J).

Issues discussed: >Cause of loss of farm use deferral previously was when the department took properties back as foreclosures or dead-in-lieu, the department had to pay the deferred taxes in unzoned farm lands. Legislation was passed to prevent that from happening. >If property is not used for farming, the department lets the property owner know what the additional taxes will be due to the loss of the farm use deferral. >The problem was with the law that says when a tax exempt entity takes the property back, the deferred taxes become due and payable. >If property is in EFU zone and unless the use is changed, the farm deferral is not lost. >Law has a lot of quirks. If a person wants to dedicate a piece of property to the county, the county would have to pay taxes on it if they wanted to make it into a park. But if a county accepted it and immediately passed it to a city, the city does not have to pay taxes on it. >Loss of farm deferral in unzoned farm land goes back five years.

TAPE 76, SIDE B

>In some cases the property was being farmed, but because the department is tax exempt, they made us pay.

058 CHAIR SCHOON closes the public hearing on SB 83 and opens the work session.

058 MOTION: CHAIR SCHOON moves that SB 83 be sent to the Floor with a DO PASS recommendation.

060 MR. CONNOLLY: The bill has a subsequent referral to Revenue and School Finance.

MOTION: CHAIR SCHOON moves to amend his previous motion and moves that SB 83 be sent to the Floor with a subsequent referral to the Committee on Revenue and School Finance with a DO PASS recommendation.

067 VOTE: In a roll call vote, REPS. BARNES, NAITO, OAKLEY, WALDEN and

CHAIR SCHOON vote AYE. By unanimous consent REPS. RIJKEN and STEIN vote AYE. (See Tape 76, Side B at 279).

070 CHAIR SCHOON declares the motion PASSED.

076 CHAIR SCHOON opens the public hearing on SB 630.

(Tape 76, Side B) SB 630 - EXTENDS SUNSET DATE TO JANUARY 1, 1997, ON STATUTES ALLOWING CERTAIN FINANCIAL INSTITUTIONS TO INVEST IN STOCK OF REAL ESTATE DEVELOPMENT CORPORATIONS. Witnesses: Frank Brawner, Oregon Bankers Association Gary Bruebaker, Office of State Treasurer

The Senate Staff Measure Summary, Legislative Impact Assessment and Revenue Impact Analysis are hereby made a part of these minutes (EXHIBIT K).

099 FRANK BRAUNER, Oregon Bankers Association, submits and reads a prepared statement in support of SB 630 (EXHIBIT L), proposes and explains the SB 630-2 amendments (EXHIBIT M) allow other people to bid for the State's business.

174 REP. STEIN: Were these amendments offered in the Senate?

175 MR. BRAUNER: They were not. The issue did not surface until conversations with the State Treasury after the bill had passed on the Senate side. The Treasurer's office will be testifying in support of the amendment. This is a very convenient vehicle.

204 GARY BRUEBAKER, Director of Cash Management, Office of State Treasurer: The Treasurer's office strongly supports the amendments. It is our intent to select an agent that can provide the best service to the holders of Oregon bonds regardless of their address.

212 CHAIR SCHOON closes the public hearing and opens the work session on SB 630.

213 MOTION: REP. STEIN moves that the SB 630-2 amendments BE ADOPTED.

243 REP. BARNES: I would hope that our State Treasurer, everything else being equal, do what they can to pick a fiscal agent from Oregon.

263 VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the motion PASSED. All members are present.

265 MOTION: REP. STEIN moves that SB 630, as amended, be sent to the Floor with a DO PASS recommendation.

269 VOTE: In a roll call vote, all members are present and vote AYE.

272 CHAIR SCHOON declares the motion PASSED.

273 MOTION: REP. RIJKEN request unanimous consent to suspend the rules to allow her and Rep. Stein to vote on SB 83.

VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the motion PASSED.

279 REPS. RIJKEN and STEIN vote AYE on passage of SB 83.

285 CHAIR SCHOON opens the public hearing on SB 650.

(Tape 76, Side B) SB 650 - CHANGES REFERENCES FROM "LINE OF CREDIT MORTGAGE" TO "LINE OF CREDIT INSTRUMENT" FOR PURPOSES OF REAL PROPERTY MORTGAGES. Witness: Frank Brawner, Oregon Bankers Association

The Senate Staff Measure Summary, Legislative Fiscal Impact Assessment and Revenue Impact Analysis are hereby made a part of these minutes (EXHIBIT N).

293 FRANK BRAWNER, Oregon Bankers Association, submits and reads a prepared statement in support of SB 650 (EXHIBIT O).

315 MOTION: REP. RIJKEN moves that SB 650 be sent to the Floor with a DO PASS recommendation.

328 VOTE: In a roll call vote, all members are present and vote AYE.

329 CHAIR SCHOON declares the motion PASSED. Rep. Rijken will lead discussion on the Floor.

335 MOTION: REP. WALDEN requests unanimous consent to allow Rep. Naito to vote on HB 2791 and HB 2333.

339 VOTE: CHAIR SCHOON, hearing no objection to the motion, declares the motion PASSED. All members are present.

340 Rep. Naito votes AYE on the passage of HB 2791 and AYE on passage of HB 2333.

343 CHAIR SCHOON declares the meeting adjourned at 2:55 p.m.

Respectfully submitted, Reviewed by,

Annetta Mullins Terry Connolly Assistant

Administrator

EXHIBIT SUMMARY

A -HB 2333, HB 2333-4 amendments B -HB 2637, HB 2637-1 amendments, Rep. Eldon Johnson C -HB 2637, HB 2637-2 amendments, Board of Chiropractic Examiners and Chiropractic Physicians Association D -HB 2637, hand-engrossed HB 2637 E -HB 3361, HB 3361-6 amendments, Rep. Lisa Naito and Brian Boe F -HB 3361, HB 3361-7 amendments, Rep. Naito G -SB 15, Revenue Impact Analysis, Fiscal Impact Assessment and Senate Staff Measure Summary H -SB 15, prepared statement, Mike Ryan I -SB 83, Senate Staff Measure Summary, Revenue Analysis and Legislative Fiscal Analysis, staff J -SB 83, prepared statement, Charles Gehley K -SB 630, Senate Staff Measure Summary, Fiscal Impact Assessment and Revenue Impact Analysis L -SB 630, prepared statement, Frank Brawner M -SB 630, SB 630-2 amendments, Frank Brawner N -SB 650, Senate Staff Measure Summary, Fiscal Impact Assessment and Revenue Impact Analysis O -SB 650, prepared statement, Frank Brawner