

SENATE COMMITTEE ON HUMAN SERVICES

April 07, 2005
3:00 P.M.

Hearing Room D
Tapes 57 - 60

MEMBERS PRESENT: Sen. Bill Morrisette, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Rick Metsger
Sen. Laurie Monnes Anderson
Sen. Charles Starr

STAFF PRESENT: Rick Berkobien, Committee Administrator
Brittany Kenison, Committee Assistant

MEASURES/ISSUES HEARD:

SB 598 – Public Hearing and Work Session
SB 811 – Public Hearing
SB 815 – Public Hearing and Work Session
SB 895 – Public Hearing
SB 973 – Public Hearing
SB 620 – Public Hearing and Work Session
SB 668 – Public Hearing
SB 1005 – Public Hearing and Work Session
SB 870 – Work Session
SB 609 – 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 57, A		
003	Chair Morrisette	Calls the meeting to order at 3:07 p.m. Opens a public hearing on SB 598.
<u>SB 598 – PUBLIC HEARING</u>		
020	Rick Berkobien	Committee Administrator. Explains SB 598 and introduces the -4 amendments (EXHIBIT A) .
035	Sen. Alan Bates	Senate District 3. Testifies in support of SB 598 with the -4 amendments.
078	Sen. Monnes Anderson	Asks Sen. Bates to explain the bulk purchasing program.
080	Sen. Bates	Responds.
090	Sen. Monnes Anderson	Asks about patients taking advantage of purchasing medications in bulk.
100	Sen. Bates	Answers.
105	Sen. Morrisette	Comments on the eligibility of the bulk purchasing program. Closes the public hearing and opens a work session SB 598.
<u>SB 598 – WORK SESSION</u>		
115	Sen. Kruse	MOTION: Moves to ADOPT SB 598-4 amendments dated 4/6/05.
		VOTE: 4-0-1
		EXCUSED: 1 - Metsger
	Chair Morrisette	Hearing no objection, declares the motion CARRIED .

120	Sen. Kruse	MOTION: Moves SB 598 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
		VOTE: 4-0-1
	Chair Morrisette	EXCUSED: 1 - Metsger
		Hearing no objection, declares the motion CARRIED.
		SEN. BATES will lead discussion on the floor.
135	Chair Morrisette	Closes the work session on SB 598 and opens a public hearing on SB 811.
<u>SB 811 – PUBLIC HEARING</u>		
145	Rick Berkobien	Committee Administrator. Explains SB 811.
155	Jim Thompson	Policy Advisor, Sen. Gary George, Senate District 12. Testifies in support of SB 811.
220	Joyce Padilla	Foster Parent. Citizen, Polk County, Oregon. Submits and presents written testimony in support of SB 811 (EXHIBIT C).
290	Timothy Travis	Oregon Judicial Department. Testifies in opposition to SB 811.
310	Kevin George	Foster Care Program Manager, Oregon Department of Human Services (DHS). Testifies regarding SB 811.
340	Chair Morrisette	Asks if there is a compliance issue.
342	George	Responds.
350	Chair Morrisette	Asks if the compliance issue could be addressed.
360	George	Answers question.
370	Sen. C. Starr	Asks if the federal law states that safety is paramount.
371	George	Answers, yes.
372	Sen. C. Starr	Refers to page two (2) of SB 811. Comments on the language regarding the safety of the children.
389	Chair Morrisette	Refers to section four (4) of the bill regarding children's safety.
396	George	Recommends that the Legislative Counsel office clarify the intent of the sections.
403	Chair Morrisette	Comments on permanence and safety. Asks for Sen. Gary George to testify.
415	George	States his primary concern with SB 811.
430	Chair Morrisette	Asks George if there is an issue with the intent of the bill.
431	George	Answers, no.
440	Sen. Gary George	Senate District 12. Submits and presents articles on foster care in support of SB 811 (EXHIBIT C).
<u>TAPE 58, A</u>		
020	Chair Morrisette	Asks if the language of the bill will impact Oregon's current law.
025	Sen. George	Defers to George.
028	George	Responds.
032	Chair Morrisette	Asks George to describe potential issues that could develop from the bill passage.
037	George	Responds.
040	Chair Morrisette	States that he does not want a conflict between state and federal laws. Asks if both parties will work together.
041	Sen. George	Responds, yes.
045	Chair Morrisette	Closes the public hearing on SB 811 and opens a public hearing on SB 815.
<u>SB 815 – PUBLIC HEARING</u>		
050	Rick Berkobien	Committee Administrator. Explains SB 815 and introduces the -2 amendments (EXHIBIT D).
075	Jim Thompson	Policy Advisor, Sen. Gary George, Senate District 12. Testifies in support of SB 815 with the -2 amendments.

125	Terry Fennell	Vice President, Marion/Polk Foster Parent Association. Chair, Oregon Foster Parent Association. Submits and presents written testimony in support of SB 815 (EXHIBIT E).
165	Chair Morrisette	Asks Fennell the children's ages when they arrived at his home.
169	Fennell	Responds.
170	Chair Morrisette	Asks Fennell to clarify that they did not have background information on the children.
173	Fennell	Responds.
182	Chair Morrisette	Asks if the Department of Human Services (DHS) asks foster parents to take a child.
190	Fennell	Responds, yes.
192	Chair Morrisette	Discusses whether foster parents or DHS has the major responsibility of the child. Asks Fennell about the questions he asked DHS in relation to background information of a child before he takes them into foster care.
195	Fennell	Responds. Discusses how he has to ask the "right" questions.
204	Chair Morrisette	Verifies that DHS withholds information if the foster parent does not ask for the information.
205	Fennell	Answers, yes.
208	Chair Morrisette	Asks Fennell to verify that if he does not ask the appropriate questions, that DHS will not volunteer the information.
210	Fennell	Answers, yes. Provides example.
225	Fennell	Concludes testimony.
230	Don Darland	President, Oregon Foster Parent Association. Submits and presents written testimony in support of SB 815 with the -2 amendments (EXHIBIT F).
276	Chair Morrisette	Asks Darland to explain why the grievance procedure was eliminated.
279	Darland	Explains that it was deleted by mistake.
280	Thompson	States that the mistake will be fixed.
283	Chair Morrisette	Asks Thompson what he did to accommodate DHS.
285	Thompson	Answers question.
310	Joyce Padilla	Foster parent. Citizen, Polk County, Oregon. Submits and presents written testimony in support of SB 815 (EXHIBIT G) and a brochure entitled "Oregon's Juvenile Dependence Court: A Guide for Foster Parents" (EXHIBIT H).
415	Chair Morrisette	Clarifies that Padilla is referring to page two (2), line nineteen (19) through twenty-one (21), number eleven (11) of the -2 amendments to SB 815.
417	Padilla	Responds.
420	Chair Morrisette	Asks if there is a section in the amendments that addresses foster care parents' standing in court.
430	Padilla	Answers question.
440	Chair Morrisette	Verifies that foster parents would be included and it would give them standing in court.
443	Padilla	Answers, yes. Continues testifying in support of SB 815 with the -2 amendments.
TAPE 57, B		
020	Padilla	Continues testifying in support of SB 815 with the -2 amendments.
063	Shelby Hudson	Foster parent. Citizen, Salem, Oregon. Submits and presents written testimony in support of SB 815 (EXHIBIT I).
093	Gary Ledgerwood	President, Marion Polk County Foster Parent Association. Submits and presents written testimony in support of SB 815

		(EXHIBIT J).
125	Timothy Travis	Court Improvement Manager, Oregon Judicial Department. Submits and presents a report entitled "The Oregon Judicial Department's Juvenile Court Improvement Project," with a neutral position to SB 815 (EXHIBIT K) .
180	Chair Morrisette	Asks to explain the effect of the statutory language in the -2 amendments to SB 815.
182	Travis	States that he has not seen the -2 amendments. Asks if he is referring to adding foster parents as a party to the case.
185	Chair Morrisette	Answer, yes.
186	Travis	Explains the statutory language relating to parties involved in a case in the -2 amendments to SB 815.
230	Chair Morrisette	Asks if SB 815 would cause a conflict between state and federal law.
235	Travis	Responds, no. Clarifies the conflict he was referring to.
237	Chair Morrisette	Asks Travis to clarify his statement regarding federal law.
238	Travis	Clarifies statement.
260	Kevin George	Foster Program Manager, Oregon DHS. Testifies without a stated position to SB 815 with the -2 amendments. States concerns with the amendments.
290	Chair Morrisette	Asks George a question regarding confidentiality.
293	George	Responds. Continues discussing concerns of the -2 amendments.
330	Sen. Gary George	Senate District 12. Asks Travis to explain the court procedures for foster parents.
335	Travis	Answers question.
340	Sen. George	Testifies in support of SB 815 with the -2 amendments.
370	Chair Morrisette	Ask Travis and George the effects of SB 815 and the -2 amendments.
400	George	Speculates. States that he cannot say for sure.
415	Travis	Adds speculation.
TAPE 58, B		
010	Chair Morrisette	Asks question relating to the rights of foster parents after twelve (12) months.
012	Travis	Answer question.
015	Chair Morrisette	Clarifies that foster parents cannot be a legal intervener under current law during the first twelve (12) months.
016	Travis	Answers, yes.
017	Chair Morrisette	Asks for the definition of a legal intervener.
020	Travis	Responds.
022	Chair Morrisette	Clarifies that SB 815 with the -2 amendments would allow a foster parent to be a legal intervener, immediately.
023	Travis	Responds, yes. Adds that the right to be an intervener would be taken once the child has left the home.
024	Chair Morrisette	Asks if there is a problem with foster care parents having the right to be a legal intervener, immediately.
025	Travis	Answers.
028	Chair Morrisette	Discusses the need to know the possibilities. Asks Travis to verify that he believes that the -2 amendments to SB 815 could cause legal issues.
032	Travis	Responds. Discusses the rights of grandparents.
034	Sen. Kruse	Asks if foster parents have the status of a legal intervener, if they have to participate.
044	George	Answers question.
047	Chair Morrisette	Asks if foster parents have access to confidential documents after

051	Travis	the first year.
052	Chair Morrisette	Answers, yes. Asks Travis to verify that some documentation should be kept confidential from foster care parents.
053	Travis	Answers, yes.
055	Chair Morrisette	Clarifies that the wait time for a foster care parent to be a legal intervener changed from eighteen (18) to twelve (12) months.
060	Travis	Answers, yes.
062	Chair Morrisette	Asks Sen. George if he feels all documentation should be revealed to foster care parents immediately.
063	Sen. George	Responds.
071	Chair Morrisette	Asks about foster parents quitting within one year
075	Travis	Answers question.
089	Chair Morrisette	Asks question relating to the constitutional requirements of foster parents.
090	Travis	Explains.
094	Chair Morrisette	Asks if the status of a legal intervener can be granted on a per case basis.
098	Travis	States that the Judge would make that decision. Provides speculation.
104	Sen. Kruse	Comments on the intent of the -2 amendments to SB 815.
123	Sen. Monnes Anderson	Comments on having the best interest of the child, and not hindering the current adoption process.
137	Sen. C. Starr	Remarks that there are issues still to be resolved, but that a work session should be held to move the bill.
140	George	Notes that the grievance process was taken out of the bill by mistake.
145	Sen. George	Comments that the grievance process is important and should be added to the bill.
146	Chair Morrisette	Closes the public hearing and opens a work session on SB 815.
<u>SB 815 – WORK SESSION</u>		
150	Sen. Kruse	MOTION: Moves to ADOPT SB 815-2 amendments dated 4/6/05.
		VOTE: 4-0-1
155	Sen. Metsger	States why he will be voting no.
157		VOTE: 4-1-0
		AYE: 4 - Kruse, Monnes Anderson, Starr C., Morrisette
		NAY: 1 - Metsger
	Chair Morrisette	The motion CARRIES.
170	Sen. Kruse	MOTION: Moves SB 815 to the floor with a DO PASS AS AMENDED recommendation.
172	Chair Morrisette	Discusses his concerns of the bill, but states that he supports the intent.
210	Sen. Monnes Anderson	Asks if litigation is going to be an issue.
215	Mickey Logan	Senior Assistant Attorney General, Oregon Department of Human Services (DHS). Discusses the issue of litigation during juvenile hearings.
255	Timothy Travis	Court Improvement Manager, Oregon Judicial Department. Also discusses the issue of litigation during juvenile hearings.
285		VOTE: 4-0-1 EXCUSED: 1 - Metsger

	Chair Morrisette	Hearing no objection, declares the motion CARRIED.
300	Chair Morrisette	SEN. GEORGE will lead discussion on the floor. Closes the work session on SB 815 and opens a public hearing SB 895.
<u>SB 895 – PUBLIC HEARING</u>		
320	Sen. Bruce Starr	Senate District 15. Testifies in support of SB 895. Comments on possible amendments to SB 895.
420	Chair Morrisette	Comments on the issues Sen. B. Starr discussed.
425	Michael Dogan	District Attorney, Deschutes County, Oregon. Testifies in support of SB 895.
445	Sen. Kruse	States that he will support SB 895 if Dogan will verify that the changes proposed by Sen. B. Starr were addressed.
448	Dogan	States that he will verify the changes made.
450	Kamala Shugar	Oregon District Attorneys Association (ODAA). Testifies in support of SB 895.
<u>TAPE 59, A</u>		
005	Chair Morrisette	Asks Shugar to discuss possible unintended consequences that would affect her department.
006	Shugar	Answers question.
020	Sen. Kruse	Discusses the issue of allegations of parents.
022	Shugar	Comments on the intent of disclosure of allegations.
029	Chair Morrisette	Asks Shugar for her opinion of the language of the amendment.
034	Shugar	Responds.
040	Chair Morrisette	States that a work session will not be held on SB 895.
042	Dogan	States that he will work with all parties involved on a solution.
045	Chair Morrisette	Closes the public hearing on SB 895. Stands the meeting at ease.
056	Chair Morrisette	Calls the meeting back to order. Opens a public hearing on SB 973.
<u>SB 973 – PUBLIC HEARING</u>		
060	Hans Bernard	Legislative Assistant, Sen. Kate Brown, Senate District 21. Introduces the -1 amendments to SB 973 (EXHIBIT L). Comments that there are still issues to be addressed in the -1 amendments.
075	Robin Pope	Private Attorney, Oregon. Testifies in opposition to SB 973. States that she is willing to work toward a solution.
090	Chair Morrisette	Closes the public hearing on SB 973. Stands the committee at ease.
093	Chair Morrisette	Calls the meeting back to order. Opens a public hearing on SB 620.
<u>SB 620 – PUBLIC HEARING</u>		
094	Rick Berkobien	Committee Administrator. Explains SB 620 and introduces the -2 amendments (EXHIBIT M).
097	Jim Marquee	Oregon Society of Anesthesiologists. Testifies in support of SB 620 with the -2 amendments.
110	Bruce Bishop	Oregon Association of Hospitals and Health Systems. Testifies in support of SB 620 with the -2 amendments.
115	Chair Morrisette	Closes the public hearing and opens a work session on SB 620.
<u>SB 620 – WORK SESSION</u>		
125	Sen. Kruse	MOTION: Moves to ADOPT SB 620-2 amendments dated 4/6/05. VOTE: 4-0-1 EXCUSED: 1 - C. Starr

	Chair Morrisette	Hearing no objection, declares the motion CARRIED.
127	Sen. Kruse	MOTION: Moves SB 620 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-1
	Chair Morrisette	EXCUSED: 1 - C. Starr
		Hearing no objection, declares the motion CARRIED.
		SEN. KRUSE will lead discussion on the floor.
135	Chair Morrisette	Closes the work session on SB 620 and opens a public hearing on SB 668.
 <u>SB 668 – PUBLIC HEARING</u>		
143	Rick Berkobien	Committee Administrator. Explains the bill and introduces the -1 amendments (EXHIBIT N).
150	Art Keil	Oregon Association of Naturopathic Physicians. Testifies in opposition to SB 668.
190	Chair Morrisette	Closes the public hearing on SB 668 and opens a public hearing on SB 1005.
 <u>SB 1005 – PUBLIC HEARING</u>		
195	Rick Berkobien	Committee Administrator. Explains SB 1005 and introduces the -1 amendments (EXHIBIT O).
200	Rep. Steve March	House District 49. Submits and presents an informational packet in support of SB 1005 and the -1 amendments (EXHIBIT P). Submits and presents written testimony from constituent, Robert Pope, Citizen, Salem, Oregon, in support of SB 1005 (EXHIBIT Q).
240	Chair Morrisette	Closes the public hearing and opens a work session on SB 1005.
 <u>SB 1005 – WORK SESSION</u>		
245	Sen. Kruse	MOTION: Moves to ADOPT SB 1005-1 amendments dated 3/29/05.
		VOTE: 4-0-1
	Chair Morrisette	EXCUSED: 1 - C. Starr
		Hearing no objection, declares the motion CARRIED.
255	Sen. Kruse	MOTION: Moves SB 1005 AS AMENDED to the committee on WAYS AND MEANS without RECOMMENDATION to passage.
255	Sen. Kruse	States why he will not support SB 1005.
260	Sen. Monnes Anderson	States that she will vote aye as a courtesy to the committee on Ways and Means.
270		VOTE: 3-1-1
		AYE: 3 - Metsger, Monnes Anderson, Morrisette
		NAY: 1 - Kruse
	Chair Morrisette	EXCUSED: 1 – Starr, C.
		The motion CARRIES.
280	Chair Morrisette	Closes the work session on SB 1005 and opens a work session on SB 870.
 <u>SB 870 – WORK SESSION</u>		
287	Rick Berkobien	Committee Administrator. Explains SB 870 and introduces the -1 amendments (EXHIBIT R).
300	Sen. Kruse	MOTION: Moves to ADOPT SB 870-1 amendments dated 3/11/05.
315	Chair Morrisette	Asks Berkobien to explain the -1 amendments to SB 870.
316	Berkobien	Explains the -1 amendments to SB 870.

325	Chair Morrisette	Notes that Sen. Monnes Anderson is not in favor of the -1 amendments to SB 870, therefore a work session will not be held. Discusses the benefits of Oregon Project Independence (OPI).
350	Sen. Monnes Anderson	Notes that the OPI is included in the budget and is not necessary.
365	Chair Morrisette	Closes the work session on SB 870 and opens a public hearing on SB 609.
<u>SB 609 – PUBLIC HEARING</u>		
	Rick Berkobien	Committee Administrator. Submits the -1 amendments to SB 609 (EXHIBIT S).
400	Sen. Kruse	Submits and reads a letter on behalf of Sen. Jackie Winters, Senate District 10, in support of SB 609 (EXHIBIT T).
TAPE 60, B		
010	Elizabeth Ann Barkley	Citizen, Oregon. Testifies in support of SB 609.
025	Una Swanson	Program Manager, Child Protective Services, Oregon Department of Human Services (DHS). Testifies in opposition to SB 609.
030	Chair Morrisette	Stands the committee at ease.
032	Chair Morrisette	Calls the meeting back to order. Asks Swanson to continue her testimony.
035	Swanson	Continues to testify in opposition to SB 609.
050	Chair Morrisette	Asks Swanson if she has a suggestion for SB 609.
053	Swanson	Responds.
062	Sen. Monnes Anderson	Provides recommendations to page three (3), line two (2) of the -1 amendments to SB 609.
075	Timothy Travis	Court Improvement Manager, Oregon Judicial Department. Refers to page two (2), line ten (10) of the bill. Asks about the intent of the language.
080	Chair Morrisette	Asks question regarding the section Travis referred to.
082	Travis	Responds. Asks if with the same scenario, the custodial parent could give the potential defendant a copy of the assessment.
090	Chair Morrisette	States that a work session will not be held on SB 609 today.
097	Berkley	Asks if the bill will be brought back for another hearing.
100	Chair Morrisette	Responds. Closes the public hearing on SB 609 and adjourns the meeting at 5:50 p.m.

EXHIBIT SUMMARY

- A. SB 598, -4 amendments, staff, 2 pp**
- B. SB 811, written testimony, Joyce Padilla, 2 pp**
- C. SB 811, articles, Sen. Gary George, 1 p**
- D. SB 815, -2 amendments, staff, 4 pp**
- E. SB 815, written testimony, Terry Fennell, 1 p**
- F. SB 815, written testimony, Don Darland, 1 p**
- G. SB 815, written testimony, Joyce Padilla, 2 pp**
- H. SB 815, brochure, Joyce Padilla, 4 pp**
- I. SB 815, written testimony, Shelbee Hudson, 1 p**
- J. SB 815, written testimony, Gary Ledgerwood, 1 p**

- K. SB 815, report, Timothy Travis, 10 pp**
- L. SB 973, written testimony, staff, 1 p**
- M. SB 620, -2 amendments, staff, 1 p**
- N. SB 668, -1 amendments, staff, 1 p**
- O. SB 1005, -1 amendments, staff, 2 pp**
- P. SB 1005, informational packet, Rep. Steve March, 75 pp**
- Q. SB 1005, written testimony of Robert Pope, Rep. Steve March, 1 p**
- R. SB 870, - 1 amendments, staff, 4 pp**
- S. SB 609, -1 amendments, staff, 3 pp**
- T. SB 609, written testimony of Sen. Jackie Winters, 2 pp**