

# SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 30, 2001  
1:00 PM

Hearing Room B  
Tapes 68 - 70

**MEMBERS PRESENT:** Sen. Bill Fisher, Chair  
Sen. Margaret Carter, Vice-Chair  
Sen. Gary George  
Sen. Frank Shields  
Sen. Ken Messerle

**MEMBER EXCUSED:**

**STAFF PRESENT:** Rick Berkobien, Administrator  
Andrew Morris, Committee Assistant

**MEASURES HEARD:** SB 104 Public Hearing and Work Session  
SB 108 Public Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 68, A</b>		
004	Chair Fisher	Calls meeting to order at 1:14 p.m. and opens a public hearing on SB 104.
<b><u>SB 104 PUBLIC HEARING</u></b>		
009	Rick Berkobien	Administrator. Explains SB 104 to the committee.
021	Scott Gallant	Oregon Medical Association (OMA). Presents testimony in support of SB 104 ( <b>EXHIBIT A</b> ). Gives a background of SB 104. Discusses previous testimony and the effect of the proposed amendments. Comments on the fiscal impact.
078	Chair Fisher	Comments on the fiscal impact.
081	Gallant	Discusses traveling costs.
091	Joel Ario	Insurance Administrator. Comments on the proposed fiscal impact. Talks about travel reimbursement.
120	Chair Fisher	Calls a recess.
206	Chair Fisher	Calls meeting back to order.
213	Sen. Messerle	Comments on the fiscal impact.
223	Tom Holt	OSPA. Testifies in support of SB 104.
230	Chair Fisher	Closes the public hearing on SB 104 and opens a work session on SB 104.
<b><u>SB 104 WORK SESSION</u></b>		
232	Sen. Carter	<b>MOTION: Moves to ADOPT SB 104-4 amendments dated 03/29/01.</b> <b>VOTE: 5-0</b>
234	Chair Fisher	<b>Hearing no objection, declares the motion CARRIED.</b>
240	Sen. Carter	<b>MOTION: Moves SB 104 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0</b> <b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
253	Chair Fisher	<b>The motion CARRIES.</b>

**SEN. CARTER will lead discussion on the floor.**

255 Chair Fisher Closes the work session on SB 104 and opens a public hearing on SB 108.

**SB 108 PUBLIC HEARING**

258 Berkobien Explains SB 108 to the committee.

272 Chair Fisher Comments on how the public hearing will proceed. Provides personal opinion on SB 108.

337 John Lattimer Audits Division. Presents the audit of Qualified Rehabilitation Facilities (QRF) **(EXHIBIT B)**. Reviews the recommendations of the audit that was done.

**TAPE 69, A**

000 Lattimer Continues explaining the audit.

099 Sen. Messerle Asks about the location of the companies that were audited.

103 Lattimer Responds that the companies were located in the urban areas.

110 Sen. Messerle Asks if any conclusions were drawn from the audit.

118 Lattimer Responds no.

123 Sen. Carter Provides personal opinion. Asks how assumptions were drawn.

139 Lattimer Responds assumptions were not made about specific disabilities.

154 Sen. Carter Asks about data collection.

165 Lattimer Explains the interpretation of the law by the Department of Justice.

180 Chair Fisher Comments on the legislative intent of the original legislation.

200 Sen. Messerle States that companies serve specific needs.

213 Chair Fisher Comments on the contracting process.

233 Sen. Shields Discusses the history of the issue.

260 Sen. George Comments on the need to clarify definitions. Asks about dollar figures.

272 Lattimer Responds that the Department of Administrative Services (DAS) needs to keep better records.

284 Cindy Robert Representing Goodwill Industries. Testifies against SB 108. Explains the intent of the original legislation. Comments on changes that have been made due to the audit. Discusses the population that Goodwill works with.

368 Sen. Shields Asks what information the audit report includes.

377 Robert Responds it includes the information before the changes were made.

389 Sen. Messerle Asks about locations served.

392 Robert Responds the Columbia/Willamette region.

415 Tim Kral Oregon Rehabilitation Association. Testifies against SB 108 **(EXHIBIT B)**. Comments on changes made in administrative rules.

**TAPE 68, B**

000 Roy Soards Executive Director, St. Vincent DePaul. Testifies against SB 108. Comments on services provided by St. Vincent. Explains past work done on the issue of defining disabled.

040 Glenda Burke St. Vincent DePaul employee. Testifies against SB 108. Relates her personal experience.

075 Chair Fisher Outlines his goal of the public hearing.

086 Emil Graziani Garten Services Inc. Testifies in opposition to SB 108 **(EXHIBIT C)**. States that SB 108 would make it difficult to employ disabled people. States that the issues from the audit have been resolved. Comments on the federal definition.

146 Sen. Shields Asks what a work group could accomplish.

155 Graziani Responds that the audit issues have been resolved.

176	Susana Ramirez	Oregon Developmental Disabilities Coalition. Testifies against SB 108 ( <b>EXHIBIT D</b> ). Describes the affects of SB 108.
216	James Toews	Office of Developmental Disability Services, Department of Human Services (DHS). Testifies against SB 108 ( <b>EXHIBIT E</b> ). Comments on the definition of disabilities. Discusses competitive employment.
268	Chair Fisher	Comments on issues brought forward.
276	Sen. George	Asks if SB 108 is meant to weaken current law.
280	Toews	Responds affirmatively.
291	Chair Fisher	Provides personal opinion. Comments on the contracting process.
344	Sen. Shields	Provides personal opinion.
379	Sen. Carter	Comments on Toews testimony.
417	Dugan Petty	Department of Administrative Services. Testifies on SB 108 ( <b>EXHIBIT F</b> ). Explains the role of DAS.
<b>TAPE 69, B</b>		
000	Dugan	Gives DAS's interpretation of SB 108. Explains issues that SB 108 rises. Explains current definitions. Describes the complexity of the issue.
090	Chair Fisher	Provides personal comments.
095	Dugan	Comments on the intent of the current law. Provides information on fair market value.
127	Sen. Messerle	Asks about the impact on public funds.
139	Kral	Explains public funds that are used.
162	Sandra Bishop	Fair Competition Alliance (FCA). Testifies in support of SB 108 ( <b>EXHIBIT G</b> ). Describes SB 108. Comments on the need for the law. States that other states in the United States have more restrictive laws. Discusses the legalities of the issue. States the law passed in 1977 is outdated. States that 15 to 25 percent of Oregonians could fall under the current law.
312	Jerry Egger	President, Fair Competition Alliance. Testifies in support of SB 108. Comments on the public contracting process. States that DAS has refused to clarify the definition of disabled.
405	Bishop	Comments on the make-up of a work group that attempted to work on the presented issue.
435	Chair Fisher	Provides personal opinion.
<b>TAPE 70, A</b>		
000	Chair Fisher	Closes the public hearing on SB 108 and adjourns the meeting at 3:13 p.m.

Submitted By,

Reviewed By,

Andrew Morris,  
Committee Assistant

Rick Berkobien,  
Administrator

**EXHIBIT SUMMARY**

**A – SB 104, Written testimony, Scott Gallant, 2 pp.**  
**B – SB 108, Audit Report, Tim Kral, 79 pp.**

- C – SB 108, Written testimony, Emil Graziani, 2 pp.**
- D – SB 108, Written testimony, Susana Ramirez, 1 p.**
- E – SB 108, Written testimony, James Toews, 2 pp.**
- F – SB 108, Written testimony, Dugan Petty, 2 pp.**
- G – SB 108, Written testimony and supporting materials, Sandra Bishop, 90 pp.**