

## HOUSE COMMITTEE ON HUMAN RESOURCES

February 25, 1999 Hearing Room E

1:00 PM Tapes 31 - 32

**MEMBERS PRESENT:** Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close

Rep. Tim Knopp

Rep. Jerry Krummel

Rep. Mike Lehman

Rep. Bill Morrisette

Rep. Jackie Taylor

Rep. Jackie Winters

**STAFF PRESENT:** Janet Carlson, Administrator

Diane M. Lewis, Administrative Support

**MEASURE/ISSUES HEARD:** HB 2268 Public Hearing and Work Session

HB 2276 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 31, A		
003	Chair Kruse	Calls the meeting to order at 1:15 P.M. and opens a public hearing on HB 2268.
HB 2268 PUBLIC HEARING		
010	Janet	Committee Administrator, explains

	Carlson	HB 2268 amendments and the summary sheet ( <b>EXHIBIT A</b> ). States that the amendments combine the previous HB 2268 1, -2, -3, -4, and 5 amendments. Refers to the amendment summary and walks the committee through eight points.
050	Carlson	Continues summarizing the amendment by discussing changes in the state commission membership and those initial terms, <b>EXHIBIT A</b> , page 17, point 4.
095	Carlson	Explains that the amendments establish a Juvenile Crime Prevention Committee as a subcommittee of the State Commission and delineate roles and responsibilities. Discusses the juvenile crime prevention grants for researched-based strategies that are included in HB 2268 amendments, pages 9-11.
115	Carlson	Discusses the deletion of two-year term limits for local commission members, HB 2268-7, page 9, line 17. States that this change was incorporated in the HB 2268 4 amendments.
130	Carlson	Continues summary by discussing parameters for Healthy Start screening assessment and data collection/release as noted in HB 2268-7, pages 12-15.
200	Carlson	Explains that HB 2268 amendments change the funding for the legislative fiscal office audit from \$200,000 to \$400,000. Refers to page 16 of HB 2268 amendments and explains that the time lines for Oregon's Prekindergarten Program will be returned to current language.
235	Carlson	Concludes by pointing out that HB 2268 9 amendments ( <b>EXHIBIT B</b> ) which take the place of the amendments have arrived in the hearing room. States that the amendment summary used to explain the amendments is relevant to the 9 amendments as the 9 amendments only delete HB 2268-7, page 13, line 27, as well as delete page 15, line 2, ", at a minimum,." The 9 amendments also add language on page 15, lines 1-3.
272	Chair	Indicates that the amendments

	Kruse	dated 2/25/99 will be the only amendments that the committee will discuss and possibly adopt during the work session.
275	Rep. Lehman	Asks if HB 2268-9, page 15, section 18(f), removes prior notice requirements and dollar limitations.
285	Chair Kruse	Requests that Rep. Lehman ask this question during the work session.
300	Gina Brentano	Submits testimony in favor of Healthy Start and HB 2268. Explains to the committee how she accessed Healthy Start services and when she was no longer interested in receiving them the program workers immediately honored her request for cessation of services. Emphasizes that she was not hassled or bothered by program workers. States that when her second child was born she was able to re-access services with no problems and has gratefully continued with Healthy Start.
318	Chair Kruse	Notes for the committee that letters from 15 local commissions in support of HB 2268 ( <b>EXHIBIT C</b> ) has been provided to the members in their committee packets.
340	Muriel Goldman	Director, Multnomah County Commission on Children and Families, submits testimony in regard to HB 2268. States that HB 2268 is a reaction of local commissions that they do not have enough input regarding decisions made at the state level. Explains that what the commissions want is technical assistance from the state so they may, in turn, support community-based programs. States that HB 2268's amendments seem to add restrictions to local commissions and will make the commissions' work more difficult. Refers to HB 2268-9 amendments, pages 9-12, section 18(a) and states that this language makes grant systems too prescriptive.
<b>TAPE 32, A</b>		
006	Goldman	Refers to HB 2268-9, page 13, line 14, and discusses the need for additional language that would provide client screening to include "assets and strengths" and not just risk factors. States that all families that make use of services have assets and strengths as well as risk

		<p>factors. Comments that family screening has included looking at the child's risks and assets and has not focused only on the parents. Refers to HB 2268-9, page 15, lines 3-8, and states that the commissions will need additional funding to assign a "family support worker" to families. Respectfully requests that she be allowed to write out her recommendations so the committee may take them under advisement before a vote on the bill is taken.</p>
025	Rep. Morrisette	Thanks Goldman for her comments and asks for a copy of her written recommendations.
030	JoAnne Miller	<p>Director, Benton County Commission on Children and Families, explains that the Benton County Commission on Children and Families held its regular meeting on February 24, 1999, and discussion regarding HB 2268 took place. Explains that the executive committee of the Benton County Commission and one member of the Benton Together group met today, February 25, 1999, to review the components of HB 2268 and the 7 amendments. States that the Benton County Commission cannot support HB 2268 in its current form or the 9 amendments. States that the commission is concerned that the implementation of the juvenile crime prevention in HB 2268 is a duplication of what currently exists. Promises to provide the committee with her written comments.</p>
080	Rich Peppers	<p>Oregon Public Employees Union (OPEU), submits and presents written testimony in opposition to HB 2268 and HB 2276 (<b>EXHIBIT D</b>). Explains that his organization represents front line agencies and local "community-based" agencies that will be directly affected by HB 2268. Refers to HB 2268, page 6, section 10, lines 32-37, and states that this is where OPEU concerns start. Explains that making the state commission responsible for planning and coordinating between state and local agencies, including education services and school districts, is not necessary. States that HB 2268 would centralize policy making and program planning in one state commission which doesn't have program authority for the agencies listed. Believes that this is bad public policy. States that this problem permeates the bill.</p>
155	Peppers	States that OPEU has concerns

		regarding changes in the makeup of the state commission specified in HB 2268 and emphasizes that there has not been adequate time for OPEU to study the amendments.
175	Lehman	Asks if there have been people in state or local government voicing a need for HB 2268.
178	Peppers	Responds negatively. States that there have been local commission people voicing support for the bill but no specific problems have been cited that HB 2268 would address.
186	Jim Green	Oregon School Boards Association, submits testimony in opposition to HB 2268. Explains that board members are volunteers and are locally elected officials. States that HB 2268 attempts to define community-based services as including programs from the Oregon Department of Education (ODE). Explains that this is not a problem for ODE, however as one moves through the bill one finds that county commissions are being asked to supervise community-based services, thereby creating a situation where the commission is supervising ODE programs and this is not acceptable to ODE. States that school board members should not be answerable to the commission. States that in some counties there is no representation of the local commission on children and families on school boards. Maintains that locally-elected school board officials are the best supervisors of school-based programs. Refers to the ñ9 amendments, page 1, line 11, and states that the definition for "oversee" is still concerning. Discusses the federal Family Educational Rights to Privacy Act regarding the sharing of student information and states that requiring schools to provide information to the local commission will be problematic.
240	Rep. Piercy	Asks if a provision in statute is necessary to get the schools and the commissions together at the same table.
244	Green	Responds affirmatively. States that it should be mandatory that a school board representative sits on the board of the local commission.
250	Rep.	Asks if a statute is necessary

	Lehman	requiring schools and commissions to talk and deliver services together.
254	Green	Responds negatively. States that this is already happening in communities.
268	Kathryn Weit	Oregon Developmental Disabilities Council, presents testimony in opposition to HB 2268. Discusses her involvement as a lay member with the original Care Team which was formed by Speaker Larry Campbell (1993). States that she has been involved with efforts of the Commission on Children and Families as an advocate for families with disabled children. Explains that she is also involved with the state Early Intervention Coordinating Council which is a council of education programs and state agencies involved with services to children birth to five. States that she hears many people say that local-level entities are working well together. Believes state-level providers and members of the legislature need to "get their act together" to support local communities. Explains that the system providing services to people with disabilities is engaged in a local planning process which is conducted by families and consumers.
310	Weit	Concurs with concerns voiced by Peppers and Green regarding the commission's authority to set policies and oversee community-based programs as stated in HB 2268, section (10). Explains that programs serving children with disabilities are state programs, developed and run through county agencies. Refers to HB 2268-7, page 13, lines 16-19 and states her concern regarding the establishment of risk factors. States that Healthy Start is meant to be available for all community members who choose to accept voluntary services and is not sure how programs will find out risk factor information indicated in the 9 amendments.
385	Rep. Winters	Asks for specifics regarding the process of a screening.
386	Weit	Responds that she is not the best person to provide the committee with Healthy Start screening processes.
406	Mark	Oregon Head Start Association,

	Nelson	submits testimony in regard to HB 2268. Believes that a tremendous amount of collaboration and integration exist between the state and local levels. Refers to HB 2268 page 2, line 30-31, and explains concerns for deleting language stating that services to children and families do not include services provided by ODE. Voices strong opposition to language that includes ODE in community-based services as stated in HB 2268.
<b>TAPE 31, B</b>		
015	Nelson	Opposes the ñ9 amendments, page 1, lines 19-24, authorizing the state commission to set statewide policies for services to children and families. Opposes any language authorizing the commissions on children and families to supervise community-based services. Refers to multiple parts of the bill that potentially define community-based services and states concerns. Discusses concerns regarding HB 2268, page 6, line 40, that potentially allows local commissions to gain control over funds appropriated to counties for mental health services.
078	Chair Kruse	Asks if mental health funds currently flow through the commission.
079	Nelson	Responds negatively. States that HB 2268 has defined community-based services to include mental health. Emphasizes the concern regarding policy changes required by HB 2268 and maintains strong opposition to the bill.
099	Chair Kruse	Directs the committee to HB 2268, page 6, line 30, and maintains that the commission is in no way being given financial control over program funds.
128	Chair Kruse	Closes the public hearing on HB 2268 and opens a work session on HB 2276.
<b><u>HB 2276 WORK SESSION</u></b>		
132	Carlson	Explains that HB 2276 was referred directly to the Joint Committee on Ways and Means and is the appropriation bill that includes funding for various components of HB 2268-9. States that the purpose

		for borrowing HB 2276 from the Ways and Means committee is to review the HB 2276-1 amendments dated 2/16/99 ( <b>EXHIBIT E</b> ) and recommend them to the Joint Committee on Ways and Means for adoption. Explains that the House Human Resource committee may only make recommendations to Ways and Means and may not adopt amendments to HB 2276 because the bill is still under the jurisdiction of Ways and Means.
162	Chair Kruse	States that HB 2276 is the companion funding bill for HB 2268. Explains that HB 2268's amendments tie HB 2268 and HB 2276 together.
171	Rep. Lehman	Asks if it is the Chair's intention to pass HB 2268 out of committee thereby requiring a recommendation for the adoption of HB 2276-1 by Ways and Means.
174	Chair Kruse	Responds affirmatively.
176	Rep. Lehman	States that if a member does not support the passing of HB 2268 then the member would also not want to recommend HB 2276-1 amendments.
178	Chair Kruse	Responds affirmatively.
184	Rep. Winters	<b>MOTION: Moves that the House Committee on Human Resources send a recommendation to the Joint Committee on Ways and Means to ADOPT HB 2276-1 amendments dated 02/16/99.</b>
188	Rep. Lehman	Asks if the programs listed in HB 2276 cannot be funded without HB 2268 should HB 2276 pass with the amendments and become law.
192	Chair Kruse	Responds affirmatively.



200	Rep. Taylor	Admits that she has great concern that the committee has not heard HB 2276 and states that she is not prepared to make a recommendation without more information.
212	Chair Kruse	Responds that HB 2276 has had no action taken on it by the Joint Committee on Ways and Means. States that the Human Resource Committee is only making a suggestion for the adoption of the -1 amendments.
219	Rep. Taylor	Asks what the effect of HB 2276-1 amendments will be.
221	Chair Kruse	States that HB 2276-1 amendments stipulate that HB 2276 cannot become law unless HB 2268 becomes law thereby ensuring that both bills are passed as a package.
229	Rep. Piercy	Asks if a member supports the HB 2276-1 amendments then the member is, in effect, supporting HB 2268.
233	Chair Kruse	Responds affirmatively.
235	Rep. Morrisette	Asks for the total dollar amount of HB 2276.
236	Chair Kruse	States that the total amount is approximately \$164 million.
238	Rep. Morrisette	States that he must have more information regarding HB 2276 and will not support the motion to recommend HB 2276's amendments to the Joint Ways and Means Committee.
255	Rep. Lehman	<b>MOTION: Moves to TABLE HB 2276 until there has been satisfactory resolution of HB 2268.</b>
		<b>VOTE: 4-5</b>  <b>AYE: 4 - Lehman, Morrisette, Piercy, Taylor</b>  <b>NAY: 5 - Close, Knopp, Krummel, Winters, Kruse</b>

268	Chair Kruse	The motion FAILS.
269	Rep. Lehman	MOTION: Moves to ADJOURN the committee meeting.
		VOTE: 4-5  AYE: 4 - Lehman, Morrisette, Piercy, Taylor  NAY: 5 - Close, Knopp, Krummel, Winters, Kruse
279	Chair Kruse	The motion FAILS.
284	Rep. Lehman	MOTION: Moves to recess the committee.
		VOTE: 4-5  AYE: 4 - Lehman, Morrisette, Piercy, Taylor  NAY: 5 - Close, Knopp, Krummel, Winters, Kruse
293	Chair Kruse	The motion FAILS.
294	Rep. Morrisette	States that he will be voting no on the motion. States his outrage that the governor was not extended the courtesy to be present during the public hearings and work session. Explains that Pam Curtis, the governor's assistant, told him at noon today that she had been told by the Chair of House Human Resources Committee that she would be given a "heads up" when the appropriate time came for her to attend the Human Resources Committee. States that Pam was not told that action was to be taken today. Believes that it is outrageous that the committee is "messaging" programs from HB 2004 (1993) and the governor's budget. States that the committee is being "railroaded" into passing a bad piece of legislation and states that he does

		<p>not want to have to go to the governor and request a veto on the bills before the committee today. Maintains that Chair Kruse is wasting everyone's time. Asks that Chair Kruse extend the public hearings and work sessions on HB 2268 and HB 2276 so that the governor may attend the committee and share his views.</p>
314	Chair Kruse	<p>Responds that the committee has had three and one half days of public testimony, none of which was invited but open to the public. States that he has had four meetings in the last two weeks with the governor's staff, including Pam Curtis. Emphasizes that the governor's staff was told that it was the Chair's interest to move HB 2268 today. States that for Pam Curtis to say anything to the contrary is disingenuous.</p>
322	Rep. Taylor	<p>States her concern regarding the process that HB 2268, and any connected legislation, has taken in committee during the past two weeks. Is strongly concerned that the committee has dangled "non-existent carrots" in front of local program workers who are involved in good work for their communities, including CASA volunteers and family resource centers. States that the committee has badly used the people that testified before the committee. Believes that if the bill has merit then the committee must "hear the bill." Maintains that the committee has not "heard the bill." States that she cannot support passage of HB 2268 or HB 2276 despite the merits of the programs listed in the bills.</p>
355	Rep. Winters	<p>Repeats the motion to recommend HB 2276-1 amendments to the Joint Ways and Means Committee.</p>
375	Chair Kruse	<p><b>VOTE: 5-4</b></p> <p><b>AYE: 5 - Close, Knopp, Krummel, Winters, Kruse</b></p> <p><b>NAY: 4 - Lehman, Morrisette, Piercy, Taylor</b></p> <p><b>The Motion CARRIES.</b></p>

377	Chair Kruse	Closes the work session on HB 2276 and opens a work session on HB 2268.
<b><u>HB 2268 WORK SESSION</u></b>		
378	Rep. Lehman	Refers to HB 2268-9, page 15, subsection 18(f), and states that he believes this section will remove any protection for organizations that violate the provision of keeping records. Provides the committee with the example of a parent who is contacted regarding Healthy Start and refuses services. A record of the contact is inadvertently made which violates this provision. Six months later a different client accepts services and has a bad experience and sues Healthy Start. Based on the fact that Healthy Start violated a provision six months earlier, they have no protection since the possibility of protection was waived at the time of the first violation. Provides the committee with another example of a school that refers to Healthy Start a 17-year old student, who has recently given birth. The new mother refuses the visit and the Healthy Start worker destroys the record of the contact. However, the school keeps a record of their referral of the 17-year old student to Healthy Start. Six weeks later another student is killed while using the school's equipment, but because the school violated the provision of keeping records six weeks ago, they have no liability protection regarding the death of the second student. States that these examples are the way he reads subsection 18 (f) of the 9 amendments.
<b>TAPE 32, B</b>		
015	Chair Kruse	Puts the meeting at ease at 2:37 P.M. Re-opens the meeting at 2:48 P.M.
025	Rep Bill Witt	House District 7, refers to HB 2268-9, subsection 18(f), and responds to Rep. Lehman's comments and concerns. Explains that 18(f) says that if any body, officers, employees, or agents of the body violates the requirements of HB 2268 they will lose the protections that exist currently in statute which protects up to \$100,000 of liability. If the body discloses information that is required to be held confidential in HB 2268, the body, officers, employees, or agents will lose protections.

038	Rep. Lehman	States that there are a variety of protections in ORS 30.260 to ORS 30.300 including tort claim notice requirements. Asks if tort claims are included in protections that can be lost.
043	Rep. Witt	Responds negatively. States that HB 2268-9 is specifying that a body, its officers, employees, or agents will lose protections regarding the \$100,000 liability.
047	Rep. Krummel	Asks if a loss of protection would be limited to Healthy Start or is the whole agency involved.
051	Rep. Witt	Responds that subsection 18(f) refers only to Healthy Start.
055	Krummel	States that language in subsection 18(f) specifies that violators shall forfeit <u>any</u> limitations on liability. Indicates his concern of the word "any."
060	Rep. Witt	Explains that school districts have their own confidentiality provisions relative to records that are more stringent than the provisions of other state agencies.
066	Rep. Lehman	States that ORS 30.260 to ORS 30.300 also provide that public bodies can only be sued if they are given notice prior to being sued. Asks Rep. Witt if he agrees that this is also a limitation on liability regarding suits to public bodies and their officers.
070	Rep. Witt	Responds negatively. States that this is a procedural issue. The limitation is up to the statutory dollar amount of \$100,000. States that there is nothing in HB 2268 and its amendments that eliminate procedural requirements.
074	Rep. Lehman	States that under HB 2268-9, subsection 18(f), to be technically correct, the last line "shall forfeit any limitations on liability provided in ORS 30.260 to ORS 30.300." should include the language "relating to incidences arising from the disclosure" to be inserted after the word "liability."
076	Rep. Witt	Responds that existing language in HB 2268-9, subsection 18(f) is clear enough.

078	Rep. Lehman	Asks if this section applies to school districts that refer students to Healthy Start.
081	Rep. Witt	Responds that school districts would be covered by a separate statute that has to do with confidentiality of records. States that this is also the opinion he received from legislative counsel regarding subsection 18(f) of the ñ9 amendments.
085	Rep. Lehman	Presents an example of a school district that refers a student to Healthy Start, the student refuses services and the school keeps a record of the referral and refusal of services, and asks if this would be a violation of HB 2268-9, page 15, subsection (7).
089	Rep. Witt	Responds negatively. States that the non-disclosure provision required of school districts would protect the student that was referred to Healthy Start.
092	Rep. Lehman	Asks if Rep. Witt can provide any document of rule or law that states that the school district provision prevails when a conflict of violation exists.
096	Rep. Witt	States that it is a well-known aspect of law that when two laws overlap, the law that most specifically applies to the situation is viewed as the controlling law.
100	Rep. Lehman	Asks if a school district violates provisions of record-keeping regarding the record of a student's referral to Healthy Start, would HB 2268-9, page 15, subsection (7), be specific enough to prevail.
104	Rep. Witt	Explains that school district restraints would not allow information to be released. School records provisions require that information be held confidential.
111	Rep. Winters	Asks if the same scenario regarding school districts applies to the medical community as they also makes referrals to Healthy Start.
115	Rep. Witt	States that he is not sure and he requires a more specific situation to provide an accurate response.

117	Rep. Winters	Provides the example of a broken confidence by a nurse.
120	Rep. Witt	States that specific provisions exist for the disclosure of data in medical records.
124	Rep. Lehman	Asks if the legislative counsel member that drafted the ñ9 amendments is available.
126	Chair Kruse	Explains that counsel is not available at this time, but amendments specific to HB 2268-9, page 15, lines 21-30 can be offered when the bill is in Ways and Means.
132	<b>Rep. Close</b>	<b>MOTION: Moves to ADOPT HB 2269-9 amendments dated 02/25/99.</b>
135	Rep. Piercy	Admits her respect for the Chairis intentions in bringing forward HB 2268 and understands that the Chair is looking to create better services in local communities. States her opinion that HB 2268 is not the best vehicle for the Chairis intentions. Discusses her support for more educational and city representation on state commission boards, for statutes requiring that technical assistance be available to local programs, and additional collaboration be created between state and local entities. Believes that HB 2268 moves away from collaboration goals and puts more control in the hands of the commission thus creating more suspicion of the commission. Opposes discussions regarding HB 2268 that have taken place without budgetary context. States that the education budget in negotiation during this session will require a great deal of funding and must be a priority. States that discussions regarding the funding of community-based programs cannot take place until education budget discussions have been resolved. Maintains that she will not support HB 2268 or the amendments.
168	Rep. Morrisette	States his concern regarding HB 2268-9. Believes that the collection of information during the screening of families is "unbelievably intrusive" and wonders if the FBI will be involved in gathering information on family members. Opposes the bill and the

		amendments.
175	Rep. Taylor	Explains that her county commission has provided documentation of their opposition to HB 2268 and written statements explaining that they don't have the technical ability to carry out provisions of HB 2268. Believes that the committee needs to hear more from the local commissions who will be affected by HB 2268. States her concerns that HB 2268 sets up local commissions for failure. Opposes the bill and the amendments.
		<b>VOTE: 5-4</b>  <b>AYE: 5 - Close, Knopp, Krummel, Winters, Kruse</b>  <b>NAY: 4 - Lehman, Morrisette, Piercy, Taylor</b>
196	Chair Kruse	The motion CARRIES.
		<b>MOTION:</b> <b>Moves HB 2268 to the floor with a BE ADOPTED AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
200	Rep. Lehman	States his opposition to HB 2268 and the ñ9 amendments. Believes that problems of liability will be felt by all institutions and their agents that have any business with Healthy Start. Emphasizes his view that HB 2286 "kicks open" the limitations on liability wider and broader than they have ever been before. States that HB 2268 is a bad bill.
230	Rep. Morrisette	Asks if a minority report may be filed even though the bill has a subsequent referral to Ways and Means.
238	Chair Kruse	Responds negatively. Explains that according to the Chief Clerk, Ramona Kenady, House rules do not allow a minority report to be filed



		on a bill subsequently referred to Ways and Means.
239	Rep. Knopp	States that he has reservations and concerns for HB 2268, however he will support the bill and bring up his concerns on the House floor.
243	Rep. Winters	Concurs with Rep. Knopp's remarks.
246	Rep. Krummel	Concurs with Rep. Knopp's remarks.
248	Rep. Close	Concurs with Rep. Knopp's remarks.
		<b>VOTE: 5-4</b>  <b>AYE: 5 - Close, Knopp, Krummel, Winters, Kruse</b>  <b>NAY: 4 - Lehman, Morrisette, Piercy, Taylor</b>
354	Chair Kruse	The motion CARRIES.
356	Chair Kruse	Closes the work session on HB 2268 and adjourns the meeting at 2:45 PM.

Submitted By, Reviewed By,

Diane M. Lewis, Janet L. Carlson,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ HB 2268-7 amendments dated 2/24/99 and amendment summary, staff, 17 pp.**

**B ñ HB 2268-9 amendments dated 2/25/99, staff, 16 pp.**

**C ñ HB 2268, written letters from local commissions, staff, 19 pp.**

**D ñ HB 2268, written testimony from OPEU, Rich Peppers, 2 pp.**

**E ñ HB 2276-1 amendments dated 2/16/99, Rep. Jeff Kruse, 1 p.**