

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

July 8, 1999 Hearing Room D

3:00 P.M. Tapes 140 - 141

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

STAFF PRESENT: Janet Adkins, Policy Analyst

Cletus B. Moore, Jr., Administrator

Keith Putman, Policy Analyst

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: SCR 6 Work Session

SB 679A Work Session

SB 535A Work Session

SB 1089B 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 140, A		

004	Chair Simmons	Opens the meeting at 3:00 p.m. Opens the work session on SCR 6.
<u>SCR 6 WORK SESSION</u>		
009	Grace Crunican	Director, Oregon Department of Transportation (ODOT). Supports SCR 6. Expresses remorse over the loss of Dennis Edwards. Describes his life and commends his character.
026	Doug Tindall	Maintenance Engineer, ODOT. Discusses Edwards's work experience and dedication to his job. Commends the work of all ODOT employees (EXHIBIT A).
058	Rep. SIMMONS:	MOTION: Moves SCR 6 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Mannix
	Rep. Starr	The motion CARRIES. REP. EDWARDS will lead discussion on the floor.
065	Rep. Starr	Closes the work session on SCR 6. Opens a work session on SB 679A.
<u>SB 679A WORK SESSION</u>		
070	Cletus Moore	Committee Administrator. Explains SB 679A.
080	Grover Simmons	Association of Adult Care Providers of Oregon. Supports SB 679A. Discusses the need to hold persons who lodge false complaints accountable for their actions. Explains that, while under current law these persons are granted full immunity, SB 679A imposes liability on those who file false complaints. Adds that the final language balances the need for truthfulness with concerns about discouraging valid complaints. Cites comments about Sen. Bryant regarding SLAPP suits (EXHIBIT B).
129	Rep. Gardner	Asks if the bill is a response to any particular situation.

132	Simmons	Replies yes. Cites EXHIBITS D, E & F . Indicates that erroneous complaints are an endemic part of the industry.
149	Rep. Gardner	Requests specific examples of knowing and intentional false statements.
153	Shirlene Ankrom	Executive Director, Adult Care Providers of Oregon. Supports SB 679A. Reports that she has encountered many wrongful complaints, some from employees who have been fired with just cause. Submits testimony from others concerning false complaints (EXHIBITS C ñ F).
170	Rep. Gardner	Asks if the accusations of false complaints can be proven in a court of law.
173	Ankrom	Replies that, in most cases, proof was available, but was not examined. Stresses that there is no way to identify the accusers. Discusses the number of foster homes that have gone out of business due to false claims of impropriety. Reports that the quality of care suffers as a result of a limited number of providers.
238	Nelson Grubbe	Governor's Commission on Senior Services. Opposes SB 679A. Acknowledges the importance of adult foster care homes, but indicates that no lawsuit has been presented involving a false claim against an adult care provider. States that, under common law, false misstatements can already be the cause of legal action; the bill is redundant. Discusses the importance of the complaint procedure and the possibility that the bill will stifle complaints (EXHIBIT G).
289	David Nebel	Oregon Law Center; Citizens Coalition for Quality Long Term Care. Opposes SB 679A. States that current law covers the problem and the bill is unnecessary. Explains that the bill fails to achieve its objectives. Discusses provisions in current law for the barring of false complaints and the additional standards imposed by the bill.
346	Nebel	States that the bill may impede legitimate complaints. Adds that the bill does not address the issue of unknowingly false complaints.
371	Rep. Beyer	Asks if the same concerns were presented to the Senate.
372	Nebel	Replies yes.
393	Rep. Devlin	Asks if the previous hearings included the language concerning intimidation.
401	Nebel	Replies that this language was in the Senate version of the bill.
405	Rep. Devlin	Asks about the vote in the Senate.
406	Nebel	Replies that the bill passed 20-10 the first time and 27-0 the second time.

413	Rep. Beyer	Asks why the bill passed the Senate twice.
415	Nebel	Clarifies that the same language has been brought before the Senate floor twice, once as SB 421 and then as SB 679.
TAPE 141, A		
003	Rep. Devlin	Acknowledges the concerns about the additional language. Opines that the bill actually expresses current law.
010	Nebel	Stresses that the language is confusing; it seems to establish two standards of immunity for the same class of complaint. Adds that a case has not been made why the existing law is insufficient.
021	Rep. Beyer	Asks Rep. Mannix if the new language makes the current law more confusing.
023	Rep. Mannix	Replies no. Discusses the provisions of subsection 7, the differences between the two standards established in current law and SB 679A, and the strength of the bar to false testimony in the second section of the bill. Stresses that the bill persuades people to be truthful about their claims.
065	May Dasch	Oregon Chapters of the Alzheimer's Association. Opposes SB 679A. Relates the number of people affected with dementia or Alzheimer's in foster homes. Discusses the potential of SB 679A to enforce silence among vulnerable recipients of sub-standard care (EXHIBIT H).
092	Rep. Starr	Closes the work session on SB 679A. Reopens the work session on SB 679A.
108	Rep. Simmons	MOTION: Moves SB 679A to the floor with a DO PASS recommendation.
112	Rep. Gardner	Opposes SB 679A. States that the bill could serve to intimidate people with valid complaints.
122		VOTE: 5-2 AYE: 5 - Beyer, Devlin, Mannix, Starr, Simmons NAY: 2 - Edwards, Gardner
	Rep. Starr	The motion CARRIES.

		REP. MANNIX will lead discussion on the floor.
127	Rep. Gardner	Serves notice of a possible minority report.
131	Rep. Starr	Closes the work session on SB 679A.
133	Chair Simmons	Opens the work session on SB 535A.
<u>SB 535A WORK SESSION</u>		
137	Cletus Moore	Committee Administrator. Notes that fiscal and revenue impact statements were received.
146	Rep. Edwards	MOTION: Moves to SUSPEND the rules for the purpose of amending the -A6 amendments.
155	Rep. Beyer	Asks about Rep. Edwards' intentions.
157	Rep. Edwards	Relates that the -A6 amendments were intended to parallel the revenue impact of the original capital gains tax proposal. States that, with the -A4 amendments, the bill now has a slightly different revenue impact. Explains his conceptual amendment.
177	Rep. Devlin	Asks if Sections 3 and 4 would be deleted.
183	Rep. Edwards	Replies yes. Explains that the revenue impact of the conceptual amendment would be approximately \$262 million for the years 2001-2003. States that he is offering a parallel alternative to the majority's proposal.
195	Rep. Beyer	Asks if the conceptual amendment would delete the -A4 amendments.
198	Rep. Edwards	Replies yes.
208	Rep. Starr	Supports Section 3 of the -A6 amendments. Asks for the reasoning behind the deletion of Section 3.
218	Rep. Edwards	Answers that he believes in the fairness of an across-the-board tax cut.
232	Rep. Beyer	Supports Sections 3 and 4 of the -A6 amendments.

245	Chair Simmons	Supports the ñA4 amendments.
251	Rep. Mannix	States that he will support the suspension of the rules though he will not support Rep. Edwards's subsequent motion.
255		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Simmons	The motion CARRIES.
268	Rep. Edwards	MOTION: Moves to AMEND SB 535 -A6 AMENDMENTS on pages 3 & 4, delete Sections 3 and 4.
276	Rep. Starr	Indicates that he would support the motion if the final bill would include the ñA4 and ñA6 amendments
280		VOTE: 3-4 AYE: 3 ñ Devlin, Edwards, Gardner NAY: 4 ñ Beyer, Mannix, Starr, Simmons
	Chair Simmons	The motion FAILS.
299	Rep. Starr	MOTION: Moves SB 535A to the floor with a DO PASS AS PREVIOUSLY AMENDED recommendation.
303	Rep. Devlin	Opposes the bill in committee to represent his caucus, but may vote yes on the floor.
309	Rep. Edwards	Opposes SB 535A. Supports a more across-the-board tax cut. States that he may serve notice of a minority report that will look like the ñA6 amendments.
325	Rep. Gardner	Asks for a breakdown of the impact to different income groups. Comments that the ñA4 amendments give a tax break to the wealthiest portion of society. Opposes the bill.

339	Rep. Beyer	Notes that the minority report should include the ñA6 amendments as drafted.
347	Rep. Devlin	Indicates that the deductability of federal income taxes should have been indexed. Adds that he sees raising the level to \$5000 largely as a benefit to middle class Oregonians.
358	Rep. Mannix	Discusses the importance of the ñA4 amendments, the referral to the voters and the necessity of offering a feasible alternative to Bill Sizemoreís more drastic initiative.
393	Rep. Edwards	Relates that it is disturbing to react to things that have not yet happened. Stresses that the bill provides an argument for annual sessions, which would allow legislators to deal with issues that may occur in between biennial sessions.
TAPE 140, B		
009	Rep. Beyer	Notes that the committee reacted to a possible initiative proposal in an earlier bill.
014	Rep. Mannix	Describes Measure 5 as a good example of what may happen when the legislature does not react promptly to public sentiment. Adds that SB 535A offers a good policy alternative to Sizemoreís more radical initiative.
027	Chair Simmons	Reports that he is enthusiastic about the opportunity to offer a tax cut to the voters. Supports the bill.
041		VOTE: 4-3 AYE: 4 - Beyer, Mannix, Starr, Simmons NAY: 3 - Devlin, Edwards, Gardner
	Chair Simmons	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.
043	Rep. Edwards	Serves possible notice of a minority report.
049	Chair Simmons	Closes the work session on SB 535A. Opens the work session on SB 1089B.

SB 1089B WORK SESSION

055	Keith Putman	Policy Analyst. Explains the current status of the bill and the effects on "dry stores." States that an error was made in the previous amendments. Explains the ñB3 amendments, which eliminate any changes in fees, but continue to give penalty authority to the DEQ (EXHIBIT I).
082	Chair Simmons	Asks how the amendments will affect the pooled fund used by DEQ for clean-ups.
084	Putman	Replies that it will add very little to the fund because the only revenue generated by the bill is from the \$200 penalty.
090	Chair Simmons	Asks if the fees are inadequate currently.
093	Putman	Replies yes.
106	Chair Simmons	Asks about the effects of language in Sections 4 - 7.
110	Putman	Discusses the intent of the billis sections (to increase the amount of money in the fund to cover clean-up costs and to impose penalties for failure to buy certificates). Adds that there is a \$5000 fine for not paying the fees, which acts as an enforcement tool.
133	Chair Simmons	Asks if the fund has been growing or decreasing.
134	Putman	Expresses uncertainty. Indicates that the revenue has been short of \$1 million by about \$250,000 each year.
153	Rep. Devlin	Asks if the agency and the industry support the amendments.
155	Chair Simmons	Replies that they have not heard from the agency or the operators. Closes the work session on SB 1089B. Adjourns the meeting at 4:35 p.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñSCR 6, written testimony, Doug Tindall, 1 p.

B ñSB 679A, written testimony, Grover Simmons, 1 p.

C ñSB 679A, written testimony, Shirlene Ankrum, 1 p.

D ñSB 679A, written testimony, Jay Parmele, 9 pp.

E ñSB 679A, written testimony, John Orengo 4 pp.

F ñSB 679A, written testimony, JoAnn Sproul, 2 pp.

G ñSB 679A, written testimony, Nelson Grubbe, 2 pp.

H ñSB 679A, written testimony, May Dasch, 1 p.

I ñSB 1089B, -B3 amendments, staff, 1 p.