

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 22, 1999 Hearing Room B

8:00 AM Tapes 34 - 35

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Susan Castillo

Sen. Verne Duncan

Sen. Marylin Shannon

STAFF PRESENT:

Sandy Thiele-Cirka, Administrator

Andrew Morris, Administrative Support

MEASURES HEARD:

SB 274 Public Hearing

SB 309 Public Hearing and 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 34, A		
008	Chair Fisher	Calls the meeting to order at 8:08 AM and opens public hearing on SB 274.
<u>SB 274 PUBLIC HEARING</u>		
015	Sandy Thiele-Cirka	Administrator. Explains SB 274 -1 amendments to the committee.

034	Lynnae Rutledge	Assistant Administrator, Vocational Rehabilitation Department. Testifies in support of SB 274 and provides clarification for the ñ1 amendments.
061	Dan Kennedy	Department of Administrative Services. Supports the ñ1 amendments.
064	Eugene Organ	Oregon Disabilities Commission. Supports the ñ1 amendments.
084	Grattan Kerans	Director of Government Relations, Oregon University System (OUS). Presents testimony in support of SB 274 (EXHIBIT A). Presents conceptual amendments. Explains he would like OUS to be included in SB 274 without changing the Higher Education Reform Act.
130	Rebecca Bordreux	Human Resources, OUS. Supports SB 274, and the amendments proposed by Kerans. Provides personal background with developmentally disabled people.
149	Kerans	Notes that the other stakeholders support the proposed OUS amendments.
162	Sen. Shannon	Questions the language in the testimony claiming SB 274 would weaken the Higher Education Efficiency Act.
166	Kerans	Responds that the bill in its current form, could begin to weaken the Higher Education Efficiency Act of 1995. Clarifies earlier testimony.
193	Chair Fisher	States that he does not want to modify or impact the Higher Education Efficiency Act.
210	Kerans	Explains the Efficiency Act is currently being refined.
217	Sen. Shannon	Supports refining the Efficiency Act, in order to provide disabled people employment opportunities.
238	Sen. Castillo	States support for Kerans' amendments.
257	Chair Fisher	Closes public hearing on SB 274 and opens public hearing on SB 309.
<u>SB 309 PUBLIC HEARING</u>		
266	Cirka	Explains SB 309 to the committee.
275	Maynard Hammer	Assistant Administrator, Mental Health Developmentally Disabled Services Division (MHDDSD). Testifies in support of SB 309 (EXHIBIT B). Explains that the bill will allow the state to recover the cost of client care through assuming possession of the client's real property at the time of death.

313	Chair Fisher	Asks how MHDDSD can get a better sale price.
317	Hammer	Responds the issue of timing is the key, which the state could allow to be left open.
336	Chair Fisher	Asks for clarification.
341	Hammer	Responds that by assigning property to MHDDSD assets would not need to be sold in order to pay existing debts.
354	Chair Fisher	States he is not familiar with the practice Hammer is referring to. Comments that he does not see why the state would want to force a sale.
375	Russ Kittrel	Collections Department, MHDDSD. Explains reasoning for the bill.
410	Chair Fisher	Asks about money that is above and beyond what the patient owes to the state.
420	Kittrel	Responds that there has not been a situation where money was left over after an estate sale.
423	Sen. Shields	Relates personal story.
TAPE 35, A		
006	Kittrel	Explains that the division encourages people to sell their property before the state needs to assume the responsibility.
014	Chair Fisher	Asks about the sale of the property.
025	Kittrel	Responds the bill allows for flexibility.
031	Chair Fisher	Relates a personal story. States his concerns that the state may be stuck with property that is not worth the value it costs to take it over. Comments on the transferring of the property deed.
058	Kittrel	Explains the state does not prefer to assume titles for real property.
065	Sen. Castillo	Asks if other state agencies have similar authority.
076	Kittrel	Responds affirmatively.

080	Sen. Shields	States his support for the bill. Explains that the bill could save the state money.
094	Chair Fisher	Relates personal story. Comments that he does not support the state being excessively involved in handling clients financial business.
135	Sen. Castillo	Asks if client advocates are scheduled to testify on SB 309.
149	Mary Botkin	American Federation of State, County, and Municipal Employees Council 75. Supports SB 309. Relates personal story. States that the ability to transfer property in exchange for personal care is a good thing.
187	Chair Fisher	States he is aware of Senior Disable Services Division and how they work with property. Explains he is aware there are good and bad points to this type of arrangement.
204	Botkin	States that she is aware of the difficulties in transferring property, but the outcomes are beneficial.
232	Chair Fisher	Asks about the definition of real property.
265	Sen. Castillo	States that the bill allows, not directs, MHDDSD to assume property, only if it is worthwhile for the division and the client.
278	Kittrel	Agrees with Sen. Castillo.
282	Chair Fisher	Asks if patients are able to live in their own homes after the division has assumed title of the property.
298	Kittrel	Comments that the state would not put a claim on property until after the patients death.
321	Sen. Shields	Explains the bill would allow the state to recover costs of treatment and care.
333	Botkin	Suggests deleting the personal property language.
346	Chair Fisher	Notes the difficulty in assessing personal property.
359	Sen. Castillo	Reiterates that the bill allows MHDDSD the option to assume possession of personal property.
368	Sen. Shannon	States that if personal property is valuable it should be used to pay for care provided by the state.

372	Chair Fisher	Notes that it is not difficult to sell personal property.
381	Sen. Shannon	Asks about people that do not want their property to be controlled by the state.
395	Chair Fisher	Responds that those individuals could maintain the responsibility of the property. Closes public hearing on SB 309 and opens work session.
<u>SB 309 WORK SESSION</u>		
399	Sen. Shannon	MOTION: Moves SB 309 to the floor with a DO PASS recommendation.
402		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
427	Chair Fisher	Closes work session on SB 309 and adjourns the meeting at 9:03 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 274, Written testimony, Oregon University System, Grattan Kerans, 2 pp

B ñ SB 309, Written testimony, MHDDSD, Maynard Hammar, 1 p