

## SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 29, 1999 Hearing Room B

8:00 AM Tapes 104 - 105

### 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 684 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
<b>TAPE 104, A</b>		
004	Vice Chair Shields	Calls meeting to order at 8:12 AM and opens a public hearing on SB 684.
<b><u>SB 684 PUBLIC HEARING</u></b>		
020	Roger Martin	Representing Goodwill Industries. Testifies in opposition to SB 684. Discusses Oregon's philosophy on institutionalization and the need to mainstream disabled persons. Relates personal story.

088	Martin	Comments on the importance of employment contracts, which Goodwill and other non-profit agencies provide. Discusses the role of Goodwill Industries. States the legislature needs to continue to support non-profit agencies who employ disabled people.
140	Martin	Discusses the non-visible disabilities. Notes the objectivity of the Fair Competition Alliance. Refers to the original legislation.
183	Tim Kral	Representing Oregon Rehabilitation Association. Testifies in opposition to SB 684 ( <b>EXHIBIT A</b> ). Provides background of the original legislation. States the disabled labor force is small. Notes that SB 684 establishes barriers to disabled persons.
250	Kral	Comments and discusses that improvements are necessary. Explains that the Department of Administrative Services (DAS) is changing administrative rules.
305	Chair Fisher	States the Americans with Disabilities Act (ADA) speaks for people with more severe disabilities.
315	Kral	Refers to <b>EXHIBIT A</b> . Explains the findings of Rep. Lokanis task force. States that the ADA is not included in Oregon's current law.
374	Bob Russell	Commissioner, Oregon Disabilities Commission. Testifies in opposition to SB 684 ( <b>EXHIBIT B</b> ). Comments on the difficulties of disabled people in obtaining employment.
408	Kral	States the Oregon Disabilities Commission is a state appointed board.
<b>TAPE 105, A</b>		
000	Sandra Bishop	Representing Fair Competition Alliance (FCA). Testifies in support of SB 684 ( <b>EXHIBIT C</b> ). Provides background of SB 684. Comments on the problems that exist with the current public contracting laws. States the programs have gone from servicing the public to an economic development tool.
070	Bishop	Refers to <b>EXHIBIT G</b> from April 22, 1999. Comments that the public contracting law does not employ the people who need it the most. Discusses the large non-profit agencies.
107	Jerry Egger	FCA, Business owner. Testifies in support of SB 684 ( <b>EXHIBIT D</b> ).
124	Sen. Duncan	Asks if any complaints have been filed with DAS.
128	Bishop	Responds affirmatively. States that DAS did not find a problem, and said that an appeal was not possible.

150	Egger	Refers to the Qualified Rehabilitation Facility Application. States the application uses the wording "severely disabled." Compares the Oregon definition of disabled to the federal definition and points out the major differences.
200	Egger	Continues explanation of definitions.
250	Egger	Summarizes Oregon's definitions of disabled and severely disabled.
278	Bishop	Refers to the original legislation of 1977, and asks the committee to review the archives to understand the discussions that occurred at that time. States that DAS is not following the law as it was intended. States the fiscal impact is not as great as previous testimony stated.
335	Lynnae Ruttledge	Assistant Administrator, Oregon Department of Human Resources. Testifies in opposition to SB 684 ( <b>EXHIBIT E</b> ). States the real issue is the employment of disabled people. Notes concern relating to questioning a person about their degree of disability. States the program is helping people find employment.
400	Chair Fisher	States it is not his intent to limit access to jobs for disabled people. Comments on the responsibility to the taxpayers.
450	Katharine Weit	Representing Oregon Developmental Disabilities Coalition. Testifies in opposition to SB 684 ( <b>EXHIBIT F</b> ). Comments on current law.
<b>TAPE 104, B</b>		
000	Weit	States there has been sufficient oversight and the law is working well.
016	David Wiegman	Mid-Valley Rehabilitation. Testifies in support of SB 684. Discusses and comments on the current law, which has served many people, but has been misused. States an independent entity should supervise the implementation of current law.
082	Wiegman	States that SB 684 could help modify current law. Comments on the 3,500 people who are on waiting lists for jobs. States that current law does not thoroughly help the people it was intended for.
110	Sen. Shields	Asks if Wiegman is in favor of SB 684.
113	Wiegman	Responds he is in favor of clarifying definitions.
116	Sen. Shields	Questions current law and the doctors who verify disabilities.
121	Wiegman	Responds that anybody could find a doctor who would say a person is disabled.

128	Sen. Duncan	States opposition to SB 684 and SB 708. Comments on support for an audit.
149	Al Davidson	Representing Garten Foundation. States disagreement with presented testimony. States that Garten is exceeding the requirements for state law. States that an audit would be welcomed.
185	Sen. Duncan	Asks Gaziani to respond to the allegations brought against the Garten Foundation.
190	Emil Gaziani	Executive Director, Garten Foundation. Testifies against SB 684. Responds to Sen. Duncan ( <b>EXHIBIT H</b> ). States that the current law is working well. States that FCA members are able to hire disabled people if they choose. States that the situation could be handled administratively.
247	Chair Fisher	Comments on the notebook from FCA which was presented April 22, 1999. Asks if Gaziani is notified ahead of time for inspections by DAS.
262	Gaziani	Responds affirmatively.
270	Chair Fisher	States most private companies do not have notice of inspections.
280	Gaziani	States that the inspections by Mental Health Developmentally Disabled Service Division (MHDDSD) are unannounced.
325	Ken Fosheim	CCI Enterprises. Testifies in opposition to SB 684 ( <b>EXHIBIT G</b> ). Comments on current law. States that improvements could be made, but they do not need to be legislated.
388	Fosheim	States the current law is a good public policy. Comments on federal regulations, which CCI complies with.
435	Fosheim	Encourages the committee to help people with disabilities.
<b>TAPE 105, B</b>		
000	Sen. Shannon	Asks if CCI has been audited.
017	Gaziani	Responds affirmatively. Notes that federal audits evaluate payroll records.
038	Sen. Shannon	Asks where the profits are spent.
042	Gaziani	Responds they are reinvested into the program. States that in the last two years, Garten has had no profits.

066	Sen. Castillo	Questions the conflict of interest mentioned in previous testimony.
073	Gaziani	Responds that their employees go Garten with the disability documentation. States that employees of Garten have limitations.
094	Deborah Parker	Employee, St. Vincent DePaul. Testifies in opposition to SB 684. Comments on her diagnoses of mental illness. Provides personal background.
142	Parker	Discusses how St. Vincent DePaul has helped her attain employment. States that if SB 684 passed she would not be able to keep her position.
185	Roy Soards	Chief Executive Officer, St. Vincent DePaul. Testifies in opposition to SB 684. Offers testimony from an employee.
193	Stephen Baker	Employee, St. Vincent DePaul. Testifies in opposition to SB 684. Relates a personal experience.
216	Soards	States he is proud of St. Vincent DePaul's successes.
228	Chair Fisher	States support of agencies that provide employment to disabled people. Closes public hearing on SB 684 and adjourns the meeting at 10:00 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,  
Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A ñ SB 684, Written testimony, Oregon Rehabilitation Association, Tim Kral, 9 pp**

**B ñ SB 684, Written testimony, Oregon Disabilities Commission, Bob Russel, 1 p**

**C ñ SB 684, Written testimony, Fair Competition Alliance, Sandra Bishop, 5 pp**

**D ñ SB 684, Written testimony, Fair Competition Alliance, Jerry Egger, 9 pp**

**E ñ SB 684, Written testimony, Department of Human Resources, Lynnae Rutledge, 2 pp**

**F ñ SB 684, Written testimony, Developmental Disabilities Coalition, Katharine Weit, 2 pp**

**G ñ SB 684, Written testimony, CCI Enterprises, Ken Fosheim, 3 pp**

**H ñ SB 684, Written testimony, Garten Services, Emil Gaziani, 3 pp**