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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**April 7, 1997 Hearing Room A**

**1:00 P.M. Tapes 140-142**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Donna Arens, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 840 Public Hearing and Work Session**

**SB 864 Public Hearing**

## SB 40 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 140, A</b>		
004	Chair Bryant	Opens meeting at 1:10 p.m. and opens public hearing on SB 840.
<b><u>SB 840 - PUBLIC HEARING</u></b>		
005		Staff presents proposed -3 amendments to SB 840 offered by Hoodoo Recreation Services ( <b>EXHIBIT M</b> ).
006	Sen. Bob Kintigh	District 22. Supports SB 840.
025	Mike Obymako	Vice President and General Manager, Hoodoo Ski Area and Hoodoo Recreation Services. Presents and reads testimony ( <b>EXHIBIT A</b> ) in support of SB 840. Discusses volunteers at Hoodoo who perform vital customer relations services.
075	Obymako	Continues to read testimony. States hosts make a substantial contribution to Oregon's tourist industry.
100	J. Boyd Morse	Park host. Presents testimony ( <b>EXHIBIT B</b> ) in support of SB 840. States knowledge and attitudes of the volunteers benefit park users. States hosts do not want compensation.
133	Chair Bryant	Asks about compensation.
134	Morse	States the volunteers get to camp for free.
130	Sen. Leonard	Asks about amendments on page 2, lines 36-38.
136	Obymako	Responds that volunteers will only provide information and emergency assistance.
143	Steve Vincent	Hoodoo Recreation Services. Presents ( <b>EXHIBIT C</b> ) in support of SB 840.
152	Sen. Leonard	Asks about page 2 of SB 840.
156		Discussion of which amendments are being considered.
168	Vincent	Refers to ORS 653.020 concerning exemptions to the law.
179	Sen. Leonard	Asks about intent of amendments.
183	Vincent	Responds.
193	Chair Bryant	Asks about proposed -3 amendments.
194	Vincent	States he would support those and Sen. Leonard's suggestions for amendments.
197	Sen. Brown	Questions Morse about the duties of volunteer campground hosts.

215	Morse	Responds they only perform information and emergency services.
217	Chair Bryant	Asks about line 4-5 of -3 amendments.
219		Discussion of the language.
233	Sen. Derfler	Asks about residing in the campground.
238	Vincent	Comments on hosts residing in campgrounds.
250	Morse	States volunteering in this way is one of the best things he has done in his life.
265	Chair Bryant	Closes public hearing on SB 840 and opens work session on SB 840.
<b>SB 840 WORK SESSION</b>		
267	Sen. Leonard	<b>MOTION: Moves to ADOPT SB 840 -3 amendments dated 4/7/97 and that the measure be FURTHER AMENDED on page 2, line 38, by inserting "only" between "provides" and "information".</b>
284	Sen. Brown	States "only" is too limiting and could cause problems.
289	Sen. Derfler	Agrees with Sen. Brown.
290	Sen. Leonard	Discusses the amendments.
300	Jack Roberts	Commissioner, Bureau of Labor and Industries (BOLI). Clarifies the intent of the language in -3 amendments.
316	Chair Bryant	Comments on the possible problems with "only."
333		Discussion of the amendments.
		<b>VOTE: 3-3</b>  <b>AYE: 3 - Derfler, Leonard, Miller</b>  <b>NAY: 3 - Brown, Nelson, Bryant</b>
	Chair Bryant	<b>The motion FAILS.</b>
370	Sen. Miller	Asks about details of Morse's duties.
373	Morse	Explains his typical experience of "residing" at a site for a period of time.
390		Discussion of "reside."
413	Chair Bryant	<b>MOTION: Moves to ADOPT SB 840-3 amendments dated 4/7/97.</b>
	Chair Bryant	<b>Hearing no objection, declares the motion CARRIED.</b>
414	Chair BRYANT:	<b>MOTION: Moves SB 840 be sent to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-1</b>

		<b>AYE: 5 - Brown, Derfler, Miller, Nelson, Bryant</b>
		<b>NAY: 1 - Leonard</b>
	<b>Chair Bryant</b>	<b>Declares the motion CARRIED.</b>  <b>SEN. BRYANT will lead discussion on the floor.</b>
418	Chair Bryant	Closes work session on SB 840 and opens public hearing on SB 864.
<b><u>SB 864 - PUBLIC HEARING</u></b>		
<b><u>TAPE 141, A</u></b>		
000		Staff presents proposed -1 amendments to SB 864 offered by Grover Simmons ( <b>EXHIBIT J</b> ).
001	Grover Simmons	Adult Care Providers Association (ACPA). Presents and reads ( <b>EXHIBIT D</b> ) in support of SB 864. Explains the duties of adult foster homes. Explains the purpose of SB 864.
060	Sen. Brown	Asks about sleep and meal times during 24 hour work period for adult foster care providers.
068	Simmons	Explains the system for measuring what goes on during a 24 hour work period. Discusses technical difference between "reside" and "domicile."
118	Myrna Harrison	Chairperson, ACPA. Supports SB 864. Explains her wage and benefits package.
148	Chair Bryant	Asks about the number of foster care homes in Oregon.
155	Harrison	Comments on private owners.
165	Chair Bryant	Recalls that resident managers were exempted in the 1995 session.
178	Harrison	States most providers have scheduled days off.
180	Sen. Brown	Asks about employees paying stipends for meals or rent.
185	Simmons	Explains the charge-back system. States the average pay tends to be around \$75 to \$80 per day.
228	Sen. Brown	Asks which citizens use adult foster care homes.
235	Simmons	States any employee residing in an adult foster care home would be covered by SB 864.
223	Sen. Brown	Refers to HB 2861 and SB 1115. Asks how many of the providers are women.
241	Harrison	Estimates about 85 percent of the employees in the homes are women.
247	Sen. Brown	Asks if the employees have other homes.
258	Harrison	Explains that 90% of the time that is the case.
267	Sen. Brown	Asks if some of the employees have contracts with the state.
270	Harrison	States some do.

274	Simmons	Agrees and comments on minimum wage.
290	Sen. Brown	Asks who benefits by not paying a higher minimum wage.
304	Harrison	States there are differences.
311	Sen. Leonard	Asks about statutory language.
319	Harrison	Discusses substitute care givers.
338	Simmons	Comments on senior disabled services.
348	Sen. Leonard	Asks which employees would not be covered.
355	Harrison	States the resident manager and the substitute care giver would be covered by SB 864. States all her employees would be covered by the amendment.
379	Sen. Leonard	Asks what the base rates are for care givers in her home.
380	Harrison	States the base rate is \$1,605 per month. Explains the split shift work schedule.
426	Sen. Leonard	Asks about emergency situations.
435	Harrison	Explains extra staffing or another facility may be considered. Defines "personal" time as staying at the house, but going about personal activities.
470	Sen. Leonard	Asks about the wages.
<b>TAPE 140, B</b>		
040	Harrison	Makes a comparison to hospital staff for clarification of personal time.
055	Chuck Sheketoff	Oregon Citizens' Coalition for Quality Long Term Care, United Seniors of Oregon, and the Oregon State Council of Senior Citizens. Presents <b>(EXHIBIT E)</b> in opposition to SB 864. Expresses concern that if wages go down quality will suffer.
104	Sheketoff	Continues to read testimony. States there is already adequate flexibility for personal time options for employees. States the minimum wage does not seem so high.
137	Diane Rosenbaum	Minimum Wage Defense Coalition. Presents and reads <b>(EXHIBIT F)</b> in opposition to SB 864. Discusses the definition of a reasonable night's sleep. Explains the amendments are very broad exclusions.
184	Rosenbaum	Comments on public policy.
195	Amy Klare	Research and Education Director, Oregon AFL-CIO. Presents and reads <b>(EXHIBIT G)</b> in opposition to SB 864. Explains these workers perform significant duties.
251	Sen. Brown	Asks about pay differences between men and women.
271	Klare	Explains she used Census Bureau data and could get that information for the committee.
273	Sheketoff	States that Meredith Cody could explain further.
266	Mary Botkin	AFL-CIO. Opposes SB 864. States that there is a terrible turnover rate in this industry.
322	Botkin	Explains the need for livable wages for these employees.

365	Jim Davis	Advocacy Coalition of Seniors and People with Disabilities. Opposes SB 864. States these employees should be making at least minimum wage.
<b>TAPE 141, B</b>		
005	Karla Spence	Oregon Public Employees Union, and Case Manager, Adult and Family Services. Opposes SB 864. States Oregon has been a national model of adult care. Explains reasons these workers should be paid well.
060	Jacqueline Zimmer	Director of Oregon Association of Area Agencies on Aging. Opposes SB 864. States opponents to SB 864 did not show up for the public hearing because they do not want to lose their jobs. States there is not much down time even during the "personal" hours.
112	Ellie Jenny	Presents <b>(EXHIBIT H)</b> in opposition to SB 864. Discusses quality of care issue.
139	Meredith Cote	State Long-term Care Ombudsman. Opposes SB 864. States the people at this level tend to be the least paid in the system, yet the care they provide is the most important element. States untrained staff tends to be the largest problem.
173	Sen. Leonard	Asks what her office does, average number of residents, owner-operators, and payroll costs.
200	Cote	Responds her office trains volunteers. States the average facility has 3-4 residents. Estimates about 75% of the homes are owner operated. States there is not good data on community based care.
224	Zimmer	Comments on average pay for Medicaid clients.
255	Sen. Leonard	Asks about average wages.
259	Zimmer	States wages are about minimum wages.
262	Cote	States rates are based on what the community is willing to pay.
258	Sen. Brown	Asks how much owners of foster care homes make.
265	Cote	States that is proprietary information and therefore she does not know nor can she find out.
298	Ruth Currie	Retired Clinical Social Worker and Older Women's League. Opposes SB 864. States it is difficult for people to have care givers change often. States about 95% of the workers in these jobs are women.
324	Sen. Brown	Comments that the majority of adults being cared for are women.
325	Herman Leder	Oregon State Council of Senior Citizens. Opposes SB 864. States if SB 864 passed the workers would move to other jobs, and less qualified or caring people would fill these important positions.
386	Leder	Continues explaining reasons to pay these workers well.
<b>TAPE 142, A</b>		
005	Marcia Latta	Women's Rights Coalition. Presents and reads <b>(EXHIBIT I)</b> in opposition to SB 864. States women would be the primary targets of SB 864.
026	Sen. Leonard	Asks Simmons if the homes have an average of five patients per home.

032	Simmons	States the maximum is five, one of whom can have heavy care needs.
092	Sen. Leonard	Asks about the average price charged per resident.
040	Simmons	States the residents pay from \$900 to \$1,200 for Medicaid and about \$900 to \$1,800 for private care which varies upon the level of dependency of the resident. States there is not data on these figures.
060	Sen. Leonard	Asks about the average pay for workers.
066	Simmons	Explains it is about \$5.50 to \$8.00 per hour.
075	Sen. Leonard	Comments on the figures and asks if the change in pay will make these workers leave their jobs.
082	Simmons	States he does not think the quality of care will be adversely affected by the passing of SB 864.
096	Sen. Leonard	Asks if the passing would not affect the profits of the industry.
097	Simmons	States they support workers having written contracts.
101		Discussion continues on minimum wage issues and what the differences would be.
136	Sen. Brown	Comments about compensation for adult foster care workers.
150	Simmons	Responds that there are some credits.
162	Sen. Brown	Comments on homes run on Medicaid funds versus private systems.
175	Simmons	Responds that there do not seem to be two levels of care. States the economics of every home are different.
205	Sen. Brown	Asks for statistics on wages for the workers.
210	Simmons	States there should be ways to get data sheets.
214	Sen. Brown	Asks if he knows the position of Senior and Disabled Services Division or Department of Human Resources on SB 864.
216	Simmons	States he does not.
217	Sen. Nelson	Asks how many people need to take care of patients in the homes.
221	Simmons	Responds that most of the homes are run by families.
244	Chair Bryant	Closes public hearing on SB 864 and opens public hearing on SB 40.
<b><u>SB 40 - PUBLIC HEARING</u></b>		
245	Jack Roberts	Commissioner, Bureau of Labor and Industries. Supports SB 40. Explains some of the historical background for SB 40.
308	Jeff Anderson	United Food and Commercial Workers Union Local 555. Presents and reads ( <b>EXHIBIT K</b> ) in opposition to SB 40.
351	Amy Klare	Oregon AFL-CIO. Presents and reads ( <b>EXHIBIT L</b> ) in opposition to SB 40.
371	Vice-Chair Miller	Closes public hearing on SB 40 and adjourns meeting at 3:20 p.m.

**Submitted By, Reviewed By,**

**Donna Arens, Jan Nordlund,**

**Administrative Support Administrator**

**Transcribed By,**

**Jennifer Peck,**

**Administrative Support**

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**EXHIBIT SUMMARY**

**A - SB 840, written testimony, Mike Obymako, 3 pp**

**B - SB 840, written testimony, J. Boyd Morse, 1 p**

**C - SB 840, written testimony, Steve Vincent, 1 p**

**D - SB 864, written testimony, Grover Simmons, 2 pp**

**E - SB 864, written testimony, Charles Sheketoff, 2 pp**

**F - SB 864, written testimony, Diane Rosenbaum, 1 p**

**G - SB 864, written testimony, Amy K. Klare, 2 pp**

**H - SB 864, written testimony, Ellie Jenny, 1 p**

**I - SB 864, written testimony, Marcia Latta, 1 p**



**J - SB 864, proposed-1 amendments, Grover Simmons, 1 p**

**K - SB 40, written testimony, Jeff Anderson, 1 p**

**L - SB 40, written testimony, Amy Klare, 1p**

**M - SB 840, proposed-3 amendments, Hoodoo Recreation Services, 1 p**

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