

SENATE COMMITTEE ON HUMAN RESOURCES

June 7, 1993 Hearing Room B 3:00 p.m. Tapes 78 - 79

MEMBERS PRESENT: Sen. Bill McCoy, Chair Sen. Dick Springer, Vice-Chair
Sen. Neil Bryant Sen. Wes Cooley Sen. Grattan Kerans

VISITING MEMBER: Sen. Jeannette Hamby Sen. Mae Yih

STAFF PRESENT: Mike Meriwether, Committee Administrator Alyssa
Valenti, Committee Assistant

MEASURES CONSIDERED: Oregon Disabilities Commission
Informational Hearing SB 1023 SB 1025 SB 674 SB 929

WITNESSES: W.W. Hodowanic Marcia Stephens, Equal
Employment Specialist, Civil

Rights Unit, USDA Forest Service Jeannette Bouchie, Oregon Disabilities
Commission Sen Jeannette Hamby, District 5 James Hill, Legislative Aide,
Sen. Jeannette Hamby Kathryn Weit, Families as Leaders James Toews,
Mental Health and Developmental

Disabilities Services Division Chuck Sheketoff, Oregon Human Rights
Coalition Jim Neely, Assistant Administrator, Adult and Families
Services Division Tom Williams, Manager of Field Operations, Senior and
Disabled Services Division Sen. Mae Yih, District 19

[--- Unable To Translate Graphic ---]

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 78, SIDE A

006 CHAIR MccOY: Calls the meeting to order at 3:10 p.m.

026 W.W. HODOWANIC: Submits and summarizes testimony on EXHIBIT A
against the Oregon Disabilities Commission.

125 W.W. HODOWANIC: Continues with testimony on the Oregon
Disabilities Commission.

198 MARCIA STEPHENS, EQUAL EMPLOYMENT SPECIALIST, CIVIL RIGHTS UNIT,
USDA FOREST SERVICE: Testifies in SUPPORT of the Oregon
Disabilities

Commission.

236 CHAIR MCCOY: How many persons have you employed in the last
year?

238 MARCIA STEPHENS: Responds.

248 SEN. KERANS: "Well Mr. Chairman, we're left at a loss. Having had a family squabble played out in front of us where people have differing

views, and very strong opinions on the direction and the management of the Commission, I don't know how to resolve that. We don't have a work product in front of us to adopt that says these people are right and those people are wrong, or we're with these guys, we're not with those, or some with this, and some over there. It's disturbing because we're all interested in the same outcomes, the only thing I can say is that it appears clear to me that there maybe a lack of a formal structure for differences to be resolved, closure to be reached, the majority opinion to be expressed, and a way to keep from reopening that question, or having those questions bump along behind you as excess baggage, never resolved, never cut loose. These are issues arising out of a conference I attended at the Eugene Conference Center, now almost three years ago. I don't think that's the source of the problem, it's a hook. I don't think that's really the source of the problem, it's a matter of folks not having a process for deciding whether they have come to agreement or closure on mission, plan, goals, schedule, and whether it's satisfactory to everybody, whether consensus has been reached. Now, I wouldn't know how to begin to find out whether all of the affected parties feel consensus had been reached, and they feel more on one side of the equation than the other, and I don't think that's our business to decide that. But what I would suggest is that the Commission ought to take some of its time not to rehash these old problems or to go over this ground, or to plow it again, but to rather examine its processes and see where it is so that if somebody comes and says "you didn't do something, and you didn't do it years ago, and you haven't done it since, and this and that and the other", whatever it is find out whether there is a way to come to closure on that and say, okay, we'll take a look at that, we'll examine all of it, we'll come to conclusion, we'll vote on it, it'll be in the minutes, and we won and you lost, or you won and we lost, or we came to an agreement that didn't look like either position, and we're going to go forward from there. Now, that's what appears is needed. There is nothing we can do about it here, except to admonish the parties to find a way to do that, so the people can't go around and be dragging this kind of old baggage around, and saying you didn't, and the other person saying yes, I did, and we didn't do it the way we said

you were going to do it, well we did it good enough that it passes muster with us, well yeah, but what I really wanted to happen is such and such; well that is a bunch of (foolishness), we don't need that, and the Commission doesn't need it, and the disabled community doesn't need it, so I would suggest that if they don't have a satisfactory process for doing that, they can get one going. If they have it, then they need to make it explicit and to say to everyone, okay we've reached closure, we're not coming back to this again, thank you, and go on about their business. I have no way to judge, and I don't think anybody here has a way to judge, so I'm not going to choose."

319 CHAIR MCCOY: "I am going to suggest though, that the Commission have an item on their agenda at the next meeting whereby they display their

plan, give copies of their plan of action to the complainers, and I'm saying complainers in the nice sense of the word; they are critics, and the critics be able to discuss those plans, and we will monitor it from then on. That is about the best we can do at this time. It is very unfortunate that there is a difference of viewpoint on what was said, and what is supposed to be done. So, you know what we are going to recommend, we'll send a letter to the proper persons. When is the next meeting?"

342 JEANNETTE BOUCHIE, OREGON DISABILITIES COMMISSION: July 19th.

343 CHAIR MCCOY: "I think that will give you time to adjust to the schedule, and have this as one of the items on the agenda. That's all

we have to say, if there is no one else, we want to thank you very much for your testimony, we hope that something will come of this."

PUBLIC HEARING, SB 929

358 MIKE MERIWETHER, COMMITTEE ADMINISTRATOR: Gives overview of SB 929.

365 SEN. JEANNETTE HAMBY, DISTRICT 5: Submits and summarizes testimony on EXHIBIT B in SUPPORT of SB 929. Submits EXHIBIT C on behalf of BARBARA

OAKLEY in SUPPORT of SB 929.

TAPE 79, SIDE A

020 SEN. HAMBY: Continues testimony on SB 929.

030 SEN. BRYANT: We're not able to determine who can take a deduction for federal income tax purposes, I think that is required of Congress, so I don't think Section 3 is correct.

033 JAMES HILL, LEGISLATIVE AIDE TO SEN. HAMBY: Responds. Submits and summarizes testimony on EXHIBIT D in SUPPORT of SB 929.

039 SEN. BRYANT: Discusses language of federal taxable income.

040 JAMES HILL: Responds.

042 SEN. BRYANT: If a child establishes independence through emancipation, how does this bill affect that?

045 JAMES HILL: Responds.

046 SEN. COOLEY: After the age of 18, they don't have to establish emancipation? Doesn't this go beyond the statutes we already have in

place?

051 SEN. BRYANT: Responds.

055 VICE-CHAIR SPRINGER: Have you checked with the Support Enforcement Agency for an impact statement?

062 SEN. HAMBY: Responds. Discusses proposed amendment (with EXHIBIT B).

065 CHAIR MCCOY: We will have to check with Adult and Family Services Division and find out if they can do this. I don't think we can still

get federal funds and carry anything like this out.

075 SEN. HAMBY: Asks committee to study the tables in the submitted exhibits.

083 JAMES HILL: Discusses statistics from EXHIBIT D.

093 SEN. HAMBY: Concludes testimony.

PUBLIC HEARING, SB 674

112 MIKE MERIWETHER: Gives overview of SB 674.

151 SEN. BRYANT: The bill references ORS 417.340-348. I presume those are statutes dealing with local services?

153 MIKE MERIWETHER: Responds.

161 KATHRYN WEIT, FAMILIES AS LEADERS: Submits and summarizes testimony on EXHIBIT E in SUPPORT of SB 674.

201 SEN. COOLEY: Asks witnesses to explain 1099's.

214 JAMES TOEWS, MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES DIVISION: Responds.

228 SEN. COOLEY: So the person receiving a 1099 uses it as a tax deduction, and the county uses it as a deduction against the disability payments to the individual?

230 JAMES TOEWS: Responds.

232 SEN. COOLEY: Why did the county issue the 1099?

233 JAMES TOEWS: Responds.

236 SEN. COOLEY: So they issued the 1099 individually as a tax deduction? How does this apply to the individual who is receiving other state or

federal assistance? Is there a deduction made, is that what we are trying to address?

241 JAMES TOEWS: Responds.

267 SEN. COOLEY: Asks questions on tax deductions. 268 JAMES TOEWS: Responds.

WORK SESSION, SB 674

282 MOTION: SEN. BRYANT: Moves version 1 amendments to SB 674 , prepared by staff.

286 VOTE: CHAIR MCCOY: Hearing no objection, it is so ordered.

288 SEN. BRYANT: Moves SB 674 AS AMENDED to the Floor with a DO PASS recommendation, and ask that the subsequent referral to REVENUE be rescinded.

301 VOTE: In a roll call vote, all members present vote AYE. SEN. KERANS IS EXCUSED.

303 CHAIR MCCOY: It is so ordered.

WORK SESSION, SB 1023

315 MIKE MERIWETHER: Gives update on SB 1023, and the amendments.

342 CHUCK SHEKETOFF, OREGON HUMAN RIGHTS COALITION: Testifies in SUPPORT of the amendments to SB 1023.

425 CHUCK SHEKETOFF: Continues testimony in SUPPORT of the amendments to SB 1023.

TAPE 78, SIDE B

020 JIM NEELY, ASSISTANT ADMINISTRATOR, ADULT AND FAMILY SERVICES DIVISION: Testifies in SUPPORT of SB 1023. Discusses section 1 and section 4.

031 SEN. KERANS: What is the standard now when it is wholly a departmental error? Is it the same 10 percent?

033 JIM NEELY: It is the same 10 percent.

034 SEN. KERANS: Can you price these separately and tell me what the cost would be if we were to simply split the difference and leave it at 10

percent for overpayments, but limit you to 1 percent for your errors which are wholly the departments own making?

037 JIM NEELY: I believe we can do that.

038 SEN. KERANS: Did you think to do that, or anticipate that?

039 JIM NEELY: No, I did not. Continues with testimony on section 4. 072 CHAIR MCCOY: If someone is eligible for Aid to Dependent Children (ADC), you are really breaking the law if you are not giving them ADC.

074 JIM NEELY: Discusses federal requirements for receiving ADC grants.

086 CHAIR MCCOY: Don't you have to give them general assistance until such time that they become eligible for ADC?

071 JIM NEELY: No, there is currently no general assistance program for those people who are denied ADC.

090 SEN. KERANS: What you are saying is that you are saving about 15 million dollars in total funds?

092 JIM NEELY: That is correct.

093 SEN. KERANS: So you are saving about 15 million dollars in total funds by telling people who cannot verify their relationships or their income or assets or conditions or other qualifying attributes to the

satisfaction of the department?

097 JIM NEELY: That is correct. They could prove it in some cases with more documentation. In some cases they wouldn't be eligible because in

fact they are not the caretaker relative.

100 SEN. KERANS: So when that happens, they go to Legal Aid. Legal Aid then assists them and they overcome the denial by getting the

documentation together and filling out the forms correctly.

104 JIM NEELY: Responds.

111 SEN. BRYANT: Wouldn't potentially your hearings costs, legal costs, also go up because with this type of burden of proof it would encourage people to put that burden on the agency and appeal more

of the
decisions?

114 JIM NEELY: Yes, I believe so.

116 CHAIR MCCOY: If you deny them, they go to Legal Aid and get the information that is needed and come back and get on ADC? You have

caseworkers who are supposed to be doing that, to get the proof that they are eligible or not eligible, but you don't do that because we didn't give you enough money to carry out the federal governments program.

128 JIM NEELY: Responds.

136 CHAIR MCCOY: Discusses telephone hearings.

139 JIM NEELY: Responds.

141 SEN. KERANS: Discusses hearing process, and requirements prior to the hearing process.

155 JIM NEELY: Responds.

161 SEN. KERANS: So you are working pretty hard to get their eligibility determination. Asks questions on reductions and determinations, whether they are based on a fairly well established routine.

174 JIM NEELY: Responds. Discusses the redetermination process.

197 CHUCK SHEKETOFF: Responds to Sen. Bryant's question on hearing costs.

216 TOM WILLIAMS, MANAGER OF FIELD OPERATIONS, SENIOR AND DISABLED SERVICES DIVISION: Testifies on SB 1023 and the amendments. SDSL generally

philosophically agrees with many of the amendments to SB 1023, but unfortunately there are costs related to some of those changes.

Continues discussion on the amendments and costs.

269 SEN. KERANS: Asks questions on contributions.

286 TOM WILLIAMS: Responds.

284 SEN. KERANS: Poses several contribution scenarios for comment.

304 CHUCK SHEKETOFF: Responds.

328 SEN. BRYANT: Asks frequencies on recovery of contributions.

332 TOM WILLIAMS: Responds.

337 SEN. BRYANT: So about 60 percent of the \$112 would be refunded?

339 CHUCK SHEKETOFF: Correct. Continues with discussion.

351 SEN. BRYANT: Why are we here today on a gut and stuff bill? Why wasn't this introduced in its own separate bill?

355 CHUCK SHEKETOFF: Responds.

361 CHAIR MCCOY: Also responds.

381 SEN. BRYANT: This is a bill that creates further discussion for me. Maybe the parties can come together with some sort of reform legislation that addresses all the issues. Voices his opposition to the reduction

and the overpayment and also the change in the burden of proof issues.

Continues discussion on these issues.

407 SEN. KERANS: Speaks to the bill.

TAPE 79, SIDE B

005 SEN. KERANS: Continues speaking to the bill.

027 SEN. MAE YIH, DISTRICT 19: Testifies in SUPPORT of the original version of SB 1023 and SB 1025. Voices opposition to the gut and stuff

amendments.

095 CHAIR MCCOY: We will pose your questions to the Department of Human Resources and get an answer to them.

097 SEN. YIH: Could I see the questions before you send it to them?

098 CHAIR MCCOY: Sure, and also you may have some input on them.

CHAIR MCCOY ADJOURNS MEETING AT 4:45 p.m.

EXHIBIT LOG:

A - Testimony on Oregon Disabilities Commission - W.W. Hodowanic - 24 pages
B - Testimony on SB 929 - Sen. Jeannette Hamby - 2 pages
C - Testimony on SB 929 - Barbara Oakley - 2 pages
D - Testimony on SB 929 - James Hill - 6 pages
E - Testimony on SB 674 - Kathryn Weit - 2 pages

Submitted by:

Reviewed by:

Alyssa Valenti
Administrator

Mike Meriwether Assistant