

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

February 26, 1993 Hearing Room B 9:00 a.m. Tape 33 MEMBERS
PRESENT: Senator Tricia Smith, Chair Senator Grattan Kerans, Vice
Chair Senator Brady Adams Senator Wes Cooley Senator Peg Jolin STAFF
PRESENT: Joan Van Almen, Committee Counsel Stasi Kitchen, Committee
Assistant MEASURES HEARD: HB 2238 WITNESSES: Lynnae Rutledge, Asst.
Admn., Vocational Rehabilitation Division - 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.

TAPE 33 SIDE A

001 Chair Smith: Meeting called to order at 9:00 a.m.

MOTION: CHAIR SMITH: Moves the committee introduce LC 3482, LC 3468, LC
306 3, and LC 3522. Hearing no objection the MOTION carries. All members
are present. V

PUBLIC HEARING ON HB 2238 - EXHIBITS A - C

034 LYNNAE RUTLEDGE. ASSISTANT ADMINISTRATOR' VOCATIONAL
REHABILITATION DIVISION: Dean Oregon, Oregon Disabilities Commission,
who was to testify with me will not be able to make it. Therefore, I
will represent both the Oregon Disabilities Commission, and Vocational
Rehabilitation Division. Presents testimony in support of HB 223.
(EXHIBIT A-B) 070 SEN. ADAMS: Is there a reason why Aids is not
mentioned with the additions that have been added to the list?
074 Rutledge: Aids is covered, it is not listed as a specific
disability. 078 Adams: I would prefer Aids be specifically mentioned
as a disease. 080 Rutledge: That would be fine. Senate Labor and
Government Operations February 26, 1993 - Page 2

081 SEN. KERANS: Would Aids fall under other impairment or a
combination of impairments?

091 Rutledge: Yes.

095 Chair: It will not make a difference if we add it. 101 Adams: Have
there been any discussions with those citizens who are disabled
regarding this legislation?

108 Rutledge: Yes.

111 Chair: Do you have examples of those who are currently covered
who would no longer fit this definition? 112 Rutledge: Yes.

133 Chair: Does your agency make the determination of whether or not
a person is severely disabled under this provision? 134 Rutledge:

Yes. 135 COUNSEL! VAN ALMEN: Would you describe the interface between
HB 2238 and what would otherwise be required through the American
Disabilities Act (ADA)? 140 Rutledge: The ADA states that we must
provide reasonable accommodations for those individuals who require
specialized equipment. 152 Van Almen: Would that also apply to
persons who are now going to be outside the provision for HB 2238 but
would still be covered by the provisions of ADA? 154 Rutledge: Yes.

155 SEN. COOLEY: Are there guidelines which are used, while reviewing
a person, or is this an arbitrary decision? 162 Rutledge: The

definition process is found in the Rehabilitation Act. 172 Cooley:
Are there guidelines that are followed in reviewing a person?
184 Rutledge: Yes. 192 Kerans: Must a person meet all the
requirements of a three-tier test? 200 Rutledge: Yes. 206 Kerans:
What is multiple vocational rehabilitation services?

211 Rutledge: One or more services. ~ . These minutes contain
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212 Kerans: What is an extended period of time? 213 Rutledge: Six
months. 214 Kerans: Is that true elsewhere within the statues?

215 Rutledge: It is within the Federal Rehabilitation Act, we have used
the interpretation of six months. 216 Chair: Is your policy an
administrative rule or a written policy for your counselors? 220
Rutledge: Written. 221 Kerans: Is this certificate and others
grandfathered? 222 Rutledge: Yes. 232 Kerans: Do we want to amend this
if we think that Aids related problems or Aids HIV positive definition
should be added? WORK SESSION - HB 2238 243 Jolin: I will not be
supporting HB 2238. 253 Chair: Sen. Adams if you would like to
propose amendments to the HB 223 8, we can adopt the amendments
conceptually and move the bill, if the committee so desires, and then
Legislative Counsel (LC) can draft it. 255 Kerans: I will support HB
2238, as suggested, as long as the staff would share the completed LC
amendments draft with the committee before the Committee Report is
submitted. 262 Chair: I would suggest Aids is more appropriate for a
severe disability than HIV positive.

264 Cooley: I am not sure the medical terminology is properly defined.
275 Rutledge: I would be glad to help work on that language. 282
Chair: Members, would you like to wait until we get the language drafted
before we go into work session and decide whether or not to move the
bill or are you comfortable with the conceptual amendment? 284 Kerans:
I am comfortable with the conceptual amendment. 286 Cooley: I would
suggest that the department would consult with a physician in this area
to find out the terminology. 294MOTION: SEN. ADAMS: Moves to ADOPT
HB 2238 conceptual amendments in Section 3, Line 18.

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Operations February 26, 1993 - Page 4

300 MOTION: CHAIR SMITH: Moves that HB 2238 as conceptually amended,
be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call
vote SENS. COOLEY, KERANS, ADAMS, AND SMITH vote AYE. SEN. JOLIN votes
NO. CHAIR SMITH: The motion CARRIES. SEN. ADAMS will lead discussion on
the Floor. 311 Chair: Adjourns at 9:45 a.m.

EXHIBIT LOG:

A - Testimony on HB 2238 - Eugene Organ - 3 pages B - Testimony on HB
2238 - Sue Druffel - 3 pages C - Testimony on HB 2238 - Staff - 3 pages

Reviewed by:

Pamela Stefanie Coordinator

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