

## SENATE AMENDMENTS TO SENATE BILL 157

By COMMITTEE ON HEALTH AND HUMAN SERVICES

April 30

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and delete line 3  
2 and insert “410.602 and 410.604.”.

3 Delete lines 5 through 23.

4 In line 24, delete “3” and insert “1” and delete “Sections 4 to 8 of this 2007 Act are” and insert  
5 “Section 2 of this 2007 Act is”.

6 In line 26, delete “4” and insert “2”.

7 On page 2, line 3, after “approved” insert “or sponsored”.

8 In line 5, after “or” insert “arrange for”.

9 In line 6, delete “or both” and insert “including group coverage” and after the semicolon insert  
10 “and”.

11 Delete lines 7 through 45 and delete pages 3 and 4 and insert:

12 “(d) Charge and collect fees, as prescribed by rule, for persons who are not current or pro-  
13 spective home care workers to attend training sessions sponsored by the commission.

14 “(2) The commission and the Department of Human Services shall confer as to the amount of  
15 funds necessary to carry out the duties and activities of the commission, and the department shall  
16 include the agreed upon amount in the Governor’s budget request to the Legislative Assembly.

17 “(3) The commission may apply for and receive gifts and grants from any public or private  
18 source.

19 “(4) The commission may award grants from funds appropriated by the Legislative Assembly to  
20 the department for allocation to the commission or from funds otherwise available from any other  
21 source for the purpose of carrying out the duties of the commission under ORS 410.600 to 410.614.

22 “**SECTION 3.** ORS 410.602 is amended to read:

23 “410.602. (1) The Home Care Commission is created, consisting of nine members appointed by  
24 the Governor and confirmed by the Senate as provided in ORS 171.562 and 171.565. Five members  
25 shall be elderly or disabled persons who are receiving or who have received home care services.  
26 One member shall be appointed to represent each of the following entities, or a successor entity, for  
27 as long as a comparable entity exists:

28 “(a) Governor’s Commission on Senior Services;

29 “(b) Department of Human Services;

30 “(c) Oregon Disabilities Commission; and

31 “(d) Oregon Association of Area Agencies on Aging and Disabilities.

32 “(2) The members shall be appointed for terms of three years. A member is eligible for reap-  
33 pointment and may serve no more than three consecutive terms. When making appointments to the  
34 commission, the Governor may consider recommendations from the entities listed in subsection (1)  
35 of this section and other organizations representing the interests of elderly and disabled persons.

1 “(3) If there is a vacancy for any cause, the Governor shall make an appointment to become  
2 immediately effective for the unexpired term.

3 “(4) The commission shall exercise all powers necessary to effectuate the purposes of ORS  
4 410.600 to 410.614.

5 “(5) The Governor shall select annually from the membership of the commission a chairperson  
6 who serves at the pleasure of the Governor. The chairperson or majority of the members of the  
7 commission then in office shall have the power to call regular or special meetings of the commission.  
8 The commission shall meet at a place, date and hour determined by the commission.

9 “(6) Members of the commission shall be paid compensation and expenses as provided in ORS  
10 292.495 from such funds as may be available to the commission.

11 “(7) Meetings of the commission shall be open and public in accordance with ORS 192.610 to  
12 192.690. Records of the commission shall be open and available to the public in accordance with ORS  
13 192.410 to 192.505. The commission shall meet regularly with the executive director of the Home  
14 Care Commission to make recommendations and set policy, to approve or reject reports of the  
15 **executive** director, to adopt rules and to transact other business.

16 “(8) A quorum of the commission shall consist of a majority of the members of the commission  
17 then in office. All decisions of the commission shall be made by a majority of all the members then  
18 in office.

19 “(9) The commission shall, in accordance with ORS chapter 183, adopt and enforce rules to carry  
20 out the provisions of ORS 410.600 to 410.614.

21 “(10) **The commission is not subject to ORS 291.050 to 291.060.**

22 “(11) **Members of the commission are officers of the state and the commission is a state**  
23 **commission for purposes of ORS 30.260 to 30.300 and 278.120 and ORS chapter 180.**

24 “(12) **The chairperson may sign, on behalf of the commission, contracts or agreements**  
25 **that the commission authorizes or is required to execute.”.**

26 On page 5, delete lines 1 through 39.

27 In line 40, delete “10” and insert “4”.

28 On page 6, delete lines 8 through 13 and insert:

29 “(2)(a) The commission shall enter into an interagency agreement with the department to con-  
30 tract for a department employee to serve as executive director of the commission. The executive  
31 director shall be appointed by the Director of Human Services in consultation with the Governor  
32 and subject to approval by the commission, and shall serve at the pleasure of the Director of Human  
33 Services. The commission may delegate to the executive director the authority to act on behalf of  
34 the commission to carry out its duties and responsibilities, including but not limited to:

35 “(A) Entering into contracts or agreements; and

36 “(B) Taking reasonable or necessary actions related to the commission’s role as employer of  
37 record for home care workers under ORS 410.612.

38 “(b) The commission shall enter into an interagency agreement with the department for carrying  
39 out any of the duties or functions of the commission, for department expenditures and for the pro-  
40 vision of staff support by the department.”.

41 In line 20, delete the boldfaced material and insert “contract for services, lease, acquire, hold,  
42 own, encumber, insure, sell, replace, deal in and with and dispose of real and personal property in  
43 its own name”.

44 Delete lines 21 through 45 and delete page 7.