

SENATE COMMITTEE ON EDUCATION

April 2, 2003
3:00 PM

Hearing Room C
Tapes 48-49

MEMBERS PRESENT: **Sen. Charles Starr, Chair**
 Sen. Ryan Deckert, Vice-Chair
 Sen. Bill Morrisette

MEMBER EXCUSED: **Sen. Ferriolli**

STAFF PRESENT: **Jan McComb, Committee Administrator**
 Romy Dye, Committee Assistant

MEASURE/ISSUES HEARD: **SB 870 – Public Hearing and Work Session**
 SB 651 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 48, A		
005	Chair Starr	Calls the committee to order at 3:05 PM. Opens a public hearing on SB 870.
<u>SB 870 – PUBLIC HEARING</u>		
008	Jan McComb	Committee Administrator. Provides overview of SB 870.
011	Sen. Nelson	District 29. Provides introduction in favor of SB 870 and informs the committee it will provide better services to students.
034	Phillip Creighton	President, Eastern Oregon University. Testifies in favor of SB 870 submits written material and describes this pilot system (EXHIBIT A) .
061	Jim Sorenson	President, Treasure Valley Community College. Testifies in favor of SB 870 submits written material and explains the reasons for the bill (EXHIBIT B) .
098	Travis Kirkland	President, Blue Mountain Community College. Testifies in favor of SB 870 offers prepared materials and comments this is a good bill for students in terms of cost and flexibility and urges support (EXHIBIT C) .
129	Chair Starr	Expresses this is a good opportunity for students.
137	Scott Pugrid	Student, Eastern Oregon University. Testifies in favor of SB 870 and informs the committee on the advantages of this system.
154	Sen. Morrisette	Asks if there is any opposition from the Department of Higher Education.
157	Creighton	Responds the chancellor's office is neutral they support the pilot program and they want to see how it reflects back to the system.
163	Chair Starr	Closes public hearing and opens work session on SB 870.
<u>SB 870 – WORK SESSION</u>		
185	Sen. Deckert	MOTION: Moves SB 870 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RECINDED.
186		VOTE: 3-0

AYE: In a roll call vote, all members present AYE

EXCUSED: 1 - Sen. Ferriolli

Hearing no objection, declares the motion CARRIED.

SEN. NELSON will lead discussion on the floor.

Chair Starr

187 Chair Starr

Closes the work session on SB 870 and opens a public hearing on SB 651.

SB 651 – PUBLIC HEARING

194 Sen. Morrisette

Provides introduction of SB 651. Discusses the concerns with obesity and informs the committee Oregon has the highest rate of hunger and is also one of the highest for obesity.

247 Chair Starr

Asks if the -2 amendments should be discussed.

250 Sen. Morrisette

Agrees and asks for a review of -2 amendments.

257 Jan McComb

Provides overview of the -2 amendments.

307 Gary Boyes, Sr.

Father. Testifies in favor of SB 651 Explains concerns.

TAPE 49, A

005 Boyes

Continues.

011 John Borowski

Teacher, North Salem High School. Testifies in favor of SB 651 and informs the committee on being a teacher teaching and promoting health at school and indicates the vending machines have no business being in public schools.

117 Craig Mosbaek

Upstream Public Health. Testifies in favor of SB 651. Submits written testimony offering statistics on obesity (**EXHIBIT D**).

147 Raquel Mosbaek

Upstream Public Health. Testifies in favor of SB 651. Submits written testimony (**EXHIBIT E**).

182 Noelle Dobson

Upstream Public Health. Testifies in favor of SB 651. Comments on the federal and statewide momentum inspiring SB 651.

227 Sen. Deckert

Submits written testimony (**EXHIBIT F**).

234 Mosback

Asks for response that we do have a choice.

256 Kate Tarter

Responds these are children not adults and the schools want to teach that the right choice is a healthy choice.

307 Sen. Morrisette

Parent, Salem School District. Testifies in favor of SB 651 and indicates schools have an impact on children by exposing them to different food choices and this bill would give parents a tool to protect children's health.

311 Tarter

Asks for clarification on a school having increased sales.

322 Joyce Dougherty

Responds bottled water was put in vending machines in a middle school in San Francisco and they had an increase in sales.

Director, Child Nutrition Programs. Testifies in favor of SB 651 and submits written testimony explaining drafts produced and issues raised with legislature offering the following standards:

- Food should be expressed in terms of limiting the grams of fat and grams of carbohydrates
- Law should be effective as of July 1, 2005 to give schools a transition period
- Reporting requirement should be simple and should not go beyond requiring districts to verify compliance
- Advertisements placed on vending machines be limited to the food that is in the machine

Comments foods sold out of the school lunch programs make a positive contribution to the children's diet. Submits written testimony (**EXHIBIT G**).

423	Sen. Morrisette	Comments on the number of machines allowed in schools and asks for information on the number of elementary schools in the state.
441	Dougherty	Responds national data exists but there are no specifics for Oregon.
TAPE 48, B		
005	Sen. Morrisette	Asks if there group is working on amendments.
006	Dougherty	Answers they are making additional changes.
007	Sen. Morrisette	Asks if there is an agreement with the proponents of the bill
008	Dougherty	Answers affirmatively.
009	Sen. Morrisette	Asks if there is a fiscal impact on the bill and states that money is the bottom line.
012	Dougherty	Responds they do not yet know what the fiscal impact would be.
017	Tarter	Asks why not have toys instead of food in machines that there are other solutions.
030	Patty O'Sullivan	Portland Public Schools. Testifies in opposition of SB 651 and comments on the assumption that school districts do not care about kid's nutrition and offers information on their policies for lunch programs and explains the requirements and options in vending machines.
130	Sen. Morrisette	Asks if the contract is incremental to meet expectations.
133	O'Sullivan	Responds the contract stipulations are for the vendors and further explains the money funds programs for kids that they do not get funding for and due to budget cuts they do not have much of a choice.
143	Chuck Bennett	Chairman, Confederation of Oregon School Administrators. Testifies in opposition of SB 651. Offers research that has been done and indicates no machines in elementary schools and middle schools and high schools they are mainly in teachers lounges or gyms turned on after hours. States the amendments need to go to local school boards and be discussed there.
204	Sen. Morrisette	Responds to a bill about nutrition that wasn't liked and asks if there is a problem with teaching nutrition also.
209	Bennett	Responds we can teach nutrition but the issue is to get to where the child resides.
220	O'Sullivan	Comments on the nutrition bill.
224	Sen. Morrisette	States the need to do something where money isn't the issue.
235	John Marshall	Legislative Director, Oregon School Board Association. Testifies in opposition of SB 651 and indicates the arguments should be directed to local school boards where decisions are made and to focus student's attention on their choices.
284	Sen. Morrisette	Asks who is paying for the cardiovascular disease related to obesity.
311	Marshall	Responds the school districts already have policies in place that mirror the requirements proposed in statute.
328	Sen. Morrisette	Ask if the local jurisdiction gave up there interest when ballot measure five passed and said the state is now our school board.
339	Marshall	Responds when the votes passed ballot measure five they weren't suggesting that the legislature become their board.
358	Kathy Kaiser	Director of Sales, Coca Cola Bottling Company. Testifies in opposition on SB 651. Submits written testimony explaining the contents of vending machines and describes the amount consumed of each variety (EXHIBIT H).

TAPE 49, B

005	Kaiser	Continues discussion.
020	Jim MacMillan	Oregon resident. Testifies in opposition to SB 651 and offers this is a complex issue but there are things we can do by giving students a variety of choices and support youth development.
031	John Powell	Northwest Automatic Vending Association. Testifies in opposition of SB 651 and notes the problem of obesity is not contributed to vending machines and explains.
092	Mary Hartzheim	Grocery Manufacturers of America. Testifies in opposition of SB 651. Notes there are federal standards in sales of vending machine foods. Submits written testimony (EXHIBIT I).
110	Mel Kohn	State Epidemiologist. Testifies in favor of SB 651. Submits and summarizes written testimony regarding making healthy choices easy because it is critical to promote healthy eating in the schools environment (EXHIBIT J).
165	Chair Starr	Comments on the increases of caloric intake.
177	Kohn	Responds the need to encourage physical activity and the lack of it in our schools is a big problem.
199	Chair Starr	Comments on a personal caloric intake experience in college. Closes the public hearing on SB 651 and adjourns the meeting at 4:50 PM.

The following prepared testimony is submitted for the record without public testimony for SB 651:

Tom Sincic	Submits written testimony (EXHIBIT K)
Gary Hirshberg	Submits written testimony (EXHIBIT L)
Unknown	Submits written testimony (EXHIBIT M)

EXHIBIT SUMMARY

A – SB 870, Eastern Oregon University information packet, Phillip Creighton, 8 pp
B – SB 870, Treasure Valley Community College semester data sheet, Jim Sorenson, 1 pp
C – SB 870, Blue Mountain Community College semester pilot project, Travis Kirkland, 1 pp
D – SB 651, written testimony, Craig Mosbaek, 1 pp
E – SB 651, overview on child obesity , Raquel Mosbaek, 2 pp
F – SB 651, written testimony, Noelle Dobson, 5 pp
G – SB 651, written testimony, Joyce Dougherty, 2 pp
H – SB 651, written testimony, Kathy Kaiser, 2 pp
I – SB 651, written testimony, Mary Hartzheim, 2 pp
J – SB 651, written testimony, Dr. Kohn, 3 pp
K – SB 651, additional written testimony for the record, Tom Sincic, 1 pp
L – SB 651, additional written testimony for the record, Gary Hirshberg, 3 pp
M – SB 651, additional testimony for the record, 1 pp