

**HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY**

**March 20, 2001**  
**1:30 P.M.**

**Hearing Room D**  
**Tapes 55 - 56**

**MEMBERS PRESENT:**     **Rep. Jeff Kruse, Chair**  
                              **Rep. Bill Garrard, Vice-Chair**  
                              **Rep. Phil Barnhart**  
                              **Rep. Jerry Krummel**  
                              **Rep. Jan Lee**  
                              **Rep. Carolyn Tomei**  
                              **Rep. Cheryl Walker**

**MEMBER EXCUSED:**    **Rep. Laurie Monnes-Anderson**  
                              **Rep. Bill Morrisette, Vice-Chair**

**STAFF PRESENT:**       **Diane Lewis, Committee Administrator**  
                              **Rachel Brown, Committee Assistant**

<b>MEASURE/ISSUES HEARD:</b>	<b>HB 2066 – Work Session</b>				
	<b>HB</b>	<b>2067</b>	–		<b>Work</b>
<b>Session</b>			<b>HB</b>	<b>3051</b>	– <b>Work</b>
<b>Session</b>			<b>HB</b>	<b>2082</b>	– <b>Work</b>
<b>Session</b>			<b>HB 2919 – Public Hearing and</b>		
<b>Work Session</b>			<b>HB 3053 – Public Hearing and Work</b>		
<b>Session</b>			<b>HB 3114 – Public Hearing and Work</b>		
<b>Session</b>			<b>HB 2571 – Public Hearing and Work Session</b>		

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.

TAPE/#	Speaker	Comments
<b>TAPE 55, A</b>		
004	Chair Kruse	Opens the meeting at 1:41 p.m.
006	Chair Kruse	Opens a work session on HB 2066.
<u><b>HB 2066 – WORK SESSION</b></u>		
<b>009</b>	<b>Rep. Barnhart</b>	<b>MOTION: Moves HB 2066 be referred to the House Committee on School Funding and Tax Fairness/Revenue without RECOMMENDATION to passage.</b>
<b>011</b>		<b>VOTE: 5-0</b> <b>EXCUSED: 4 - Krummel, Morrisette, Monnes-Anderson, Lee</b>
<b>013</b>	<b>Chair Kruse</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
014	Chair Kruse	Closes the work session on HB 2066 and opens a work session on HB 2067.
<u><b>HB 2067 – WORK SESSION</b></u>		
<b>015</b>	<b>Rep. Tomei</b>	<b>MOTION: Moves HB 2067 be referred to the House Committee on School Funding and Tax Fairness/Revenue without RECOMMENDATION to passage.</b>
<b>017</b>		<b>VOTE: 5-0</b>

**EXCUSED: 4 - Krummel, Morrisette, Monnes-Anderson, Lee**

**019** Chair Kruse  
020 Chair Kruse

**Hearing no objection, declares the motion CARRIED.**  
Closes the work session on HB 2067 and opens a work session on HB 3051.

023 Diane Lewis

Explains that the conceptual amendments need to be rescinded in order to delete the reference to appropriating money and that HB 3051 will need to be reported back out of committee.

**028 Rep. Barnhart**

**MOTION: Moves to rescind the conceptual deletion to HB 3051 and to refer HB 3051 to the committee on Ways and Means.**

**031**

**VOTE: 6-0**

**035** Chair Kruse  
037 Chair Kruse

**EXCUSED: 3 - Garrard, Monnes-Anderson, Lee**

**Hearing no objection, declares the motion CARRIED.**

Closes the work session on HB 3051 and opens a public hearing on HB 2919.

**HB 2919 – PUBLIC HEARING**

040 Diane Lewis

Committee Administrator. Gives background information on HB 2919.

045 Rep. Garrard

Submits written testimony in favor of HB 2919 (**EXHIBIT A**). Refers to submitted material in order to emphasize all the support that the Kleos Children's Community has.

087 Rep. Tom Butler

Represents HD 60. Testifies in support of HB 2919. Speaks to the fiscal impact of HB 2919.

115 Victoria Hankins

Administrator of the Kleos Children's Community. Testifies in favor of HB 2919. Speaks of the children from Services to Children and Families (SCF), and offers an anecdote of specific child.

159 Hankins

Discusses the submitted material and talks about the opportunities that Kleos offers its residents.

203 Hankins

Provides examples of the activities that the children of Kleos are involved in and believes that community activities raise the kids' self esteem.

237 Sen. Steve Harper

Represents SD 30. Submits written testimony in support of HB 2919 (**EXHIBIT C**). Speaks to the importance of leveraging money for such a successful program.

294 Rep. Tim Knopp

Represents HD 54. Testifies in support of HB 2919. Remarks that this is a successful program and that Oregon should spend money on programs that are already working.

319 Rep. Tomei

Asks if the Kleos children are privately placed or if they're placed by SCF.

324 Hankins

Responds that at first all the children that came to Kleos were privately placed and that 8 years ago SCF came on scene.

363 Rep. Barnhart

Asks how Kleos is organized.

370 Hankins

Responds that Kleos is non-profit organization that purchased land 14 years ago and that everything on the property is paid for in full, with the exception of the Hankins' private residence.

**TAPE 56, A**

001 Rep. Barnhart

Asks for detail about the Kleos board of directors.

003 Hankins

Responds that there are 7 members total, mainly from the local area, but one man is from Portland, and one lives in Seattle. Explains that she and her husband are President and Vice-President of the board.

019 Rep. Barnhart

Asks if Kleos has a 5013C from the Internal Revenue Service.

022	Hankins	Responds that the 5013C allows for the raising of their own funds.
038	Tomei	Asks about the professional backgrounds of staff that work at the school.
041	Hankins	Responds that some of the staff are licensed teachers while others simply went through training conducted by SCF.
070	Tomei	Asks if the kids are taught on the grounds of Kleos.
072	Hankins	Responds affirmatively.
081	Chelene Voepel	Resident, Kleos Children's Community. Testifies in favor of HB 2919. Submits that Kleos works for kids and that she and her brother are prime examples of the community's positive impact.
133	Chair Kruse	Closes the public hearing on HB 2919 and opens a work session on HB 2919.

**HB 2919 – WORK SESSION**

147	<b>Rep. Garrard</b>	<b>MOTION: Moves HB 2919 to the Ways and Means committee with a DO PASS recommendation.</b>
151	Rep. Tomei	Submits that she supports the policy behind HB 2919 but has to vote 'no' because of the lack of budget for the bill.
161	Chair Kruse	Replies that the budget is not yet decided emphatically and that HB 2919 is being referred to the Ways and Means committee where it will be appropriate to discuss money matters.
170	Rep. Barnhart	Believes that the reality of the situation is that the Oregon is "broke", and even though programs such as these ought to be funded automatically, the money doesn't exist currently for this purpose.
202	Rep. Garrard	States that that budget is not "a done deal" and that Oregon can't turn its back on the children of Kleos. Withdraws his previous motion.
211	Chair Kruse	Close the work session on HB 2919 and opens a work session on HB 2082.

**HB 2082 – WORK SESSION**

222	Diane Lewis	Committee Administrator. Gives background information to HB 2082. Speaks to the –5 amendments.
261	Chair Kruse	Provides that the –5 amendments address the concerns of the Department of Human Services (DHS).
285	Lewis	Mentions the fiscal statement issued in response to the –5 amendments.
298	Rep. Tomei	Asks why HB 2082 does not come with a subsequent referral to the committee on Ways and Means.
302	Chair Kruse	Responds that the money issue will be addressed within the Department. Submits that HB 2082 is mostly a policy issue.
339	Lewis	Refers to section 5 of HB 2082 and submits that the dollar amount in the fiscal impact statement is in direct relation to this section of the bill.
360	Rep. Tomei	Asks about specific wording in the bill.
382	Mickey Lansing	Deputy Director of the Oregon Commission on Children and Families. Testifies in support of HB 2082. Explains that in section 5 the language is very specific to responsibilities of the State Commission in promoting the development of and implementation of community learning centers.

**TAPE 55, B**

002	Lansing	Suggests the addition of four words to section 5 of the bill in order to avoid the raising of expectations that local people have of the State Commission.
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012	Rep. Tomei	Asks if all local commissions would want the State Commission to always providing training.
017	Lansing	Responds that although this is correct, that the development and implementation of a community learning center takes a lot of participation from many different groups of people. Believes that because of all the expectations put on the State Commission by different groups throughout the State of Oregon, the Commission needs to be provided with more abundant resources to handle all of its requests.
033	Chair Kruse	Submits that there are those who say that the State Commission already has enough resources.
	Lansing	Responds that this is true.
036	Rep. Krummel	Asks if the –5 amendments encompass all of the preceding amendments.
040	Chair Kruse	Responds affirmatively. Declares that the committee stand at ease for a short time.
045	Chair Kruse	Reconvenes the committee and requests a motion for the –5 amendments.
<b>048</b>	<b>Rep. Krummel</b>	<b>MOTION: Moves to ADOPT HB 2082-5 amendments dated 3/19/01.</b>
<b>050</b>		<b>VOTE: 5-0</b>
<b>052</b>	<b>Chair Kruse</b>	<b>EXCUSED: 4 - Walker, Morrisette, Monnes-Anderson, Lee</b>
<b>054</b>	<b>Rep. Barnhart</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>055</b>		<b>MOTION: Moves to rescind the referral to Ways and Means.</b>
		<b>VOTE: 5-0</b>
<b>057</b>	<b>Chair Kruse</b>	<b>EXCUSED: 4 - Walker, Morrisette, Monnes-Anderson, Lee</b>
<b>058</b>	<b>Rep. Barnhart</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Moves HB 2082A to the floor with a DO PASS AS AMENDED recommendation.</b>
061	Rep. Krummel	States that he supports the amended bill but believes that schools shouldn't have to unnecessarily facilitate social services.
100	Chair Kruse	Remarks that community learning centers are not school-run programs but that they are run by the communities.
112	Rep. Barnhart	Provides that schools bring to this discussion the state of children today and are not equipped to provide for that which kids lack and are not being provided at home.
129	Rep. Krummel	Responds that it's simply important to be mindful of all that's involved in the lives of children today, so as not to overload the schools and place an unnecessary burden on them.
137	Rep. Tomei	Presents her support for these programs, but remains leery of the fiscal impact.
<b>139</b>		<b>VOTE: 6-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
<b>142</b>	<b>Chair Kruse</b>	<b>EXCUSED: 3 - Morrisette, Monnes-Anderson, Lee</b>
		<b>The motion CARRIES.</b>
		<b>REP. KRUSE will lead discussion on the floor.</b>
143	Chair Kruse	Closes the work session on HB 2082. Explains that the committee will not hear HB 3114 because of its identical counterpart in the Senate.
149	Chair Kruse	Opens a public hearing on HB 3053.
<b>HB 3053 – PUBLIC HEARING</b>		
152	Diane Lewis	Committee Administrator. Gives background information on HB 3053.

170	Ron Adams	Director, Youth Conservation Corps. Submits and presents written testimony in support of HB 3053 <b>(EXHIBIT E)</b> . Submits that this is a great program for kids, and needs to be inclusive of middle-school aged kids.
244	Adams	Concludes testimony by remarking that studies have shown a lowering of the age of kids that drop out of school, and the Youth Conservation Corps is one way to make a positive change in the lives of those kids considering dropping out of school.
248	Rep. Barnhart	Asks why the median age of kids in the program is 16.
254	Adams	Responds that many of the kids that may want to participate cannot, because they are too young, although HB 3053 will change this and catch the kids early that may be struggling during their middle school years.
274	Rep. Barnhart	Asks if Mr. Adams has any trouble working with alternative schools that his program is in connection with.
281	Adams	Responds that the community requested that it be this way.
286	Rep. Krummel	Comments on middle and high-school dropout rates.
295	Chair Kruse	Submits that the Youth Conservation Program is a wonderful program.
301	Chair Kruse	Closes the public hearing on HB 3053 and opens a work session on HB 3053.

**HB 3053 – WORK SESSION**

<b>303</b>	<b>Rep. Krummel</b>	<b>MOTION: Moves HB 3053 to the floor with a DO PASS recommendation.</b>
<b>306</b>		<b>VOTE: 6-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 3 - Morrisette, Monnes-Anderson, Lee</b>
<b>310</b>	<b>Chair Kruse</b>	<b>The motion CARRIES.</b>
		<b>REP. MORGAN will lead discussion on the floor.</b>
312	Chair Kruse	Closes the work session on HB 3053 and opens a public hearing on HB 2571.

**HB 2571 – PUBLIC HEARING**

341	Diane Lewis	Committee Administrator. Gives background information on HB 2571.
347	Rep. Vic Backlund	HD District 33. Testifies in support of HB 2571. <b>(EXHIBIT G)</b> . Provides each committee member with the tobacco product called ‘bidis’. Explains that HB 2571 brings bidis under the definition of ‘tobacco products’.

**TAPE 56, B**

015	Chair Kruse	Asks if adding ‘bidis’ to the statute is enough.
016	Rep. Backlund	Responds that it was determined that the best action to take was the simple word addition that HB 2571 puts into place.
032	Chair Kruse	Asks which end on the bidis is the one to light.
034	Rep. Backlund	Responds that he believes it to be the end with the string tied to it.
040	Chair Kruse	Asks how much it costs to purchase a carton of bidis.
043	Rep. Backlund	Responds that a carton costs \$2.25 in tobacco products stores and ‘mom and pop’ stores.
047	Rep. Barnhart	Asks if Rep. Backlund considered banning this product since it’s marketed towards young people.
050	Rep. Backlund	Responds that banning wasn’t considered because of the likely complex legislation surrounding this action.
056	Rep. Barnhart	Asks if this product is taxed.
060	Rep. Backlund	Responds that if bidis fall under the definition of a tobacco product then they would be taxed.

067 Ann Blaker Program Manager, Tobacco Program, Oregon Health Division. Submits written testimony in favor of HB 2571 (**EXHIBIT H**). States that bidis deliver more tar and nicotine than regular cigarettes.

091 Dave Delvallee Represents the American Lung Association of Oregon. Testifies in support of HB 2571.

099 Chair Kruse Asks why it's necessary to put bidis in statute since their carton reads that they are a tobacco product.

102 Blaker Responds that HB 2571 is simply an opportunity for clarification and reiteration that bidis are in fact tobacco products.

109 Delvallee Submits that there is confusion in the general public, especially among parents, whether or not bidis are tobacco products.

115 Rep. Tomei Asks what difference it will make to parents or children, since people don't read the Oregon revised statutes.

119 Blaker Responds that since bidis look exotic there is a need to mention them in education programs and to get the word out other ways.

127 Rep. Tomei Asks if these actions could be taken without HB 2571.

130 Chair Kruse Points out that simply because of the hearing today, the issue will surely make the paper and raise awareness.

132 Rep. Garrard Asks if statute will need to be changed every time a new tobacco product is created.

136 Blaker Responds that the labeling on the bidis package is sufficient.

141 Rep. Garrard Asks why statute can't simply be re-worded to be more inclusive and to make it possible to do away with the lengthy lists of tobacco products.

148 Blaker Responds that Rep. Backlund, with HB 2571, was simply addressing a constituent's concern.

155 Rep. Barnhart Asks if the Department has rule-making authority that would cover this issue.

158 Blaker Responds that she does not know.

161 Chair Kruse The Department can't by way of rule, make something illegal.

174 Rep. Barnhart Remarks that the statute includes all tobacco in a sort of disclaimer at the end of the list.

176 Chair Kruse States that HB 2571 only adds one word to the statute.

180 Chair Kruse Closes the public hearing on HB 2571 and opens a work session on HB 2571.

**HB 2571 – WORK SESSION**

185 **Rep. Krummel** **MOTION: Moves HB 2571 to the floor with a DO PASS recommendation.**

187 Rep. Tomei Wishes to address the minimal impact of the bill.

196 Rep. Garrard Asks how much it will cost to put HB 2571 into statute.

198 Rep. Tomei Responds that it cost \$1000 for each bill up until the point of the committee hearing.

199 Rep. Krummel Believes that the packaging of bidis is sufficient, but is concerned as to why people aren't reading package.

226 Rep. Barnhart Points out that kids, ages 13-20 are extremely susceptible to the addictive qualities of tobacco.

237 **VOTE: 7-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 - Morrisette, Monnes-Anderson**

242 **Chair Kruse** **The motion CARRIES.**  
**REP. BACKLUND will lead discussion on the floor.**

245 Chair Kruse Closes the work session on HB 2571 and adjourns the meeting a 3:35 p.m.

Submitted By,

Reviewed By,

Rachel Brown,  
Committee Assistant

Diane Lewis,  
Committee Administrator

**EXHIBIT SUMMARY**

- A – HB 2919, written material, Rep. Garrard, 47pp.**
- B – HB 2919, written material, submitted by staff, 1p.**
- C – HB 2919, written material, Sen. Harper, 1p.**
- D – HB 2082, -5 amendments dated 3/19/01, submitted by staff, 2pp.**
- E – HB 3053, written material, Ron Adams, 4pp.**
- F – HB 3053, written material, submitted by staff, 9pp.**
- G – HB 2571, bidis cigarette, Rep. Vic Backlund, oversized.**
- H – HB 2571, written testimony, Ann Blaker, 2pp.**