

SENATE COMMITTEE ON HUMAN RESOURCES

April 28, 1993 Hearing Room B 3:00 p.m. Tapes 57 - 60

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

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

MEASURES CONSIDERED: SB 1058 SB 905 SB 846 SB 790 SB 454 SB 887
SB 750 SB 860 HJR 30

WITNESSES: Charles Brokopp, Assistant Administrator,
Health Division Mike Skeels, Administrator, Health Division Dan Field,
Oregon Association of Hospitals Julia Gies, Oregon Nurses Association
Kathryn Weit, Families as Leaders Maura Roche, Planned Parenthood Diane
Linn, Oregon NARAL Sara Fleming, Coordinator of the Hunger Relief Task

Force Jim Neely, Assistant Administrator, Adult and Family

Services Chuck Sheketoff, Oregon Human Rights Coalition Jim Hill,
Legislative Aid to Sen. Hamby Brenda Niblock, American Lung Association
Brian DeLashmutt, Oregon Health Groups on Smoking or

Health Jim Gardner, Legal Counsel, Philip Morris John Powell, Smokeless
Tobacco Council Susan King, Oregon Nurses Association Chris Attneave,
Coordinator of Zero Population Growth Lauren Moughon, Women's Rights
Coalition Mike McCallum, Director of Government Relations,

Oregon Restaurant Association Steve Brinkoff, Oregon Liquor Control
Commission Bud Springer, Condom Vendor Larry Didier, Prevention Manager,
Office of Alcohol

and Drug Abuse Programs, Department of Human Resources [--- 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 57, SIDE A

006 CHAIR McCOY: Calls the meeting to order at 3:05 p.m.

PUBLIC HEARING, SB 1058

013 MIKE MERIWETHER, COMMITTEE ADMINISTRATOR: Gives overview of SB
1058.

030 CHARLES BROKOPP, ASSISTANT ADMINISTRATOR, HEALTH DIVISION:
Testifies in SUPPORT of SB 1058.

051 MIKE SKEELS, ADMINISTRATOR, HEALTH DIVISION: Submits and summarizes testimony on EXHIBIT A in SUPPORT of SB 1058.

094 CHARLES BROKOPP: Continues with testimony on SB 1058.

176 DAN FIELD, OREGON ASSOCIATION OF HOSPITALS: Testifies in SUPPORT of SB 1058.

213 JULIA GIES, OREGON NURSES ASSOCIATION: Submits and summarizes testimony on EXHIBIT B in SUPPORT of SB 1058.

300 JULIA GIES: Continues testimony on SB 1058.

WORK SESSION, SB 1058

315 MOTION: SEN. KERANS: Moves the ADOPTION of the -7 amendments to SB 1058.

327 VICE-CHAIR SPRINGER: Hearing no objection, they are ADOPTED.

332 MOTION: SEN. COOLEY: Moves SB 1058 as amended, to the Floor with a DO PASS recommendation.

338 VOTE: In a roll call vote, all members present vote AYE. CHAIR MCCOY IS EXCUSED.

341 VICE-CHAIR SPRINGER: The motion is ADOPTED.

343 SEN. BRYANT will lead discussion on the Floor.

WORK SESSION, SB 905

346 MIKE MERIWETHER: Gives update on SB 905.

355 SEN. KERANS: Reports that there is a constitutional problem with the bill. Suggests that the committee move to the next bill on the agenda

and wait until Chair McCoy returns to resolve the problems with SB 905 .

WORK SESSION, SB 846

363 MIKE MERIWETHER: Gives update on SB 846.

373 SEN. KERANS: Discusses proposed amendments.

385 MIKE MERIWETHER: Clarifies questions on amendments.

401 KATHRYN WEIT, FAMILIES AS LEADERS: Explains the percentages amended in the bill.

416 MOTION: SEN. KERANS: Moves the amendments to SB 846, and further moves the conceptual amendment of inserting 15% in the blank on line 12, page 3 of the bill.

426 VOTE: VICE-CHAIR SPRINGER: Hearing no objection, the amendments are ADOPTED.

430 MOTION: SEN. KERANS: Moves SB 846 as amended to WAYS AND MEANS with a DO PASS recommendation.

438 VOTE: In a roll call vote, all members present vote AYE. CHAIR MCCOY IS EXCUSED.

443 VICE-CHAIR SPRINGER: The motion is ADOPTED.

TAPE 58, SIDE A

WORK SESSION, SB 790

008 MIKE MERIWETHER: Gives update on SB 790.

029 MOTION: VICE-CHAIR SPRINGER: Moves to ADOPT the -1 amendments to SB 790.

025 VOTE: VICE-CHAIR SPRINGER: Hearing no objection, they are ADOPTED.

027 MOTION: VICE-CHAIR SPRINGER: Moves SB 790 as AMENDED to the Floor with a DO PASS recommendation.

030 VOTE: In a roll call vote, all members are present and vote AYE.

032 VICE-CHAIR SPRINGER: The motion is ADOPTED.

033 SEN. KENNEMER will lead discussion on the Floor.

WORK SESSION, SB 905 (CONT'D)

040 Brief recess while staff gets amendments on SB 905 for the committee to review.

068 MOTION: SEN. KERANS: Moves to ADOPT the -1, -2, and -3 amendments to SB 905.

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

072 SEN. BRYANT: Raises point of clarification on gynecological services and prescribed contraceptives.

089 MAURA ROCHE, PLANNED PARENTHOOD: Responds to Sen. Bryant's questions.

100 SEN. BRYANT: Asks for costs on Norplant, IUD's, and diaphragms.

103 MAURA ROCHE: Responds.

105 DIANE LINN, OREGON NARAL: Also responds.

110 SEN. BRYANT: Asks costs on Depoprovera.

112 MAURA ROCHE: Responds.

123 DIANE LINN: Gives further estimates on contraceptives.

128 SEN. BRYANT: Asks questions on coverage language in the bill.

134 MAURA ROCHE: Responds.

142 MOTION: SEN. KERANS: Moves SB 905 as AMENDED to the Floor with a DO PASS recommendation.

148 VOTE: SEN. KERANS, VICE-CHAIR SPRINGER, AND CHAIR MCCOY VOTE AYE, SEN. BRYANT AND SEN. COOLEY VOTE NO.

150 SEN. BRYANT: Vote explanation: Favors mammograms, gynecological procedures, and contraceptive costs, but has problems with the

gender-neutral insurance portion of the bill.

157 CHAIR MCCOY: It is so ordered.

159 SEN. COOLEY: States for the record that there will be a possibility of a Minority Report presented on SB 905.

WORK SESSION, SB 454

166 MIKE MERIWETHER: Gives update on SB 454.

176 SEN. KERANS: Comments on amendments.

210 MIKE MERIWETHER: Provides clarifications on amendments.

232 SEN. COOLEY: Asks that the Committee hold SB 454 over so he can review it more thoroughly.

241 SEN. KERANS: Invites Sen. Cooley to discuss the amendments with him. Calls for a motion to adopt the -2 amendments.

251 MOTION: SEN. KERANS: Moves to ADOPT the -2 amendments to SB 454 .

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

PUBLIC HEARING, SB 887

262 MIKE MERIWETHER: Gives overview of SB 887.

300 SARA FLEMING, COORDINATOR OF THE HUNGER RELIEF TASK FORCE: Submits and summarizes testimony on EXHIBIT C in SUPPORT of SB 887.

336 JIM NEELY, ASSISTANT ADMINISTRATOR, ADULT AND FAMILY SERVICES DIVISION: Submits and summarizes testimony on EXHIBIT D in SUPPORT of SB 887.

359 CHUCK SHEKETOFF, OREGON HUMAN RIGHTS COALITION: Submits and summarizes testimony on EXHIBIT E in SUPPORT of SB 887.

TAPE 57, SIDE B

011 SEN. KERANS: Comments on the proposed amendments. Asks committee to consider adding an appeal for a waiver to Health and Human Services

Department for demonstration projects on equity or raising the equity value that is excluded.

018 CHUCK SHEKETOFF: Responds to Sen. Kerans' comments.

028 JIM HILL, LEGISLATIVE ASSISTANT TO SEN. HAMBY: Testifies in SUPPORT of SB 887, EXHIBIT F.

046 MOTION: SEN. KERANS: Moves the ADOPTION of the -1 AMENDMENTS.

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

048 MOTION: SEN. KERANS: Moves the ADOPTION of the conceptual AMENDMENTS -- adding a request for a waiver from the Health and

Human Services Department for demonstration projects for equity or raising the equity value that is excluded.

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

PUBLIC HEARING, SB 750

062 MIKE MERIWETHER: Gives overview of SB 750.

074 MIKE SKEELS, ADMINISTRATOR, HEALTH DIVISION: Testifies in SUPPORT of SB 750.

161 BRENDA NIBLOCK, AMERICAN LUNG ASSOCIATION: Submits and summarizes testimony on EXHIBIT G in SUPPORT of SB 750.

221 BRIAN DELASHMUTT, OREGON HEALTH GROUPS ON SMOKING OR HEALTH: Submits and summarizes testimony on EXHIBIT H in SUPPORT of SB 750. - Discusses the King County Ordinance.

298 SEN. COOLEY: Comments on constitutional issues, and refers an article on the Central Hudson case.

346 BRIAN DELASHMUTT: Responds to Sen. Cooley's comments.

385 SEN. KERANS: Provides the committee with an extensive analysis done by King County counsel regarding the King County Advertising Ordinance.

TAPE 58, SIDE B

006 SEN. KERANS: Continues with comments on the King County analysis.

028 SEN. COOLEY: Asks that the committee request an expert opinion from the Attorney General's office before going any further with the bill.

040 BRENDA NIBLOCK: Responds.

059 SEN. BRYANT: What is meant by an advertisement?

068 MIKE SKEELS: Responds.

081 SEN. BRYANT: Discusses different types of advertisements and questions whether the bill would encompass them.

089 BRENDA NIBLOCK: Responds.

102 SEN. BRYANT: If a state agency has a contract with Marlboro that runs through 1994, you would be allowed to continue to honor that contract,

is that correct?

113 BRENDA NIBLOCK: Responds.

121 SEN. BRYANT: Recommends obtaining an opinion from Legislative Counsel rather than the Attorney General's office because LC's would be ready in a few days.

140 JIM GARDNER, LEGAL COUNSEL, PHILIP MORRIS: Submits and summarizes testimony on EXHIBIT I (submitted on behalf of David Fidanque) in

OPPOSITION to SB 750.

170 JOHN POWELL, SMOKELESS TOBACCO COUNCIL: Testifies in OPPOSITION to SB 750.

206 SEN. KERANS: Discusses logos and sponsorships versus other types of advertisements, and whether each is covered under the bill. Reviews

further intents in the bill.

238 SUSAN KING, OREGON NURSES ASSOCIATION: Submits and summarizes testimony on EXHIBIT J in SUPPORT of SB 750.

266 JIM GARDNER: Continues testimony in OPPOSITION to SB 750.

298 SEN. KERANS: Discusses impact of limiting contractual agreements for tobacco advertising within local government facilities. Reviews King

County opinion on this issue.

330 SEN. MCCOY: The committee will request a Legislative Counsel opinion.

335 SEN. KERANS: If LC's opinion suggests that the Oregon

Constitution's First Amendment would prohibit such a blanket prohibition, maybe they

could draft something that was permissive but that gave strong advice and counsel to those who control public structures, that they might consider taking such an action. Ask the second question only if the first question is in the affirmative.

PUBLIC HEARING, SB 860

375 MIKE MERIWETHER: Gives overview of SB 860.

392 CHRIS ATTNEAVE, COORDINATOR OF ZERO POPULATION GROWTH: Submits and summarizes testimony on EXHIBIT K in SUPPORT of SB 860.

TAPE 59, SIDE A

014 CHRIS ATTNEAVE: Continues testimony on EXHIBIT K.

068 SEN. COOLEY: Comments on condom safety and education.

148 MAURA ROCHE, PLANNED PARENTHOOD: Submits and summarizes testimony on EXHIBIT L in SUPPORT of SB 860.

204 LAUREN MOUGHON, WOMEN'S RIGHTS COALITION: Submits and summarizes testimony on EXHIBIT M in SUPPORT of SB 860.

229 SEN. KERANS: Asks for responses to opposing issues.

234 MAURA ROCHE: Responds.

253 MIKE MCCALLUM, DIRECTOR OF GOVERNMENT RELATIONS, OREGON RESTAURANT ASSOCIATION: Testifies in OPPOSITION to SB 860.

281 SEN. COOLEY: At the present time, do restaurant establishments receive a commission for having machines on their premises?

289 MIKE MCCALLUM: Responds.

294 STEVE BRINKOFF, OREGON LIQUOR CONTROL COMMISSION: Responds to Sen. Cooley's question and continues with testimony in OPPOSITION to SB 860 .

307 SEN. COOLEY: Discusses impacts of reimbursements if SB 860 is passed.

317 MIKE MCCALLUM: Continues discussing opposing arguments.

323 SEN. KERANS: In your testimony you said that there would be lots of places where they would be inappropriate because of the clientele, can

you elaborate on that?

325 MIKE MCCALLUM: Responds.

348 STEVE BRINKOFF: Continues with testimony in OPPOSITION to SB 860 . States that written testimony will be provided for the committee.

396 MIKE MERIWETHER: Asks if the testimony would have the specific language for recommended changes.

399 STEVE BRINKOFF: Yes, it will contain the specific statutory language we would suggest you consider adopting.

404 BUD SPRINGER, CONDOM VENDOR: Testifies on SB 860 -- taking no position on the bill, only present to provide his services in this area.

TAPE 60, SIDE A

006 BUD SPRINGER: Continues testimony on SB 860.

039 SEN. KERANS: Asks questions on contracting machines and services, if the procedures are the industries standard, and if there is much

competition.

045 BUD SPRINGER: Responds.

072 SEN. COOLEY: Asks questions on sales estimates, and servicing of the machines.

075 BUD SPRINGER: Responds and concludes testimony.

PUBLIC HEARING, HJR 30

099 MIKE MERIWETHER: Gives overview of HJR 30.

105 LARRY DIDIER, PREVENTION MANAGER, OFFICE OF ALCOHOL AND DRUG ABUSE PROGRAMS, DEPARTMENT OF HUMAN RESOURCES: Submits and summarizes

testimony on EXHIBIT N in SUPPORT of HJR 30.

WORK SESSION, HJR 30

119 MOTION: SEN. KERANS: Moves HJR 30 to the Floor with a DO PASS recommendation.

121 VOTE: In a roll call vote, all members present vote AYE. SEN. BRYANT AND VICE-CHAIR SPRINGER ARE EXCUSED.

123 CHAIR MCCOY: The motion CARRIES.

CHAIR McCOY ADJOURNS MEETING AT 5:39 p.m.

EXHIBIT LOG:

A - Testimony on SB 1058 - Mike Skeels - 2 pages B - Testimony on SB 1058 - Julia Gies - 4 pages C - Testimony on SB 887 - Sara Fleming - 1

page D - Testimony on SB 887 - Jim Neely - 1 page E - Testimony on SB
887 - Chuck Sheketoff - 1 page F - Testimony on SB 887 - Jim Hill - 1
page G - Testimony on SB 750 - Brenda Niblock - 3 pages H - Testimony
on SB 750 - Brian DeLashmutt - 4 pages I - Testimony on SB 750 -
David Fidanque - 2 pages J - Testimony on SB 750 - Susan King - 1 page
K - Testimony on SB 860 - Chris Attneave - 3 pages L - Testimony on
SB 860 - Maura Roche - 2 pages M - Testimony on SB 860 - Lauren
Moughon - 1 page N - Testimony on HJR 30 - Larry Didier - 6 pages

Submitted by:

Reviewed by:

Alyssa Valenti
Administrator

Mike Meriwether Assistant