

HOUSE COMMITTEE ON HUMAN RESOURCES

May 1, 1991                      Hearing Room D 1:00 p.m.                      Tapes 132 -135 MEMBERS  
PRESENT: Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice Chair  
Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek (arrived 1:30) Rep.  
Hedy Rijken (arrived 1:20) Rep. Jackie Taylor STAFF PRESENT:     Melanie  
Zermer, Committee Administrator Evie Redler, Committee Assistant  
MEASURES CONSIDERED: HB 2693 - Requires SDDS to establish guidelines for  
reimbursement of long term care facilities - wrk HB 3088 - Requires  
registration of tanning facilities with Health Division- wrk HB 3173 -  
Provides placement preference of minority children with foster or  
adoptive families based on family, racial or ethnic identification - pub  
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 132 SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:16 p m.

WORK SESSION: HB 2693 - Requires SDDS to establish guidelines for  
reimbursement of long term care facilities Witnesses: Cam Groener,  
Oregon Health Care Association Jim Wilson, Senior and Disabled Services  
Division (SDDS) Jim Gardner, Oregon Health Care Association House  
Committee on Human Resources May 1, 1991- Page 2

016 MELANIE ZERMER: Submits and explains HB 2693-2 proposed  
amendments (EXHIBIT A) and a fiscal impact statement on HB 2693 (EXHIBIT  
C).

CAM GROENER, OREGON HEALTH CARE ASSOCIATION: Discusses the  
reimbursement schedule. MELANIE ZERMER: Continues explaining the  
proposed amendments. GROENER: We have no objection to changing the rule  
date in the bill. MELANIE ZERMER: Continues explaining the proposed  
amendments.

GROENER: Explains language in section 4 (g) regarding for interim rate  
changes.

080 JIM WILSON, SENIOR AND DISABLED SERVICES DIVISION (SDDS): Discusses  
fiscal impact to HB 2693 (See: Exhibit C).

118 JIM GARDNER, OREGON HEALTH CARE ASSOCIATION: Discusses  
deliberations with the Committee on Ways and Means which has appointed a  
sub-committee to re-build the SDDS budget. It is a safe assumption that  
income eligibility will be re-stored and that there is a significant  
interest in funding the settlement agreement. MELANIE ZERMER: Continues  
explaining the proposed amendments. WILSON: Discusses trustee fund  
needs. -MELANIE ZERMER: Continues explaining the proposed amendments  
(Section 8).

BERNIE THURBER, LEGAL AID: Discusses need for different rules for Type B  
agencies.

CHAIR FORD: If a B agency has an advisory committee, is there any  
information in reports that they cannot share?

THURBER: Not to my knowledge.

MELANIE ZERMER: Continues explaining the proposed amendments (Section 9).

231 WILSON: Discusses investigative report process. 235 MELANIE ZERMER: Continues explaining the proposed amendments (Section 11).

WILSON: Describes the role of the Governor's Commission on Senior Services.

MELANIE ZERMER: Continues explaining the proposed amendments (Sections 14 and 15).

THURBER: Discusses language change in Section 15 of the proposed amendments. House Committee on Human Resources May 1, 1991- Page 3

287 GROENER AND WILSON: Discusses settlement agreement.

390 THURBER: Suggests possible amendment for HB 2693 regarding conducting hearings in a timely fashion (ORS 441.712).

CHAIR FORD: We will have that drafted before consideration.

TAPE 133, SIDE A

WORK SESSION HB 3088 - Requires registration of tanning facilities with Health Division Witnesses: Sara Wiley, Oregon Medical Association (OMA) Art Keil, Oregon Health Division

Staff submits proposed amendments and a hand-engrossed version of HB 3088-1 proposed amendments (EXHIBIT B).

010 SARA WILEY, OREGON MEDICAL ASSOCIATION (OMA): Explains HB 3088-1 proposed amendments (See: Exhibit B). 016 ART KEIL, OREGON HEALTH DIVISION: Continues explaining the HB 3088-1 proposed amendments (See: Exhibit B). Discussion on penalties for registering tanning beds.

085 KEIL: Don't have information on how many beds there are or where they are. May be somewhere between 1,800 - 4,000. REPRESENTATIVE BARNES: Will you be inspecting the beds? 100 KEIL: Only commercially. Make pamphlet to outline safety precautions. MOTION: REPRESENTATIVE STEIN MOVES TO AMEND THE HB 3088-1 AMENDMENTS BY INCLUDING, IN CONCEPT, LANGUAGE WHICH WILL GIVE THE HEALTH DIVISION AUTHORITY TO LEVEL CIVIL PENALTIES FOR VIOLATIONS FOR ACTS IN HB 3088, AND AMEND ON PAGE 2, LINE 24 BY DELETING "\$1,000" AND INSERT "\$500". VOTE: THERE BEING NO OBJECTIONS, THE MOTION CARRIES.

MOTION: REPRESENTATIVE STEIN MOVES ADOPTION OF HB 3088 1 PROPOSED AMENDMENTS, AS AMENDED. - House Committee on Human Resources May 1, 1991- Page 4

VOTE: THERE BEING NO OBJECTIONS, THE MOTION CARRIES.

MOTION: REPRESENTATIVE STEIN MOVES HB 3088, AS AMENDED, TO THE COMMITTEE ON WAYS AND MEANS WITH A DO PASS RECOMMENDATION.

Discussion on adding a new tax to small businesses.

VOTE: THE MOTION CARRIES 6-1. REPRESENTATIVE BARNES, REPRESENTATIVE HAYDEN, REPRESENTATIVE RIJKEN, REPRESENTATIVE STEIN, REPRESENTATIVE TAYLOR, AND CHAIR FORD VOTE AYE. REPRESENTATIVE MEEK VOTES NO.

PUBLIC HEARING HB 3173 - Provides placement preference of minority children with foster or adoptive families based on family, racial or ethnic identification Witnesses: Rep. Margaret Carter, District 18 Dr. Phillips, One Church One Child Ruby Haughton, One Church One Child

REP. MARGARET CARTER, DISTRICT 18: Submits and reads written testimony in tavor of HB 3173 (EXHIBIT D). -Discusses the cultural differences between people.

354 REPRESENTATIVE TAYLOR: If a child is taken out of their own environment does it make them confused? CARTER: Self esteem and heritage plays a part. Does not mean that white parents cannot raise black children, only says that they will try to put them in similar ethnic family, when possible. - Wants CSD to try to look for natural heritage first. REPRESENTATIVE MEEK: Discusses language on line 26, Section 23.

TAPE 132, SIDE B

CARTER: If possible the children should be with natural parents.

REPRESENTATIVE MEEK: So you are essentially dealing with foster care?

CARTER: Yes, that's correct.

DR. PHILLIPS, ONE CHURCH ONE CHILD: Discusses testimony (Exhibit D).

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CHAIR FORD: Are there enough black families out there willing to adopt?

PHILLIPS: Yes, there are plenty. The One Church One Child program has placed more black children in black families in two years then Oregon has ever done.

PHILLIPS: Explains that the One Church One Child program is a program to assist in adoption of black children. In 1988 One Church One Child came to Oregon. Statistics changed from 30 % of black children to black families to 70%.

RUBY HAUGHTON, ONE CHURCH ONE CHILD: Testifies in favor of HB 3173. - Discusses personal experiences of their adopted child. Have two natural children. Wanted to adopt a girl. Denied adoption of a baby girl. The child was given to another couple with a white male and black female.

WORK SESSION HB 2693 - Requires SDSD to establish guidelines for reimbursement of long term care facilities

Staff submits HB 2693-3 proposed amendments (EXHIBIT F).

MOTION: REPRESENTATIVE MEEK MOVES ADOPTION OF THE HB 2693-3 PROPOSED AMENDMENTS (EXHIBIT F).

VOTE: THERE BEING NO OBJECTIONS, THE AMENDMENT IS ADOPTED.

MOTION: REPRESENTATIVE MEEK MOVES ADOPTION OF THE I-IB 2693-2 PROPOSED AMENDMENTS (EXHIBIT A).

VOTE: THERE BEING NO OBJECTIONS, THE AMENDMENT IS ADOPTED.

MOTION: REPRESENTATIVE MEEK MOVES HB 2693, AS AMENDED, TO THE COMMITTEE ON WAYS AND MEANS.

VOTE: THE MOTION PASSES UNANIMOUSLY.

PUBLIC HEARING HB 3173 - Provides placement preference of minority children with foster or adoptive families based on family, racial or ethnic identification Witnesses: Alice Tolbert, Citizen Amazonas Olivella, Oregon Commission on Black Affairs Maria Beals, Hispanic Community Toni Peterson, Children Services Division Grace Osborne, Adoptive parent

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Evelyn Blanchard, National Indian Social Workers Association Rev. Bernard Ings Nate Hartley Rev. Joshua Phillips, President of One Church One Child

PHILLIPS: Continues testimony in favor of HB 3173. Refers to statistics in written testimony (see exhibit d). Addresses the "myth" that there are not enough black families for the black children to be adopted.

TAPE 133, SIDE B

045 PHILLIPS: Explains possible amendments to HB 3173.

REP. Stein: Asks that the amendments be drafted through legislative Council.

ALICE TOLBERT, CITIZEN: Testifies in favor of HB 3173. - Shares personal experiences regarding an adoptive child. - Although white families should be able to adopt black children, African/American families should be given priority.

110 AMZONAS OLIVELLA, OREGON COMMISSION ON BLACK AFFAIRS: Testifies in favor of HB 3173. - Relates the story of Moses from the bible to this situation. Moses turned out differently from his siblings because he was raised by his natural mother, who was his nurse. Suggests that the cultural needs were fulfilled by his natural parents. 189 MARIA BEALS, HISPANIC COMMUNITY: Submits and reads written testimony in favor of HB 3173 (EXHIBIT I). 333 TONI PETERSON, CHILDREN SERVICES DIVISION (CSD): Submits and reads written testimony in favor of HB 3173 (EXHIBIT G). - This bill is very similar to practices being adopted within the division. The proposed amendments address CSD's concerns with the bill. REPRESENTATIVE BARNES: Do you think that we should be making laws regarding

adoption to make it easier on parents? PETERSON: We are looking out for the best interest of the child. REPRESENTATIVE HAYDEN: A little bit confused. For the last 30 years people have been making the point that all races are the same. Were we wrong?

TAPE 134, SIDE A

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PETERSON: We have not before actually gone out to recruit families which are of the same cultural background.

066 GRACE OSB ORNE, ADOPTIVE PARENT: Testifies in favor of HB 3173. - Hope that African/American heritage can be saved by placing black children in black families. Hopes that this could strengthen not only black families but all americans. Same race placement is the ideal placement. - Reads testimony for an adoptive parent Carol Romney which addresses the qualifications of parents in trans-cultural adoptions. - Parents need to be aware of the racial needs of the child. 166 EVELYN BLANCHARD, NATIONAL INDIAN SOCIAL WORKERS ASSOCIATION Submits and reads written testimony in favor of HB 3173 (EXHIBIT H). - Discusses Indian children growing up in transcultural families. CHAIR FORD: What about open adoptions when a pregnant woman chooses who would be the adoptive family? BLANCHARD: This bill would strengthen the decision if they chose a same culture family. REPRESENTATIVE HAYDEN: Would this affect cross cultural marriages? Would you have to worry about that with adoptions? BLANCHARD: It may be that way, yes. REPRESENTATIVE HAYDEN: I'm speaking of legislating against cross cultural marriages. BLANCHARD: I don't think that this bill is legislating against that. It is only a recommendation. 360 REPRESENTATIVE STEIN: When two people get married they are adults, they can make their own choices. For a child, they need the cultural upbringing and positive feeling. REPRESENTATIVE HAYDEN: Would we apply these regulations to all levels of society and other nations? CHAIR FORD: Tells of a friend who married into a Swedish family and she was half Finnish. She was considered a "half-breed". REPRESENTATIVE TAYLOR: Expresses interest in the bill. Advocates for cultural diversity.

TAPE 135, SIDE A

BLANCHARD: This bill goes beyond just placement.

REV. BERNARD INGS: Testifies in favor of HB 3173. House Committee on Human Resources May 1, 1991- Page 8

- It has been documented that 90% of all black children born out of wedlock are adopted by the extended family whether it be formally or informally.

107 CHAIR FORD: "How black is black and how white is white?" Does this get into who is more black than someone else? Where do the families who are mixed marriages fit in?

DR. PHILLIPS: Society says that if the child is partially black, they are black. If a child is half black the ideal would be to find a

bi-racial family. -If you cannot find a bi-racial family then you would put them into a black family. If you have 1/8 black you are black.

NATE HARTLEY: There are legally 35 shades of black.

191 REV. INGS: Finishes reading testimony. Requests passage of HB 3173.

REV. JOSHUA PHILLIPS, PRESIDENT OF ONE CHURCH ONE CHILD: Refers to section of the bill which addresses the issue of cross cultural marriages.

CHAIR FORD: Adjourns the meeting at 3:50 p.m.

Submitted by, Reviewed by, Pamela Berger Melanie Zermer

EXHIBIT LOG: A - HB 2693 - amendments - staff - 11 pp. B - HB 3088 - amendments - staff - 3 pp. C - HB 2693 - fiscal - staff - 8 pp. D - HB 3173 - testimony - Carter - 16 pp. E - HB 3173 - testimony - Carter - 10 pp. F - HB 2693 - amendments - staff - 1 p. G - HB 3173 - testimony - Peterson - 2 pp. H - HB 3173 - testimony - Blanchard - 4 pp. I - HB 3173 - testimony - Beals - 1 p. J - HB 3173 - testimony - One Church One Child - 15 pp.

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