

HOUSE COMMITTEE ON EDUCATION

January 29, 1999 Hearing Room E

1:00 PM Tapes 14 - 16

MEMBERS PRESENT: Rep. Ron Sunseri, Chair

Rep. William Morrisette, Vice-Chair

Rep. Chris Beck

Rep. Betsy Close

Rep. Elaine Hopson

Rep. Bob Jenson

Rep. Tim Knopp

Rep. Lynn Lundquist

Rep. Carl Wilson

Rep. Jackie Winters

MEMBER EXCUSED:

STAFF PRESENT: Norm Fox, Administrator

Joan Diaz, Administrative Support

MEASURE/ISSUES HEARD:

HB 2386 - Reconsideration and Work Session

HB 2347 ñ 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.

TAPE/#	Speaker	Comments

TAPE 14, A

005	Chair Sunseri	Calls meeting to order at 1:00 p.m. Comments that information on articulation agreements heard at Wednesday's meeting can be obtained from Committee Records.
021	Norm Fox	Committee Administrator. Gives committee update on planned field trips to Sabin Skill Center and Howard Street Charter School.
	Chair Sunseri	Opens work session on HB 2386.

HB 2386 n WORK SESSION

035	Rep. Hopson	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2386.
		VOTE: 8-1 AYE: 8 - Hopson, Jenson, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri NAY: 1 - Close EXCUSED: 1 - Beck
042	Chair Sunseri	The motion CARRIES.
055	Rep. Hopson	MOTION: Moves to RECONSIDER the vote by which HB 2386 was sent to the floor with a do pass as amended recommendation.
		VOTE: 8-1 AYE: 8 - Hopson, Jenson, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri NAY: 1 - Close EXCUSED: 1 - Beck
069	Chair Sunseri	The motion CARRIES.
074	Rep. Hobson	Discusses concerns and explains the reason for the n2 amendments (EXHIBIT A).

076	Rep. Lane Shetterly	District 34. Expresses disagreement with the ñ2 amendments.
099	Chair Sunseri	Asks for further clarification of objection to amendments.
102	Rep. Shetterly	Responds that the ñ1 amendments appear reasonable.
111	Rep. Jenson	Shares concerns with wording, "incumbent ceases to perform the duties of the office." Comments there is not a clear definition.
125	Chair Sunseri	Comments on the controversy with the David Douglas School District and their school board.
134	Rep. Hopson	Comments that kind of situation could happen under current language in the bill.
139	Chair Sunseri	Responds that he does not think it could. Reads from Section 1, line 12 of the bill.
144	Rep. Hopson	Responds this issue will still be "a judgement call" that should be made in the community rather than in the legislature.
151	Rep. Wilson	Asks what was the oroginal intent of the bill.
154	Rep. Shetterly	Explains reason for the bill.
165	Rep. Lundquist	Expresses concern with the billis wording wherein "perform the duties of the office" seems to relate to attendance.
175	Rep. Shetterly	Responds that he agrees the implied meaning is "attendance."
195	Rep. Close	Asks if defined duties are in the job description for board members.
199	Rep. Shetterly	Responds that may be in statute or district policy.
209	Rep. Morrisette	Expresses concern with the definition of "attendance" in this context.
225	Chair Sunseri	Asks would the ñ2 amendments substantially change the billis intent.
235	Rep. Shetterly	Responds it is more restrictive than the ñ1 amendments.
246	Rep. Lundquist	Suggests the committee consider voting on the ñ2 amendments, but he will be voting against it.

259	Rep. Winters	Comments that her understanding of the bill is that it addresses a board member's disabling injury rather than attendance.
265	Rep. Shetterly	Responds that is correct.
274	Rep. Hobson	Explains that school district policies already address attendance issues.
280	Rep. Jenson	Refers to line 12 of the bill. Asks for clarification of "ceases to discharge duties."
285	Cindy Hunt	Legislative Counsel. Explains that when there is no definition in the statute, the committee needs to rely on the plain meaning of the words. Explains it would be up to the majority of district school board members to vote incumbent off the board.
328	Rep. Jenson	Asks how should it be defined.
332	Hunt	Explains it would be hard to define further.
335	Rep. Winters	Asks if the length of time is a consideration.
346	Hunt	Responds affirmatively, but the school board is making that decision under the existing law.
350	Rep. Wilson	Asks why isn't "attendance" mentioned in the bill.
357	Hunt	Responds that attendance is one of the "duties."
364	Rep. Jenson	Suggests phrase "discharge the duties of the office by non-attendance" be included.
372	Rep. Hobson	Comments that would prohibit any reason other than attendance.
385	Rep. Jenson	Clarifies if the original intent was directed at a board member who had become ill, was not able to attend meetings, and couldn't resign.
395	Rep. Shetterly	Cites reason for the bill.
416	Rep. Morrisette	Comments that neither the ñ1 amendments or the ñ2 amendments clarify the issue. Recommends the committee review the bill further at a later date.
437	Rep. Shetterly	Reminds committee that the primary concern was the length of time a board member was unable to discharge the duties of the position.

439	Rep. Lundquist	Recommends the committee keep a perspective of how this bill will be applied in "the real world."
TAPE 15, A		
002	Rep. Lundquist	Comments that constituents closely view actions by the legislature and recommends committee keep some "leeway" in the bill.
014	John Marshall	Legislative Representative, Oregon School Board Association (OSBA). Opposes the ñ2 amendments. Comments that Rep. Shetterly is an attorney who represents a number of school districts, and he defers to his judgement.
030	Chair Sunseri	Asks would the committee prefer withdrawing the ñ2 amendments, or prefer holding the bill over for additional consideration.
035	Rep. Hobson	Comments she would prefer the committee vote on the ñ2 amendments and the ñ1 amendments.
041	Chair Sunseri	Expresses thanks to the committee for reconsidering HB 2386.
042	Rep. Hopson	MOTION: Moves to ADOPT HB 2386-A2 amendments dated 01/28/99.
		VOTE: 1-9 AYE: 1 - Hopson NAY: 9 - Beck, Close, Jensen, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri
043	Chair Sunseri	The motion FAILS.
055	Rep. Lundquist	Clarifies that the committee will be voting on HB 2386 as previously amended by the ñ1 amendments.
056	Chair Sunseri	Responds that is correct.
057	Rep. Lundquist	MOTION: Moves HB 2386 to the floor with a DO PASS AS AMENDED recommendation.
060	Rep. Morrisette	Declares he still has concerns, but will vote yes on the bill.

		<p>VOTE: 10-0</p> <p>AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Lundquist, Morrisette, Wilson, Winters, Sunseri</p>
065	Chair Sunseri	<p>The motion CARRIES.</p> <p>REP. SHETTERLY will lead discussion on the floor.</p>
068	Chair Sunseri	Closes work session on HB 2386. Opens public hearing on HB 2347.
<u>HB 2347 PUBLIC HEARING</u>		
080	Fox	Reads summary of the bill which prohibits teachers from striking.
090	Rep. Jenson	Asks does the definition of teacher as stated in the bill apply to community colleges and universities.
093	Fox	Responds that it does not.
104	Marshall	Opposes HB 2347. Explains that his organization does not support teacher strikes (EXHIBIT B). Explains that while the bill would prohibit strikes, it won't prevent strikes.
154	Rep. Morrisette	Explains intent of the bill. Asks if there are data on illegal strikes in other states.
166	Marshall	Responds he will provide that information to the committee
169	Rep. Morrisette	Asks is Michigan the only state that prohibits strikes.
175	Marshall	Responds he is not sure.
180	Rep. Morrisette	Asks for comments on near strikes and the resultant discord.
187	Marshall	Explains how tensions result when there are two parties on opposite sides of an issue.
223	Rep. Beck	Asks how often has there been a strike threat in order to reach a settlement.

245	Marshall	Responds he will provide that information to the committee.
250	Rep. Winters	Comments on statistics in the exhibit. Asks what would be the result if this bill passes.
260	Marshall	Responds and refers to the negotiations flowchart (EXHIBIT B).
282	Rep. Morrisette	Asks what is the process for binding arbitration.
291	Marshall	Clarifies flowchart regarding mediation and fact finding.
312	Rep. Knopp	Asks wouldn't this bill favor OSBA in bargaining sessions.
322	Marshall	Responds that that is not necessarily true.
353	Rep. Wilson	Asks if a strike is prohibited, what would be the atmosphere in the school.
360	Marshall	Explains there could be a work slowdown, or other disruptive activities could occur in order to settle the issue quicker.
379	Rep. Wilson	Asks does a strike help relieve pressure.
385	Marshall	Responds as "an observer" he would think so.
389	Rep. Close	Asks for information regarding other states or countries.
395	Marshall	Responds he will provide that information to the committee.
398	Rep. Lundquist	Appreciates information provided by the exhibits. Asks for information regarding repetitive strikes.
406	Marshall	Refers to strike in Eugene.
410	Rep. Morrisette	Asks for anecdotal information regarding near strikes by fire or police personnel.
415	Marshall	Responds that he does not have that information.
TAPE 14, B (malfunctioned)		
TAPE 16, A		

005	Tricia Bozak	Legislative Representative, Oregon Education Association (OEA). Opposes HB 2347. (EXHIBIT C) . Explains the Public Employees Collective Bargaining Act (PECBA) which was enacted in 1973 and amended in 1995.
074	Rep. Morrisette	Asks for clarification of binding arbitration.
080	Mark Toledo	General Counsel, Oregon Education Association (OEA). Explains process used by fire and police personnel in their negotiations. Opposes HB 2347.
100	Rep. Morrisette	Asks if there are data concerning cost of strikes compared to costs of binding arbitration.
109	Rep. Winters	Asks if police and fire department employees are the only public employees not permitted to strike.
115	Bozak	Responds there are a few others listed in the statute, such as 911 personnel.
120	Rep. Winters	Asks if the reason they are excluded is because the general public would be put at risk.
125	Bozak	Responds that is correct.
127	Rep. Wilson	Asks what would be the reaction from the teaching community if this bill passes.
129	Bozak	Comments the option to strike is part of a complete bargaining process.
134	Rep. Knopp	Asks if the balance would be shifted in the negotiation process if the bill passes. Asks isn't a strike an integral part of that process.
140	Bozak	Agrees that a strike is a tool.
143	Rep. Knopp	Asks wouldn't management be put in a better position than labor if this bill passes.
153	Bozak	Responds it would be to labor's detriment if the option to strike is removed.
163	Tim Nesbit	Executive Director, Oregon State Council of the Service Employees International Union (SEIU). Opposes HB 2347. (EXHIBIT D)
219	Nesbit	Explains disadvantages of binding arbitration to both parties. Comments on recent Portland school teachers bargaining process.

225	Chair Sunseri	Asks is not education an essential service.
237	Nesbit	Responds that he agrees. Comments that the medical community has the right to strike with 10 days notice.
250	Chair Sunseri	Comments there are some in the public sector that are not allowed to strike.
252	Nesbit	Responds that is correct. Explains the bill would not be a precedent beyond the public safety criteria.
260	Chair Sunseri	Closes public hearing on HB 2347. Adjourns at 2:20 p.m.

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2386, proposed ñ2 amendments, staff, 1 p

B ñ HB 2347, written material, John Marshall, 2 pp

C ñ HB 2347, written testimony, Tricia Bozak, 3 pp

D ñ HB 2347, written testimony, Tim Nesbitt, 1 p