

HOUSE COMMITTEE ON EDUCATION

May 12, 1999 Hearing Room E

1:00 PM Tapes 130 - 131

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. Bruce Starr

Rep. Carl Wilson

Rep. Jackie Winters

MEMBER EXCUSED:

STAFF PRESENT: Norm Fox, Administrator

Joan Diaz, Administrative Support

MEASURE/ISSUES HEARD:

SB 1093A Public Hearing and Work Session

SB 367A Public Hearing

SB 487A Work Session

SJR 12 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 |
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| TAPE 130, A | | |
| 005 | Chair Sunseri | Calls meeting to order at 1:35 p.m. Opens public hearing on SB 1093A. |
| <u>SB 1093A PUBLIC HEARING</u> | | |
| 006 | Steve Stadum | General Counsel, Oregon Health Sciences University (OHSU). Testifies in favor of SB 1093A. (EXHIBIT A) States bill is a "housekeeping" measure to fix some technical problems with previous legislation. |
| 073 | Stadum | Explains requested exemptions to current law. |
| 081 | Rep. Morrisette | Asks for explanation of the exemption to the Open Meetings Law as it pertains to the health systems strategies. |
| 083 | Stadum | Explains OHSU's mission and the health systems strategies. |
| 092 | Chair Sunseri | Refers to Section 26 and the authority of the president of OHSU. Asks are there properties not on land lease. |
| 101 | Stadum | Responds affirmatively; lists them. |
| 110 | Rep. Starr | Asks if there are plans to sell the primate center. |
| 113 | Stadum | Responds there is no plan to sell; have plans to further develop it. |
| 118 | Rep. Starr | Asks if OHSU wants the ability to effect acquisition of additional properties and the ability to conduct necessary real estate transactions. |
| 120 | Stadum | Responds affirmatively. |
| 125 | Rep. Starr | Asks if OHSU intends to maintain a presence in Hillsboro. |
| 139 | Stadum | Responds affirmatively. |
| 142 | Chair Sunseri | Closes public hearing on HB 1093A. Opens work session on HB 1093A. |
| <u>HB 1093A WORK SESSION</u> | | |
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| 145 | Rep. Starr | MOTION: Moves SB 1093A to the floor with a DO PASS recommendation. |
| | | VOTE: 10-0 AYE: 10 - Beck, Close, Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri |
| 149 | Chair Sunseri | The motion CARRIES. REP. STARR will lead discussion on the floor. |
| 150 | Chair Sunseri | Closes work session on SB 1093A. Opens public hearing on SB 367A. |
| <u>SB 367A PUBLIC HEARING</u> | | |
| 156 | Greg McMurdo | Deputy Superintendent, Department of Education (DOE). Discusses employee fingerprinting required in the criminal background check and its history. Refers to the proposed ñ2 amendments. (EXHIBIT B) |
| 237 | Rep. Wilson | Asks for more information on the bargaining issue. |
| 245 | McMurdo | Explains history and the unionís position; only issue was who pays for the fingerprinting. |
| 256 | Rep. Winters | Asks for explanation on the exclusion of the Education Service Districts (ESDs.) |
| 257 | McMurdo | Cites bills in previous legislative sessions that defined which employees were subject to fingerprinting, and how the bills were in conflict. |
| 291 | Rep. Winters | Asks if this bill addresses the 19 ESDís which do not collect taxes. Asks if they were included in the collective bargaining discussions. |
| 300 | McMurdo | Comments all ESD employees assumed they were included. |
| 306 | Jim Green | Legislative Representative, Oregon School Boards Association (OSBA). Discusses the proposed ñ2 amendments and the fees for the fingerprinting. Explains OSBA previously argued it was a collective bargaining issue. Stresses the issue of parity. |
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| 371 | Green | Comments some ESDs pay the fees but prorate it over a period of weeks; seek reimbursement from the employee. |
| 379 | Rep. Morrisette | Asks does this affect all ESD employees. |
| 380 | Green | Responds only those employees with direct, unsupervised contact with students. |
| 383 | Rep. Morrisette | Asks for number of new employees per year. |
| 393 | Green | Responds he does not know. |
| 405 | McMurdo | Comments on the legislation in 1993; employee "as determined by school district" was to be covered. |
| TAPE 131, A | | |
| 002 | Rep. Jenson | Refers to <u>SECTION 3</u> (7) (b) (E) and the reason for the bill. |
| 006 | McMurdo | Responds that that subsection was added due to an omission in the 1995 legislation. |
| 009 | Rep. Jenson | Asks if the DOE has been charging people illegally for the last 4 years. |
| 015 | McMurdo | Responds affirmatively; DOE was unaware of the situation. |
| 020 | Rep. Jenson | Discusses issue of fairness for employees who paid fee in error. |
| 032 | McMurdo | Comments the bill will also hold those districts harmless so no repayment would be necessary. |
| 036 | Rep. Starr | Asks if the proposed ñ2 amendments are adopted, would all employees be reimbursed. |
| 038 | McMurdo | Responds affirmatively. |
| 041 | Rep. Starr | Inquires about school employees other than ESD employees. |
| 045 | McMurdo | Explains this applies to only the ESDs which are not equalization districts. |
| 047 | Rep. Starr | Restates his position. Suggests amending the proposed ñ2 amendments to include reimbursement to all employees. |

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| 050 | Tricia Smith | Legislative Representative, Oregon State Employees Association (OSEA). Supports the ñ2 proposed amendments. Discusses fairness issue question. |
| 067 | Rep. Winters | Asks if fingerprinting has to be repeated. |
| 072 | McMurdo | Responds negatively. |
| 078 | Rep. Winters | Asks for the total number of ESD employees that have not been fingerprinted. |
| 082 | McMurdo | Explains total includes ESD employees, other than equalization ESD employees, that were fingerprinted after 9/9/95. |
| 095 | Smith | Explains she requested the proposed ñ2 amendments which require the employer to pay for fingerprinting costs; also allows reimbursement if employee paid for the cost. Comments most have been fingerprinted in violation of their rights. |
| 148 | Rep. Winters | Asks for the total employees and total costs. |
| 152 | McMurdo | Responds he has the number of ESD employees that have been fingerprinted, but not those fingerprinted after 9/95. |
| 161 | Green | Explains the two issues of the ñ2 proposed amendments. Discusses issue of parity. |
| 165 | Smith | Explains that parity is not who pays. States of the five ESDs she represents, 320 employees are in classified bargaining units; only a "handful" are affected by this bill. |
| 198 | Rep. Knopp | Asks will all collective bargaining units want the same conditions. |
| 209 | Green | Responds that may happen. |
| 215 | Rep. Knopp | Expresses concerns for his constituent ESD. |
| 220 | McMurdo | Comments he can only provide an approximate number of employees; may be in the thousands. |
| 235 | Smith | Responds she cannot give an accurate number. |
| 248 | Rep. Winters | Asks for clarification of the proposed ñ2 amendments. |
| 253 | Cindy Hunt | Legislative Counsel. Responds that the proposed ñ2 amendments apply to |

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| | | existing employees of an ESD. Defines what is an "existing employee." |
| 287 | Rep. Jenson | Asks if future employees would be getting an advantage. |
| 295 | Hunt | Responds that future employees would not fit the definition in the proposed amendments. |
| 312 | Chair Sunseri | Closes public hearing on SB 367A. Explains committee will consider the bill further on Monday. Opens work session on SB 487A. |
| <u>SB 487A WORK SESSION</u> | | |
| 325 | Norm Fox | Committee Administrator. Describes provisions of the bill. Shares new information ascertained from local insurance companies. |
| 346 | Rep. Jenson | Asks if parents' preferred risk policy would be in jeopardy. |
| 350 | Fox | Responds with an explanation of student insurance rate and adult/parent insurance rate. |
| 372 | Rep. Jenson | Comments that he received that same information from his insurance agent. |
| 381 | Rep. Close | Comments she will vote no; objects to the statement that "driving is a privilege." Explains that decision should be between parent and child and not the government. |
| 395 | Rep. Hopson | Comments she will vote no; states it is an "exercise in futility." |
| 415 | Rep. Winters | Comments she thinks it is a tool to keep youths in school. |
| 426 | Rep. Jenson | Comments he will support the bill; the right to drive is a powerful influence on young people. |
| 430 | Rep. Morrisette | MOTION: Moves SB 487A to the floor with a DO PASS recommendation. |
| TAPE 130, B | | |
| 005 | Rep. Knopp | Comments he will support the bill; may have an effect on drop out rates. |
| 017 | Rep. Wilson | Comments he will vote no; restricts freedom of movement. |
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| 028 | Rep. Beck | Comments he will support the bill. |
| | | VOTE: 7-3 AYE: 7 - Beck, Jenson, Knopp, Morrisette, Starr, Winters, Sunseri NAY: 3 - Close, Hopson, Wilson |
| 042 | Chair Sunseri | The motion CARRIES. REP. BECK will lead discussion on the floor. |
| 045 | Chair Sunseri | Closes work session on SB 487A. Opens public hearing on SJR 12. |
| <u>SJR 12 PUBLIC HEARING</u> | | |
| 052 | Charles Williamson | Legislative Representative, Oregon Association for Children with Learning Disabilities. Testifies in favor of SJR 12. (EXHIBIT C) Supports the proposed ñ1 amendments. (EXHIBIT D) |
| 090 | Rep. Jenson | Expresses "shock" that there are 25 students in special education classes. Asks what is the current classroom size. |
| 095 | Williamson | Responds it varies by districts; classroom size is not the issue, it's total case load. |
| 119 | Barbara Tomlin | Parent, Wilsonville. Testifies in favor of SJR 12. Describes the "burn out" of special education teachers. |
| 160 | Ray Broyles | Special Education Teacher, Portland. Testifies in favor of SJR 12. |
| 174 | Rep. Hopson | Asks if the Oregon Education Association (OEA), the Oregon School Boards Association (OSBA) and the Confederation of Oregon School Administrators (COSA) support this bill. |
| 182 | Williamson | Responds he is not sure COSA is supportive of the bill, but OEA and OSBA are in support. |
| 189 | Steve Johnson | Associate Superintendent, Office of Special Education, Department of Education. Supports the proposed ñ1 amendments. Indicates inconsistencies in the resolution with regard to class size. States willingness to conduct study on student achievement. |
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| 259 | Wilma Wells | Legislative Representative, COSA. Comments on her education and professional background with special education students. Explains she has no objection to the bill. |
| 322 | Chair Sunseri | Explains the bill needs an additional amendment; refers to committee administrator. States committee will bring bill back Monday, May 17. |
| 335 | Rep. Hopson | Expresses concerns with language in the bill; liability possibilities. |
| 349 | Chair Sunseri | Closes public hearing on SJR 12. Explains HB 3307 discrepancy; bill will be re-referred to the committee. Announces that there will be no committee meeting on Friday. Adjourns at 2:55 p.m. |

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1093A, written testimony, Steve Stadum, 5 pp

B ñ SB 367A, proposed ñ2 amendments, staff, 1 p

C ñ SJR 12, written testimony, Charles Williamson, 33 pp

D ñ SJR 12, proposed ñ1 amendments, staff, 1 p