

HOUSE COMMITTEE ON EDUCATION

May 5, 1997 Hearing Room E

08:15 A.M. Tapes 124 - 126

MEMBERS PRESENT:

Rep. Dennis Luke, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Roger Beyer

Rep. Ryan Deckert

Rep. Bob Jenson

Rep. Charles Starr

Rep. Ron Sunseri

MEMBER EXCUSED:

STAFF PRESENT:

Bryan Boehringer, Administrator

Joan Diaz, Administrative Support

MEASURE/ISSUES HEARD:

SB 680A - Public Hearing and Work Session

HB 2648 - Work Session

SB 968 - Public Hearing and Work Session

SB 505 - Public Hearing and Work Session

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 124, A		
005	Chair Luke	Calls meeting to order at 8:20 a.m. Opens public hearing on SB 680A.

SB 680A - PUBLIC HEARING		
	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator, explains SB 680A which prohibits school district boards from prohibiting access to schools by military recruitment personnel.
020	Ed Hughes	Representative, United Veterans Groups of Oregon, testifies in favor of SB 680A (EXHIBIT A) . ¹ (
046	Ron Harland	Legislative Officer, Veterans of Foreign Wars, testifies in favor of SB 680A.
	Richard Lucht	Legislative Director, Disabled American Veterans, testifies in favor of SB 680A.
084	Marc Abrams	Member, Portland School Board, testifies against SB 680A (EXHIBIT B) . ² (
150	Rep. Thompson	Asks if businesses are allowed on campus to recruit.
161	Abrams	Responds that they are but only businesses who do not permit discrimination in employment.
	Rep. Deckert	Asks when would it be proper for the Legislative Assembly to overturn a local school board decision.
	Abrams	Responds if the issue doesn't relate to funding, local decision making is needed. Comments citizens do not want Legislative Assembly to be a super school board.
	Rep. Deckert	Asks if there has been any overturned decision in the past by the Legislative Assembly.
	Abrams	Responds there has not been any during his six years tenure.

190	Chair Luke	Comments that the U.S. military discriminates against felons. Asks if the policy regarding homosexuals is changed, will Portland School Board object to military recruitment on campus until the military's felon policy is changed.
201	Abrams	Responds that in his experience as an employment lawyer, discrimination is made with no "rational relationship to qualifications of the individual." Felony activity is a chosen activity.
	Abrams	Responds to committee's questions that the issue is basic employment rights.
257	Rep. Thompson	Asks if every employer is scrutinized as the military has been.
	Abrams	Responds there is not enough resources to do that. In the case of the military there has been a lot of publicity about their employment policy.
268	Rep. Thompson	Comments a prejudiced decision has been made against one employer because of the public awareness of that employer's policy.
	Abrams	Responds that is not true. Military does discriminate against sexual orientation. Comments that the Portland school board is also following a City of Portland ordinance which has been upheld in the courts.
	Chair Luke	Comments that 1993 legislation says cities, counties, and local government cannot enforce ordinances which advocate for or discriminate against sexual orientation of individuals.
316	Jay Penniman	Private citizen, testifies against SB 680A.
	Sharon Scott	Private citizen, testifies against SB 680A. Expresses concern about local decision making being overturned by the Legislative Assembly.
385	Rep. Starr	Asks for the difference between a representative republic and a democracy.
		Responds that is hard to define but people need more information.

	Scott	This issue was not in the local paper. If it was on the local school board agenda, more people would know about it.
	Rep. Starr	Comments that founders stated this country is a republic, not a democracy.
410	Frank Dixon	Private citizen, testifies against SB 680A (EXHIBIT C). ³ (
TAPE 125, A		
002	Dixon	Continues testimony. Comments on his military credentials and experience. Criticizes military's "don't ask, don't tell" policy regarding discrimination of homosexuals.
080	John Grueschow	Coordinator, N.W. Military and Draft Counseling, testifies against SB 680A (EXHIBIT D). [4] (
131	Rep. Sunseri	Asks for information on Portland School Board investigative procedures.
	Grueschow	Comments his group worked with the Portland School Board for approximately 5 years on this issue.
	June Hemmingson	Private citizen, testifies against SB 680A. Comments that local school board should make local decisions and not have decisions made at the state level.
157	Michael Carrigan	Representative, Oregon PeaceWorks, testifies against SB 680A (EXHIBIT E). [5] (Comments opponents of the Portland School Board decision should bring their challenge to the school board and not to a Legislative Assembly committee.
181	Rep. George Eighmey	Represents district 14, testifies against SB 680A. Comments this issue "micro-manages" the local school boards.
234	Rep. Deckert	Ask if he would support the Legislative Assembly overriding a decision by a local school board if it is discriminatory.
	Rep. Eighmey	Responds if it violates the law he would support overriding the decision.

	Rep. Deckert	Clarifies previous question; at what point should Legislative Assembly override a local school board if the military is recruiting in a particular location.
	Rep. Eighmey	Comments that if a local school board decides to allow the military to recruit on a campus, he would support their decision.
264	Rep. Beyer	Asks if homosexuality, bisexuality and heterosexuality are protected classes.
	Rep. Eighmey	Responds that sexual orientation is a protected class.
	Rep. Sunseri	Comments there are many instances where the state dictates to the local level. Asks what criteria authorizes a state to intervene.
	Rep. Eighmey	Agrees that there are policy decisions when state intervenes. Explains there is a distinct difference between policy and procedure.
310	Chair Luke	Asks if local school boards have authority to keep ideas off campus.
	Rep. Eighmey	Responds that the expression of ideas on "Career Day" is different that the requirement of allowing room for military recruiters which violate a local policy to prohibit that type of recruitment.
362	Mary Auterieth	Private citizen, testifies against SB 680A. Military recruiters can be found off campus if students have that interest.
389	Polly Hare	Private citizen, testifies against SB 680A. Comments local school board should retain local control.
	Chair Luke	Asks witness how she become aware of today's hearing.
	Auterieth	Responds it was in the Portland paper.
	Bill Bires	Representative, Northwest Veterans for Peace, testifies against SB 680A.
TAPE 124 , B		
002	Bires	Continues testimony. Comments that other veterans groups should have brought their concerns to the Portland School Board, which

		prompted this bill, rather than a Legislative Assembly committee.
062	Barbara Drageaux	Co-Chair, Women's International League for Peace and Freedom, testifies against SB 680A (EXHIBIT F). [6](
110	John Marshall	Legislative Director, Oregon School Boards Association, testifies against SB 680A.
	Rep. Deckert	Asks when should state overturn decision of local school board. Asks if there is a precedent.
132	Marshall	Responds he cannot say. His organization is constantly defining the parameters of local control.
185	Mike Caldwell	Deputy Director, Oregon National Guard, testifies in favor of SB 680A. Comments he is not defending the military's policies. Explains activities the Guard provides for schools and the community.
285	Willie Davenport	Lieutenant Colonel, Oregon National Guard, testifies in favor of SB 680A (EXHIBIT G). [7](Testifies on his credentials and experience which the military provided him as a result of a recruiter contacting him at high school.
	Rep. Sunseri	Asks witnesses if they testified at the Portland School Board hearing.
	Caldwell	Responds they did not; their group was "treated very poorly."
383	Chair Luke	Asks about other programs in the state for young people.
	Caldwell	Comments on the Youth Challenge program; primarily drop-outs from high school. Currently there are 410 youths in the program.
TAPE 125, B		
002	Chair Luke	Closes public hearing on SB 680A and opens work session on SB 680A.
<u>SB 680A - WORK SESSION</u>		

010	Rep. Sunseri	MOTION: Moves SB 680A to the floor with a DO PASS recommendation.
	Rep. Thompson	Comments this is a tough vote for him since he is in favor of both military rights and local control.
	Chair Luke	Clarifies issues in the bill.
021	Rep. Sunseri	Comments on witnesses and presentations today.
		VOTE: 6-0 AYE: 6 - Beyer, Jenson, Starr, Sunseri, Thompson, Luke EXCUSED: 1 - Deckert
	Chair Luke	The motion CARRIES. REP. SUNSERI will lead discussion on the floor.
	Chair Luke	Closes work session on SB 680A. Opens work session on HB 2648.
<u>HB 2648 - WORK SESSION</u>		
	Chair Luke	Asks staff to explain bill.
062	Bryan Boehringer	Committee Administrator, explains the -1 and -2 amendments which replace the bill (EXHIBIT I). [8] (
	Chair Luke	Comments on the "2+2" programs offered by community colleges at high schools. Comments on the reciprocity agreements and a taxing district which crosses state lines.
105	Greg McMurdo	Deputy Superintendent, Department of Education (ODE), explains the -2 amendments which clarify definition of "school district."
127	Jim Green	Legislative Representative, Oregon School Boards Association, testifies in favor of HB 2648 and the amendments. Refers to page 1, lines 18-22, in the -2 amendments.
147	Rep. Thompson	MOTION: Moves to ADOPT HB 2648-2 amendments dated 04/28/97.

	Chair Luke	Hearing no objections the motion CARRIES.
	Chair Luke	Comments Legislative Counsel should be processing -3 amendments.
	Vickie Totten	Executive Director, Oregon Community Colleges Association, testifies regarding HB 2648 and the -1 amendments. Asks for delay on voting. Working with Legislative Counsel and Rep. Repine. Discusses taxing authority across state lines.
	Chair Luke	Asks for number of community colleges that offer "2+2" programs.
	Totten	Responds that 16 of the 17 community colleges offers some type of programs with the high schools in their district.
	Chair Luke	Comments bill will be rescheduled on Wednesday.
	Chair Luke	Closes work session on HB 2648. Opens public hearing on SB 968.
<u>SB 968 - PUBLIC HEARING</u>		
	Chair Luke	Asks staff to explain bill.
	Bryan Boehringer	Committee Administrator, explains bill.
	Greg McMurdo	Deputy Superintendent, Department of Education (ODE), testifies in favor of SB 968 (EXHIBIT J). [9] (Comments this bill extend the terms of office of the existing Wheeler Education Service Board members by one year. It also provides for a special election to be held March, 1998.
	Chair Luke	Closes public hearing on SB 968. Opens work session on SB 968.
<u>SB 968 - WORK SESSION</u>		
	Rep. Thompson	MOTION: Moves SB 968 to the floor with a DO PASS recommendation.
		VOTE: 5-0

		AYE: 5 - Beyer, Jenson, Starr, Thompson, Luke
		EXCUSED: 2 - Deckert, Sunseri
	Chair Luke	The motion CARRIES. REP. JENSON will lead discussion on the floor.
	Chair Luke	Closes work session on SB 968. Opens public hearing on SB 505.

**SB 505 -
PUBLIC
HEARING**

- Chair Luke Asks staff to explain bill.
- Bryan Boehringer Committee Administrator, explains that the bill allows state institutions of higher education to offer continuing education within 30 miles of a community college campus.
- Grattan Kerans Legislative Representative, Oregon State System of Higher Education, testifies in favor of SB 505 (**EXHIBIT K**).¹⁰(
- Chair Luke Discusses how the University Center stage 2 will be operating on the coast; similar to class offerings at University Center stage 1 in Bend.
- Kerans Comments on other intergovernmental agreements between higher education and the community colleges.

TAPE 126, A

- Chair Luke Closes public hearing on SB 505. Opens work session on SB 505.

**SB 505 WORK
SESSION**

- 014 **Rep. Thompson** **MOTION: Moves SB 505 to the floor with a DO PASS recommendation.**
- VOTE: 6-0**
- AYE: 6 - Beyer, Deckert, Jenson, Starr, Thompson, Luke**
- EXCUSED: 1 - Sunseri**
- Chair Luke** **The motion CARRIES.**
REP. THOMPSON will lead discussion on the floor.

Chair Luke Closes work session on SB 505.

Rep. Beyer **MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Deckert to vote on SB 680A and SB 968.**

Chair Luke **Hearing no objections the motion CARRIES.**

Rep. Deckert Responds to Chair's call to vote **SB 680A to the floor with a DO PASS recommendation.**

VOTE: 0-1

NAY: 1- Deckert

Rep. Deckert Responds to Chair's call to vote **SB 968 to the floor with a DO PASS recommendation.**

VOTE: 1-0

AYE: 1- Deckert

Chair Luke Comments that committees are scheduled to close their work on May 16, 1997. Asks committee to keep their schedules open until official notification is received from the Speaker.

Chair Luke Adjourns meeting at 10:16 a.m.

Submitted By, Reviewed By,

Joan Diaz, Bryan Boehringer,

Administrative Support Administrator

EXHIBIT SUMMARY

¹(A - SB 680A, written testimony, Ed Hughes, 1 pg

²(B - SB 680A, written testimony, Marc Abrams, 2 pp

³(C - SB 680A, written testimony, Frank Dixon 1 pg

[\[4\]](#)(D - SB 680A, written testimony, John Grueschow, 5 pp

[\[5\]](#)(E - SB 680A, written testimony, Michael Carrigan, 1 pg

[\[6\]](#)(F - SB 680A, written testimony, Barbara Drageaux 1 pg

[\[7\]](#)(G - SB 680A, written testimony, Willie Davenport, 1 pg

H - SB 680A, submitted testimony, Vickie Totten, 1 pg

[\[8\]](#) **(I - HB 2648, proposed amendments, staff, 4 pp**

[\[9\]](#) **(J - SB 968, written testimony, Greg McMurdo, 1 pg**

¹⁰ **(K - SB 505, written materials, Grattan Kerans, 2 pp**