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SENATE COMMITTEE ON EDUCATION

May 5, 1997 Hearing Room 343

3:00 P.M. Tapes 99 - 100

MEMBERS PRESENT:

Sen. Tom Hartung, Chair

Sen. Marylin Shannon, Vice-Chair

Sen. Ken Baker

Sen. Susan Castillo

Sen. Gary George

Sen. Cliff Trow

MEMBER EXCUSED:

none

STAFF PRESENT:

Jan McComb, Administrator

Shirley Spendal, Administrative Support

MEASURE/ISSUES HEARD:

SB 871 - Work Session, Reconsideration

SB 917 - Work Session

SB 663 - Work Session

SB 1139 - Public Hearing

HB 2032 - Public Hearing, Work Session

HB 2778 - Public Hearing, 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 99, A		
003	Chair Hartung	Opens hearing, 3:05 p.m.; opens work session, SB 871.
SB 871 - WORK SESSION		
007	Sen. Trow	MOTION: Moves to RECONSIDER SB 871.
011	Sen. Baker	Discusses opposing bill with regard to collective bargaining issues. Discusses retired rather than active member of faculty being on board.
028		VOTE: 5-1
		AYE: 5-Castillo, George, Shannon, Trow, Hartung
		NAY: 1-Baker
030	Chair Hartung	The motion CARRIES.
035	Grattan Kerans	State System of Higher Education. Discusses asking Chancellor for polling of board.
040	Sen. Trow	MOTION: Moves to send SB 871 to the floor with a DO PASS AS AMENDED recommendation.
044	Sen. Baker	Asks about amendment. Discusses all issues being collective bargaining issues.
051	Sen. Trow	Discusses collective bargaining with faculty.
060	Sen. Shannon	Discusses reflection of corporate world.
063	Sen. Baker	Discusses differences between board and corporate world.
074	Sen. Castillo	Discusses approving amendment.
078		VOTE: 5-1
		AYE: 5-Castillo, George, Shannon, Trow, Hartung

		NAY: 1-Baker
082	Chair Hartung	Sen. Trow will lead discussion on the floor. Closes work session, SB 871; opens public hearing SB 1139.
SB 1139 - PUBLIC HEARING		
084	Sen. Bob Kintigh	District 22. Supports bill.
094	Sen. Bill Fisher	District 23. Supports bill. Do not want schools known to support these types of things.
101	Sen. Ted Ferrioi	District 28. Supports bill. Discusses effect of bill, being difficult issue. Discusses ecoterrorism in our communities. Discusses citizens feeling that the responsibility they expect from academic community is being abused. States bill provides inquiry process. Discusses bill being reasonable.
143	Rep. Jim Welsh	District 43. Supports bill. Discusses ecoterrorism in his district. Discusses talking about ecoterrorism in Washington, DC.
171	Sen. Trow	Discusses seeing problems with the bill - needing definition of terrorism. Questions about what terrorism entails.
203	Sen. Shannon	Asks if consider, line 9, after "promotes," delete "any," and put in "illegal activity;" on line 12 after any, delete "form of terrorism" and put in "illegal activity."
219	Sen. Baker	Discusses section about being ordered not to disburse funds, guaranteeing special sessions of legislature. Discusses opening forum and losing control. Discusses question of institutions being responsible.
236	Sen. Castillo	Discusses how terrorist to be determined.
260	Sen. Ferrioli	States question is where does academic freedom and action connect. Comments if institution does not take responsibility, we as legislators should.
272	John Holleman	Creswell. Supports bill. Submits (EXHIBIT A). Discusses who we are allowing to influence children, young adults. Discusses definition of terrorism. Discusses terrorist groups.
TAPE 100, A		
002	Holleman	Discusses history of Earth First organization. Discusses anarchists' cookbook. Discusses looking at reports written about these organizations. Discusses looking at list of people invited to be panelists in law conferences. Discusses teaching balance in schools.
050	Holleman	Continues discussion of terrorist organizations.
069	Chair Hartung	Closes public hearing, SB 1139; opens work session, SB 663.
SB 663 - WORK SESSION		

073	Sen. Randy Leonard	District 9. Discusses -7 amendments (EXHIBIT B). Discusses intent of bill. Discusses amount spent on schools. Discusses being long overdue attempt to provide independent review of how school districts spending money.
097	Rep. Randall Edwards	District 15. Submits (EXHIBIT C). Discusses money being disbursed to districts and verification of factors. Thrust to get more accountability.
122	Sen. Trow	MOTION: Moves to ADOPT SB 663-7 amendments dated 5/5/97 (EXHIBIT B).
124	Sen. Baker	Questions, discussion regarding annual audits, auditors. States sees need state-wide accounting standards.
159	Sen. Leonard	Discusses example of Petersburg School District.
180	Sen. Baker	Discusses being leadership decision.
185	Sen. Leonard	States point is joint legislative audit committee gets a copy of those audits via this bill.
192	Sen. Baker	Discusses not enough money to combine audits.
194	Sen. Leonard	States point is get something out of true, independent audit.
198	Sen. Trow	Withdraws motion to amend with -7 amendment.
203	Sen. Shannon	Comments on this being good bill.
207	Chair Hartung	Opens work session, SB 663; opens public hearing, HB 2032.
HB 2032 - PUBLIC HEARING		
213	Doug Collins	Executive Director, State Scholarship Commission. Introduces Kathy Silke, Director of Collections. Supports bill. Submits (EXHIBIT D). Discusses effect of bill.
238	Chair Hartung	Closes public hearing, HB 2032; opens work session, HB 2032.
HB 2032 - WORK SESSION		
239	Sen. Baker	MOTION: Moves HB 2032 to the floor with a DO PASS recommendation.
240		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
243	Chair Hartung	The motion CARRIES.
		Sen. Trow will lead discussion on the floor. Closes work session, HB

		2032; opens public hearing on HB 2778.
HB 2778 - PUBLIC HEARING		
246	Doug Collins	Executive Director, State Scholarship Commission. Supports bill. Discusses effect of bill. States no fiscal impact from bill.
HB 2778 - WORK SESSION		
255	Sen. Trow	MOTION: Moves HB 2778 to the floor with a DO PASS recommendation.
257		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
259	Chair Hartung	The motion CARRIES.
		Sen. Shannon will lead the floor discussion. Closes work session, HB 2778; opens work session, SB 917.
SB 917 - WORK SESSION		
263	Roger Bassett	Education and Workforce Policy Advisor, Governor Kitzhaber. Submits -3 amendments (EXHIBIT E). Concerns of the Oregon Career Colleges Association, Education Service Districts have been addressed in -3 amendments, lines 1-8. Concerns of Oregon Community College Association about misrepresentation of degrees unclear, have not changed recommendation in original bill, but have clarified language, lines 9-12 of -3 amendments. Discusses rejecting recommendation of System of State Higher Education.
TAPE 99, B		
002	Bassett	Discusses burden of proof on institutions appropriate. Discusses concerns on workforce side of bill. Discusses desire for flexibility being adequately addressed.
016	Cam Preus-Braly	Administrator, Workforce Quality Council, Director of Office of Education Policy and Planning. Working to assure sufficient flexibility at local level. Discusses -3 amendments provide flexibility for composition, size to suit local workforce needs. Discusses independent colleges, community based organizations have access to local committees. Local elected officials will continue to appoint private sector members. Discusses how public sector members will be appointed.
031	Grattan Kerans	Oregon State System of Higher Education. Discusses -4 amendments (EXHIBIT F). States State System of Higher Education always "operated on uneven playing field" in relation to private colleges regarding program review. Discusses final arbitrator's disputes final approval program going to citizen committee making up State Scholarship Commission who may

		or may not have background.
088	Sen. Baker	Discusses letter from Gary Andeen, Independent Colleges Association.
091	Chair Hartung	Asks Gary Andeen to come to table; discusses SB 880 having fiscal impact. Can bring back, send to Ways and Means, or Gary Wilhelm will automatically send to Ways and Means.
097	Committee	Agrees to have Gary Wilhelm send to Ways and Means.
100	Gary Andeen	Executive Director, Oregon Independent Colleges Association. Discusses -3 as being appropriate and -4 as being inappropriate. Discusses level playing field.
123	Sen. Trow	MOTION: Moves to ADOPT SB 917-3 amendments dated 5/2/97 (EXHIBIT E).
133	Chair Hartung	VOTE: Hearing no objection, the motion CARRIES.
134	Sen. Trow	MOTION: Moves to ADOPT SB 917-4 amendments dated 5/5/97 (EXHIBIT F).
135		VOTE: 1-5
		AYE: 1-Trow
		NAY: 5-Baker, Castillo, George, Shannon, Hartung
138	Chair Hartung	The motion FAILS.
139	Sen. Baker	MOTION: Moves SB 917 to the floor with a DO PASS AS AMENDED recommendation.
141	Chair Hartung	Discusses not having fiscal impact on bill.
146		VOTE: 6-0
		AYE: In a roll call vote all members present vote AYE.
148	Chair Hartung	The motion CARRIES.
		Sen. Shannon will lead discussion on the floor. Closes work session, SB 917; opens public hearing, SB 1139.
SB 1139 - PUBLIC HEARING		
155	Barry Clausen	Represent North American Research, Seattle, Washington. Company monitors left-wing and right-wing extremist groups. Discusses definition of terrorism. Discusses terrorist activities as they relate to Oregon. Discusses his book, "Walking on the Edge." Discusses groups, Earth First, Earth Liberation Front.
200	Clausen	Discusses publications "Underground" and "Live Wild or Die." Discusses "unibomber" being at University of Montana conference which was same as one in Eugene. Discusses relation to Oak Ridge arson fire.
		Asks about nationwide murders of veterinarians. Asks if universities allow

248	Sen. George	strong anti-government groups to speak.
266	Sen. Trow	Discusses head of Nazi party coming to university.
283	Sen. Shannon	Asks about changing word "terrorism" to "illegal activities."
TAPE 100, B		
002	Clausen	Continues discussing terrorism, when is enough, enough.
004	Chair Hartung	Asks who he represents.
014	Sen. George	Discusses terrorism being better term than "illegal activities."
036	Kirk Bailey	University of Oregon. Discusses university position. Assures illegal activity not allowed or condoned at university. Discusses concerns of constitutionality, definitions.
061	Grattan Kerans	Oregon State System of Higher Education. Opposes bill. Opposed to violence. Discusses philosophy, free flow of ideas. Bill flawed in impact, impossible to render workable. Discusses process of discovering who is terrorist.
100	Sen. Shannon	Questions, discussion regarding freedom of speech.
130	Kerans	Discusses when have open campus, open forum.
153	David Fidanque	Executive Director, ACLU of Oregon. Opposes bill. Sees constitutional problems with bill even with addition of terrorist definition. Discusses first amendment rights. Discusses being able to determine in advance what happens at meetings. Believes adequate remedies available, bill would encourage witch hunts.
204	Michael Carrigan	Director, Oregon Peace Works. Supports bill. Discusses under this bill would be considered terrorist. Discusses Oregon Peace Works, belief in non-violence. Concerned about witch hunt. Sees picture being "painted with a brush."
231	Sen. George	Questions about terrorism, free speech.
264	Chair Hartung	Closes public hearing, SB 1139. Adjourns, 5:07 p.m.

Submitted By, Reviewed By,

Shirley Spendal, Jan McComb,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 1139, Testimony, John Holleman, 96 pg.

B - SB 663, -7 Amendments, Sen. Leonard, 4 pg.

C - SB 663, Testimony, Submitted, Dick Tracy, by Rep. Edwards, 2 pg.

D - HB 2032, Testimony, Kathy Silke, 3 pg.

E - SB 917, -3 Amendments, Roger Bassett, 1 pg.

F - SB 917, -4 Amendments, Grattan Kerans, 1 pg.

G - SB 1139, Testimony, Submitted, Sue Hallett, 1 pg.
