



# Legislative Bulletin



**May 29 – 31**  
**Ways & Means**  
**Education**  
**Subcommittee**  
**Higher Education**  
**Work session**  
**HR F @ 3:00pm**

## Informational Note:

The Senate and House leadership have directed that all committees post agendas for hearings by **May 23**, with the exception of W&M, Rules and Revenue committees.

**May 31** is the last day for the policy committees to hold a work session.

## **EDUCATION BUDGETS MOVING – PUTTING LEGISLATURE ON PATH TO ADJOURNMENT**

On Thursday the Joint Ways and Means Education Subcommittee approved funding for K-12 schools and the school improvement fund, two bills that are key to adjourning by the end of June. Historically, the budget for K-12 is one of the last, if not the last, budget bill adopted and typically doesn't occur until late June or July.

The \$6.245 billion budget was approved by the majority of Education Subcommittee with objections filed by two members, Senator Frank Morse (R-Albany) and Rep. Susan Morgan (R-Myrtle Creek). Both Republicans stated they objected to adoption of the budgets until other budgets, including the budget for higher education and human services were finalized. The budget bills, HB 5020, the basic \$5.99 billion state school appropriation and HB 5021, \$260 million for the school improvement fund, will go to the full Ways and Means Committee next week for adoption.

With passage of the K-12 bill, the subcommittee made it less likely for the legislature to add another \$45 million to the K-12 budget, as has been advocated by K-12 advocates. On the other hand, since the school improvement fund had been a rumored target for those seeking to shift funding to other priorities such as public safety, human services, and higher education, by passing the school improvement fund, the subcommittee took the program off the list.

## **SUBCOMMITTEE APPROVES OREGON STUDENT ASSISTANCE COMMISSION BUDGET**

On Wednesday, May 23, the Education Subcommittee of Ways and Means approved an increase of \$43 million in Oregon Opportunity Grant funding for the 2007-09 biennium.

The approved funding will support the Shared Responsibility Model (SB 334) which will be considered by the Education Subcommittee in the coming weeks. The \$43 million approved Tuesday is \$4 million less than was proposed by both Governor Kulongoski and the Ways and Means Co-Chairs. This reduction has signaled to advocates of the Shared Responsibility Model that changes in the model are forthcoming.



## Bills of Interest

**SB 5515:** Appropriates moneys from General Fund to Department of Higher Education for biennial expenses, for debt service and for administrative costs relating to general obligation bonds sold to support higher education institutions.

**Tue 5/29 3pm HR F**

**Wed 5/30 3pm HR F**

**Thurs 5/31 3pm HR F**

**HB 2726:** Establishes state policy that state-funded research benefiting private enterprise must encourage economic development and job creation in Oregon.

**Wed 5/30 1pm HR B**

**HB 2891:** Requires Employment Relations Board to certify labor organization as exclusive representative of employers if board finds that majority of employees in unit appropriate for bargaining have signed authorizations designating labor organization specified in petition as employees' bargaining representative and that no other labor organization is currently certified or recognized as exclusive representative of employees in unit.

**Wed 5/30 3pm HR B**

**HB 3279:** Relating to student journalists.

**Tue 5/29 1:15pm HR 343**

**HB 2905:** Enacts revised Uniform Prudent Management of Institutional Funds Act.

**Tue 5/29 1:15pm HR 343**

### SCHOOL JOURNALISTS BILL PROBLEMATIC FOR OUS INSTITUTIONS

With the adoption of HB 3279A-engrossed the OUS has taken a much closer look at the bill. The A-engrossed bill is scheduled for a public hearing and work session in Senate Judiciary on Tuesday, May 29. The OUS will be seeking amendments to address the following concerns:

Federal law already limits the ability of institutions to intrude on matters of content in student publications. Universities do not review student publications prior to publication because doing so would expose it to accusations of content or viewpoint discrimination, which is contrary to well-settled, recent U.S. Supreme Court First Amendment jurisprudence.

The bill states "student media . . . are not subject to review by school administrators prior to publication." The bill does not define student media and may include radio and television stations and other media regulated by federal law. All FCC licenses require that the license-holder, in this case a university, exercise plenary and prior control over what is broadcast. For example, a university must prohibit some content and the use of certain language during certain hours of the day. A university that fails to exercise required control can be fined or lose its license. Radio and television media are regulated by federal law.

Under the definitions of the bill, "school – sponsored media" is very broad, as is "student media advisors." These definitions would include OUS radio and television stations and university faculty and staff who advise them. OUS is seeking an amendment that would exempt from the definition of media, media that are regulated by other federal or state law, an amendment to add to the exclusions disclosures that would be contrary to state or federal law and an amendment to delete the section that provided "A student media advisor may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected expression of student journalist."

Another troubling section is Section 2(2) which describes school sponsored media by student journalist as being a "public forum." It appears to expand the definition of media to cover virtually anything that is communicated on a mass basis by a student. A public forum has a specific and well-defined meaning under U.S. Constitutional law. This section appears to mean a university could exercise no control over university brochures or other publications so long as they are developed by students even though they are published in order to describe a university's programs or activities U.S. Constitutional law already provides substantial protection for students at public institutions who are involved in student publications.

#### OUS Supported – in Ways & Means

**HB 2199:** Allows State Board of Higher Education or State Treasurer to enter into financial agreements for bonds issued under Article XI-F(1) of Oregon Constitution and to pledge to pay amounts due under financial agreements.

**HB 2198:** Allows State Treasurer to invest moneys in special checking account of Department of Higher Education.

**SB 152:** Directs Governor to include in budget report capital construction budget for Department of Higher Education that establishes expenditure limitation for proceeds from bonds issued under Article X-F(1) of Oregon Constitution.

**SB 334:** Directs Oregon Student Assistance Commission to base method of determining state share of education costs on student share, family share and amount expected from federal government.

**HB 2115:** Extends forest products harvest tax for forest research and Oregon Forest Practices Act administration to 2008 and 2009 calendar years.

**SB 581:** Allocates moneys from Administrative Services Economic Development Fund to Oregon Innovation Council for Oregon Innovation Fund.

#### OUS Opposed in Ways & Means

**HB 3318:** Redesignates special campus security officers within OUS as public safety.

**HB 3402:** Relating to integration of PSU and OHSU.



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## OUS LEGISLATIVE NEWSLETTER

The Government Relations office of the Chancellor's Office will be sending you this electronic newsletter about important events of the past week in Salem and things to come in the days ahead. The newsletter will be published every Friday at 4:00 p.m. throughout session. If you wish to suggest items for inclusion or comments on coverage of issues affecting OUS interests at the Legislature, please feel free to e-mail or phone the Salem Government Relations office.  
([mary\\_robinson@ous.edu](mailto:mary_robinson@ous.edu), 503-373-7490).

## BILLWATCH AVAILABLE FOR TRACKING

A comprehensive OUS bill tracking system called BillWatch, has been developed to record information about bills affecting the OUS, and to track their progress through the legislative process. BillWatch is designed to be used by members of the Oregon State Board of Higher Education, Chancellor's Office staff, campus leadership and OUS advocates. BillWatch is a secure system and users must obtain a user name and password from the Office of Government Relations to use this service.

Subscribing to BillWatch allows users to subscribe and designate particular bills of interest or to provide a broader search of all legislation. A second benefit of subscribing is notification: upon subscribing to a particular bill, users will receive automatic email notification when action is taken on the bill, e.g., hearings scheduled, amendments engrossed, etc. To request access, go to <http://billwatch.ous.edu/>. From there, choose *Request an Account*. Your request should be processed within 24 hours. An electronic users guide is available by clicking on HELP at the BillWatch main login menu.

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