

## SENATE COMMITTEE ON COMMERCE

February 24, 2005  
3:10 P.M.

Hearing Room C  
Tapes 20 - 22

**MEMBERS PRESENT:**     **Sen. Prozanski, Chair**  
                                  **Sen. Beyer, Vice-Chair**  
                                  **Sen. Burdick**  
                                  **Sen. Ringo**  
                                  **Sen. Whitsett**

**STAFF PRESENT:**       **Anna Braun, Committee Administrator**  
                                  **Karen Scoffield, Committee Assistant**

**MEASURES/ISSUES HEARD:**  
                                  **SB 319 – Public Hearing**  
                                  **SB 320 – Public Hearing**  
                                  **SB 321 – Public Hearing**  
                                  **SB 426 – Public Hearing**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 20, A</b>		
005	Chair Prozanski	Calls the meeting to order at 3:18 p.m. Opens public hearing on SB 319.
<b><u>SB 319 – PUBLIC HEARING</u></b>		
030	Bob Livingston	Oregon State Fire Fighters Council. Discusses and submits written testimony in support of SB 319 ( <b>EXHIBIT A</b> ).
085	Brian DeLashmutt	Oregon Council of Police Associations (OCPA), Association of Oregon Corrections Employees (AOCE), Federation of Oregon Parole and Probation Officers. Testifies in support of SB 319.
115	Daniel Swift	President, Oregon State Police Officers Association. Discusses support of SB 319.
140	Akin Blitz	Oregon Fire Chiefs' Association, Oregon Association Chiefs of Police, Oregon State Sheriffs Association, Association of Oregon Counties, League of Oregon Cities and Special District Associations of Oregon. Discusses and submits written testimony in opposition to SB 319 ( <b>EXHIBIT B</b> ).
230	Blitz	Remarks that each session a similar bill is drafted. Refers to pages 3, 4, and 5 of EXHIBIT B.
320	Blitz	Discusses example of City of Hillsboro and their problem with a deficit. Discusses the problem with balancing service levels and funding priorities.
<b>TAPE 21, A</b>		
020	Blitz	Summarizes and concludes.
045	Scott Lazenby	City Manager, Sandy, Oregon. Representing City of Sandy, League of Oregon Cities, Special Districts Association of Oregon and Association of Oregon Counties. Discusses and submits written testimony in opposition to SB 319 ( <b>EXHIBIT</b>

C).

070 Miles Ward Assistant City Attorney, City of Gresham, Oregon. Discusses opposition to SB 319. Remarks that SB 319 will take away components that arbitrators can consider and will therefore benefit employees.

100 John Watt Representing Jackson County, Oregon. Testifies in opposition to SB 319. Comments that he voted on SB 750 (1995) and that management did not get everything they wanted.

125 Sen. Whitsett Asks Watt’s opinion on the ability of SB 319 to benefit the people of Oregon.

135 Watt Answers question.

**The following prepared testimony is submitted for the record without public testimony:**

Mark Landauer Lobbyist, City of Portland. Submits written testimony in opposition to SB 319 **(EXHIBIT D)**.

Ken Armstrong Oregon Fire Chiefs’ Association. Submits written testimony on behalf of Oregon Fire Chiefs’ Association, Oregon Association of Chiefs of Police and Oregon State Sheriff’s Association in opposition to SB 319 **(EXHIBIT E)**.

140 Chair Prozanski Closes public hearing on SB 319 and opens public hearing on SB 320.

**SB 320 – PUBLIC HEARING**

150 Anna Braun Committee Administrator. Provides an overview of SB 320.

160 Bob Livingston Oregon State Fire Fighters Council. Discusses and submits written testimony in support of SB 320 **(EXHIBIT F)**. Discusses knowledge of employees who do not take further advancement in employment because of the lack of protection for a “supervisory” employee.

215 Brian DeLashmutt Oregon Council of Police Associations (OCPA), Association of Oregon Corrections Employees (AOCE), Federation of Oregon Parole and Probation Officers. Discusses previous comments from another witness. Discusses support of SB 320. Discusses SB 750 (1995).

300 Daniel Swift President, Oregon State Police Officers Association. Testifies in support of SB 320.

340 Sen. Ringo Comments on the ambiguity of an employee having a supervisory role. Comments on the concerns of the opponents to SB 320. Asks how the fact that there is a continuum in the advancement of employment can be resolved.

360 DeLashmutt Answers question.

380 Sen. Ringo Inquires if the dispute is in the concept or the language of the bill.

390 DeLashmutt Answers that he is not sure. Discusses the parallels to nursing.

405 Sen. Ringo Inquires as to the reason for moving away from including the Public Employees Retirement System (PERS) and healthcare costs in the comparison.

**TAPE 20, B**

005 Livingston Answers question by Sen. Ringo. Remarks that they do not interpret it that way. Discusses their interpretation.

050 Akin Blitz Oregon Fire Chiefs’ Association, Oregon Association Chiefs of Police, Oregon State Sheriffs Association, Association of Oregon Counties, League of Oregon Cities and Special District Associations of Oregon. Discusses and submits written testimony in opposition to SB 320 **(EXHIBIT B)**. Comments on the difference between firefighters and police officers. Discusses

		litigation in Hillsboro regarding sergeants being in the bargaining unit.
095	Sen. Ringo	Inquires regarding the outcome of the litigation in Hillsboro.
100	Blitz	Answers question.
105	Sen. Ringo	Discusses the ambiguity which led to litigation and the need to make things more clear.
110	Blitz	Remarks that the issue is not only because of the ambiguity of the law, but because of the facts in a specific police department.
120	Blitz	Remarks that sergeants do not initiate economic discipline. Refers to page 23 of EXHIBIT B.
160	Chair Prozanski	Discusses personal experience in Eugene and inquires if Hillsboro is different from this.
175	Blitz	Discusses procedures of Hillsboro Police Department.
200	Scott Lazenby	City Manager, Sandy, Oregon. Representing City of Sandy, League of Oregon Cities, Special Districts Association of Oregon and Association of Oregon Counties. Discusses and submits written testimony in opposition to SB 320 ( <b>EXHIBIT G</b> ).
230	Blitz	Comments on the situation in small cities where the City Manager makes decisions on economic discipline and the police chief would not be a supervisor.

**The following prepared testimony is submitted for the record without public testimony:**

	Mark Landauer	Lobbyist, City of Portland. Submits written testimony in opposition to SB 320 ( <b>EXHIBIT H</b> ).
	Ken Armstrong	Oregon Fire Chiefs' Association. Submits written testimony on behalf of Oregon Fire Chiefs' Association, Oregon Association of Chiefs of Police and Oregon State Sheriff's Association in opposition to SB 320 ( <b>EXHIBIT I</b> ).
245	Chair Prozanski	Closes public hearing on SB 320 and opens public hearing on SB 321.

**SB 321 – PUBLIC HEARING**

250	Anna Braun	Committee Administrator. Provides an overview of SB 321.
255	Bob Livingston	Oregon State Fire Fighters Council. Discusses and submits written testimony in support of SB 321 ( <b>EXHIBIT J</b> ). Comments on the hard work and professionalism of firefighters in Oregon. Discusses current law. Discusses the need of the passing of SB 321.
360	Brian DeLashmutt	Oregon Council of Police Associations (OCPA), Association of Oregon Corrections Employees (AOCE), Federation of Oregon Parole and Probation Officers. Discusses support of SB 321.
410	Dan Swift	President, Oregon State Police Officers Association. Discusses support of SB 321.

**TAPE 21, B**

030	Akin Blitz	Oregon Fire Chiefs' Association, Oregon Association Chiefs of Police, Oregon State Sheriffs Association, Association of Oregon Counties, League of Oregon Cities and Special District Associations of Oregon. Discusses and submits written testimony in opposition to SB 321 ( <b>EXHIBIT B</b> ). Discusses concern of changing safety and staffing to become mandatory subjects of bargaining.
150	Blitz	Discusses concern of SB 321 changing current law.
170	Scott Lazenby	City Manager, Sandy, Oregon. Representing City of Sandy, League of Oregon Cities, Special Districts Association of Oregon and Association of Oregon Counties. Discusses and

185 Miles Ward submits written testimony in opposition to SB 321, 319 and 320  
**(EXHIBIT K)**.  
 Assistant City Attorney, Gresham, Oregon. Testifies in  
 opposition to SB 321.

235 Sen. Whitsett Inquires if since SB 750 (1995) was passed, arbitration decisions  
 have favored labor, management, or have they been balanced.

240 Blitz Answers that they have kept track of every arbitration decision  
 since SB 750 (1995) and they are split.

250 Joe Schaeffer Service Employees International Union (SEIU). Testifies in  
 support of SB 321. Discusses the need of employees to be able  
 to discuss safety concerns at the bargaining table.

300 John Cock SEIU. Testifies in support of SB 321. Discusses cut backs in  
 staffing. Comments that SB 321 will allow them to sit down and  
 share concerns with management.

340 Roy Carter SEIU. Testifies in support of SB 321. Discusses the need of  
 employees to be able to discuss staffing needs and concerns with  
 their employers.

370 Jim Walker SEIU. Mental Health Therapy (MHT) Coordinator, Oregon State  
 Hospital. Discusses and submits graph showing MHT mandates  
 in support of SB 321 **(EXHIBIT L)**. Discusses low staffing  
 levels and the overtime being worked. Comments on the need of  
 more staff.

**TAPE 22, A**

030 Mary Botkin American Federation of State County and Municipal Employees  
 (AFSCME). Discusses needs in the past to come to the  
 Legislature to obtain safety equipment for their officers in the  
 state penitentiaries because they could not discuss safety.  
 Discusses support of SB 321.

050 Sen. Whitsett Inquires how Botkin would define safety measures.

055 Botkin Responds to Whitsett's comments. Discusses desire to find  
 middle ground.

**The following prepared testimony is submitted for the record without public testimony:**

Mark Landauer Lobbyist, City of Portland. Submits written testimony in  
 opposition to SB 321 **(EXHIBIT M)**.

Ken Armstrong Oregon Fire Chiefs' Association. Submits written testimony on  
 behalf of Oregon Fire Chiefs' Association, Oregon Association  
 of Chiefs of Police and Oregon State Sheriff's Association in  
 opposition to SB 321 **(EXHIBIT N)**.

075 Chair Prozanski Closes Public hearing on SB 321 and opens public hearing on  
 SB 426. Comments on the inability to move to a work session  
 on SB 426 today.

**SB 426 – PUBLIC HEARING**

125 Rep. Rosenbaum House District 42. President, National Labor Caucus of State  
 Legislators. Discusses and submits written testimony in support  
 of SB 426 **(EXHIBIT O)**. Discusses concern of wording in line  
 28, page 1 of SB 426.

185 Tim Nesbitt President, American Federation of Labor - Congress of Industrial  
 Organizations (AFL-CIO). Testifies in support of SB 426.

225 Chair Prozanski Closes public hearing on SB 426. Adjourns the meeting at 5:25  
 p.m.

## **EXHIBIT SUMMARY**

- A. SB 319, written testimony, Bob Livingston, 1 p
- B. SB 319, 320, 321, written testimony, Akin Blitz, 35 pp
- C. SB 319, written testimony, Scott Lazenby, 2 pp
- D. SB 319, written testimony, Mark Landauer, 2 pp
- E. SB 319, written testimony of Oregon Fire Chiefs' Association, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Ken Armstrong, 2 pp
- F. SB 320, written testimony, Bob Livingston, 2 pp
- G. SB 320, written testimony, Scott Lazenby, 2 pp
- H. SB 320, written testimony, Mark Landauer, 2 pp
- I. SB 320, written testimony of Oregon Fire Chiefs' Association, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Ken Armstrong, 2 pp
- J. SB 321, testimony, Bob Livingston, 1 p
- K. SB 321, written testimony, Scott Lazenby, 2 pp
- L. SB 321, graph, Jim Walker, 2 pp
- M. SB 321, written testimony, Mark Landauer, 2 pp
- N. SB 321, written testimony of Oregon Fire Chiefs' Association, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Ken Armstrong, 2 pp
- O. SB 426, written testimony, State Representative Diane Rosenbaum, 1 p