

SENATE COMMITTEE ON GENERAL GOVERNMENT

March 26, 2003 Hearing Room B
3:00 PM Tapes 27-28

MEMBERS PRESENT: Sen. Tony Corcoran, Chair
Sen. John Minnis, Vice-Chair
Sen. Bruce Starr
Sen. Vicki Walker

STAFF PRESENT: Mark Ellsworth, Committee Administrator
Heather Gravelle, Committee Assistant

MEASURE/ISSUES HEARD: SB 325 – Public Hearing and Work Session
SB 444 – Public Hearing
SB 445 – Public Hearing
SB 446 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 27, A		
005	Chair Corcoran	Calls the meeting to order at 3:10 p.m. Opens a public hearing on SB 325.
<u>SB 325 – PUBLIC HEARING</u>		
015	Mark Ellsworth	Committee Administrator. Provides an overview of SB 325.
020	Steve Delaney`	PERS, Legislative Liaison. Testifies in support of SB 325. Provides written testimony (EXHIBIT A). Explains history of bill and states the specific criteria.
060	Chair Corcoran	Inquires if SB 9, which would allow the waiver in the case of National Guard Service, relates to SB 325.
070	Delaney	Responds and provides background to SB 9. States currently, there aren't any exemptions for those particular individuals under PERS statute.
075	Chair Corcoran	Inquires if they may be looking at a blanket exception.
080	Delaney	Shares concerns, specifically regarding teachers.
085	Chair Corcoran	Asks for clarification under option two.
095	Delaney	Clarifies option two.
100	Sen. David Nelson	District 29. Testifies in support of SB 325. Explains position. States intent. Further explains history. Comments on the perception of "double dipping."
137	Sen. Minnis	Asks about additional retirement exceptions.
140	Chair Corcoran	Answers and notes exceptions.

145 Rep. Susan Morgan District 2. Testifies in support of SB 325. Explains what the -1 amendment does.

170 Rep. Morgan Comments on fiscal issues and downsizing that needs to be addressed. Explains many management positions have been left vacant. States the need for the service. States she has concerns about the perception of “double dipping.” Adds it will need to be addressed in the near future.

218 Sen. Minnis Wonders if the policy may be better addressed by having the PERS Board deal with the issues on a case by case basis.

235 Jim Voytko PERS, Executive Director. Explains the PERS Board responsibilities. States the legislature does have delegation of authority to the Board.

250 Chair Corcoran Asks if the Board currently has the authority to make policy exceptions.

260 Voytko Answers no, they would have to look directly to the statute and apply as it is written.

275 Delaney Explains the process in more detail.

360 Ken Matlock Retired Police Sergeant. Testifies in support of SB 325. Explains the intent of developing SB 325 and who will be affected.

380 Matlock Mentions which counties the bill will include. States they are the smallest populated counties in Oregon.

TAPE 28, A

005 Matlock Expresses the benefits to the counties. States what they currently pay into PERS.

065 Keith Stubblefield Testifies in support of SB 325. Provides written testimony. **(EXHIBIT C)**. Expresses how difficult it is for Police Departments in smaller jurisdictions to retain public safety personnel. Adds having the ability to hire retired officers would ensure continued safety for the citizens of Oregon.

075 John Powell Oregon State Sheriff’s Association. Testifies neutral on SB 325. States he would support the bill if it was amended, provides suggested amendments.

090 Sen. Walker Asks for clarification on the sunset provision.

095 Powell States where the sunset concept originated.

105 Chair Corcoran Closes public hearing on SB 325. Opens work session on SB 325.

SB 325 – WORK SESSION

110 **Sen. Minnis** **MOTION Moves adoption of the-1 amendments to SB 325. VOTE: 4-0**

112 **Chair Corcoran** **Hearing no objection, declares the motion CARRIED.**

115 Chair Corcoran Closes the work session on SB 325. Opens a public hearing on SB 444, SB 445, & SB 446.

SB 444, SB 445, SB 446 – PUBLIC HEARING

120 Mark Ellsworth Committee Administrator. Provides an overview of SB 444, SB 445, & SB 446.

130 Bob Livingston Oregon State Fire Fighters. Testifies in support of SB 444, SB 445 & SB 446. Provides written testimony **(EXHIBIT D, E, & F)**. Explains position and clarifies the intent of each bill.

155 Michael Tedesco Lawyer. Testifies in support SB 444, SB 445, & SB 446. Provides written testimony **(EXHIBITS G, H, & I)**.

230 Chair Corcoran Seeks clarification on the language in line 32, page two of SB 444. Asks why the reference to Consumer Price Index (CPI) was removed, and the verbiage “average consumer prices for goods

		and services” was added.
240	Tedesco	Comments there are a variety of CPI’s. Adds the intent was to give both management and employees the opportunity to fashion there own process.
245	Chair Corcoran	Asks the intent of the -1 amendment to SB 445.
250	Livingston	Explains the intent of the -1 amendment. States it will be in line with the State of Washington. Adds it helps to identify that it’s specific to the West Coast.
265	Livingston	States SB 445 will change the definition of supervisory employee for the purpose of public employee’s collective bargaining law, in relation to public safety officers.
300	Livingston	Expresses concerns. States those who would be good team leaders have elected not to promote because once they become a supervisor, they no longer have the protection of a bargaining unit.
345	Tedesco	States the intention of SB 445 is to go back to how it was. Adds the effect of SB 445 is to clarify and define a supervisor within the public safety officer’s arena.
370	Sen. Starr	Asks if SB 445 is limited to public safety officers, such as police and fire fighters.
375	Livingston	Responds and clarifies it is limited to those who are strike barred employees, such as corrections, police and fire fighters.
TAPE 27, B		
005	Livingston	Explains the intent of SB 446. States it would simply allow those who are strike barred employees to have a voice and address safety issues at the bargaining table.
030	Livingston	Lists major issues. States under current law, it is difficult to address safety issues due to the language.
040	Livingston	States the intent of the-1 amendment. Expresses it codifies that mandatory subject to bargaining is specifically for safety related issues.
050	Sen. Minnis	Expresses issues relating to safety are fundamental and should be statutorily defined. Adds it shouldn’t be left up to collective bargaining to ensure they have necessary safety equipment.
125	Kris Kautz	Oregon Department of Corrections, Assistant Director. Testifies in opposition to SB 445. Provides written testimony (EXHIBIT J).
135	Kautz	States SB 445 would eliminate the current institution management structure by impacting the ability to reflect lieutenants, captains, etc. as management staff under the definition of a supervisor. Adds SB 445 would have a destabilizing effect.
200	Gary Harkins	Association of Oregon Corrections Employees. Testifies in support of SB 445 without the -1 amendment. States concerns. Foresees being pulled out of the bargaining unit process.
240	Sen. Minnis	Comments there should be a clear distinction between persons in a collective bargaining unit, and someone in a management position.
275	Kevin Campbell	Oregon Association of Chiefs of Police, Executive Director. Testifies in opposition of SB 444, SB 445, & SB 446.
305	John Powell	Oregon State Sheriff’s Association. Testifies in opposition of SB 444, SB 445, & SB 446.
325	Ken Armstrong	Oregon Fire Chiefs Association. Testifies in opposition to SB 444, 445 & 446. Provides written testimony (EXHIBIT K).

		States concerns relative to collective bargaining for public safety employees. Comments discussions on these issues should be addressed directly with public safety employers. Adds a process should be developed during the interim.
400	Chair Corcoran	Asks how the issue of safety is negotiable.
410	Armstrong	States safety is an important issue, and it should be discussed. Adds the problem needs to be identified, and a discussion should ensue to determine a solution.
TAPE 28, B		
010	Ken Jones	Attorney, representing the Oregon Fire Districts Association. Testifies in opposition of SB 444, 445 & 446. States SB 444 eliminates the arbitrators ability to give due consideration.
045	Jones	Adds the measures take control away from local communities and their ability to make decisions on how they spend their money.
070	Ken Bemis	Attorney, representing management in labor and employment issues. Testifies in opposition of SB 444, SB 445 & SB 446. Points out concerns. States the most important interest should be with the local communities and the safety and welfare of the public. Adds the belief that the current process is working.
110	Chair Corcoran	Inquires if you eliminate something as important as safety from consideration in bargaining, won't it have an impact.
115	Bemis	Responds and explains safety was not removed from bargaining. Clarifies if the subject has a direct and substantial effect on the on the job safety of employees, it is bargain able. Adds it is not clear cut or defined.
175	Bemis	States the proposed measures need considerable attention. Expresses the need for further discussion as they could have dramatic impacts.
205	Sen. Minnis	Communicates the importance of having the opportunity to bargain. States once you lose the chance to voice the issues, the issues will become irrelevant.

The following prepared testimony is submitted for the record without public testimony for SB 444, SB 445, and SB 446:

	Maria Keltner & Hasina E. Squires	Submits written testimony (EXHIBIT L)
225	Chair Corcoran	Closes the public hearing on SB 444, SB 445, & SB 446. Adjourns the meeting at 5:00 p.m.

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EXHIBIT SUMMARY

- A – SB 325, written testimony, Steve Delaney, 5 pp**
- B – SB 325, written testimony, Rep. Bob Jenson, 1 p**
- C – SB 325, written testimony, Keith Stubblefield, 2 pp**
- D – SB 444, written testimony, Bob Livingston, 1 p**
- E – SB 445, written testimony, Bob Livingston, 2 pp**
- F – SB 446, written testimony, Bob Livingston, 1 p**
- G – SB 444, written testimony, Michael Tedesco, 2 pp**
- H – SB 445, written testimony, Michael Tedesco, 2 pp**

I – SB 446, written testimony, Michael Tedesco, 1 p

J – SB 445, written testimony, Kris Kautz, 2 pp

K – SB 444, SB 445, & SB 446, written testimony, Ken Armstrong, 2 pp

**L – SB 444, SB 445, & SB 446, additional written testimony for the record, Maria Keltner
& Hasina E. Squires, 3 pp**