

CONFERENCE COMMITTEE ON SB 415 B

June 8, 2001 Hearing Room 343

7:30 a.m. Tape 1

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Rep. Max Williams
 Sen. Peter Courtney
 Rep. Vic Backlund
 Rep. Jackie Dingfelder

MEMBER EXCUSED: **Sen. Verne Duncan**

STAFF PRESENT: **Craig Prins, Counsel**
 Patsy Wood, Administrative Support

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 1, A		
004	Chair Minnis	Calls the meeting to order at 7:58 a.m.
<u>SB 415 B WORK SESSION</u>		
007	Chair Minnis	Discusses what is happening with regard to the Portland Public Schools police officers being "line-itemed out" of the budget. Says that the Portland Police Department is willing to take these individuals in, but they want to do it in an orderly process. Points out that the B7 amendments are the racial profiling portion previously adopted by the House in a separate bill (EXHIBIT A) .
023	Rep. Williams	Describes the B7 amendments and changes that were made from the original bill. Asks that "directed" be changed to "requested" on page 4, line 23 of the B7 amendments, to keep the voluntary nature of this program intact.
044	Rep. Williams	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending the B7 amendments. VOTE: 5-0-1 EXCUSED: 1 - Duncan
048	Chair Minnis	Hearing no objection, declares the motion CARRIED.
049	Rep. Williams	MOTION: Moves to FURTHER AMEND the B7 amendments on page 4, line 23, by changing "directed" to "requested". VOTE: 5-0-1 EXCUSED: 1 - Duncan
053	Chair Minnis	Hearing no objection, declares the motion CARRIED.
055	Rep. Williams	MOTION: Moves to ADOPT the conceptually amended B-7

059	Sen. Courtney	amendments to SB 415.
061	Chair Minnis	Asks what is included in the phrase “law enforcement officers.” Answers that it would be any sworn police officer or any person certified under the Department of Public Safety Standards and Training in the State of Oregon.
072	Kevin Campbell	Oregon Association Chiefs of Police Feels it is any sworn officer including reserve officers.
074	Sen. Courtney	Asks if that includes correctional officers.
081	Counsel Prins	Reads the former definition of “law enforcement officer” in ORS 181.860. Describes how a change was made in the House so that “law enforcement officer” is now “public safety personnel” and lists what personnel fall into that category. Says this bill would delete the definition of “law enforcement officer.”
098	Chair Minnis	Asks where this new definition comes from.
099	Counsel Prins	Responds that it is included in the B-Engrossed version of SB 415 after it passed the House chamber.
101	Campbell	Points out that the B7 amendments are only referring to law enforcement “stops”.
106	Rep. Williams	Explains why “agencies” was changed to “officers” in regard to officers inequitably and unlawfully making stops based on race, color or national origin.
120		VOTE: 5-0-1
120	Chair Minnis	EXCUSED: 1 - Duncan Hearing no objection, declares the motion CARRIED.
123	Chair Minnis	Introduces the B9 amendments to SB 415 (EXHIBIT B). Discusses the issue of the failure of the collective bargaining process to come to an agreement. Asks legislative counsel for language to address the issue of arbitration or mediation in the event that they fail to come to an agreement.
129	Doug McKean	Legislative Counsel States there is language in Chapter 243 dealing with collective bargaining that talks about arbitration and mediation. Feels that this still doesn’t answer the question of failure to agree at the end of mediation.
134	Chair Minnis	Asks about binding arbitration.
135	McKean	Says that something like that could be done by taking out subsection 3 of the new section 5.
137	Chair Minnis	Asks how long it would take to compose this new language.
139	McKean	Indicates that something could be done today, but it would take another meeting to adopt the new amendments. Says the area of collective bargaining was purposely not taken into consideration.
144	Rep. Williams	Wonders if the new language could be written conceptually.
145	Chair Minnis	Asks Legislative Counsel if a simple reference to the binding arbitration statutes under collective bargaining would suffice.
146	McKean	Responds that he isn’t sure because other interested parties had indicated that they didn’t want to refer to collective bargaining. States that they wanted to talk about an agreement - not collective bargaining.
157	Patricia O’Sullivan	Portland Public Schools Talks about “representation” of the public safety officers in the school system and tells why they tried to keep it simple.
168	Chair Minnis	Hopes that everyone would be collectively bargaining in good

174	Leo Payton	faith, but realizes there is a concern that those first persons coming in would not have an incentive to collectively bargain. Portland Police Association, City of Portland
183	Chair Minnis	Discusses how subsection 3 of section 5 doesn't give any incentive to the other side to negotiate. Suggests leaving in subsection 3, but add that if you didn't succeed in your collective bargaining within 12 months, the provision of the statute would take effect.
187	Payton	Thinks it would take less time than that. Was going to suggest that the City bring them in and keep them in the school police while they collectively bargain their seniority piece. Says that he has given his word to the school district that they will bargain with them.
201	Chair Minnis	Wonders if there is any reason why the teamsters wouldn't come to an agreement with them in a short period of time.
205	Payton	Responds that he doesn't know of any reason why they wouldn't come to an agreement in a short period of time.
207	O'Sullivan	Says there is no one who is not willing to bargain in good faith. Says she is willing to take out subsection 3 because flexibility is needed in the law quickly.
217	Payton	Agrees and talks about the connection between the school police and city police.
227	Rep. Williams	Says he takes the City of Portland Police and Portland Public Schools at their word to be operating in good faith on behalf of these individuals.
240	Sen. Courtney	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending the B9 amendments by deleting "subsection 3 on page 1, line 24, and page 2, lines 1 and 2."
243	McKean	Advises the committee against making conceptual amendments to the B9 amendments.
247	Chair Minnis	Reassures legislative counsel that this procedure will work.
252		VOTE: 5-0-1
252	Chair Minnis	EXCUSED: 1 - Duncan Hearing no objection, declares the motion CARRIED.
253	Sen. Courtney	MOTION: Moves to ADOPT the amended SB 415B-9 amendments dated 06/08/01.
		VOTE: 5-0-1
255	Chair Minnis	EXCUSED: 1 - Duncan Hearing no objection, declares the motion CARRIED.
266	Sen. Courtney	MOTION: Moves SB 415B to the floor with the recommendation that the Senate CONCUR in House amendments dated 05/18/01, in addition to conference committee amendments adopted 06/08/01, and REPASS the Measure.
287	Chair Minnis	Mentions an additional amendment that was drafted with respect to two individuals who are part of the school police transferring over, but do not currently meet the educational requirements of the Portland Police Bureau. Says that those two individuals will be required to complete that educational portion, but they will be waived initially.

334 VOTE: 5-0-1
339 Chair Minnis AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Duncan
The motion CARRIES.
Sen. Minnis will carry the bill on the Senate floor and
Rep. Williams will carry the bill on the House floor.

339 Chair Minnis Adjourns the meeting at 8:20 a.m.

Submitted By, Reviewed By,

Patsy Wood, Craig Prins,
Office Coordinator Counsel

EXHIBIT SUMMARY

A – SB 415B, -B7 amendments, dated 6/07/01, submitted by staff, 6 pgs.
B – SB 415B, -B9 amendments, dated 6/08/01, submitted by staff, 2 pgs.