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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**March 3, 1997 Hearing Room A**

**1:00 p.m. Tapes 78 - 81**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED: Senator Gene Derfler**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Donna Arens, Administrative Support**

**MEASURE HEARD:**

**Introduction of new committee bills**

**SB 42 - Public Hearing and 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.

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 78, A</b>		
002	Chair Bryant	Opens meeting at 1:10
<b><u>INTRODUCTION OF COMMITTEE BILLS</u></b>		
003	Chair Bryant	<b>MOTION: Moves LCs: 3821 dated 2/26/97, 2821 dated 2/26/97, 2190 dated 2/27/97, 3825 dated 2/28/97, 2986 dated 3/3/97 BE INTRODUCED as committee bills.</b>
	Chair Bryant	<b>Hearing no objection, declares the motion CARRIED.  (LC 3821 is introduced as SB 834, LC 2821 is introduced as SB 832, LC 2190 is introduced as SB 831, LC 3825 is introduced as SB 831, and LC 2986 is introduced as SB 833.)</b>
<b><u>SB 42 - PUBLIC HEARING</u></b>		
017	Chair Bryant	Opens public hearing on SB 42
020	Rep. George Eighmey	District 14, testifies against SB 42 ( <b>EXHIBIT A</b> )
100	Jack Roberts	Commissioner of Bureau of Labor and Industries (BOLI), gives testimony in favor of SB 42 ( <b>EXHIBITS B,C</b> ).
150	Roberts	Continues testimony
<b>Tape 79, A</b>		300
045	Roberts	Continues testimony in favor of SB 42
075	Sen. Leonard	Asks if SB 42 is due to BOLI being under-funded
081	Roberts	Replies
111	Sen. Leonard	Comments concerning lack of funds
138	Roberts	Remarks on labor commissioners in other states
159	Sen. Leonard	Remarks on the election process
180	Roberts	Discusses the difference between the legislative and the executive branch

194	Sen. Brown	Asks about appointing versus electing the commissioner of BOLI
215	Roberts	Testifies about being in an elected office
222	Sen. Brown	Asks about accountability to voters while in an elected office
249	Roberts	Responds
258	Sen. Brown	Questions Roberts whether his agency is valid, but his office is not
263	Roberts	Responds that an appointed person would run the agency more efficiently than an elected one
254	Sen. Miller	Asks if Roberts has consulted with other citizens
286	Roberts	Responds
318	Kerry Barnett	Director, Department of Consumer and Business Services (DCBS), testifies in opposition to SB 42 ( <b>EXHIBIT D</b> )
368	Barnett	Continues testimony
<b>TAPE 78, B</b>		
050	Barnett	Continues testimony
077	Sen. Nelson	Question concerning size of DCBS.
079	Barnett	Replies that diversity, not size, is bigger issue.
096	Sen. Nelson	Asks about plan that would be compatible with BOLI.
100	Barnett	Comments on a proposal to combine BOLI, OSHA, etc., into one independent standing organization.
119	Chair Bryant	Questions whether a commissioner should be appointed or elected.
121	Barnett	Responds
140	Irv Fletcher	President of AFL-CIO, testifies in opposition to SB 42 ( <b>EXHIBIT E</b> )
160	Bob Shiprack	Secretary of Oregon State Building and Construction Trades Council, gives testimony in opposition to SB 42.
240	Shiprack	Continues testimony
280	Sen. Brown	Asks about someone in the bureau being anti-union or anti-worker and using that position to advocate for their position in the legislature.
291	Shiprack	Replies to elected versus appointed issue, makes reference to anti-union labor commission in Oklahoma, and states that he favors the election method.
327	Fletcher	Testifies in favor of election versus appointment, and states that he does not think Roberts is anti-labor, but is not as productive as he should be. States that he (Fletcher) needs more time to pass judgment.
330	Sen. Brown	Asks about the investigation process and the amount of investigators.
338	Shiprack	Responds that civil rights investigations have been improved.

357	Sen. Miller	Questions why election process is better than appointment.
363	Fletcher	Replies
<b>TAPE 79, B</b>		
001	Sen. Miller	Questions if commissioners of the Department of Black Affairs, Asian Affairs, etc. should be elected
006	Fletcher	Replies
009	Sen. Leonard	Question about women and minority workers with regard to agencies such as BOLI
011	Fletcher	Replies that they too use commissions to help with their grievances
025	Sharon Hill	Chair of the Oregon Council on Civil and Human Rights, testifies in opposition to SB 42 ( <b>EXHIBIT G</b> )  * 16% of civil rights cases involve state agencies  * 21% are injured worker cases  States that there could be a conflict of interest having BOLI and DCBS under the same administrator.
079	Chair Bryant	Asks who BOLI currently uses for legal advice.
080	Hill	Responds that the Attorney General gives them legal advice.
084	Chair Bryant	States there is already a conflict and that both agencies might need to seek outside legal counsel at times.
085	Roberts	States that with federal cases BOLI uses Equal Employment Opportunity Commission.
122	Jennifer Webber	Executive Director of the Oregon Commission for Woman, testifies in opposition to SB 42. Discusses:  * the different types of calls to her office  * SB 42 making the system more difficult to access  * that there is no real savings and no effective streamlining
129	Sen. Miller	Asks about her position on SB 42
134	Webber	Testifies that her main concern is the resolution of civil rights complaints.
138	Sen. Miller	Asks Webber about the process the commission went through to reach its decision.
141	Webber	States that nine of her eleven members voted to oppose SB 42.
150	Wendy Stone	Private citizen, Marion County, states that she is here on her own time with testimony in opposition to SB 42 ( <b>EXHIBIT H</b> ).
230	Stone	Continues testimony

260	Victoria Pratt	Private citizen, Clackamas County, states that she is here on behalf of co-workers, gives testimony in opposition to SB 42
310	Pratt	Continues testimony
360	Pratt	Continues testimony
400	Sen. Miller	Asks Stone about cost savings of SB 42
<b>TAPE 80, B</b>		
002	Stone	Responds
013	Sen. Miller	Asks for clarification on her testimony about "ulterior motives".
018	Stone	Testifies that she believe Roberts ultimate goal is get rid of BOLI.
021	Jan Nordlund	Committee Administrator, comments on fiscal and revenue impact.
070	Michael Dale	Attorney, testifies in opposition to SB 42 <b>(EXHIBIT I)</b> .
130	Mark Toledo	Attorney from Portland, comes as private citizen in interest of rights of workers, gives testimony in opposition to SB 42 <b>(EXHIBIT J)</b> Testifies about the increase in workers' rights and civil rights complaints here in Oregon and across the nation. Explains BOLI is a buffer between the resolution of many civil rights and discrimination claims and claims that would otherwise end up in court.
170	Toledo	Continues testimony
225	Harold King	Secretary Treasurer of the Northwest Retirees Council, gives testimony in opposition to SB 42 <b>(EXHIBIT K)</b> .
245	Ray Baker	President of Northwest Oregon Labor Council, testifies in opposition to SB 42. Explains SB 42 might infringe on federal statutes.
278	Doug Ellis	President of Oregon State Council of Senior Citizens, testifies that he agrees with most of the testimony in opposition to SB 42.
306	Diane Rosenbaum	President of Oregon State Industrial Union Council, testifies in opposition to SB 42
353	Bev Jackson	Executive vice-president of Communication Workers of America in Portland, gives testimony in opposition to SB 42.
<b>Tape 81,A</b>		
001	Jackson	Continues testimony
025	Roberts	States that issues have been adequately addressed.
035	Sen. Brown	Makes comments about Roberts' employees testifying against SB 42.
<b><u>INTRODUCTION OF COMMITTEE BILLS</u></b>		
<b>MOTION: Moves LCs: 406 dated 2/28/97, 3816 dated 3/1/97,</b>		

045	Chair Bryant	1906 dated 3/3/97, 1901 dated 3/3/97, 4196 dated 3/3/9, 4186 dated 3/3/97, 3952 dated 3/3/97, 2925 dated 3/3/97, 4061 dated 2/28/97, 1528 dated 3/3/97, 4185 dated 3/3/97, 2805 dated 3/3/97, 3955 dated 3/3/97, 4101 dated 3/3/97, 3946 dated 3/3/97, 1904 dated 2/28/97, 2708 dated 2/28/97, 1905 dated 2/28/97 BE INTRODUCED as committee bills.
077	Chair Bryant	Hearing no objection, declares the motion CARRIED.  (LC 406 is introduced as SB 863, LC 3816 is introduced as SB 902, LC 1906 is introduced as SB 861, LC 1901 is introduced as SB 860, LC 4196 is introduced as SB 859, LC 4186 is introduced as SB 858, LC 3952 is introduced as SB 857, LC 2925 is introduced as SB 845, LC 4061 is introduced as SB 856, LC 1528 is introduced as SB 855, LC 4185 is introduced as SB 854, LC 2805 is introduced as SB 853, LC 3955 is introduced as SB 849, LC 4101 is introduced as SB 848. LC 3946 is introduced as SB 847, LC 1904 is introduced as SB 846, LC 2708 is introduced as SB 843, and LC 1905 is introduced as SB 842)
081	Nordlund	Gives brief update about what House Committee on Power Deregulation is doing.
106	Chair Bryant	Discusses splitting committee regarding energy and telecommunications issues.
128	Chair Bryant	Adjourns meeting at 3:30

**Submitted By, Reviewed By,**

**Donna Arens, Jan Nordlund,**

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

**A - SB 42, Written Testimony, Rep. George Eighmey, 1 p.**

**B - SB 42, Printed Report, Jack Roberts, 91 p.**

**C - SB 42, Printed Summary, Jack Roberts, 52 p.**

**D - SB 42, Written Testimony, Kerry Barnett, 4 p.**

**E - SB 42, Written Testimony, Irv Fletcher, 2 p.**

**F - SB 42, Written Testimony, Sharon K. Hill, 2 p.**

**G - SB 42, Written Testimony, Jennifer A. Webber, 1p**

**H - SB 42, Written Testimony, Wendy Stone, 4 p.**

**I - SB 42, Written Testimony, D. Michael Dale, 2 p.**

**J - SB 42, Written Testimony, Mark Toledo, 3 p.**

**K - SB 42, Written Testimony, Harold E. King, 1 p.**

**L - SB 42, Written Testimony, Sen. Thomas A. Wilde, 1 p.**

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